

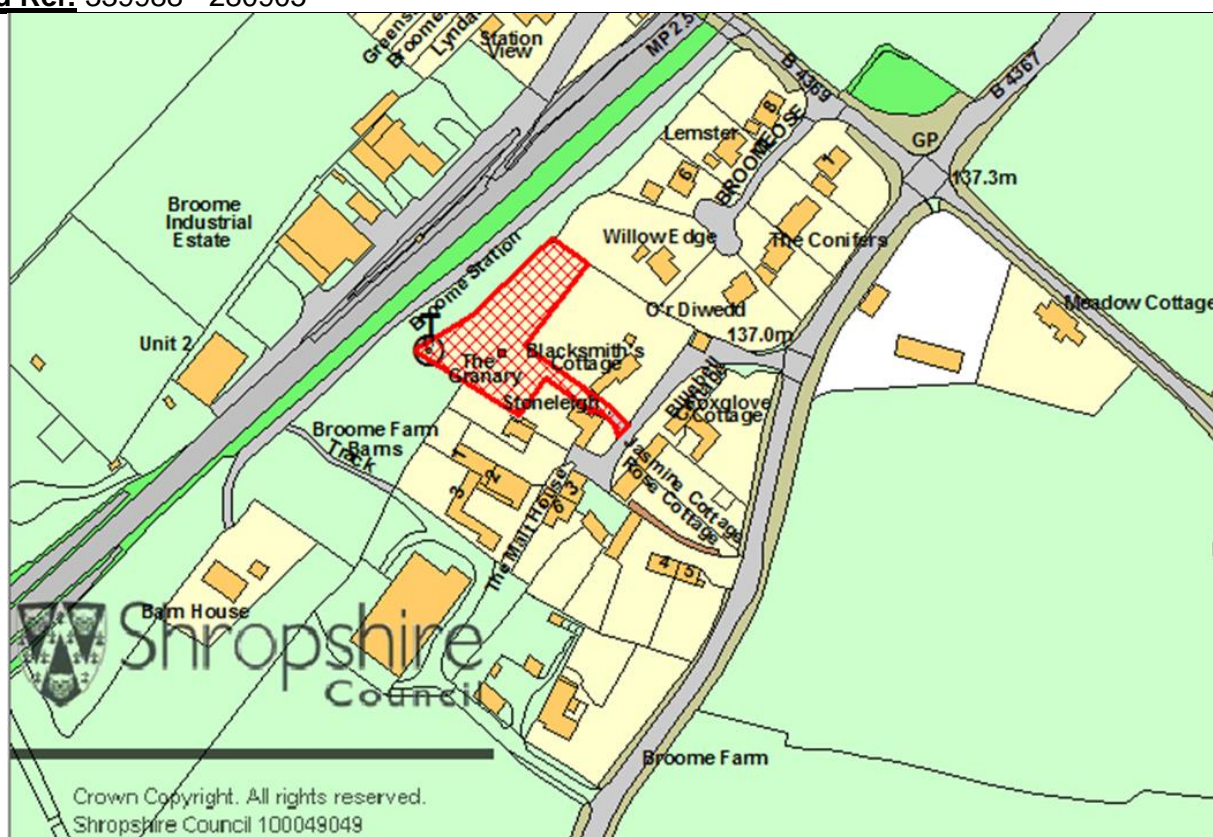
Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

<u>Summary of Application:</u>		
<u>Application Number:</u> 20/03308/FUL	<u>Parish:</u>	Hopesay
<u>Proposal:</u> Erection of one dwelling with detached garage		
<u>Site Address:</u> Land West Of Blacksmiths Cottage Broome Aston On Clun Shropshire		
<u>Applicant:</u> Mr J Longthorp		
<u>Case Officer:</u> Heather Owen	<u>email:</u> planning.southern@shropshire.gov.uk	
<u>Grid Ref:</u> 339988 - 280905		



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Recommendation: Grant Permission subject to no Ecological objection and completion of the Habitat Regulations Assessment from the Councils Ecologist and the conditions set out in Appendix 1. Delegated authority is also sought to attach any Ecology conditions which maybe recommended by the Councils Ecologist.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of one detached dwelling and garage.
- 1.2 The plans originally submitted under this application sought to keep the same scale and design of a previously approved scheme, ref - 17/04466/REM approved 14th March 2018 and for which the time to implement has now expired. This would have provided a T shaped footprint creating a four bedroom dwelling with accommodation in the roof space. During the course of this application however the applicant decided to amend the plans in an attempt to respond to some of the objections raised.
- 1.4 The amended scheme now for consideration removes the accommodation from the roof space and proposes a two-bedroom property contained on the ground floor. The T shaped footprint is amended to an L shape with a single storey lean-to on the north east side. Like the previous permission the dwelling is proposed to be constructed on a brick plinth with timber clad walling under a slate tiled roof and foul drainage would be via a cesspit.
- 1.5 The detached garage has been amended twice during the process of this application, the scheme subject to consideration would measure around 6.4m x 6.4m and the roof pitch has been reduced to 20 degrees which reduces the ridge height to 3.6m. The eaves height would be around 2.3m. The garage like the dwelling is proposed to be constructed of timber cladding.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site forms part of the domestic curtilage for Blacksmiths Cottage, a grade II listed building located amongst a group of dwellings off a private drive to the west of the B4367 which runs along the southern edge of Broome. The main core of the Broome settlement sits to the north of the site split from the application site and group of dwellings by the railway line.
- 2.2 There is an existing vehicular access to the plot between Blacksmiths Cottage and Stoneleigh. The application site sits directly behind this neighbouring property. A residential property known as 'The Granary' and part of the boundary to a site at the rear of Broome Farm Barns which has full planning permission for four residential dwellings (17/00782/FUL, granted August 2017) runs along the west of the site.
- 2.3 At the corner of the site in the north west corner, is a Black Poplar tree which is the subject of a Tree Preservation Order.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have raised objections to the proposed scheme. The application was discussed at the Agenda Setting meeting for the Southern Planning Committee, where it was noted that the previous reserved matters application was determined by the Southern Planning Committee and as such it is considered appropriate in these circumstances for the committee to consider this application.

4.0 COMMUNITY REPRESENTATIONS

Following the receipt of amended plans a full re-consultation was carried out which included direct letters to all neighbours. A summary of the responses received from both the original consultation and the amended plans has been included below for comparison. The comments are available in full on the planning pages of Shropshire Councils website.

4.1 Consultee Comments

- 4.1.1 Hopesay Parish Council - amended plans re-consultation response: Objects. The application has the same footprint as the previous application for four bedrooms and the Council has stated previously that large four bed properties are surplus to requirements in this parish there being plenty of them already. What is required are smaller, affordable two and three bed properties to meet the real local requirement.

Hopesay Parish Council - original consultation response: Objects. This parish needs affordable housing and smaller units. There are already enough large houses in the parish.

- 4.1.2 Shropshire Hills AONB - same standard response received to original and amended plans re-consultation: Standing advice - The site lies within the Shropshire Hills AONB and there is a statutory duty to consider the impact of development on the AONB. The standing advice does not indicate either an objection or no objection to the current application.

- 4.1.3 SUDs - Further response: The surface water drainage is acceptable in principle subject to the submission of detailed drainage calculations.
If a cesspool is deemed acceptable, no further comments to make.

SUDs - amended plans re-consultation response: Recommend condition and informatives regarding surface water and foul drainage.
Building Regulations Approved Document H gives a hierarchy of drainage options which should be considered and discounted in order, a cesspool should only be permitted if connection to the public sewer, package sewage treatment plants and septic tanks are not feasible.

SUDs - original consultation response: Recommend condition and informatives regarding surface water and foul drainage.

- 4.1.4 SC Affordable Housing - same response to original and amended plans re-consultation: No objection, the proposed development falls below the threshold by which the Local Authority are able to require a contribution towards affordable

housing.

4.1.5 Network Rail- same response to original and amended plans re- consultation: No objection in principle, comments regarding asset protection due to the proposal being next to Network Rail Land.

4.1.6 SC Conservation and Design - amended plans re-consultation: The design has been somewhat watered down with the current amendments but on balance do not wish to raise any objections from a conservation perspective in this instance.

SC Conservation and Design - original consultation response: No objections, the application seeks to renew a previous permission which recently lapsed . It is not considered that there are any new material conservation issues to raise to this scheme.

4.1.7 SC Archaeology - same response to original and amended plans re- consultation: No comments to make on this application with respect to archaeological matters.

4.1.8 SC Highways- same response to original and amended plans re- consultation: No objection subject to conditions to include a Construction Method Statement and Construction Traffic Management Plan - The site is accessed off a private drive leading from the B4367. The development is considered acceptable from a highways perspective.

4.1.9 SC Trees: Amended plans re- consultation: No objection - The house footprint shown on the amended scheme drawing by Andrew Last (Plan ref. 201149/03RevA) is closer to the protected poplar than on the original now superseded proposed site plan by Berrys (ref. SA27051 / 02 REV.B) but does not conflict with the tree protection plan therefore the previous Tree Teams consultee comments and recommended conditions remain relevant.

SC Trees: Original consultation: No objection to layout and scale of the development. Recommend conditions relating to tree protection measures and removal of permitted development rights.

- Acknowledge that the arboricultural report was written in February 2014 and some elements of the details recorded will now be out of date and the footprint of the proposed building is different with that proposed further away from the protected tree. However the original provisions for tree protection allow enough leeway to remain relevant and from an arboricultural perspective no objection is raised.

- As the development on neighbouring land has increased pressure on the protected tree and the layout of the dwelling and sewage system monopolises large areas of the site the Tree Team have concern that future development carried out under permitted development rights will tend to be focused in the direction of the protected poplar tree. As such the Tree Team recommend removal of permitted development rights for extensions and outbuildings.

4.1.10 SC Ecology: Comments are currently awaited.

4.2 Public Comments

4.2.1 3 objections received to the amended plan re-consultation:

4.2.2 Design, scale:

- The dwelling may have less rooms, but is of the same height and so can in the future be developed into a 4 bedroom house.
- There is no need for the house.
- The plot may look spacious but it isn't, any property here will overlook directly the adjacent properties.

4.2.3 Highway Safety/Access:

- Following the change from 4 bedrooms to a 2 bedroom single storey dwelling I withdraw my objection regarding the nature of the building, however there remains objection to the access to the site and the disturbance that building trucks may cause to the private road and other residents of the road.
- The applicant has provided no assurance that any damage to the private road will be repaired by him.
- Note the Highway advice that a condition is placed on this development for the applicant to obtain a construction method statement with construction traffic management plan.
- Heavy vehicles are likely to drive over my front garden - I would erect a fence or wall to prevent this however the garden covers a sewerage pipe for neighbouring properties and it is imperative that I don't build a structure on top of that and heavy vehicles do not drive or park on top of it as it would run a risk of collapse.
- The lane does not cope well with current traffic that uses it on a daily basis. Another property will increase traffic and during construction the large amount of heavy traffic on a daily basis.
- The lane is single stoned track, so unloading vehicles would block everyone's access and in particular block access to my drive.

4.2.4 Drainage and flooding:

- The house would add to flooding - Broome Close regularly floods each year and another house is not needed, adding to the problem.
- The lane floods during heavy rain and the extra water tends to head to this plot, if a building is placed there I question where the water would head. The Council have a duty to independently review the application and a duty of care to existing properties to ensure any future dwellings are not to their detriment.

4.2.5 Residential amenity:

- The development is directly behind our house at the moment we see trees and hedge rows, after we shall see roofs and timber cladding.
- The garage is now longer and stretching the full length of the fence, taking our right of light and causing overshadowing to the garden - We don't need the garage to give us privacy, we already have our fence to provide that and don't need this overbearing structure.
- The access route comes directly onto my front garden and headlights will shine into my children's bedrooms.

4.2.6 Process:

- A letter was not received to advise us of these amended plans which directly effects us.*

* Officer note - The system has been checked and the occupiers of all neighbouring properties originally written to and those whom responded to the original consultation which includes this property were sent a re-consultation letter on 01st December 2020 and invited to comment within 21 days.

4.2.7 Original consultation responses: 3 objections received:

4.2.8 Highway Safety:

-When exiting the site on turning left on to the private road there is a blind spot and the potential for an accident to occur with other vehicles travelling along the private road.

- The access is too narrow between the two existing properties for deliveries to be made to the proposed site, leading to delivery drivers parking on the private road, inconveniencing and causing stress to the residents.

4.2.9 Design:

- The building is said to be single storey but is in fact two storey with a first floor with four bedrooms and two bathrooms.

- The scheme is new build in a small hamlet of mostly converted agricultural buildings, situated next to a listed building.

- Over development of a rural area.

- A new development even if constructed in a heritage style will destroy what can be seen as a unique assemblage of historic buildings.

4.2.10 Residential Amenity:

- Overlooking and loss of privacy - Bedroom 2s window overlooks the properties of Stoneleigh and Blacksmiths.

- Position of the garage - the garage with the hedge will cause shadowing and loss of light.

- A four bedroom house directly behind our garden will have a detrimental affect on our property.

4.2.11 Drainage and flooding:

- No information is given on the disposal of foul sewage.

- The SWALE for surface water drainage will add to problems residents had to put up with last winter when the culvert to the rear of the site overflowed during heavy rain.

- Flooding would be worsened by the new development. Broome Marsh has already flooded on numerous occasion.

- Section 12 of the application form states there will be no increase of flood risk - this is incorrect - The pond in the plot floods our garden each winter since 2016. Flood water in the 2019/2020 winter back filled our private sewage system.

- The applicant states that there is a culvert situated to the northern boundary of the proposed plot, again this is incorrect. There is a stream which rises in Broome Marsh and runs along the rear of Broome Close; this is then diverted under the railway line before it reaches the northern boundary of the proposed development.

This stream is a tributary running to the River Clun which is designated as a SAC and SSSI.

- It is noted within the document that the percolation tests have been completed by the applicant, while this is within guidelines. It would have been seen to be more effective if it had been completed by an independent contractor. Equally, it is noted that there is no year given on the certificate of completion, which is a negating factor in the document.

4.2.12 Application form inaccuracies and landownership:

- The block plan shows the incorrect delineate of the boundary line between our property (Blacksmiths cottage) and the proposed site.
- The block plan does not indicate the initial access from the private road is not owned by Mr Longthorp, but is part of Blacksmiths cottage.
- No part of the application mentions access will be across my property.
- This all gives a false impression of ease of access to the plot and the size of the amenity/access to the site.
- The applicant does not live at 9 Aston Hall, but resides in Cornwall.

4.1.13 Private Road Access:

The access runs overs land belonging to Blacksmiths Cottage and the lane leading to the road which belongs to the owner of 1 Broom Farm Barns.

- The applicant makes a monthly contribution to maintenance, a documents is needed to state any damage made from the delivery of building materials shall be made good.

- £3,000 has just been spend to upgrade and repair the lane - The entrance to the site will need to be widened and trees removed for trucks, diggers, delivery vehicles etc to enter the site without blocking the lane used by 13 households.

- The access is not formed in any hardcore or engineered materials and is of a soil embankment held in place by a decorative garden wall - The access was neither deigned or intended to allow the passage of large vehicles - The weight restriction is against building regulations which requires an access route to be able to sustain heavy vehicles.

- The private service road allows a point of access and fails to meet with current legislation in Approved Document B Vol.2 - Section B5. Equally the distance from the private road is greater than 45m stipulated. The scheme fails to meet the above regulations.

4.2.14 - The Tree Report undertaken March 2014 by DGL conflicts with the Tree Report by Shropshire Councils Tree Team date 17th April 2020, recommending an application to vary condition 2 be refused.

4.1.15 Need for housing:

- The proposed site was formerly an orchard off Blacksmiths house.
- Nearby plots have been built by local families which have been beneficial to the area, this land has been left overgrown and unattended.
- Since the previous application was granted several other planning applications have been approved with more favourable access and drainage, helping the local demand for homes. The application is not beneficial to the area.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping - Shropshire Hills AONB
Trees - Impact on TPO Black Poplar
Biodiversity - River Clun SAC
Setting of listed building
Highway Safety
Residential Amenity
Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The development plan for Shropshire is the Council's Adopted Local Development Framework Core Strategy, the associated 'Type and Affordability of Housing' Supplementary Planning Document (SPD) and the adopted Site Allocations and Management of Development (SAMDev) Plan.
- 6.1.2 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to achieve managed, targeted growth by steering new open-market housing to sites within market towns, other 'key centres' and certain smaller settlements ('Community Hubs and Clusters') as identified in the SAMDev Plan Policy MD1. Sporadic new housing in open countryside (i.e. outside the designated settlements) is generally unacceptable unless there are exceptional circumstances.
- 6.1.2 Broome is identified as a component of a Community Cluster under SAMDev Policies MD1 and S7.2(i) alongside Aston on Clun, Hopesay, Horderley, Beambridge Long Meadow End, Rowton, Round Oak. Its inclusion as part of a community cluster implies that this location is broadly sustainable for open market housing development and this carries significant weight (the NPPF states that proposals which accord with an up-to-date development plan should be approved without delay).
- 6.1.3 The settlement policy for this cluster, S7.2(i) provides a guideline of around 15 additional houses to be provided across the cluster during the plan period up to 2026 expecting them to be provided through conversion schemes and infill development on small scale 'windfall' sites. The settlement policy gives a preference to single plot developments delivering slow, cumulative growth.
- 6.1.4 There is no predefined development boundary around Broome and thus the

question of whether or not specific schemes would constitute infilling is a matters for judgement in each case. The explanatory text accompanying Core Strategy Policy CS4 confirms that, in order to avoid fragmented development, new housing should be located within the settlements themselves and not on adjoining land or in the countryside in-between.

- 6.1.5 The application site comprises of a single plot and is well within the confines of the settlement, considered to qualify as infill due to it being contained by existing dwellings on three sides and the railway line to the north. In this particular case some weight is also given to the previous permission (13/04702/OUT and 17/04466/REM) where it was accepted the location was an appropriate infill plot.
- 6.1.6 In terms of housing numbers across the cluster the Councils most recent 5 year housing supply statement, published 19th March 2021 confirms that as of 31st March 2020, 8 dwellings have been completed in this Cluster. With another 21 sites having received permission across the cluster. As already noted the settlement policy for expects the delivery of around 15 dwellings and it is acknowledged that the number of permission combined with completions currently exceeds 15 dwellings. SAMDev Policy MD3 confirms that the settlement housing guidelines are not absolute maxima, and this has been emphasised in appeal decisions elsewhere. SAMDev policy at MD3.2 provides further guidance on how decisions should be determined in such circumstances where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline. The policy requires decisions to 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*
 - iv) *The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and*
 - v) *The presumption in favour of sustainable development.*
- 6.1.7 Of the permissions referenced in the five year land supply five relate to sites within the Broome settlement - 16/04371/OUT with associated reserved matters applications 17/04178/REM and 19/05136/REM; 17/00782/FUL; 17/05652/FUL; 20/00033/FUL and the now expired outline and reserved matters applications (13/04702/OUT and 17/04466/REM) which relates to this application site. Out of the extant permissions for Broome it is understood that two dwellings are currently under construction (16/04371/OUT), if the remaining extant permissions are delivered it would bring a further eight dwellings to Broome.
- 6.1.8 There is considered to currently be an under-delivery in terms of built structures across the cluster with the 5 year land supply recording 8 completions. This under delivery carries some weight given the importance attached under planning policy to delivering housing on the ground. The development would contribute to the housing stock within the county as a whole and contribute to maintaining a five-year supply. Whilst Broome lacks a full range of services and facilities, its railway station does afford better-than-average public transport links for a settlement of its size, and there are day-to-day facilities within comfortable walking distance at

neighbouring Aston-on-Clun (notably a village hall, community shop and public house). It is likely that residential development here would help to sustain at least some of these facilities, bringing modest social and economic benefits. The granting of planning permission would add 1 further dwelling within Broome, and it is considered that this additional dwelling on its own would not result in unsustainable development which may result in disproportionate car usage or excessive energy consumption in the context of the Community Cluster policy.

- 6.1.9 On balance it is considered that, while the settlement guideline with respect to dwelling numbers would be exceeded, the above material planning considerations are sufficient to conclude there is no in-principle planning policy objection to the proposed development of this site for one dwelling. The acceptability or otherwise of the proposal therefore turns upon the detailed matters assessed below.

6.2 **Affordable Housing Contribution**

- 6.2.1 Core Strategy Policy CS11 and a related Supplementary Planning Document require most market housing schemes to contribute towards affordable housing provision (usually a one-off payment in lieu of on-site provision where a small number of dwellings is proposed). However this requirement is now effectively superseded by the more recently updated NPPF, where Paragraph 63 states categorically that such contributions should not be sought in connection with small-scale developments. It must therefore be accepted that the Council's policies in this respect are out-of-date and can no longer be given significant weight.

6.3 **Siting, scale and design of structure**

- 6.3.1 Both national and local plan policy seeks to ensure developments are of a high quality of design which seek to create distinctive places. At paragraph 126 the NPPF acknowledges that the level of design detail and degree of prescription should be tailored to the circumstances of each place. Core Strategy Policy CS4 requires development in Community Clusters to be of a scale and design sympathetic to the character of the settlement and its environs, and to satisfy the more general design requirements under Policy CS6 and SAMDev Policy MD2. These expect all development to reinforce local distinctiveness in terms of building forms, scale and proportion, heights and lines, density and plot sizes, as well as materials and architectural detailing.
- 6.3.2 Broome is a settlement with existing back land development without road frontages, and thus the proposed dwelling's positioning would not appear out of character, a view previously accepted through the granting of the previous permission at this site.
- 6.3.3 The scheme as originally submitted remained unchanged from the previously approved scheme, however the applicant chose to amend the plans removing the accommodation from the roof space, the ridge height of the dwelling would be reduced slightly to approximately 6.9m from the 7.6m originally proposed. The Parish Councils desire for two bed dwellings is noted as is the fact that space remains in the roof which could result in an expansion of the dwelling in the future,

without the need for planning permission. There are no specific restrictions in adopted planning policy on the size of open market dwellings providing the plot on which the dwellings would be constructed is of sufficient size and with this case weight is given to the previous permission where the plot was considered capable of development for a four bed dwelling.

- 6.3.4 The settlement of Broome is made up of dwellings varying in scale, design and materials. In the immediate environs there are both two storey and single storey dwellings, constructed in a range of materials from brick and stone to timber framing. The materials chosen reflect the local vernacular, overall when considering the scale, appearance and layout in the planning balance it is judged that the scheme is not out of character with the site or surroundings and the overall design would contribute towards preserving the local distinctiveness of the settlement.

6.4 **Visual impact and landscaping - Shropshire Hills**

- 6.4.1 Policies CS17 and MD12, alongside CS6 and MD2 supports the NPPF seeking to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.
- 6.4.2 The scheme due to its location would be read as part of the village as a whole rather than an isolated feature and the dwelling and garage proposed would not erode the generally open character or scenic quality of the wider landscape.
- 6.4.3 The Black Poplar Tree to the North west of the site is protected by a Tree Preservation Order (TPO). The application has been accompanied by the original arboricultural report which was conducted for the previous application. It is acknowledged that the report is some six years old and thus some of the elements of the details recorded are now out of date. However, the Councils Tree Team are content that the original tree protection scheme included within the report allowed enough leeway for tree growth to remain relevant and from an arboricultural perspective is still considered fit for purposes and would continue to uphold the aims to protect the tree during construction.
- 6.4.4 Neighbour objections include reference to the Tree report and a concern that it conflicts with the Councils Tree Teams objection of 17th April 2020 on application 20/01288/VAR on the adjoining site and which recommended refusal. Officers have reviewed the now approved application referred to and note the Councils Tree team withdrew that objection on 30th June 2020 following submission of further information from the agent. The Tree Officers original concern raised was not that the construction works themselves would impede the poplars tree growth, but that growth might compromise future occupiers' enjoyments of the development leading to presume to prune or felling work. Following amended plans which resited the two dwellings the Tree team were concerned about their objection was withdrawn. On the site subject to this application given the distance between the tree and the proposed dwelling the growth of the tree is not considered to be a barrier to the proposal and would not result in any compromise to amenity of future occupiers.
- 6.4.5 With regard to the amended plans subject to this application it is noted that the

house footprint on the block plan places the dwelling around 1m closer to the protected tree than the originally proposed site plan, however the Tree Team are content that the amended siting of the dwelling would not conflict with the tree protection plan and no objection is raised. Conditions recommended to ensure the establishment of the tree protection prior to the commencement of development are recommended. In addition, the Tree Team request a condition to remove permitted development rights for extensions and outbuildings due to the increased pressure the consent for development to the neighbouring land places on the tree and that the dwellings location and location of drainage systems could lead to future development may be focused in the direction of the protected tree. It is accepted that to prevent uncontrolled development within the root protection zones of the TPO'd trees a degree of control of development needs to be retained by the Local Planning Authority. The Tree protection plans submitted with the application indicates the root protection zones are within the northeast corner of the site with minimum encroachment to the land. Given the growth of the tree in the last 6 years and that the dwelling would be sited slightly closer to the tree it is now considered the removal of permitted development rights for rear extensions, outbuildings and hardstanding within the root protection zone would now be appropriate in this case.

6.5 Biodiversity

- 6.5.1 National guidance gives a duty to public bodies (including Local Planning Authorities) to ensure development does not harm protected species or its habitat. The National Planning Policy Framework (NPPF) emphasises that Local Planning Authorities should ensure development contributes to and enhances the natural and local environment including minimising impacts on biodiversity and providing net gains where possible. Core Strategy policy CS17 and SAMDev policy MD12 reflects the obligations placed by Wildlife Legislation to ensure the protection and enhancement of ecological interests.
- 6.5.2 The site also lies within the River Clun Special Area of Conservation (SAC) which is a European designated site, notified because of the presence of the rare freshwater pearl mussel. It is currently in an unfavourable condition, largely due to excess nutrients and sedimentation in the river. In particular, additional phosphate entering the river is likely to worsen its water quality, and a major source of phosphate is treated waste water. All planning applications which lie within the catchment and generate foul waste water have to provide as part of the planning application full details of the foul drainage proposals and are subject to a Habitat Regulations Assessment (HRA) by the Councils Ecology Team. Only where there is certainty that the development would have no significant impact on the SAC is planning permission able to be legally granted. At the time of writing this report the comments of the Councils Ecology Team are awaited, it is noted that scheme proposes the use of a cesspit, which is the same foul drainage solution which was previously accepted under the now expired consent.

6.6 Setting of listed building

- 6.6.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that LPA's should have special regard to the desirability of preserving the

building or its setting or any features of special architectural or historic interest which it possesses. This is reflected at local plan level via policies CS17 and MD13. The application site was once part of the curtilage of Blacksmiths Cottage, a grade II listed timber cruck framed building.

- 6.6.2 Due to the location of the building it is considered important that the design, scale and form of the proposed dwelling appears ancillary to the listed building. This led to the previously approved L shaped footprint and design aim to mimic a converted outbuilding with the steep roof pitch and plain glazing. The Conservation Officer notes the amended scheme has watered down the design a little through the alterations to the footprint and slight design alterations. However the overall design retains a simple form and this combined with the use of local vernacular materials results in a scheme which would on balance continue to preserve the setting of the listed building.

6.7 Access, Highway Safety

- 6.7.1 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 109 it states that:

“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

- 6.7.2 Access to the dwelling is off a private drive which junctions with the B4367 and it is understood serves 13 other dwellings. It is proposed to use the existing access between two dwellings, known as ‘Blacksmiths Cottage’ and ‘Stoneleigh’. The Councils highways team have considered the proposal and raise no objections, an additional single dwelling of the size and type proposed would be unlikely to generate a significant increase in vehicle movements and it is considered that the proposal would not unduly harm highway safety or adversely compromise the highway conditions of the local network.
- 6.7.3 Objections regarding the maintenance of the private drive and the issue of whether the applicant will fund any repairs to the drive as a result of damage caused during the development is a civil matter and would need to be resolved privately between the third parties.
- 6.7.4 Concern is raised regarding the length of the access and the need to accord with Building regulations Approved Document B, Section B5 which relates to the provision and design of access routes for the fire service. The need to accord with Building Regulations legislation is a separate matter and the granting of planning permission does not override the need to comply with building regulations.

6.8 Residential Amenity

- 6.8.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

6.8.2 Objection is raised regarding overlooking, in particular the loss of privacy to the neighbouring properties to the front of the site known as Stoneleigh and Blacksmiths Cottage. The block plan indicates that the proposed dwelling would be around 15m from the boundary with the curtilage of Stoneleigh. At such distance, it is judged that the dwelling would not result in a significant loss of privacy, loss of light or result in an overbearing impact on the residential amenity of this neighbour. Blacksmiths cottage is diagonally opposite the site where there would be no direct overlooking from the proposed dwelling and the distance between is sufficient that the proposed dwelling would not be overbearing or result in loss of light. Access to the proposed dwelling would sit between these two neighbouring properties, and there are dwellings directly opposite where it adjoins the private drive. Due to the small scale of the development for one dwelling it is not considered vehicle movements would be of a level that would result in significant disturbance to the occupiers of these properties.

6.8.3 The existing dwelling to the west, known as 'The Granary' is set forward of the proposed dwelling and thus no direct overlooking would occur. In addition with a separation distance between the dwelling, single storey garage and the boundary of this neighbour the residential amenity of the occupiers of this dwelling would not be unduly harmed.

6.8.4 The detached garage is proposed to sit alongside the boundary between the dwelling and the neighbouring property of Stoneleigh. The siting of the dwelling and its garage are constrained by the location of the TPO tree in the north west corner of the site and the proposed location of the sealed cesspit to the north east. The garage is single storey and has been designed with a shallow roof pitch sloping away from this neighbour. With an eaves height of 2.3m the majority of the structure would be screened by existing boundary treatments. It is also noted that the garage is sited the north of the neighbour. As such it is judged that the garage would not result in a significant loss of light to harm neighbour amenity.

6.8.5 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. A condition restricting the hours of working and deliveries (07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays) should assist with mitigating the temporary impact.

6.9 Drainage

6.9.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in existing runoff rate and not to result in an increase in runoff. The Councils drainage team have reviewed the proposals and accept in principle the surface water drainage scheme, although detailed drainage calculations should be submitted, and a condition is recommended to ensure a suitable surface water drainage scheme is secured for the site.

7.0 CONCLUSION

- 7.1 The development is considered to qualify as a suitable infill plot and on balance it is judged that the addition of one further dwelling in this settlement would not cause demonstrable harm to the settlement character in terms of the number of new houses within the area. The design and scale of the dwelling is considered to be appropriate for the site and character of the settlement and the setting of the grade II listed building would be preserved. The proposal can be carried out without compromising the TPO'd Black Poplar Tree or result in severe harm to highway safety. Any effects on neighbouring properties would not be unreasonable in planning terms. Subject to no objection to the foul drainage solution from the Councils Ecology Team it is recommended that planning permission is granted.

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 Site Allocation and Management of Development (SAMDev) Plan:

CS1 - Strategic Approach
CS4 - Community Hubs and Community Clusters
CS6 - Sustainable Design and Development Principles
CS9 - Infrastructure Contributions
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD3 - Managing Housing Development
MD12 - Natural Environment
MD13 - Historic Environment

Settlement: S7 - Craven Arms

RELEVANT PLANNING HISTORY:

Contact: Tim Rogers (01743) 258773

13/04702/OUT Erection of single-storey dwelling (outline application with all matters reserved)
GRANT 28th November 2016

17/04477/DIS Discharge of Conditions 5 (Drainage) and 6 (Tree Protection Plan) attached to
Planning Permission 13/04702/OUT DISPAR 6th November 2017

17/04466/REM Approval of reserved matters (access, layout, scale, appearance and
landscaping) pursuant to 13/04702/OUT erection of single-storey dwelling (outline application
with all matters reserved) GRANT 14th March 2018

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QF7GY3TD02B00>

List of Background Papers Design and Access Statement Drainage Report Tree Report
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr. Lee Chapman & Cllr David 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 amended plans and drawings

Contact: Tim Rogers (01743) 258773

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

3. Site clearance, construction works and associated deliveries shall not take place outside 7.30am - 6.00pm Monday to Friday, and 8.00am - 1pm Saturdays, with no work or deliveries taking place on Sundays, Bank or 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 ground clearance, or construction work shall commence until the approved measures for the protection of trees and hedgerows as identified in the agreed tree protection plan (Ref. C069-002) contained within the Tree Survey Report by dgl and section 3.17 of the design and access statement have been implemented in full. These tree protection measures shall thereafter be maintained and retained in location for the duration of the site works.

Reason: To safeguard the Black Poplar subject to a TPO and the other retained trees and/or hedgerows on site and prevent damage during building works, and to protect the natural features and amenities of the local area that are important to the appearance of the development.

5. No development shall take place, 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 Construction Traffic Management Plan

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

6. 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.

7. No above ground development shall commence until full details of a surface water drainage scheme, including full drainage calculations have 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: To ensure satisfactory drainage of the site and to avoid flooding.

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

8. The detached outbuilding included in the development hereby permitted shall only be used for purposes in connection with and ancillary to the enjoyment of the new dwelling as a single dwelling unit and shall not be used for commercial or business purposes.

Reason: In order to safeguard the residential amenities of the area and in order to prevent the establishment of an additional dwelling in on the site.

9. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order modifying, revoking or re-enacting that Order), no rear extensions and no outbuildings or hardstanding's shall be erected/laid within the root protection area identified on the Tree Protection Plan C069-002 without the prior written consent of the Local Planning Authority.

Reason: To safeguard the protected black poplar tree, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

Informatives

1. The applicant/developers attention is drawn to the observations of Network Rail:

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basic Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwales@networkrail.co.uk .

FENCING

Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s).

Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.

2. 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.

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 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/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.

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.

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, 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>

3. 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.

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