

AGENDA ITEM



Committee and date
Southern Planning Committee
23rd July 2024

Development Management Report

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

Summary of Application

Application Number: 23/04608/REM	Parish:	Chirbury With Brompton
Proposal: Approval of reserved matters (access appearance, landscaping, layout and scale) pursuant to 22/04842/OUT for the demolition of existing bungalow and erection of 2No. dwellings		
Site Address: West Bungalow Chirbury Montgomery Shropshire SY15 6BH		
Applicant: Mr David Winch		
Case Officer: Dunya Fourie	email: dunya.fourie@shropshire.gov.uk	

Grid Ref: 326222 - 298444



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Recommendation:- Grant permission subject to conditions listed at appendix 1

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks approval for matters that were reserved for later consideration, this report should be read in conjunction with the report for the outline consent (22/04842/OUT). Consent has been granted to demolish the existing single storey dwelling. The roof design of the dwelling on plot 2 was amended while the application was pending and additional information was also provided in a planning statement.
- 1.2 The reserved matters for consideration under this application are access, appearance, landscaping, layout and scale.
- Access; A new access would be created off the highway, the access is double width and would require a dropped kerb. The existing verge and footway would remain.
 - Appearance; the dwellings would comprise two detached units.
 - Landscaping; boundary hedging and shrubs are proposed to the front of the dwellings and it is proposed to turf the rear garden with closed boundary fencing and two fruit trees along the rear boundary.
 - Layout; two detached dwellings with access, parking and shared turning to the front of the dwellings and separate gardens to the rear.
 - Scale; 2 two storey detached dwellings are proposed, the dimensions of the dwellings are approximately 10m in depth, 7m in width and 8m in height.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site comprises a residential plot of land which adjoins the B4386 towards Worthen.
- 2.2 The site is outside of the conservation area, the boundary of the conservation area adjoins the rear of the site. St Michael's Church and associated tombs are Grade II Listed and are to the north west of the site, although the two sites are separated by a field, with over 20m between the two. The character of the surrounding area is predominantly residential with the village hall and primary school interspersed. The development site also lies south of the site of Chirbury Priory (HER PRN 02570), established in the 12th century, and includes the Medieval Church of St Michael (National Ref. 1055048) and the remains of a Scheduled Monument Compound Pier (National Ref. 1055050) thought to be part of the now demolished chapter house.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 The outline application was called into Committee by the Local Member, Members at committee requested the reserved matters application also be a Committee decision, as detailed within the committee minutes.

4.0 Community Representations

4.1 Consultee Comment

4.1.1 Highway Authority

No objection, the issues raised under the outline application have been addressed to the satisfaction of the Highway Authority.

4.1.2 SC Conservation (Archaeology)

No objection subject to the inclusion of the recommended condition requiring a scheme of archaeological works.

4.1.3 SC Conservation (Historic Environment)

22nd April

Little additional information provided and plans and scheme little altered, previous comments still stand.

21st November

Objection, the application is deficient in appropriate assessment of the impact upon heritage assets and the character and appearance of the area.

4.1.4 Tree Team

No objection, however insufficient tree and landscape scheme included with the application to allow proper assessment

4.2 Public Comments

4.2.1 The development was publicised via a site notice at the front of site and in the local paper (the Shropshire Star). Nine public representations were received in objection to the proposed development, the grounds for objection are summarised as follows:

- Two storey dwellings are out of character with the village
- Obstruction of view of listed St Michael's Church
- Highway issues, multiple traffic movements onto the B4368, especially during school pick up and drop off times
- Overdevelopment of the site
- Two storey height of dwellings would appear overbearing
- Loss of light and overlooking of neighbouring bungalow; Tara

4.2.2 Cllr Kidd

Objection summarised as follows:

- Block view of listed Church
- Just outside the conservation area, but should be sympathetic to the

- character of the conservation area
- Overdevelopment of sensitive site
- Loss of light for neighbour dwelling; Tara
- Render finish out of character with village

Chirbury and Brompton Parish Council

- 4.2.3 Objection to the proposal on the following grounds;
- Overdevelopment of site
 - Height of dwellings don't fit with the existing street scene
 - Open fronted driveway for 6 cars is highway consideration
 - Overlooking to neighbouring dwellings
 - Loss of light and privacy

5.0 THE MAIN ISSUES

Impact on the character and appearance of the area
Impact on highway safety
Impact on the historic environment
Impact on neighbour amenity
Sustainable development

6.0 OFFICER APPRAISAL

- 6.1 Policies CS6 of the Core Strategy and MD2 of the SAMDev Plan are the main policies which set out how development should be designed and assessed when it comes to sustainability. Policy MD2 states development should respond to local design aspirations wherever possible, both in terms of visual appearance and function and references village design statements as a useful resource. Paragraph 2 of the policy is particularly relevant and points i-iv give a good indication of the benchmarks for sustainable development. The National Planning Policy Framework (NPPF) advises against preventing appropriate innovation or change and that development should be sympathetic to local character, including the surrounding built environment and landscape setting.

The findings from the survey carried out as part of the Chirbury and Brompton Parish Plan (2018-2021) was that Chirbury was desirable for housing and that 2/3bed properties were sought after.

6.2 Scale

- 6.2.1 The minutes of the committee decision on the outline application state that Members considered single storey properties would be more suitable on the site and wished this to be conveyed to the applicant. Officers provided the committee minutes to the applicant. The scheme remains for two storey properties and as

such officers need to appraise the scheme before them.

6.2.2 The scale of the proposed dwellings is one area of objection from members of the public; the objections to the scale are two fold; referring to over development of the site and two storey dwellings being out of character with the scale of other surrounding buildings on the street. The cumulative frontage of the two dwellings would be not wider than that of the existing bungalow. The depth of the dwellings is long and extends well into the site. While it is noted that this would result in a greater area of the site being built on, the depth can be achieved and still maintain a reasonable garden area to the rear and off site parking and access to the front of the dwelling. The site is located centrally within Chirbury where there is a more urban layout, indeed it is not uncommon for dwellings to have curtilage areas similar to that proposed, the proposed block plan shows the layout of the site would not be dissimilar to other surrounding dwellings. The current layout provides a large rear garden area which appears larger than most of the surrounding dwellings. The width of the frontage would be visible from the public realm, the frontage remains similar in scale to the existing dwelling, the main bulk of the dwelling would extend to the rear and would not be fully visible from surrounding viewpoints. Officers consider that the dwellings could be accommodated without appearing cramped in relation to the context of the area. To give further context, the frontage of the site is approximately 3m narrower than the adjacent site (when measured at its widest point), these plots support semi detached dwellings with similar curtilage to the front and rear and the plot is slightly larger than plots within Smithy Gardens which have semi detached bungalows. While the proposed dwellings are not semi-detached, the surrounding context shows that two dwellings can be accommodated on the site.

6.2.3 Regarding the two storey height of the dwellings, there is a mixture of building heights immediately surrounding the site along this section of road. The adjacent Camlad Cottages are two storey as is the redbrick dwelling at the entrance to Smithy Gardens and the properties close to the junction with the A490 are also two storey. The context of the immediate surrounding area does accommodate two storey dwellings and as such planning officers feel that the scale of the dwellings alone would not appear out of character.

6.2.4 *Overbearing, overshadowing and overlooking on the neighbouring dwelling; Tara*
The depth of the properties would have the greatest impact in terms of bulk and potential to appear overbearing, the proposed dwellings would be 3 metres higher than the ridge height of Tara and would be separated by curtilage and boundary treatment. The scaled streetscene plan provided by the agent shows the height difference, while different to that of the existing dwelling, the height of the dwellings alone would not appear overbearing. The siting of the dwellings further back into the site would bring the frontage of the dwellings more in line with that of Tara, the

main bulk of the dwellings would therefore extend into the rear garden. This siting together and away from the adjoining boundary, approximately 3m between the side elevations, is sufficient for officers to be satisfied that the two storey dwellings could be accommodated without the bulk of the dwellings appearing overbearing on the occupiers of Tara. Permitted development rights were restricted via condition on the outline planning consent and as such the scale of the dwelling could not be increased without the approval of the planning authority.

6.2.5 Concern is raised within a public response regarding loss of privacy for the occupiers of Tara through overlooking of habitable rooms. The side elevation of the dwelling on plot 2 which would face Tara has a single window at first floor height, the height of this window would overlook the roof space of Tara, and furthermore this window would serve the upstairs bathroom and therefore would be finished in obscured glazing. The level of amenity enjoyed by the occupiers of Tara would not be reduced through overlooking by the proposed dwellings.

6.2.6 Overshadowing of the side windows and rear garden of Tara was also raised as a concern within the public response. The siting of the dwellings in line with Tara and the location of the habitable rooms would mean that the proposed dwelling would not reduce occupier amenity through overshadowing.

6.3

6.3.1 Appearance

Appearance, in particular the render finish on the upper elevations was raised as an area of concern by the Parish Council, planning officers agree and a condition of any forthcoming consent would require the building elevations to be brick, the exact type to be agreed in writing.

6.4

6.4.1 Layout

The layout of the site includes the features necessary to support new dwellings of the scale proposed and as such officers raise no objection to the layout of the site. The siting of the dwellings further off the street frontage, while different to that of the existing dwelling and other dwellings further along the street to the west, would bring the dwellings in line with neighbouring Tara and mitigate the bulk of the dwelling appearing overbearing.

6.5

6.5.1 Highway impact of open fronted access

The sustainability policies, as referenced above, refer to design being functional to achieve sustainability. Another main area of concern from the public was access; particularly whether additional vehicle movements from the proposed dwellings would exacerbate the existing congestion on this section of road during school pick up and drop off times. This is noted and officers understand from the representations that during these times there is a large number of vehicles parking on the street and footfall along the pavement. The existing dwelling has a car port which it appears would allow off road parking for one vehicle, if the existing dwelling had three bedrooms, based on current car ownership predictions, this could mean the dwelling

could have up to 3 cars and utilise the unrestricted on street parking. In accordance with current parking standards, the proposed layout includes parking spaces for up to 3 cars to be parked within the site, this would arguably improve the current situation by potentially reducing the number of cars parked on the road. The cars would need to cross the pedestrian footway when entering and existing the site, cars entering and existing the highway are likely to be manoeuvring slowly, as such the planning officers and the Highway Authority consider that the proposed development is unlikely to have a significant adverse impact on the surrounding highway network.

6.5.2 A condition of any forthcoming consent would require a construction management plan to be submitted and approved prior to works on the site commencing. The Plan would be required to demonstrate how the impact of the construction phase would be minimised.

6.6 Impact on the historic environment

6.6.1 In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS5 Countryside and Green Belt. CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2, MD7a and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF), Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

6.6.2 The boundary of the site adjoins St Michael's graveyard, because of the proximity to the graveyard and the potential for historic artifacts to be disturbed during ground works, a condition of the outline consent required a written scheme of investigation to be approved prior to any excavation work.

6.6.3 The key concern raised within public representations and by the Local Member regards the two storey dwelling blocking views through the site of the Grade I listed St Michaels Church. The Conservation team do not consider that the impact on the historic environment has been properly assessed and reviewed within a planning statement. There are snatched views through the site of the steeple of St Michaels Church and part of the roof plane. The Church and its setting is not visible from the site in its entirety, and any such existing views could be further restricted by a high rear boundary treatment and interrupted by the intervening roof profile of Smithy Gardens dwellings.

6.6.4 The planning statement submitted in April does discuss the impact of the development on archaeology and the conservation area, but fails to discuss the visual appearance of the dwellings on the listed church. Officers note this and the comments made by the Conservation Team, however given that there are very limited views of part of the Church from the public realm to the front of the site and these views are further disrupted by landscaping and existing development, it is considered that the two storey dwellings would not obstruct any significant views of the listed church.

6.7 Landscaping

- 6.7.1 The submitted scheme regarding landscaping is minimal, as raised by the Tree officer and whilst there is no objection to the proposal a robust soft landscaping scheme relevant to a small garden would be required and can be secured via condition.

7.0 **CONCLUSION**

- 7.1 The principle of two dwellings on the site is already established by the outline consent. Officers consider that the proposed layout, scale and appearance of the proposed two storey dwellings could be accommodated without appearing out of character with the existing residential development in the surrounding area or reducing the level of amenity currently enjoyed by occupiers of neighbouring dwellings.

The congestion associated with the nearby school, as raised by members of the public is noted, however the proposed layout with on site parking, is unlikely to exacerbate this issue. In accordance with the Developing Highways team, planning officers raise no objection to the proposed access and parking layout on highway safety grounds.

The landscaping as proposed and as required by the attached condition is sufficient.

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:

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West Bungalow

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

PREAPP/10/00222 Replace Weather Boarding PDDEV 3rd February 2010

22/04842/OUT Outline application for the demolition of existing bungalow and erection of 2No. dwellings (all matters reserved) GRANT 7th June 2023

23/04608/REM Approval of reserved matters (access appearance, landscaping, layout and scale) pursuant to 22/04842/OUT for the demolition of existing bungalow and erection of 2No. dwellings PCO

SS/1984/9/P/ Alterations and additions to existing dwelling. PERCON 30th January 1984

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S2ZU46TDKXW00>

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 Chris Schofield

Local Member

Cllr Mrs Heather Kidd

Appendices
APPENDIX 1

Conditions

STANDARD CONDITION(S)

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

1. Prior to commencement of development, details of the construction of the car park shown on

the approved plans, including levels, drainage and details of the finished surface shall be submitted to and approved in writing by the local planning authority. Development shall be completed in accordance with the approved details prior to first occupation of the dwellings and the car parking spaces shall remain available for their designated use in perpetuity.

Reason: In the interests of highway safety and to accord with Shropshire's Core Strategy policy CS6 (2011) and SAMDev plan policy MD2 (2015)

2. Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be 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:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of highway safety and to accord with Shropshire's Core Strategy policy CS6 (2011) and SAMDev policy MD2 (2015).

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

1. Prior to construction of the dwellings hereby approved, details of the red brick on the front elevation shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details. Notwithstanding the submitted plans, the front elevation of the properties shall be constructed/finished in red brick only.

Reason: In the interests of visual amenity and to accord with Shropshire's Core Strategy policy CS6 (2011) and SAMDev plan policy MD2 (2015)

2. Prior to first occupation of the dwelling, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include the following:

- i) Indications of all trees within the site, including spread and species. Tree planting proposals in accordance with BS 8545:: 2014
- ii) Indications of all hedgerows within the site and identify which ones are to be retained and set out measures for their protection during construction
- iii) Planting plans, written specifications including cultivation
- iv) Implementation and maintenance plan

Reason: In the interests of biodiversity and the natural environment and to accord with Core Strategy policy CS6 (2011) and SAMDev policy MD2 (2015)

1. The approved landscaping works shall be carried out during the first planting season immediately following completion of the development hereby approved, the planting shall be

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West Bungalow

maintained in accordance with the approved scheme.

Reason: In the interests of biodiversity and the natural habitat and to accord with Shropshire's Core Strategy policy CS6 (2011) and Site Allocation and Management of Development Plan policy MD2 (2015).

APPENDIX 1

Conditions

Conditions

- Construction management plan; including parking vehicles
- Landscaping plan
- Materials of elevations to be approved
- Parking to remain in perpetuity

Informatives

- BNG

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