

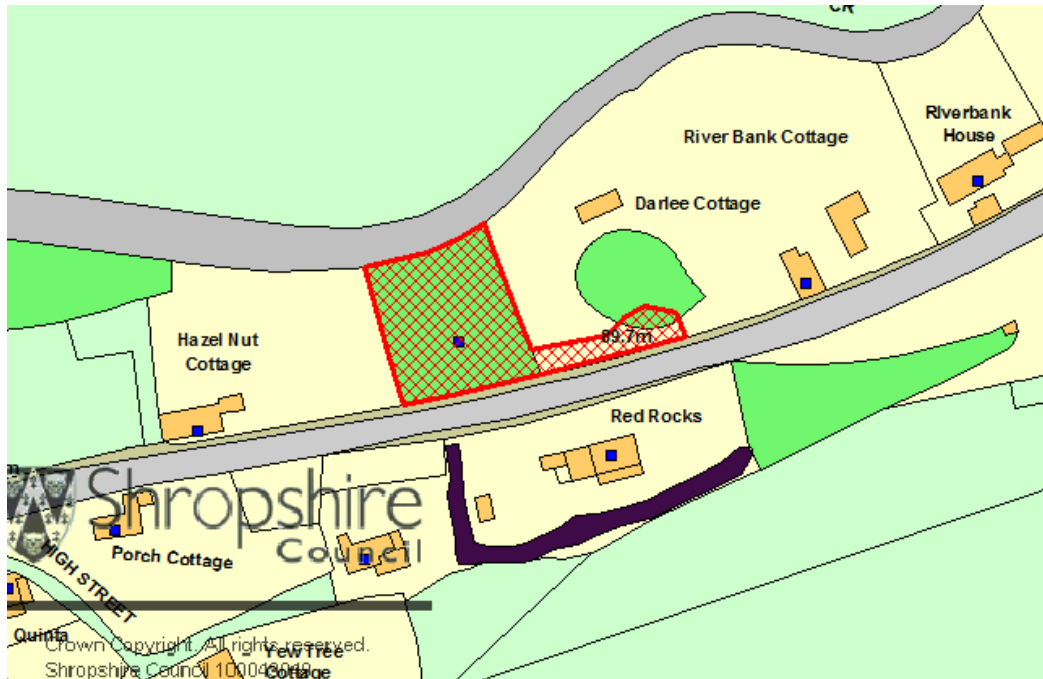
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place
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Summary of Application

Application Number: 18/02858/REM	Parish:	Ruyton XI Towns
Proposal: Approval of reserved matters (appearance, layout, landscaping, scale) pursuant to 14/04168/OUT - for residential development of two detached houses; formation of vehicular access with visibility splay; to include removal of trees		
Site Address: Proposed Residential Development West Of Darlee Cottage Brownhill Ruyton Xi Towns Shropshire		
Applicant: Mr M Al Nasri		
Case Officer: Mark Perry	email	: mark.perry@shropshire.gov.uk

Grid Ref: 339775 - 322254



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks reserved matters approval for the erection of two detached three storey dwellings. The dwellings are contemporary in their design and would be built onto the steep sandstone hillside. The outline planning permission established the principle of two dwellings on the site and also the means of access.
- 1.2 The approved scheme showed a single access serving both plots. The appearance, landscaping, and layout of the development were all reserved matters.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located within the Ruyton XI Towns development boundary. The application site covers an area of 0.2 hectares and sits between the B4397, which passes through the centre of the village, and the River Perry to the north. The land drops away steeply from the road before it levels out close to the river's banks. There is a drop of approximately 14 metres between the road and the land next to the river. The northern boundary of the site just clips flood zones 2 and 3, although the vast majority of the flood zone is to the northern side of the river.
- 2.2 To the east of the site there is Darlee Cottage which is located adjacent to, but well below the passing highway from where only its rooftop is visible. Access to Darlee Cottage is by a stepped path from a parking area located at the same level as the highway. Access to the application site is currently possible from a gravel track leading away from the parking area referred to above, which traverses the hillside.

REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The northern planning committees resolution in the determination of the outline application required any subsequent reserved matters application is also considered by the committee.

4.0 Community Representations

Consultee Comments

- 4.1 Parish Council- Ruyton XI Towns Parish Council objects on the basis that there is insufficient information available to allow consideration of impact on traffic on Brownhill and related safety issues and in relation to environmental impact including drainage arrangements. The Parish Council objected to the application in 2014 and 2015.
- 4.2 Highways- The latest submitted plan Drawing No.DC-TP-100 Rev A deals specifically with the access drive leading to the double garages and seeks to demonstrate, by means of vehicle tracking, that vehicles can satisfactorily

manoeuvre into and out of the garage spaces. In this regard I consider the submitted details are acceptable save that no details are provided in terms of the make up of the access drive or its gradient. I recommend therefore that the following Condition be imposed upon any consent granted:-

Prior to the development hereby permitted being first occupied the access drive shall be laid out in accordance with Drawing No: DC-TP-100 Rev A to a maximum gradient of 1 in 10 and constructed in accordance with a specification to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a satisfactory internal layout in connection with the adequate provision of 2 car parking spaces and turning area to each dwelling.

- 4.3 Affordable Housing- The calculation within the planning statement shows the correct affordable housing contribution.
- 4.4 Tree Officer- No objection subject to conditions.
- 4.5 Ecology- No objection subject to conditions and informatives to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.
- 4.6 Drainage- The proposed drainage details, plan and calculations should be submitted for approval before the development commences as per Drainage Condition 7 on Outline planning permission ref 14/04168/OUT.

Public comments

2 letters of representation received commenting on the following:

- Driveway is narrow
- Inability to turn into driveway
- Loss of garden privacy from balcony
- Need for the road to be widened and also the proximity of the development to a mains water supply. No information as to speed or types of traffic along this nasty stretch of the road has been provided.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Highways
Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 This application seeks permission for details reserved which are the appearance, layout, landscaping and scale of the development. The overall principle of

residential development and the access have already been approved under the earlier outline approval granted in December 2015 under reference 14/04168/OUT. The outline permission establishes a consent for two dwellings and the use, with alterations, of the existing access which would be shared with the existing dwelling to the east.

6.1.2 Policies CS6 of the adopted Core Strategy and MD2 of the adopted Shropshire Council Site Allocations and Management of Development Plan (SAMDev) Plan as particularly relevant in the assessment of this application. Requiring development to be designed to a high quality using sustainable design principles and to be appropriate in scale, density, pattern and design taking into account local context and character. It also seeks to ensure that residential and local amenity is safeguarded.

6.1.3 Section 7 of the National Planning Policy Framework (NPPF) Plan forms the basis of Local Plan policy emphasising great importance to the design of the built environment. Advising that developments must function well not just for the short term but over the lifetime of the development and add to the overall quality of the area. Including optimise the potential of the site to accommodate development, surroundings and use of materials. Development must also be visually attractive as a result of good architecture and utilise good landscaping.

6.2 Siting, scale and design of structure

6.2.1 The submitted drawings show two detached 3 storey, four-bedroom dwellings. Due to the substantial change in levels on the site the proposed dwellings will be accessed by a driveway which leads down from the adopted highway to the private parking and garaging. The applicant has utilised the substantial change in ground levels to create a split level development. The main living accommodation and integral garaging will be provided on what is the top floor. The top floor would sit well below the level of the passing road. The bedrooms will then be provided on the lower 2 floors. The size and position of each floor has been largely dictated by the ground levels. The top floor of the proposed dwellings would be approximately 4.3m below the level of the highway and the lowest floor would be around 10.5m below.

6.2.2 The proposed dwellings are contemporary in their appearance. They incorporate large areas of glazing and balconies to maximise the benefit of the elevated views across the land to the north. From the passing highway the dwelling would have the proportions of a small single storey dwelling, with any passing pedestrians looking down onto the flat, 'green' roofs. To any passing motorists the dwellings are likely to be barely noticeable because of the roadside boundary wall and the dwellings being position lower down.

6.2.3 The most dominant view of the proposed dwellings would be from the north where it will be possible to view the full three storeys of the dwellings from the agricultural land to the north. There is a public footpath which crosses this land and is approximately 240 metres from the edge of the application site. At present views of Ruyton Xi Towns from this distant footpath comprises of dwellings dispersed along the hill side. Existing dwellings are of varying designs ranging

from two-storey cottages to larger split level designs.

6.2.4 The proposed dwellings would be finished in mix of materials including timber cladding and render, along with the large glazed windows and glass balustrade. It is considered that although the buildings are modern in their appearance, they would integrate with other built development and not detrimentally impact upon the views of the village from its rural surroundings. From within the built up part of the village any visual impact would be minimal because the dwellings would be substantially hidden from view.

6.3 Impact on Neighbours

6.3.1 The two neighbours to the sides of the application site are Hazel Nut Cottage to the west and Darlee to the east. These dwellings are located 31m and 54m respectively from the edge of the application site. Whilst future occupiers would be able to stand on the balconies, they would only be looking towards the extensive tree covered garden of the neighbours and only at an angle away from neighbours living accommodation. In considering the distance of separation the position of the proposed and existing dwellings and the of trees would mean that there would not be any detrimental impact in terms of loss of light or privacy to the adjoining neighbours.

6.4 Highway Safety

6.4.1 The access to the site was approved as part of the outline planning permission and is therefore not a matter for consideration as part of this reserved matters submission. The approved access included the provision of works to allow vehicles to be able to swing into the site and enter onto the shared driveway towards the proposed dwellings.

6.4.2 As part of the outline planning consent condition 6 required access works to be carried out together with the provision of visibility splays. The Council's Highways Officer has been consultant on the proposal and following the submission of amended plans detailing the layout of the site and demonstrating that this provides vehicles with sufficient space so that they can adequately manoeuvre within the site and are able to enter and leave the integral garages and be able to turn around within the site.

6.4.3 The Council's Developing Highways Manager has assessed the submitted details and has raised no objection to the scheme. It is considered that the issues mentioned by the Parish Council in terms of traffic were considered and addressed as part of the outline planning permission.

6.5 Landscaping

6.5.1 As required by condition 5 of the outline planning permission the applicant has provided an Arboricultural Impact Assessment. The assessment identifies that the development will result in the loss of two individual trees and two groups of trees, all of which are category B trees (trees of moderate quality or value capable of making a significant contribution to the area). The assessment has been considered by the Council's Tree Officer who is in agreement with the classification of the Trees.

6.5.2 It is considered by the Officers that because of the level of tree cover retained at the site and the positions of the trees for removal, that the impact on public amenity will be low. In order to mitigate the loss of the trees the submitted Arboricultural Assessment proposes that additional tree planting is carried out on the site.

6.5.3 The protection of the retained and the planting of new trees within the site will be secured by planning condition.

6.6 **Drainage**

6.6.1 No details have been provided at this stage to show how the development will be drained, these details will need to be submitted in order to discharge condition 7 that is attached to the outline planning consent.

7.0 **CONCLUSION**

7.1 The principle of two dwellings has been established by the granting of outline planning permission. The outline permission also determined the means of access into the site.

7.2 The proposal is for a contemporary designed development which by virtue of the dwellings design and the materials to be used is in contrast to many existing developments in the village. However, despite this their scale and form are considered to be appropriate to the site taking into account the site's unusual topography. The layout of the site is considered to be in keeping with character, the density and pattern of development within this part of the village and it will sit comfortably within the streetscene.

7.3 It is considered that there are no significant issues in terms of highway safety, amenity, drainage on the site. Therefore, the application is considered to accord with the relevant policy provisions set down within NPPF, Core Strategy CS6 and CS17 and policies MD1, MD2 and MD3 of SAMDev Plan. The application is recommended for approval.

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:

Core Strategy and Saved Policies:

CS4 - Community Hubs and Community Clusters
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
MD2 - Sustainable Design
MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

14/04168/OUT Outline application for the erection of 2 no. dwellings to include means of access GRANT 7th December 2015

18/02858/REM Approval of reserved matters (appearance, layout, landscaping, scale) pursuant to 14/04168/OUT - for residential development of two detached houses; formation of vehicular access with visibility splay; to include removal of trees PDE

11. Additional Information

[View details online:](#)

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

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

2. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan ref: 1763-PL-01 have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

3. All site clearance, development, landscaping and biodiversity enhancements shall occur strictly in accordance with sections 6.1.2, 6.2.2, 6.3.2 and 6.6.2 of the Ecological Appraisal (Greenscape Environmental, July 2021).

Reason: To ensure the protection and enhancement of the Environmental Network under CS17 and paragraph 174 of the NPPF.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme, prepared in accordance with of BS 8545: 2014 Trees: from nursery to independence in the landscape ' Recommendations has been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that there is no nett loss of trees from the urban area and to provide natural landscape features that help to integrate the development into the local environment.

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

5. Prior to first occupation of the buildings, the makes, models and locations of bat boxes (and other roosting opportunities) shall be submitted to and approved in writing by the Local Planning Authority. Roosting opportunities shall be created in accordance with section 6.3.3 of the Ecological Appraisal (Greenscape Environmental, July 2021). The roosting opportunities shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 175 of the NPPF.

6. Prior to the development hereby permitted being first occupied the access drive shall be laid out in accordance with Drawing No: DC-TP-100 Rev A to a maximum gradient of 1 in 10 and constructed in accordance with a specification to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a satisfactory internal layout in connection with the adequate provision of 2 car parking spaces and turning area to each dwelling.

7. 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.