

Development Management Report

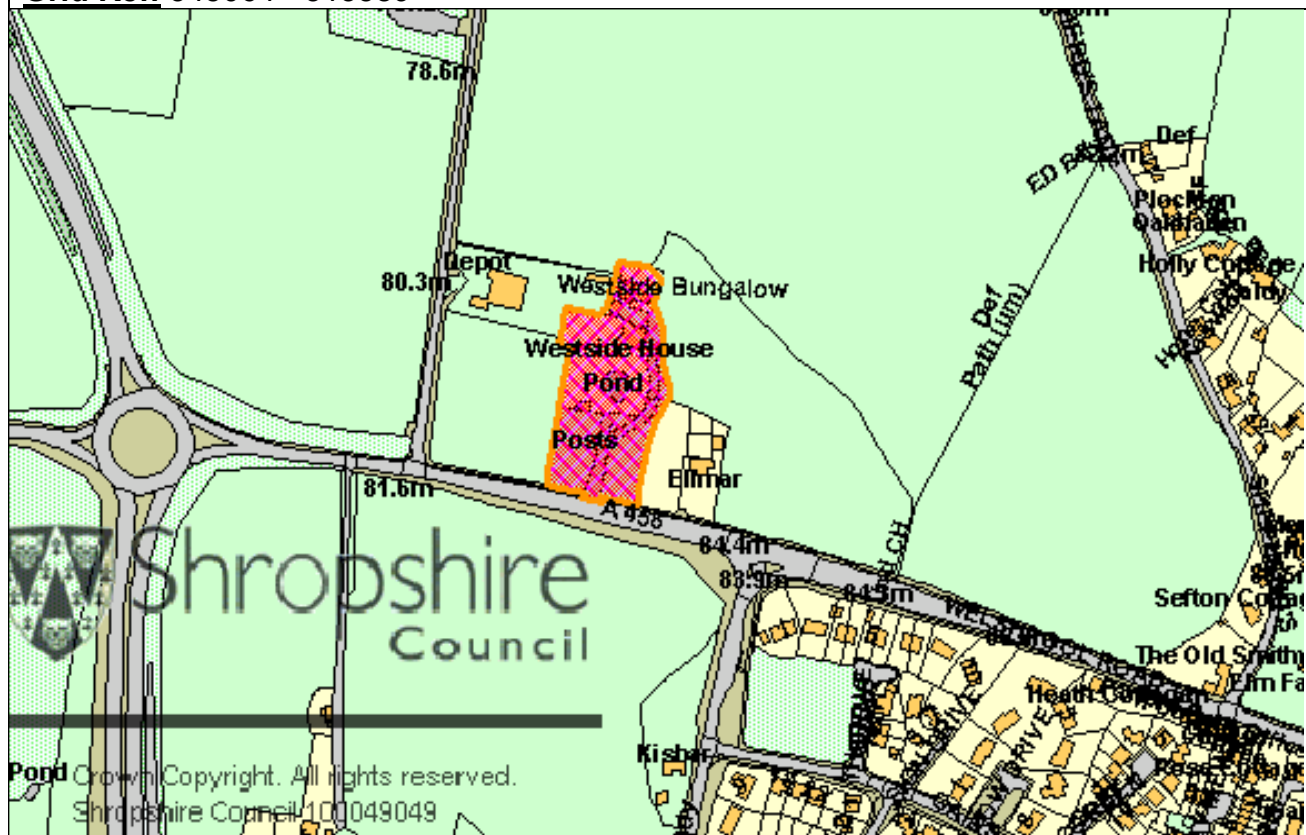
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Summary of Application

Application Number: 14/02749/OUT	Parish: Bicton
Proposal: Outline Application for residential development to include the retention of Westside and Westside bungalow with all matters reserved (amended description)	
Site Address: Westside Welshpool Road Bicton Heath Shrewsbury SY3 8HA	
Applicant: Mrs Anne Potts	
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk

Grid Ref: 345064 - 313589



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a S106 to secure the relevant affordable housing provision.

REPORT

1.0 THE PROPOSAL

1.1 This application was originally described as 'Outline Application for residential development to include 5No bungalows and 2No retirement blocks to provide 21 apartments and the retention of Westside and Westside bungalow'. However all matters are reserved for later approval so only the principle of residential development of the site can be considered and the description of the proposal has been amended to reflect this.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is accessed off the A458 Welshpool Road North West of Shrewsbury. The broadly rectangular plot has a centrally located access drive leading to a pond and two dwellings beyond and associated outbuildings. To the East is a house known as 'Elmar' and to the West is a haulage depot. The surrounding land is agricultural and is allocated for housing within the adopted core strategy and is referred to as the Shrewsbury West Sustainable Urban Extension (SWSUE). The site will be completely enclosed by the SWSUE and is also within the development boundary for Shrewsbury on the proposal map submitted with SAMDev for examination at the beginning of August.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the application has been requested to be referred by the Local Member, and the Area Planning Manager in consultation with the Committee Chairman agrees that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 **SC Public Protection – Specialist:** In order to make the properties ready for electric vehicles, charging point installation isolation switches must be connected so that a vehicle may be charged where off road parking is provided. Recommends a condition.

4.1.2 **SC Highways DC:** The highway authority raises no objections to the granting of outline consent. The access to the site from the A458 Welshpool Road was previously improved under an earlier planning application. This now provides a satisfactory entrance that adequately serves the existing occupation of the site and that can also accommodate the proposed scheme. The occupation of the proposed dwellings will be likely to significantly increase the number of vehicle movements at this entrance but I consider that the road layout here is suitable to accommodate

these without unduly compromising highway safety. There is a pedestrian link from the entrance to the relatively nearby bus stop and further on shops/facilities that would be adequate to enable residents to not be dependent on the use of a motor car for their daily needs.

4.1.3 **SC Drainage:** Suggests that drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission is granted.

4.1.4 **SC Affordable Houses:** If this site is deemed suitable for residential development, then there would be a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full or Reserved Matters application. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. If this site is deemed suitable for residential development, then the number, size, type and tenure of the on-site affordable units must be discussed and agreed with the Housing Enabling Team before an application is submitted.

4.1.5 **SC Ecology:**

Bats - On 27th August 2013 an initial bat assessment was carried out on buildings and trees within the proposed development boundary. None of the buildings within the proposed development site provide bat roosting opportunities. All buildings are in a good state of repair and receive regular maintenance. A bat survey of the buildings is not required to support this application. None of the trees on or immediately adjacent to the site offer bat roosting opportunities.

Great Crested Newts - There is an ornamental pond within the proposed development site boundary. RPS ecological consultancy assessed the garden pond for its potential to have GCN in 2012. The pond scored 0.49 in its habitat suitability index. RPS conducted a presence/absence survey for GCN in all ponds within 250m of the proposed development site. No GCN were recorded. Star Ecology concludes that it is not considered likely that GCN would be present on site or within its immediate vicinity.

Nesting Birds - The site has the potential to support nesting birds.

Landscaping - Star Ecology has recommended additional fruit tree planting on site.

Suggest conditions and informatives relating to the above

4.2 - **Public Comments**

4.2.1 **Bicton Parish Council:** Given the circumstances of the Shrewsbury West Sustainable Urban Extension, Bicton Parish Council has no objections to this application.

4.2.2 **Cllr Overall** has requested that this is determined at committee for the following reasons:

- ☐ In this situation the development is totally inappropriate.
- ☐ It is detrimental to the amenity of the neighbouring house “Ellmar”.
- ☐ It is also over intensification of the land applied for.
- ☐ The mention of 21 apartments is quite unacceptable as this is likely to mean higher than two storey houses on what is a small plot.

4.2.3 2 letters of objection received from the occupiers of the adjacent dwelling ‘Ellmar’ and ‘Blackmore Haulage’ summarised as follows:

- ☐ Plans are not detailed enough to make an assessment of the visual impact
- ☐ No indication of how many floors the retirement flats will have
- ☐ Proposal will overlook neighbouring property and lawn
- ☐ There is a deed of covenant
- ☐ There is a storm water pipe running through the land from Gains Park
- ☐ There are not enough parking spaces and gardens and open green areas
- ☐ The proposal is ‘horseshoed in’ making the site overdeveloped
- ☐ Vehicle movement and noise from the adjacent depot will be a problem to any new residents so they would not be able to continue to run their business.
- ☐ Building should not take place until after Phase 1 and 2 of SWSUE as Phase 3 then includes the depot site.
- ☐ Concerned about the visual impact on entrance to a main route into town so no other development should take place until after the Phase 3 development of SWSUE

4.2.3 Two letters of support received summarised as follows:

- ☐ It is very difficult to object to this application which will be in keeping with the high density phase 1 SWSUE application which surrounds this site and if the proposed SWSUE is deemed sustainable then this application must be treated the same.
- ☐ The advantage of this proposal is that it specifically meets the needs of an aging population which is in keeping with current demographic trends in Bicton and is not catered for in the proposed urban extension (SWSUE).

- ② Attempts for a neighbourhood plan in this area have been consistently rejected or delayed over a long period of time so the views of local people working in collaboration with planners and developers cannot sadly be heard or listened to for this application.
- ② Good luck to the owners who are finding their own home potentially decimated by those around them.
- ② The 2 letters of objection are from the owner of the land which has been released to enable the development of the SWSUE that will devastate the area of Bicton Heath and surround the applicant of this current application.
- ② Various other comments are made in reply to the objection comments which can be read in full on the file but they all refer to the objector having sold his land for the SWSUE and that he should have considered the implications of that, and if he is so concerned about this current application he should refuse to sell his land and prevent the SWSUE.

5.0 THE MAIN ISSUES

Principle of development
Access
Scale, Appearance and Landscaping

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy policies the National Planning Policy Framework (NPPF) has been published and also needs to be given weight in the determination of planning applications. Paragraph 12 of the NPPF states that *'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'*

6.1.2 The adopted Local Plan for Shrewsbury is the SABC Local Plan and the adopted Shropshire Core Strategy. The site is outside the urban development boundary for Shrewsbury within the adopted SABC local plan but is surrounded by land identified as the Shrewsbury West Sustainable Urban Extension (SWSUE) under adopted Core Strategy CS2. It is also inside the development boundary for Shrewsbury within SAMDev which has recently been submitted for examination. The NPPF states in paragraph 216 that decision-takers should give weight to the relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the

less significant the unresolved objections, the greater the weight that may be given); and

- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 6.1.3 The Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies as there are significant unresolved objections which will not be resolved until the public examination of the SAMDev. Therefore although the Council's view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone very substantial public consultation, that some weight can be attached, this needs to be considered with care alongside the other material considerations. The NPPF is a material consideration and Paragraph 14 advises approving development proposals unless '*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*' and at paragraph 49 states that '*Housing applications should be considered in the context of the presumption in favour of sustainable development*'.
- 6.1.4 Therefore in this period prior to examination 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. Officers consider that it would be difficult to defend a refusal for a site which is considered to constitute sustainable development unless the adverse impacts of granting consent would significantly and demonstrably outweigh the benefits.
- 6.1.5 As the site is within a location affected by the identification of the Shrewsbury West Sustainable Urban Extension (SWSUE) as a strategic location for housing within adopted CS2, development of this site would accord with adopted policy that has already been subject to a sustainability appraisal. In addition the inclusion of this site within the new development boundary for the urban area of Shrewsbury (encompassed by the SWSUE) within the submitted SAMDev demonstrates that the whole of this area has already been assessed as being a sustainable and suitable location for additional housing.
- 6.1.6 The site is within walking and cycling distance of shops, post office, church and public house within Bicton Heath, the business park and is close to a main bus route and the park and ride into Shrewsbury. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services and a range of facilities and employment opportunities without over reliance on the private motor car.
- 6.1.7 However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is 'about positive growth – making economic, environmental and social progress for this and future generations'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

- *an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

- 6.1.8 Economic role – The proposed development will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The provision of additional houses will also support local businesses, facilities and services. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable to a CIL payment which will help provide financial contributions towards infrastructure and opportunities identified in the Place Plan.
- 6.1.9 Social role - The proposal will help boost the supply of open market housing and affordable housing on site at the prevailing rate at the time of the reserved matters application. The provision of additional housing will help support and maintain existing facilities and services and help meet the needs of present and future generations.
- 6.1.10 Environmental role – The site is not best quality agricultural land and has no heritage, cultural or ecological designation or value. It forms part of the large front garden of two houses and although gardens are not classed as brownfield land the proposal would not result in the loss of a greenfield site and the development would not intrude into open countryside. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible on foot or by cycle and by public transport to services, facilities and employment opportunities nearby and within Shrewsbury.
- 6.1.1 Officers consider that the proposed development is sustainable having regard to the three dimensions of sustainable development. The site is situated within an area already identified as a sustainable location for new development within adopted Core Strategy Policy CS2 and the submitted SAMDev. The development of this site for housing is considered acceptable in principle subject to a satisfactory scale and design, and should be supported provided there are no adverse impacts that would outweigh the benefits.

6.2 **Scale, Appearance and Landscaping**

6.2.1 The application was originally described as 'Outline Application for residential development to include 5 bungalows and 2 retirement blocks to provide 21 apartments' and an indicative layout was submitted. However all matters are reserved for later approval and the density, layout scale, design, appearance and landscaping of the proposal will be determined at that stage. It is considered that an appropriately designed scheme could be achieved that would be in keeping with the existing properties and the proposed urban extension. Approving this outline permission does not give consent for three or four storey apartments that was one of the concerns of the adjacent neighbour.

6.3 **Access**

6.3.1 Access is also reserved for later approval but an existing access off the A458 Welshpool Road that serves the existing dwellings will be utilised. The Highways officer has no objection and confirms that the recently improved access provides a satisfactory entrance that can accommodate the proposed scheme. Although the proposed development will result in some increase in traffic the Highways Officer has also confirmed that the road layout is suitable to accommodate additional vehicle movements without unduly compromising highway safety.

6.4 **Other Matters**

6.4.1 **Residential amenity** – The nearest residential property outside the site boundary is 'Elmar' to the East of the site and the occupier of this property is concerned that the proposal will result in overlooking of his property. The impact on nearby residents cannot be properly assessed without submission of detailed drawings showing the scale and location of the proposed buildings and this will be submitted and considered at the reserved matters stage. However it is considered that a scheme of a satisfactory density, scale and design can be achieved that would not negatively impact on the occupiers of neighbouring properties. There is a haulage depot to the North West owned by the occupier of 'Elmar' who has commented that future occupiers would be subject to the noise and disturbance associated with the business. However the two existing dwellings on the site are already subject to this and anyone planning to occupy the new dwellings would be aware of this and that in the future this land will in any case be developed as part of the SWSUE. The occupier of 'Elmar' has also requested that development of this site should be delayed until after both Phase 1 and Phase 2 of the SWSUE has been completed. This is an unreasonable request and it is considered that there would be no adverse impact of this proposed development being commenced and potentially completed before any work commences on the SWSUE. The concern about the storm water pipe that runs through the site and the deed of covenant is a civil matter and is not a material planning consideration.

6.4.2 **Ecology** – The application is supported by an Ecological Assessment conducted by Star Ecology (November 2013) and a Great Crested Newt Report conducted by RPS (July 2012). The assessment concludes that the site is of low ecological value and that there is no bat roosting potential and that no newts were found in the pond. The conditions and informative(s) suggested by the Councils Ecologist will

be imposed and details to enhance the landscaping of the site will be submitted and considered at the reserved matters stage.

- 6.4.3 **Drainage** – Conditions can be imposed to ensure details are submitted at the reserved matters stage and the suggested informative(s) will advise the applicant of what is required.

7.0 **CONCLUSION**

- 7.1 The proposed development is considered to represent sustainable development in a sustainable location having regard to the three dimensions of sustainable development and is therefore considered acceptable in principle. In order to refuse the application it would need to be demonstrated that there would be significant and demonstrable harm that would outweigh the benefits of the proposed development that will provide housing in a sustainable location. It is considered that a suitably designed proposal can be achieved on this site that would have no adverse impact on the character and appearance of the locality or residential amenity. A safe means of access already exists and the proposal would have no adverse ecological or environmental implications. Full details of the scale, design and appearance of the dwellings and landscaping of the site will be considered at the Reserved Matters stage as will the level of affordable housing contribution that will be secured by S106. It is therefore considered that the proposal accords with the NPPF and Adopted Core Strategy Policies CS3, CS6, CS11 and CS17.

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 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: NPPF

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies: CS2, CS6, CS11 and CS17

RELEVANT PLANNING HISTORY:

SA/06/0849/F Formation of new vehicular access following closure of existing vehicular access PERCON 10th January 2007

11. Additional Information

List of Background Papers: File 14/02749/OUT
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr John Everall
Appendices APPENDIX 1 – Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Details of the access, layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The first submission of reserved matters shall include a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:

Means of enclosure

Hard surfacing materials

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)

Planting plans, including wildlife habitat and features (e.g. bat and bird boxes)

Written specifications (including cultivation and other operations associated with plant and grass establishment)

Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties).

Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works

Implementation timetables

Reason: To ensure the provision of amenity and and biodiversity afforded by appropriate landscape design.

5. Full details, plans and calculations of the proposed SuDS including information on the proposed maintenance regime for any sustainable drainage system proposed and details of who will take responsibility, should be submitted for approval as part of the first

application for reserved matters. The SuDS shall be implemented as approved prior to the first occupation of the dwellings

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner and to ensure that the drainage system remains in good working order throughout its lifetime.

6. On the Pluvial Flood Map, the site is at risk of surface water flooding. As part of the first application for reserved matters the applicant shall provide details of how the surface water runoff will be managed and to ensure that the finished floor level is set above any known flood level and must not be lower than the floor level of the existing building.

Reason: To minimise the risk of surface water flooding.

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

7. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit to the LPA for approval a drainage system to intercept water prior to flowing on to the public highway. The drainage system shall be implemented as approved prior to the first occupation of the dwellings.

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

8. A total of 2 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. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species.

9. Any external lighting 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.

10. A total of 2 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds.

11. No construction and/or demolition work shall commence outside of the following hours: Monday to Friday 07:30 – 18:00, Saturday 08:00 – 13:00. No works shall take place on Sundays and bank holidays.

Reason: to protect the health and wellbeing of residents in the area.

12. No burning shall take place on site including during clearance of the site.

Reason: to protect the amenity of the area and protect the health and wellbeing of local residents.