

Development Management Report

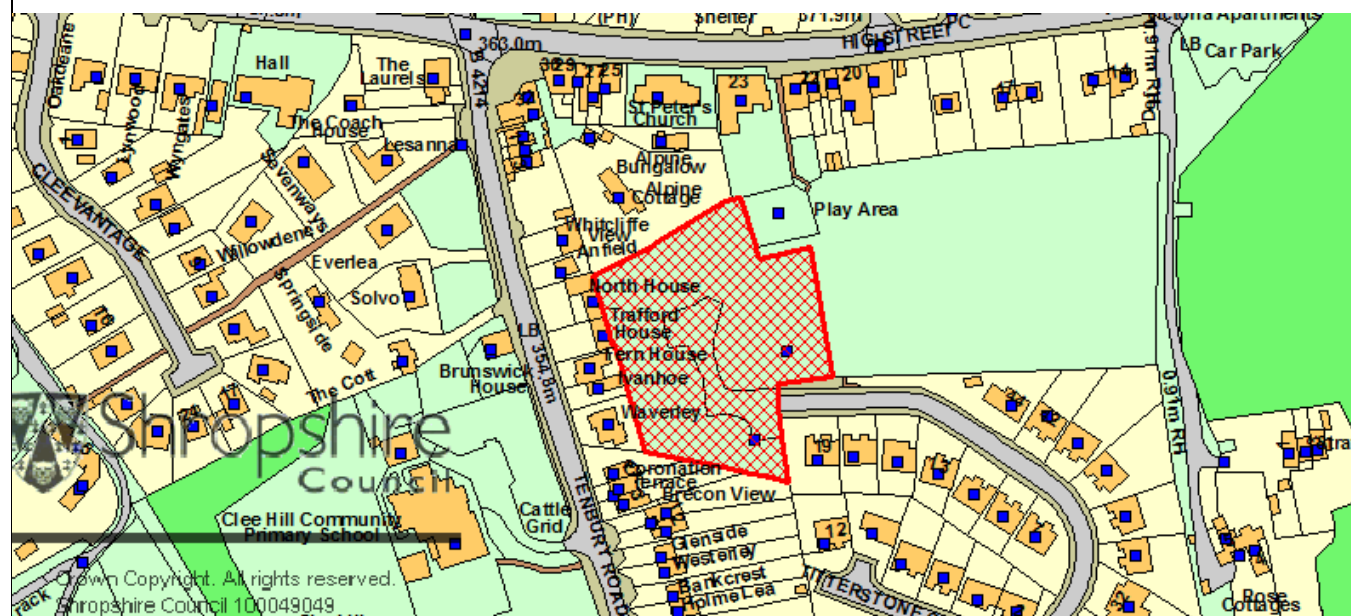
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Summary of Application

<u>Application Number:</u> 20/04700/VAR	<u>Parish:</u>	Caynham
<u>Proposal:</u> Variation of Condition No.s 1 (approved plans) and 7 (landscaping) attached to Planning Permission Ref. 19/03888/VAR dated 28 January 2020 (as amended)		
<u>Site Address:</u> Development Land West of Springfield Park, Clee Hill, Shropshire		
<u>Applicant:</u> KH Developments		
<u>Case Officer:</u> Andrew Sierakowski	<u>email:</u>	planning.southern@shropshire.gov.uk

Grid Ref: 359323 - 275200



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Recommendation:- Approval of the Application subject to the conditions set out in Appendix 1

Recommended Reason for Approval: The proposal complies with relevant development plan policy including Core Strategy Policies CS6 and CS18 and SAMDev Policy MD2 and the National Planning Policy Framework (2019).

REPORT

1.0 THE PROPOSAL

- 1.1 This is an application to vary Condition No. 1 and Condition No. 7 of Planning Permission Ref. 19/03888/VAR that was approved on 28th January 2020. Planning Permission Ref. 19/03888/VAR relates to amended plans for a residential development of thirteen dwellinghouses and garages on land to the west of Springfield Park, Clee Hill, which was in turn was originally approved under Planning Permission Ref. SS/1/07/19934/F.
- 1.2 Condition No. 1 of Planning Permission Ref. 19/03888/VAR requires that the development is undertaken strictly in accordance with the approved plans and drawings and Condition No. 7 that all hard and soft landscaping works are undertaken in accordance with the approved plan, and a schedule of plants and trees to be submitted to and approved by the Local Planning Authority.
- 1.3 The reason for the application is to amend the levels of the proposed dwellings on Plot Nos 1-3 (and make minor adjustments to the levels of the dwellings on the other plots) to accommodate the drainage scheme, that was approved under Discharge of Condition Application Ref. 20/01231/DIS on the 25th November 2020 and to amend the previously approved landscaping scheme and include a schedule of plants and trees.
- 1.4 The application explains that drainage plans approved by the Discharge of Condition application Ref. 20/01231/DIS, discharging Condition No. 3 of that permission, provided for a network of private storm water drains connecting to each of the approved residential plots within the development. The network of storm water drains has a minimum diameter of either 100mm or 150mm.
- 1.5 The captured drainage from each plot is fed through the network to attenuation tanks designed to cope with storm events with a flow chamber containing a hydrobrake controlling the release of water from the attenuation tank at appropriate rates allowing the system to discharge to the Springfield Park highway, on the east side of the site. The attenuation tank is located centrally under the access road for the development within the application site and measures 8m long by 4m wide and is 1.6m deep.
- 1.6 The only surface water not intercepted by the network feeding into the attenuation tank is that which falls on the rear gardens of Plot Nos. 1, 2, 3 and 4 on the west side of the site. The surface water from Plot 4 is captured by an existing land drain, that is to be retained, which connects to an existing 100m drain to the west of the site. This is located on and runs through an existing adjacent property, Fern House, to the Tenbury Road. For Plot Nos. 1-3 it was initially proposed as part of this

application to install a 150mm diameter perforated land drain running along the remainder of the western boundary that would also connect into the existing 100m drain to the west of the site. However, it is understood that the applicant has been unable to secure approval for the connection, so that the application has been amended to construct a stone filled soakaway along the western boundary of Plots 1-3 instead of the originally proposed land drain.

- 1.7 The drainage system is designed to ensure that there is no increased flood risk from surface water run off to neighbouring properties and to ensure betterment compared with the greenfield run off rate if the site was undeveloped.
- 1.8 The submitted details otherwise include the proposed hard and soft landscaping works, that include the construction of a retaining a small retaining wall within the western boundary of Plot 4, and the details of planting and fencing proposed for the site as a whole.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The village of Clee Hill lies 6 miles (9.6km) to the east of Ludlow and occupies an elevated position on the southern slope on Titterstone Clee overlooking extensive areas of open countryside to the south-east, south and south-west. The A4117, the High Street runs east - west through the village from Kidderminster to Ludlow. The B4214 (Tenbury Road) runs southwards from the A4117 at Clee Hill to Tenbury, as the name suggests. The site is located within the Shropshire Hills Area of Outstanding Natural Beauty (AONB) and is bordered by existing residential properties to the south, west and north, including the properties of Waverley, Ivanhoe, Fern House and Trafford House to the immediate west of Plot Nos. 1-4. The road access to the site is from the east, along Springfield Park where there are other dwellings and there is a play area adjacent to the north eastern corner of the site.
- 2.2 The planning history of the site is complicated but relevant to the understanding of both the changes to the approved scheme that are now proposed and the third-party representations that have been submitted in response to the application.
- 2.3 As detailed above this application seeks to vary Condition No. 1 and Condition No. 7 of Planning Permission Ref. 19/03888/VAR that was approved on 28th January 2020. Planning Permission Ref. 19/03888/VAR relates to amended plans for a residential development of thirteen dwellinghouses and garages on land west of Springfield Park, Clee Hill, which was in turn was originally approved under Planning Permission Ref. SS/1/07/19934/F.
- 2.4 Planning Permission Ref. SS/1/07/19934/F was approved on 9th November 2007 and related to the construction of 13 dwellings and included an amended extension to the estate road and private drives.
- 2.5 Prior to this there was further earlier planning permission for 13 dwellings, Planning Permission Ref. SS/1989/397/P that was approved on 15th December 1989. This

included a number of pre-commencement conditions, which were all discharged and the consent was implemented by constructing part of the access road.

- 2.6 In addition, there is a separate Planning Permission, Ref. 19/04913/FUL for the erection of an additional, fourteenth, dwelling and detached three bay garage block adjacent to, but within, the southern boundary of the site, that was approved on 31st January 2020. This was submitted following, and lieu of, Planning Permission Ref. 10/01706/FUL for a single dwelling that was approved on 22nd December 2011, but which subsequently lapsed without being implemented
- 2.7 Most recently, as set out above Discharge of Condition application Ref. 20/01231/DIS, approved the discharge of Condition No. 3 of Planning Permission Ref. 19/03888/VAR. This as detailed above, related to drainage and provided for a network of private storm water drains connecting to each of the approved residential plots within the development. The network of storm water drains has a minimum diameter of either 100mm or 150mm. The submitted drainage details take into account the additional dwelling adjacent to the southern boundary of the site, which is now identified in the current application as Plot No. 14. At the time of submission there remained one unbuilt dwelling, that on Plot No. 2
- 2.8 Development of the site is now at an advanced stage with almost all of the dwellings, with the exception of that on Plot No. 2 substantially completed, including the fourteenth dwelling approved under Planning Permission Ref. 19/04913/FUL.

3.0 REASON FOR COMMITTEE DETERMINATION OF THE APPLICATION

- 3.1 The Parish Council has submitted a view contrary to the officer recommendation and these contrary views cannot be overcome by negotiation or the imposition of conditions and the Principal Planning Officer in consultation with the Committee Chairman and Vice-Chairman and Local Member agrees that the Parish Council has raised material planning issues and that the application should therefore be determined by the Committee.

4.0 COMMUNITY REPRESENTATIONS

Parish Council

- 4.1 Caynham Parish Council expresses concern, at such a late stage in the construction phase, that there should be an application for raising of the levels of the dwellings on the site. It comments that the increase in levels appears to be substantial and would adversely affect the occupiers of the existing dwellings facing towards Plot No. 1-3. The Parish Council therefore objects to the variation applied for. They also comment that there are insufficient details of the drainage scheme to enable Parish Council to make a comment although it states that it is aware that there are major issues at the site concerning drainage provision.

Public Comments

- 4.2 There have been two rounds public consultation, the initial consultation undertaken on submission and the second round undertaken following submission of the amended proposals for drainage along the western boundary at the rear of Plots 1-3. There have been sixteen representations submitted as a result of the two rounds of consultation, which object or raise concerns.
- 4.3 In addition to the comments from Caynham Parish Council, there were twelve third party representations as result of the first round of public consultation, all of which offered objections to the application. These in summary made the following points:
- That the raising of the level of the dwellings will adversely impact on the privacy of the occupants of the existing adjoining properties on the western boundary (adjacent to Plots 1-4) as result of direct overlooking both into the adjacent gardens and facing rooms;
 - That rubble, mud and soils have been banked up against the fence and hedge of an adjoining property with the potential to cause damage;
 - That planning permission for the development should not have been approved as there is a “two storey” bungalow facing south where originally it was proposed to locate garages. The layout has been changed without consultation with neighbours, resulting in a loss of light and privacy, due its height;
 - Expressing concern that the drainage does and will adversely impact on neighbouring properties;
 - That the development as a whole is too high and too close to neighbouring properties giving rise to significant overlooking and has been built without proper consideration for the occupiers of any of the existing adjacent properties;
 - That there are drainage issues on the western boundary of the site. In the covering letter, submitted with the plans, it states that (the initially proposed) perforated land drain was to be connected to the existing drainage to the west of the site, when in fact there is no such drainage to the west. An alternative drainage solution is required if flooding is to be avoided;
 - That there has been a lack of consideration given to the need for a retaining structure close to the existing retaining wall (behind Ivanhoe). Due to the increased height of the land (in addition to the developer having already driven heavy plant too close) as a result of which there will be an increased load on the existing wall. Further protective measures need to be put in place in order to prevent the wall collapsing. This matter has been raised previously but has not been addressed;
 - That the submitted drawings are inaccurate. The submitted drawing, showing section bb through Plot No 3 and Ivanhoe, includes inaccurate ground height figures, resulting in the building plots being constructed at too high a level. The drawing as a result shows the levels incorrectly and consequently fails to show the correct gradient of the land on Plot No. 3 behind Ivanhoe and as a result the houses that have been constructed a metre higher than the approved plans;
 - That because the levels have been incorrectly calculated, the drainage calculations are also incorrect;
 - That the developer has dug a trench from the side of Plot No. 3 and has buried

a drainpipe that now flows in the opposite direction from the planned drains and directly down the slope, resulting in water seeping under the retaining wall of the adjacent property (Ivanhoe) and saturating the soil, increasing the risk land slippage and collapse of the wall;

- That the developer has not constructed the drainage in accordance with the approved plans. The drainage should have been completed prior to the earthworks being undertaken and the construction of the houses. Without resolution of these there is a serious risk of landslip and flooding;
- That it is proposed to construct a 900mm wall with a 1.4 metre fence on top of the wall and plant a hedge directly adjacent to the rear windows of the adjacent properties to the west that will result in a loss of light;
- That the application site includes natural springs and has always been very boggy, making drainage very difficult and causing problems of the adjacent existing properties;
- That the application seeks retrospective approval for changes in site levels that the developer has already implemented and there is no evidence that the changes are necessary for the purposes of the ensuring effective drainage of the site;
- That the existing planning permission required the approval of the drainage scheme prior to any significant works being undertaken, a requirement that the applicant has disregarded;
- That the submitted landscaping plan shows a gap in the otherwise continuous fencing and planting at the Fern House/Trafford House boundary to the west of the site. This should be continuous;
- That the existing conditions ensuring maintenance of the planting, with replacement where necessary, should remain and, where necessary be extended to ensure maintenance of the fencing;
- That the permeable paving proposed on the access road is unsuitable for gradients exceeding 5%, as run-off will occur. The roadway fronting Plots 4 to 8 is shown with a gradient of 11%. It is therefore likely (if not certain) that in storm conditions a large volume of water will be discharged directly on to the land immediately adjacent to Trafford House and Fern House, with a consequent flooding risk to those properties;
- That the drainage proposals (as initially submitted) included the installation of a 150 mm land drain to be laid on the site side of the proposed western boundary fence. The application covering letter states that this will be connected to existing drainage "to the south of the site". This is incorrect. The relevant drawing shows a proposed connection to a drain on the western side of the site serving Fern House. This drain lacks the capacity to accept the expected flows and, in any event, as it is only 100 mm and it is highly unlikely that approval for such a connection would be given;
- That the existing drainage does not work effectively to prevent ponding in the gardens of the neighbouring properties along the western boundary of the site; and
- That clarification should be sought from the drainage authority for the proposed drainage arrangements;

4.4 There have been four additional objecting representations as a result of the second

round of public consultation which, restate and elaborate on the comments made in response to the first round of public consultation but also in summary make the following additional points in response to the amended plans including the amended drainage details proposed along the western boundary:

- That the development has proceeded in breach of planning control with the developer having disregarded the previously approved plans. The breach of planning control should be regularised;
- That the spacing between the proposed dwellings and the adjacent houses to the west should be restored to that previously approved;
- That the existing development and the amendments now approved are contrary to Core Strategy Policy CS6 as a result of the adverse impact on the amenity of neighbours;
- That a slope stability assessment should be provided by the applicant;
- Question whether the proposed drainage arrangements are adequate;
- That details of the retaining wall to the of Plot 4 should be requested;
- That the planting proposed would be overbearing and that no details of its maintenance has been included with the application
- That the revised plans fail to adequately address the need for effective drainage along the western boundary and will increase, the load on the retaining wall on the boundary with the adjacent properties;
- That the position of the proposed soakaway will still result in water soaking into the downhill properties, which are at a lower level;
- That proposed soakaway will lead to the undermining of the retaining wall along with an increased load from the weight of tonnes of stones will lead to its failure. There are already signs of subsidence, evidenced by the movement of the existing fence line and early signs of strain on the retaining wall. This situation will only get worse when the topsoil is added to the gardens of the new house plots; and
- That the fence that has been constructed along the western boundary does not sit directly on top of the gravel boards but offset slightly forward of them leaving a gap that will allow topsoil to fall through.

Technical Consultees

- 4.5 Shropshire Council SUDS: Have advised that the drainage proposals have been approved as part of the previous Discharge of Condition Application Ref. 20/01231/DIS and that they have no objection to the amended drainage proposals including the proposed soakaway.
- 4.6 Shropshire Council - Public Rights of Way: Have no comments to make on the application.
- 4.7 Shropshire Hills AONB Partnership: Have returned their standing advice stating that they neither object nor offer 'no objection'. They advise that the Council as the Local Planning Authority has a legal duty to take into account the purposes of the AONB designation in making this decision and should take account of planning policies which protect the AONB, and the statutory AONB Management Plan.

5.0 THE MAIN ISSUES

- 5.1
- **Principle of the Development;**
 - **Impact on Privacy, Amenity and Daylight;**
 - **Acceptability of the Landscaping Proposals; and**
 - **Impacts on Drainage.**

6.0 OFFICER APPRAISAL

6.1 Principle of the Development.

6.1.1 The principle of development is not an issue in the determination of this application which has been established through the granting of Planning Permission Refs. SS/1/07/19934/F and 19/03888/VAR, both for 13 dwellings, with the latter permission having been implemented, and development on the site now being at an advanced stage. As detailed above Planning Permission Ref. 19/04913/FUL for the erection of an additional, fourteenth, dwelling and detached three bay garage block adjacent to the southern boundary of the site, has also been approved and implemented.

6.1.2 The amendments now sought relate only to the amendment of the levels of the dwellings that have been constructed on Plot Nos. 1, 2 and 3 (with minor adjustments to the levels the dwellings on some of the other plots) to accommodate the drainage scheme, that was approved under Discharge of Condition Application Ref. 20/01231/DIS and to approve landscaping scheme. There is no change to the position or level of the dwelling on Plot No 4, compared with the approved plan.

6.2 Impact on Privacy, Amenity and Daylight

6.2.1 The amendment to the levels of the dwellings on Plot Nos. 1-3 is required to ensure the proper functioning of the drainage system, that has been approved under Discharge of Condition Application Ref. 20/01231/DIS. The amendment will result in the finished floor level at ground floor level of Plots Nos. 1, 2, and 3; with that on Plot No. 1 being raised from 358.30m AoD to 359.10m AoD, an increase of 0.80m; with that on Plot No. 2 being raised from 358.40m AoD to 359.30m AoD, an increase of 0.80m; and that on Plot No. 3 being raised from 358.50m AoD to 359.45m AoD, an increase of 0.95m. The overall heights of the dwellings at the ridge would be raised by the same amount, so that they would respectively be between 0.8m and 0.95m higher, compared with the previously approved plan. The sectional drawings provided with the application show that the distance between the rear west facing elevation of the dwelling on Plot 3 and the boundary wall with the adjacent properties to the west at Ivanhoe and Fern House to be 11.5m and then a 1.1m gap to the rear east facing wall at ground floor level at Ivanhoe and a 2.6m gap to the rear wall at ground level of Fern House. The rear wall of the main part of both adjacent properties is set back a further 2.5-3m. Given the distance between the west elevation of the proposed dwellings and the east facing rear walls of the two adjacent properties, the increase of between 0.8m and 0.95m in the overall height of the dwellings would not be significantly different from the approved plan and cannot be said to make any significant difference to the degree of overlooking, light or privacy compared the

approved plans.

- 6.2.2 It should be noted that the baseline against which the amended drawings should be assessed are the existing approved drawings, rather than the position prior to the grant of Planning Permission for the development that has already been commenced.
- 6.2.3 Whilst it is the case that the dwellings on the western side of the site, on Plots Nos. 1-3 are relatively close to, and at an elevated level, to the rear of the adjoining houses to the west on the Tenbury Road, it cannot be considered that the amended plans give rise to any significant additional impacts in terms privacy, amenity and daylight compared with the previously approved plans.
- 6.2.4 The comments from the objectors are understandable but given that the principle of the development has been established, the only valid consideration is whether the amended plans give rise to any sufficiently significant adverse impacts on privacy, amenity and daylight compared with the approved plans. That cannot be said to be case. Accordingly, the proposed amendments cannot be considered to be other than complaint with relevant development plan policy comprising Core Strategy Policy C6 and SAMDev Policy MD2, which both seek safeguard amenity and well-being.

6.3 Acceptability of the Landscaping Proposals

- 6.3.1 The amended landscaping plan includes details of hard and soft landscaping. These include an amendment to the access into the upper northern part of the site, so that instead of being constructed as a tarmac road with a separate tarmac pavement around its east side, it is to be constructed with a permeable paving block as a shared surface access. This is intended to be constructed in conjunction with the previously approved surface water drainage scheme consented under Discharge of Condition Application Ref. 20/01231/DIS. A new native species hedgerow is proposed along the western boundary of the site, which is to be located on the inside of a new 1.8m close boarded fence which, in part, will sit on top of two 225mm concrete gravel boards. Additional tree planting is also to be provided mainly adjacent to the western boundary although there are also some amendments to the details of the planting scheme where the additional plot, Plot 14 and the adjacent garage block, approved under Planning Permission Ref. 19/04913/FUL are to be located. The existing hedgerows along the northern, eastern and southern boundaries of the site are shown as being retained, where either a 1.8m close boarded fence, or 1.8m hit and miss fence are also to be erected. Internal boundaries will be delineated by a 1.8m close boarded fence located on top of a single 225mm concrete gravel board. Apart from the proposed tree planting, gardens will be laid out to grass but otherwise left to the future owners to plant.
- 6.3.2 A specification is included for the new native species hedge along the western boundary comprising a mix of 50% Hawthorn (*Crataegus monogyna*), 10% Bird Cherry (*Prunus padus*), 10% Field Maple (*Acer campestre*), 10% Dog Rose (*Rosa canina*), 10% Hazel (*Corylus avellana*), and 10% Blackthorn (*Prunus spinosa*) with the planting being a mix of 90-120mm tall bare root stock.

- 6.3.3 The new tree planting will comprise an equal mix of common hazel (2.0m), common hawthorn (2.0m tall), tree privet (3.0m) and rowan (2.0m).
- 6.3.4 Although required for drainage purposes the amended drawings also show the installation of a new 600mm x 1000mm stone filled soakaway along the western boundary at the bottom of the gardens of Plot Nos. 1-3 to prevent runoff into the adjacent gardens, which are at the bottom of steeply sloping bank. It was initially proposed to install a 150mm land drain that would have linked into an existing 100mm drain to the west of the site, but it is understood that the applicant was unable to secure approval to connect into the drain, and hence the application has been amended following submission.
- 6.3.5 There is an existing land drain running along the west side of Plot 4 which is to be retained. Although a new 90cm high retaining wall is to be constructed within the boundary of Plot No. 4, there are otherwise no changes to the planting proposed on Plot 4. A concern has been raised by a neighbour adjacent to the boundary of Plot 4 about the stability of the retaining wall. The retaining wall is not located in the boundary but inset by 90cm from the boundary of the rear wall of adjacent property and is itself only 90cm high with a bank of only 2.8m width shown on the submitted drawings, behind it. The loading on the wall is therefore limited and there is no obvious reason to consider that there would be a stability issue that would impact on the surrounding area and no known history of land instability on the site. The onus is on the applicant to ensure that the wall is built to standard that there would not be a risk of collapse. The NPPF paragraphs 170, 178 and 179 refer to ensuring the decisions take into account any land instability issues, but also that responsibility for securing a safe development rests with the developer and/or landowner.
- 6.3.6 Although the objectors have otherwise raised issues in relation to the landscaping, mainly related to the drainage, there are no substantive landscaping issues arising from the proposed amendments to the scheme and additional submitted landscaping specification is acceptable. There is therefore no basis for considering the proposed landscaping details as not being compliant with relevant development plan policy comprising Core Strategy Policies CS6 and CS18, the SAMDev Policy MD2, and the NPPF chapter 12 and paragraph 127, which seek, to ensure good quality design, appropriate landscaping.

6.4 Impacts on Drainage.

- 6.4.1 The impacts on drainage need to be considered, but only to the extent that there is an additional stone filled soakaway proposed along the western boundary of the site. Otherwise, the substantive drainage scheme has already been approved and does not form part of the current application. As detailed above, drainage is the most significant issue raised by objectors. As far as the installation of the additional stone filled soakaway is concerned it is an additional drainage measure that is being proposed where none has been required or included as part of the approved surface water drainage proposals, and it is therefore intended to provide additional drainage to prevent surface water from running off into the neighbouring properties.

- 6.4.2 The additional submissions submitted in response to the second consultation, raise the issue of whether the construction of the soakway, the base of which will in part be higher than the ground levels of some of the adjacent properties to the west and also of whether it will impact on the stability of the slope of the rear gardens of Plot Nos. 1-3. In response to these concerns the applicant has confirmed that the soakaway which has been designed by the applicants engineer, is to be constructed using gabion baskets placed on a hardcore sub-base creating a substantial structure within the ground along the length of the boundary of Plots No. 1-3 within 2m of the boundary. The intention is that it would itself provide add to the structural strength and stability of the slope. The soakaway is intended retain surface water from the rear gardens of Plots Nos. 1-3 to greater extent than the currently approved plans which includes no additional drainage along the western boundary.
- 6.4.3 There has been no objection from the Council's SUDs Officer to the revised proposals. As such there is no basis for considering the proposed drainage to be unacceptable and not in compliance with Core Strategy Policies CS6 and CS18, the SAMDev Policy MD2 and the NPPF paragraphs 163, which seek to ensure the incorporation of sustainable design including sustainable drainage in new development and that development does not increase the risk of flood risk elsewhere.

7.0 CONCLUSION

- 7.1 That the proposed variation of Condition No. 1 and Condition No. 7 of Planning Permission Ref. 19/03888/VAR are acceptable in terms of the impact on privacy, amenity and daylight, the acceptability of the landscaping proposals the impacts on drainage.
- 7.2 It can therefore be considered to in compliance with relevant development plan policy including Core Strategy Policies CS6 and CS18 and SAMDev Policy MD2 and the National Planning Policy Framework, and can accordingly be approved, and new consent for the development issued incorporating the amended conditions as set out in Appendix A below.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

- 8.1.1 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; and
 - The decision may be challenged by way of a Judicial Review by a third party.
- 8.1.2 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.

- 8.1.3 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

- 8.2.1 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.
- 8.2.2 First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.
- 8.2.3 This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

- 8.3.1 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

- 9.1 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

Development Plan Policy

Shropshire Local Development Framework: Adopted Core Strategy (March 2011)

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan (December 2015)

National Planning Policy

National Planning Policy Framework (NPPF) 2019

Relevant Planning History

- 09/01872/DIS Discharge of condition 3 (materials) - SS/1/07/19934/F REC
- 10/01706/FUL Erection of a detached, three bedroomed dwelling (Plot 1) GRANT 22nd December 2011
- PREAPP/15/00274 Proposal to increase site from 14 to 23 dwellings PREUDV 7th September 2015
- 19/03888/VAR Variation of condition no.7 pursuant to SS/1/07/19934/F to allow for a re-design of all 13 approved properties; re-design of site layout and erection of one detached garage block (Amended description) GRANT 28th January 2020
- 19/03889/VAR Variation of condition no.3 pursuant to 10/01706/FUL to allow for a re-design of the approved property (plot 1) APPRET 11th November 2019
- 19/04913/FUL Erection of one dwelling (in lieu of lapsed approval) and detached 3-bay garage block GRANT 31st January 2020
- 20/01231/DIS Discharge of Conditions 3 (Drainage) and 7 (Hard and Soft Landscaping) associated with planning application number 19/03888/VAR DISPAR 25th November 2020
- 20/01232/DIS Discharge of Conditions 5 (Drainage) 6 (Materials and 7 (Hard and Soft Landscaping) associated with planning application number 19/04913/FUL DISPAR 25th November 2020
- SS/1989/397/P/ Erection of 13 dwelling units with private garages, construction of estate road and formation of vehicular and pedestrian access. PERCON 15th December 1989
- SS/1/07/19934/F Erection of 13 no. dwellings with amended extension to estate road and private drives (amended scheme) (Committee matter) PERCON 9th November 2007

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QJP695TDIMB00>

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

- Application Covering Letter from Black Box Planning, dated 11th November 2020;
- Emails from Black Box Planning, dated 29th and 30th March 2021;
- 1-App Application Form, dated 11th November 2020;
- Drawing No. WDS102E Proposed Site Plan, dated 07/01/2021;
- Drawing No. WDS105B Section a-a through Plot 3, dated 07/01/2021;
- Drawing No. WDS106B Section b-b through Plot 3, dated 07/01/2021;
- Drawing No. WDS107A Proposed Site Landscape Plan, dated 07/01/2021;

- Drawing No. WDS108A Site Landscape Details, dated 07/01/2021;
- Letter from Black Box Planning, dated 1st February 2021;
- Third-Party Representations submitted in response to the application.

Cabinet Member (Portfolio Holder)
Councillor Gwilym Butler

Local Member
Cllr Richard Huffer

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

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

STANDARD CONDITIONS

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.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

None.

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

2. The external facing materials and roof tiles shall be as specified on the approved drawings, or in accordance with an alternative schedule of materials which has been submitted to and approved in writing by the Local Planning Authority prior to their first use in the development.

Reason: In the interests of the visual amenities of the area.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

3. The surface and foul water drainage scheme shall be fully implemented in accordance with the following Drawing Nos and details:
 - S-19 381 600 C5 (House Plots Drainage Plan);
 - S-19 381 601 C6 Manhole Schedules;
 - S-19 381 605 C2 (Attenuation Tank Details);
 - S-19 381 620 C2 (House Plots External Works Plan); and
 - Micro Drainage Summary of Results for 100 year flood Return Period (+35%) for Springfield Park, Clee, Shropshire and attached supporting plans and details, dated 23rd November 2020.

before the development is occupied/brought into use (whichever is the sooner). The approval of these drawings shall only relate to the surface and foul water drainage scheme and not to any other matters that may be incidentally shown on them.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

4. The construction of roads, footways, sewers and other services within the development hereby permitted shall be carried out in accordance with the Highway Authority's Specification for the time being then in force for Residential Estate Roads.

Reason: To ensure the construction of estate roads to a standard suitable for adoption as county roads, in the interests of highway safety.

5. No construction work shall take place on site between the hours of 6.30pm and 8am Mondays to Saturdays and not at all on Sundays and Bank Holidays.

Reason: In the interests of the residential amenity of the occupiers of the surrounding residential properties.

6. All parking, loading and unloading in connection with the site development operations shall take place within the site boundaries.

Reason: In the interests of the residential amenity of the occupiers of the surrounding residential properties.

7. All hard and soft landscape works shall be carried out in accordance with the details shown on Drawing Nos. WDS107A (Proposed Site Landscape Plan) and WDS108A (Site Landscape Details). 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 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

General

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.

Highways

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-networkmanagement/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, in order 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-storageand-collection.pdf>

Approved Drawings

Plan Type	Plan No.	Date Received
Combination	PL012 House Type A	10.01.2020
Site Location Plan	18.20.026 - PL001, Rev. A	07.10.2019
Combination	18.20.026-PL004, Rev. A	20.11.2019
Combination	18.20.026-PL005, Rev. A	20.11.2019
Combination	18.20.026-PL006, Rev. A	20.11.2019
Combination	18.20.026-PL007, Rev. A	20.11.2019
Combination	18.20.026-PL008, Rev. A	20.11.2019

Combination	18.20.026-PL009, Rev. A	20.11.2019
Block Plan	18.20.026-WDS102E	02.02.2021
Combination	18.20.026-WDS105B	02.02.2021
Combination	18.20.026-WDS106B	02.02.2021
Combination	18.20.026-WDS107A	02.02.2021
Combination	18.20.026-WDS108A	02.02.2021