

Development Management Report

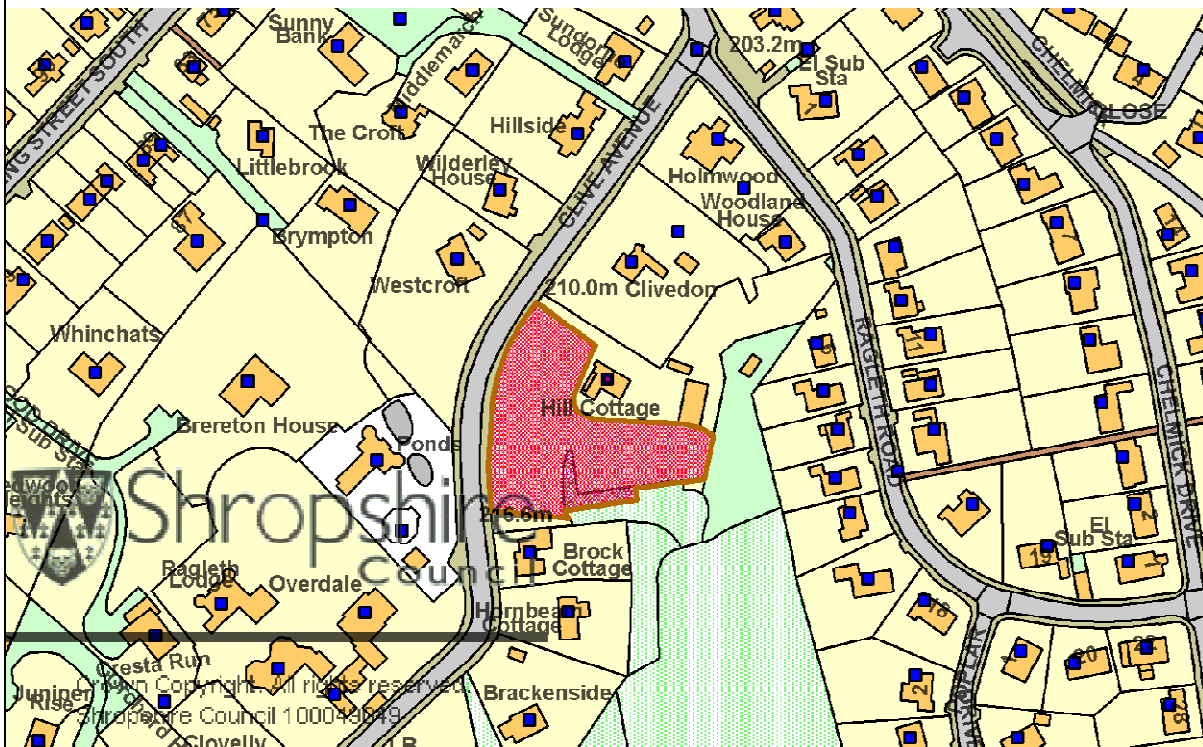
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 13/03805/OUT	Parish: Church Stretton
Proposal: Outline application for the erection of three detached houses with garages to include means of access and layout	
Site Address: Hill Cottage Clive Avenue Church Stretton Shropshire SY6 7BL	
Applicant: Mr & Mrs C Beaumont	
Case Officer: Graham French	email: planningdmc@shropshire.gov.uk

Grid Ref: 345717 - 293172



Recommendation:- Grant Permission subject to the conditions sets out in Appendix 1 and subject to a Section 106 legal agreement to secure the payment of an affordable housing financial contribution, in accordance with the Council's affordable housing policy.

REPORT

1.0 THE PROPOSAL

1.1 Permission is sought for the erection of three detached dwellings on garden land forming part of Hill Cottage, Clive Avenue, Church Stretton. Access would be obtained via Clive Avenue. The application is in outline at this stage with all matters reserved except for the access to the site.

2.0 SITE LOCATION/DESCRIPTION

2.1 Hill Cottage is a detached property sitting within a large plot on the south east side of Clive Avenue, 95m south west of its junction with Ragleth Road. Clive Avenue is an un-adopted road with wide grass verges, stone walls and extensive tree planting which leads up the lower slopes of Ragleth Hill. The area is characterised by Edwardian properties sitting in large plots with mature vegetation around the boundaries. A number of recent permissions have been granted for new infill development, some on appeal. The site is surrounded by mature vegetation. This was also previously present within the site but has recently been cleared.

2.2 As with all of Church Stretton, the site is located within the AONB. An existing Conservation Area was extended to encompass the current application site on 18th September 2013. The site nestles in the lower slope of Ragleth Hill with the land falling by approximately 7m from north to south within the site. The Shropshire Way descends Ragleth Hill passing 60m to the east at its nearest.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Town Council has submitted a view contrary to the Officer recommendation. The Area Planning Manager and Principal Officer in consultation with the Chairman agree that the material planning considerations raised by this application should be considered by Committee.

4.0 Community Representations

- Consultee Comments

4.1 Church Stretton Town Council: objects to the above application on the following grounds:

Clive Avenue is in a Conservation Area, which would give additional planning protection from unsympathetic development which might otherwise spoil the area's special character, including the safeguarding of important trees and open spaces? (John Harrison, responsible officer CA extension). The Town Council believes that

an additional three, four-bedroom houses, along with garages on this plot, would be detrimental to the character of the area.

An outline planning application is not considered appropriate in this case.

This site and surrounding sites contribute to the local landscape, which makes this area so attractive. CS6, 4.81 acknowledges that The quality and local distinctiveness of Shropshire's townscapes and landscapes are important assets. They have a direct impact on quality of life. The quality of life in the Clive Avenue area, prior to the designation of the Conservation Area, has suffered, as more and more infill development has destroyed the splendour of the area.

Garden infill of this nature is not, in the main, considered appropriate where a development would not 'preserve or enhance the character or appearance of the area'. The Town Council seeks reassurance that Para 53 of the NPPF will be adhered to in this case.

Removal of trees, hedgerows and shrubs alter the character of the area, not only for immediate residents, but also for those living across the valley. The removal of trees and greenery has already commenced.

Water roll-off from the additional driveways, hard standing and roofs would compound the difficulty of the culverts further down the hillside to cope with any additional water volume. The drain gratings in the un-adopted Clive Avenue have difficulty coping at present.

The Town Council has been in touch with the Woodland Trust (WT) to confirm or otherwise whether there is a Covenant on Hill Cottage and land. Details of the Council planning portal and planning application details were supplied to the WT. The Senior Legal Officer, Helen Billing (helenbilling@woodlandtrust.org.uk), in her email to us says, 'The Woodland Trust is the adjoining owner and from our 'title' I suggest we have the benefit of the covenants relating to the development. I cannot be absolutely certain until I see a copy of the developer's 'title'. This position needs clarifying by Shropshire Council before this application proceeds any further. The original owner, we believe, put the Covenant on the land to protect it from development. Helen suggests, that a copy of 'title' should be asked for before any building consent is considered.

4.2 SC Highways: No objections

4.3 SC Trees: No objection: On the basis that felling has denuded the site of trees leaving only a birch pine and yew near the site entrance there are very few on site tree constraints. The trees in the north section of plot one (Birch, pine and yew) should be retained and an appropriate Tree Protection Plan submitted as a reserved matter if the application is approved. Of more significance is the mature protected (TPO) oak tree opposite the site on the west side of Clive Avenue, the tree falls within the ownership of Westcroft. This mature oak is at present in relatively good condition but of an age where root disturbance or toxins washed off a building site could easily result in damage to the tree's good condition and vitality.

The Shropshire council Tree Service will therefore require that a tree protection plan (TPP) be submitted for this tree that includes fencing off the verges in its RPA to avoid vehicular damage and the storage of materials close to the tree. The TPP to be supplemented with an Arboricultural Method Statement that conforms to minimum acceptable standards as set out in BS 5837:2012 where any works such as trenching for new services, turning of delivery vehicles encroach into the Root Protection Area of this protected oak tree. In the light of the above comments I would advise that the following conditions be included should the application be approved (included in Appendix 1):

- 4.4 SC Drainage: No objection subject to conditions and informative notes relating to surface water drainage (included in Appendix 1).
- 4.5 SC Ecology: No objection subject to conditions and informatives in relation to bats and nesting birds and the imposition of a landscaping condition.

-Public Comments

- 4.6 1 Objection: We adjoin the site of the proposed development of three detached houses in the garden of Hill Cottage and wish to object to the application on the following grounds:

1) This application will be the first test of the recently designated Clive Avenue extension to the Church Stretton Conservation Area. Any development should give "special consideration ... to the desirability of preserving or enhancing the character or appearance of the area" Planning (Listed Buildings and Conservation Areas Act) 1990. This application does neither, causing damage to the appearance of a green, heavily wooded yet spacious environment complimented by large Edwardian houses set in sizeable gardens. New developments and approved further development have and will significantly damage the unique ambiance of Clive Avenue, what remains should be preserved.

2) The Government 2012 National Planning Policy framework makes a presumption against building in residential gardens, ie "Garden Grabbing".

3) Normally Outline planning permission is not granted in Conservation Areas to ensure the character and appearance is preserved or enhanced.

4) This application shows significant weakness and inaccuracy. The plans showing the site boundary are still inaccurate even after revisions were made to the original incorrect drawings. The plans and elevations submitted are valueless having been borrowed from elsewhere showing houses being built into a sloping site and having lounges with no external windows or doors!!

5) Prior to two months ago the site was well screened by large numbers of mature trees and shrubberies, most of which have now been felled. As a consequence any development will result in our experiencing a substantial loss of privacy and amenity.

6) Finally, we have been made aware that there is a Restrictive Covenant in favour of the Woodland Trust, preventing residential development in the garden of Hill Cottage.

1 Neutral: I am not an immediate neighbour but reside further up Clive Avenue, needing to pass the site of the application when coming to and going from my house. Whilst it seems a little strange that trees on the site were cut down and the outline application submitted a matter of days before the Conservation Area extension was approved, I cannot see a good reason why this garden should not be developed in the same way as most other large gardens in Clive Avenue. The work of developing the site will inevitably cause nuisance to other Clive Avenue residents and my main concern is that, if consent is granted, conditions are applied to minimise such nuisance and the extent to which it detracts from our rights to quiet enjoyment. In the past three years Clive Avenue has been a building site for the many new builds and extensions. We have seen instances of the road (a cul de sac) being blocked, up to 20 plus contractors vehicles parked without thought on the roadside, work (including power tools) starting from before 7 a.m. - including Bank Holidays, waste material burnt on site etc. This is a residential street and residents interests need protecting both during and after the development. The first part of this can be painlessly achieved by the Council applying a set of reasonable conditions before any work is commenced, so that both residents and developer know what is and is not acceptable. I would therefore request that the following conditions be applied.

- No works to be undertaken outside the hours of 8.00 and 17.00 Monday to Saturday, nor on any Sunday or Bank Holiday.
- All waste materials to be removed from site and not to be burned on site.
- A scheme for parking of contractors vehicles to be approved prior to the commencement of work, preferably utilising the application site.
- The developer to ensure that Residents access and egress along Clive Avenue to be available at all times and uninterrupted. It will be too late to suggest the Council should have made this requirement when medical or other emergency services cannot gain access. That is the more extreme possible outcome of not attending to this issue, but missing trains, appointments etc. is the more commonplace outcome.

As mentioned earlier I accept that the development will impact on residents' right to quiet enjoyment, but look to the Council/Planners to ensure that impact is minimised by a few reasonable conditions.

1 Support: As a neighbour and resident of Clive Avenue for 7 years I have noticed a significant change to our outlook, which has altered the general appearance of an historic area of Church Stretton forever (this is done and we must look forward positively). Whilst I would not have personally wished for Clive Avenue to be developed in such a fashion we cannot turn back time. If the Hill Cottage site is developed as proposed, it in my view would be far more sympathetic to the area than other developments that have been 'recently approved' in terms of density etc. provided the homes constructed are of comparable type and size to those adjacent. This would obviously need attention at detailed approval. The designation of a conservation area should in my view not be a factor in consideration of approval as this is surely an attempt to 'lock the door after the horse has bolted' given that many trees have been felled, gardens destroyed and properties constructed by many residents over many years. In short if the development is detailed in such a way that the properties are of a similar type and size to those constructed over the last couple of years with the added benefit of the low density as proposed they are sure

to attract more families to the area who can in turn support the local schools and economy. All I would ask for are restrictions on carriageway parking and working hours during and after construction and the protection of the verge and hedge to the road to provide screening and preserve history.

5.0 THE MAIN ISSUES

Policy Context and Principle of development
Siting, scale and design of structures
Environmental Considerations

6.0 OFFICER APPRAISAL

6.1 Policy Context and Principle of development

6.1.1 Church Stretton is identified as a Market town and Key Centre in the adopted Core Strategy. Policy CS3 – “Market Towns and Other Key Centres” requires market towns such as Church Stretton to accommodate balanced housing and employment development within their development boundaries and on sites allocated for development. Development must be of a scale and design that respects the town’s distinctive character and must be supported by improvements in infrastructure. The Policy indicates that “Church Stretton will have development that balances environmental constraints with meeting local needs”. Policy CS3 states that the indicative scale of housing development in Church Stretton over the period 2006 – 2026 will be less than 500 dwellings.

6.1.2 Policy S5.1 of the Pre-Submission Draft (Final Plan) SAMDev advises that Church Stretton will provide a focus for development in this part of Shropshire, with a housing guideline of about 370 dwellings and about 1 ha of employment land for the period 2006-2026. New housing development will be delivered through the allocation of greenfield sites together with windfall development which reflects opportunities within the town’s development boundary as shown on the Proposals Map. The release of further greenfield land for housing will be focused to the east of the A49 on sustainable sites adjoining the development boundary. New development must recognise the importance of conserving and where possible enhancing, the special qualities of the Shropshire Hills Area of Outstanding Natural Beauty as set out in the AONB Management Plan and should be in accordance with Policies MD12 and MD13 relating to the historic and natural environment respectively. Particular care should be taken with the design and layout of development in accordance with Policy MD2 relating to sustainable design.

6.1.3 Housing land supply in Shropshire had fallen beneath the 5 year level required by the National Planning Policy Framework (para. 47). Following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council’s position is that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. In the calculation of the 5 years’ supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable sites for housing where any

adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF para 49 and these provide the starting point for considering planning applications. Some additional weight can therefore be afforded to the SAMDev Final Plan as an indicator of future sustainable housing locations. The current site is falls within the existing limits of Church Stretton and as such is capable of being regarded as 'windfall infill development'. It can therefore be regarded as a potentially sustainable housing location if there is compliance with other relevant planning policies.

6.1.4 The site is located in a recently extended part of the Church Stretton Conservation area. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that any development within such areas should give "special the consideration ... to the desirability of preserving or enhancing the character or appearance of area"

6.1.5 The main issue to address is whether the proposals would result in any additional impacts on surrounding properties, the environment, infrastructure, economy and local community relative to the existing situation. This includes potential effects on the Conservation Area and the AONB. If so, then are these impacts capable of being mitigated such that the proposals would be sustainable. If the proposals can be accepted as sustainable then the presumption in favour of sustainable development set out in the NPPF would apply. Sustainable proposals would also be expected to be compliant with relevant development plan policies including Core Strategy Policies CS6 and CS17.

6.2 Siting, scale and design of structures

6.2.1 The application is in outline, with all matters of detail reserved for subsequent approval, except access which would be via the existing junction with the public highway. Notwithstanding this, the applicant has provided indicative layout plans which show three larger detached properties to the south of the existing property. All would have good sized rear gardens and sufficient parking within the curtilage. The new dwellings would be intended for 'open market' sale and occupation. Foul drainage would go to the existing mains sewer in the road. The size of the plot is considered sufficient to accommodate properties of the size shown on the indicative layout plan.

6.2.2 The applicant has provided an amended layout plan which shows a more optimal distribution of properties within the plot. However, it is considered that the shape of the house types shown (inverted v) is not optimal for the plot and the edges of the v protrude too close towards sensitive site boundaries and associated retained vegetation. The agent has been advised that in the event of permission a different footprint should be pursued for the properties, which is more rectilinear with an alignment which parallels the site boundaries. The detailed shape and alignment of the properties would be determined at the reserved matters stage. However, it is considered appropriate for an advisory note on building footprint and alignment to

be placed on any outline decision and this has been included in Appendix 1.

6.3 Environmental Considerations

- 6.3.1 Traffic: Highway officers have not objected to the proposals. The existing access is considered acceptable for the limited amount of traffic likely to be generated.
- 6.3.2 Drainage / flooding / sewerage: Church Stretton Town Council has raised concerns about drainage as one of its reasons for objection. Concern is expressed that water roll-off from the additional driveways, hard standing and roofs would compound the difficulty of the culverts further down the hillside to cope with any additional water volume. The drain gratings in the un-adopted Clive Avenue have difficulty coping at present. Whilst these concerns are noted drainage officers have not objected subject to the imposition of a suitable condition which has been included in Appendix 1 and this matter is capable of being progressed at the reserved matters stage. There is sufficient space within the site to accommodate a sustainable drainage system which attenuates drainage to green field rates. A lip can be provided on the driveway to retain water within the site and permeable surfaces and water balancing can be employed. At this stage there is no reason to suspect that an acceptable sustainable drainage solution would not be capable of being implemented in principle.
- 6.3.3 It is proposed that a connection would be made to the mains sewer. There is no reason to suspect that this would not be achievable. Officers are not aware of any capacity issues affecting Clive Avenue. (Core Strategy Policy CS18)
- 6.3.4 Visual amenity: The site is located within a recently extended part of the Church Stretton Conservation Area, itself falling within the AONB. Any development schemes must have regard to the need to protect the setting and character of the Conservation Area. The main views towards the current site would be experienced externally from Clive Avenue. Whilst there has been some recent removal of vegetation within the site a robust screen of mature trees has been retained fronting Clive Avenue. It is essential for this to be protected and conserved in order to protect the appearance of the Conservation Area and appropriate arboricultural and landscaping conditions have been recommended in Appendix 1. The Council's trees officer has not objected subject to these conditions.
- 6.3.5 The Church Stretton Conservation Area is now the second largest in urban extent in Shropshire after Shrewsbury, covering two thirds of the town. The need to protect the extended Conservation Area designation is recognised. However, it is not considered that a well-designed scheme which maintains the site margin planting would undermine the character of the Conservation Area. There have been many equivalent developments within similar settings in Church Stretton in recent years. If the SAMDev objective of delivering windfall housing development in Church Stretton is to be realised then locations such as this where there is a large, well contained plot within the core settlement boundaries, will need to come forward. This will reduce the pressure to release additional greenfield plots on the edges of the town.

- 6.3.6 The Shropshire Way descends Ragleth Hill passing 60m to the east at it's nearest. Some localised views towards the site may be available from the top of the hill. However, the site would be seen within the context of existing urban development with a backdrop of mature trees. There are no views from the east due to the presence of woodland. Hence, it is not considered that there would be any material impact on the AONB or the Conservation Area. (Core Strategy Policy CS17)
- 6.3.7 Construction: One local resident has requested that controls are imposed to protect the amenities of the nearest residents during the construction phase if permission is granted. The property to the immediate south, Brock Cottage, is in relative proximity to the southernmost plot and it is considered that a construction management plan condition would be appropriate if permission is granted, particularly whilst the nearest property is being constructed.
- 6.3.8 Alignment: The applicant has submitted an indicative layout plan showing the potential alignment within the plot. This confirms that the plot is large enough to accommodate properties of the footprint proposed. However, there are some anomalies with regard to detailed alignment and spacing which would need to be addressed at the reserved matters stage. This is in order to allow peripheral vegetation to be maintained, to reduce shading issues and to allow an acceptable relationship with the nearest property.
- 6.3.9 The nearest property, Brook Cottage, is located on elevated land within 12-18m at its closest to the southernmost property as shown on the indicative layout plan. Most of the principal windows face east or west. This property has recently been extended 2.7m closer to the northern boundary which is formed by mature vegetation. This would normally be considered an acceptable minimum stand-off distance given the relationships between the properties. The indicative design of the proposed south elevations also shows a single storey arrangement with a simple roof pitch and no dormers / roof lights. This would normally be an acceptable arrangement to preserve privacy. However, it is considered that a greater stand-off should apply in this case given the importance of maintaining a robust vegetation screen surrounding the site. This could be achieved in principle by rotating the roadside properties by 45degrees clockwise, so additional space is created along the southern and roadside boundaries.
- 6.3.10 The applicant has been advised that the layouts shown on the indicative plans are not satisfactory and an advisory note referring to this has been included in Appendix 1. However, it is considered that there is sufficient space available in principle to maintain acceptable spatial and design relationships at the reserved matters stage. (Core Strategy Policy CS6, CS17)
- 6.3.11 Ecology: The Council's ecologist has not objected to the proposals. A landscaping scheme is being recommended and would provide for reinstatement of biodiversity within the site. (Core Strategy Policy CS17)
- 6.3.12 Some existing trees and shrubs within the centre of the site were felled prior to the submission of the application. Mature vegetation around the site boundaries has however been retained. The Council's arboricultural section has not objected

subject to tree protection and landscaping conditions which have been included in Appendix 1.

- 6.3.13 AONB: The proposals are located within the Shropshire Hills AONB which has a 'washover' designation affecting the whole town of Church Stretton. Section 115 of the NPPF advises that "great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. However, the application is not for 'major development'. Hence the exceptional circumstance tests defined by Section 116 of the NPPF do not apply. The proposals instead represent infill development within an existing residential area of Church Stretton which is well screened by mature vegetation. The indicative plans indicate that the development would be of an appropriate density and the design quality would respect the local environment. In view of this and given the recognised need for local housing provision and the associated social benefits it is considered that there would be no conflict with AONB policy as set out in the NPPF and the AONB Management Plan.
- 6.3.14 Conclusion on environmental effects: The proposals would result in some disturbance to local amenities during the construction phase and there would be a change to some local views. There would also be some additional pressure on the public highway and local services. However, it is not considered that there is any evidence that there would be any unacceptably adverse environmental effects which would justify refusal when available mitigation measures and recommended conditions are taken into account. This includes any effects on the Conservation Area, AONB or mature trees within the site.
- 6.3.15 Economic sustainability: All housing schemes have some benefits to the local economy from building employment and investment in local construction services. The occupants of such properties would also spend money on local goods and services, thereby supporting the vitality of the local community. In addition, the proposals would generate an affordable housing contribution, CIL funding and community charge revenue which would also give rise to some economic benefits. Inappropriate development can potentially have adverse impacts on other economic interests such as existing businesses and property values. In this particular case however it is not considered that there would be any obvious adverse economic impacts. There are no leisure or tourism facilities in the immediate vicinity which would be adversely affected. No public footpaths would be affected. A sensitive design and landscaping would be sought at the reserved matters stage. It is considered overall therefore that the economic effects of the proposals would be positive and that the economic sustainability test set out in the NPPF is therefore met. (Core Strategy Policy CS5, CS13)
- 6.3.16 Social sustainability: It is considered that the proposals would qualify as 'windfall housing' for Church Stretton as specified in the emerging SAMDev, without giving rise to any unacceptably adverse impacts on the environment and amenities of the area. They would provide additional flexibility within the housing mix of Church Stretton and would contribute in turn to the social vitality of the community. The proposed site is located close to key community facilities and would be linked to

them by a pedestrian footpath. The indicative layout plan also shows the proposed properties as all possessing generous garden space. There would also be acceptable levels of natural light. It is considered that these factors increase the overall level of social sustainability of the proposals. It is concluded that the social sustainability test set out by the NPPF is also met on balance.

7.0 CONCLUSION

7.1 The proposal as currently specified would involve the development of 3 dwellings for open-market occupation within an existing residential area and immediately adjacent to an existing residential property at Hill Cottage, Clive Avenue, Church Stretton. The Pre-Submission Draft (Final Plan) SAMDev expects that there will be a contribution from windfall development within Church Stretton, a town where 2/3 of the urban area has been designated as a Conservation Area.

7.2 It is considered that the proposals would not have an unacceptable impact on the amenities of the nearby existing properties, provided the properties accord with the general scale and layout shown in the indicative site plan, subject to the variations in alignment discussed above. Nor is it considered that there would be any unacceptably adverse impacts on the character of the the Conservation Area, the AONB, highways, ecology or other relevant environmental / amenity interests provided appropriate design measures are adhered to at the reserved matters stage

7.3 It is considered that the proposals are sustainable in environmental, social and economic terms and are compliant with the NPPF and Core Strategy Policy CS6 and CS17. Outline permission is therefore recommended, subject to appropriate conditions and a legal agreement to deliver an affordable housing contribution and to confirm management provisions for the proposed private access road.

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 three months 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 1970.

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
National Planning Practice Guidance

Shropshire Core Strategy:
CS3 The Market Towns and other Key Centres
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing

CS17 Environmental Networks
CS18 Sustainable Water Management

SPD on the Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

SS/1/8513/P/ Erection of a detached double garage. PERCON 12th February 1998

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

Design and Access Statement
Accompanying plans

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member(s)

Cllr. Lee Chapman
Cllr David Evans

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

1. The development hereby permitted shall not be commenced until the Local Planning Authority has approved the following details (hereinafter referred to as the 'reserved matters'):
 - i. The siting and ground levels of the dwellings;
 - ii. The design and external appearance of the dwellings;
 - iii. Details of the materials, finishes and colours of the dwellings;
 - iv. Details of the landscaping of the site.

Reason: The application was made as an outline planning application under the provisions of Article 4 of the Town and Country Planning Development Procedure Order 2010 and no particulars have been submitted with respect to the matters reserved by this permission.

2. Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be commenced either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

4. A scheme detailing measures for surface water drainage within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement date.

Reason: To ensure that no surface water runoff from the new driveways runs onto the highway.

5. No ground clearance, demolition, or construction work shall commence until a scheme has been approved in writing by the Local Planning Authority to safeguard trees to be retained on / adjacent to the site as part of the development this to include the mature protected oak tree on Clive Avenue just north of the site entrance. The submitted scheme shall include the provision of a tree protection plan based on an arboricultural implications assessment as recommended in BS5837:2012. The integrity of the approved tree protection measures / scheme shall be maintained for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area.

6. Where the approved plans and particulars indicate that construction work is to take place within the Root Protection Area of any retained trees, large shrubs or hedges, prior to the commencement of any development works, an Arboricultural Method Statement detailing how any approved construction works will be carried out, shall be submitted and agreed in writing by the Local Planning Authority Tree Officer. The AMS shall include details on when and how the works will take place and be managed; and how the trees, shrubs and hedges will be protected during such a process.

Reason: To ensure that permitted work within an Root Protection Area is planned and carried out in such a manner as 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.

7.
 - a. A total of 3 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted as shown on a site plan. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.
 - b. A total of 3 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site as shown on a site plan prior to first occupation of the buildings hereby permitted.

Reason: To ensure the provision of roosting opportunities for bats, which are European Protected Species and to ensure the provision of nesting opportunities for wild birds

8. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK.

Reason: To minimise disturbance to bats, a European Protected Species

9. No development shall take place, including any works of demolition, 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:
 - o the parking of vehicles of site operatives and visitors
 - o loading and unloading of plant and materials
 - o storage of plant and materials used in constructing the development
 - o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - o wheel washing facilities
 - o measures to control the emission of dust and dirt during construction
 - o a scheme for recycling/disposing of waste resulting from demolition and

construction works

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

10. Demolition or construction work shall not take place outside the following times:
- Monday to Friday 0730hrs to 18.00hrs
 - Saturday 08.00hrs to 13.00hrs
 - Nor at any time on Sundays, bank or public holidays.

Reason: In the interest of the amenity of the occupants of surrounding residential properties.

11. The dwellings hereby permitted shall consist of no more than two floors of living accommodation.

Reason: In order to be in keeping with the character of the existing nearby dwellings and to protect the amenities of neighbouring residents (and in accordance with Policy CS6 of the Shropshire Core Strategy).

- 12 a Within the first planting and seeding season following the completion of the dwellings hereby permitted, a scheme of new tree and hedge planting shall be implemented within and bordering the grounds of the dwellings, in accordance with full details to be submitted to and approved by the Local Planning Authority. The submitted scheme shall include:
- i. Planting plans, including wildlife habitat and features (e.g. bird & bat boxes).
 - ii. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
 - iii. Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties).

- b Any new trees and hedges planted as part of the required planting scheme which, during a period of five years following implementation of the planting scheme, are removed without the prior written approval of the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced during the first available planting season with others of such species and size as the Authority may specify.

Reason: To ensure that new planting is undertaken, in order to enhance the appearance and privacy of the site (and in accordance with Policy CS6 of the Shropshire Core Strategy)(10a). To ensure that the approved planting scheme is effective and in accordance with Policy CS6 of the Shropshire Core Strategy (10b).

13. Existing shrubs and hedges within and around the margins of the site shall be retained and protected from damage for the duration of the construction works. No such shrubs or hedges shall be removed unless this has first been approved in writing by the Local Planning Authority.

Reason: To ensure that the screening and amenity effect of existing shrubs and hedges around the margin of the site is protected in the interests of residential amenities.

Informatives

1. The authority worked with the applicant in a positive and pro-active manner in order to seek solutions to problems arising in the processing of the planning application. This is in accordance with the advice of the Governments Chief Planning Officer to work with applicants in the context of the NPPF towards positive outcomes. Further information has been provided by the applicant on indicative design, layout and housing need. The submitted scheme has allowed the identified planning issues raised by the proposals to be satisfactorily addressed, subject to the recommended planning conditions.
- 2.i *The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.*
- ii. *If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.*
- iii. *The applicant should consider employing measures such as the following:*
 - *Water Butts*
 - *Rainwater harvesting system*
 - *Permeable surfacing on any new driveway, parking area/ paved area*
 - *Greywater recycling system*
- iv. *Consent is required from the service provider to connect into the foul main sewer.*
3. i. *All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). Two trees on the site have potential for roosting bats to be present. If removal of these two trees, or tree surgery works, becomes necessary then it must be undertaken following the advice of an experienced, licensed bat ecologist and following a suite of bat emergence surveys. If a bat should be discovered on the site at any point during the development then work must halt and Natural England should be contacted for advice.*
- ii. *The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in*

association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of birds' nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

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