



Committee and date  
Area Regulatory Committee –  
North (Oswestry) – 7<sup>th</sup> July 2009

Item  
**5**

Paper  
**B**

## **SCHEDULE OF PLANNING APPLICATIONS**

**Background Papers:**

For each application for planning permission, the background papers consist of the Development Management application file number referred to.

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# Development Management Report

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**Application Number:** 09/00056/VAR

**Parish:** West Felton

**Grid Ref:** 334800 - 325353

**Proposal:** Variation of Condition No.3 attached to planning permission 07/15099/FUL dated 21 April 2008 to allow 4 parking spaces

**Site Address:** Land Adjacent Beech Villa Holyhead Road West Felton Oswestry Shropshire

**Applicant:** Mr Bryan Price

**Case Officer:** Vicky Hodgson **email:** [planningdmnw@shropshire.gov.uk](mailto:planningdmnw@shropshire.gov.uk)

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## **1.0 THE PROPOSAL**

1.1 This proposal is to substitute 2 garage units previously identified for 2 car parking spaces on land adjacent to Beech Villa.

1.2 Planning consent was approved on appeal on 21<sup>st</sup> April 2008 for the erection of 2 No. semi detached dwellings on land adjacent to Beech Villa (07/15099/FUL). Included in this permission is the erection of a double garage and two 'open' car parking spaces which will provide one garage and one car parking space for each dwelling.

1.3 This proposal seeks to vary Condition No.3 of the original approval 07/15099/FUL for the substitution of the two garages from the scheme and their replacement by 2 No. car parking spaces. Condition No.3 states: 'No dwelling hereby permitted shall be occupied until space has been laid out within the site and garages provided, in accordance with the plans submitted, for 4 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. This space and garages shall be retained for the parking and turning of vehicles thereafter'.

## **2.0 SITE LOCATION/DESCRIPTION**

2.1 The application site is located to the rear of both Beech Villa and the approved semi detached dwellings (currently under construction), which are situated to the west of Holyhead Road (former A5 trunk road) within the village of West Felton. The site is surrounded by residential properties and is accessed via an access road off Alma Close which also provides vehicular access to the rear of the four existing terrace houses of Manor Court.

## **3.0 RECOMMENDATIONS**

3.1 It is recommended that the application is approved subject to conditions.

**4.0 REASON FOR COMMITTEE / DELEGATED (DELETE AS APPROPRIATE)**  
4.1 Letter of objection received from Parish Council and the recommendation is to approve.

**5.0 RELEVANT PLANNING HISTORY**  
5.1 **09/00781/FUL** – Erection of a detached dwelling – Current  
**08/15630/FUL** – Erection of detached dwelling – Appeal Dismissed 14<sup>th</sup> August 2009.  
**07/15099/FUL** – Erection of 2 no. semi detached dwellings – Appeal Allowed 21<sup>st</sup> April 2008.  
**07/14861/FUL** – Erection of one detached house – Approved 25<sup>th</sup> April 2007.  
**07/14860/FUL** – Erection of one detached house – Appeal Allowed 6<sup>th</sup> November 2007.  
**06/14768/FUL** – Erection of 2 no. semi detached and 1 no. detached dwellings – Refused 12<sup>th</sup> February 2007.

**6.0 CONSULTEE RESPONSES**  
6.1 Parish Council object for the following reasons: -

The Parish Council are unanimously opposed to any variation to any of the conditions of the original approval.

**7.0 PUBLIC REPRESENTATIONS**  
7.1 Two letters of objection have been received from local residents citing the following concerns:-

- Concerns relating to visitor parking and the possibility of visitors parking on the access road, therefore restricting access for other vehicles.
- The possibility of providing a vehicular access to the rear of Beech Villa.
- The proposal appears to take away the turning area sufficient for cars to enter and exit the site in forward gear.

**8.0 PLANNING POLICY**  
8.1 **Central Government Guidance:**  
PPS 7 : Sustainable Development In Rural Areas

8.2 **West Midlands Regional Spatial Strategy Policies:**  
CF2 : Housing beyond the Major Urban Areas

8.3 **Oswestry Borough Local Plan:**  
H4 : Development Control Standards  
H16 : Windfall Housing Sites

**9.0 THE MAIN PLANNING ISSUES**  
It is considered that the main issues relevant to this application are as follows: -  
Justification of need for the alterations to the condition  
Siting  
Impact upon residential amenity  
Access

## **10.0 OFFICER APPRAISAL**

The principle of substituting the garages for the provision of two further car parking spaces is acceptable, subject to a consideration of the issues listed below.

### **10.1 Justification of Need**

10.1.1 The first issue concerns the case put forward by the applicant in terms of the actual requirement for the variation of condition No.3.

10.1.2 The applicant states that the deletion of the garage building will not alter the character or appearance of the development.

10.1.3 While the loss of the garage building will have some impact to the visual appearance of the site, this would not be significant. The Planning Inspector who upheld the earlier appeal did not make specific reference to the need to have garaging on the site.

### **10.2 Siting**

10.2.1 The proposed car parking spaces will be sited to the rear (west) of Beech Villa and the approved semi detached dwellings (currently under construction) and will replace the approved double garage building. There would therefore be no change from the previously approved site.

### **10.3 Impact on neighbours/residential amenity**

10.3.1 The application site is located within a housing estate and is surrounded by residential properties. It is considered that the proposal should not impact upon neighbouring properties or the character or appearance of the locality. Given that the area is already allocated for parking therefore this change will have little material effect.

### **10.4 Access**

10.4.1 The car parking spaces will be accessed via an access road off Alma Close which also provides vehicular access to the rear of the four terrace properties of Manor Court. The spaces will be accessed by the occupiers of the approved semi detached dwellings via the rear gardens.

10.4.2 The objector's comments relating to visitor parking are unsupported. The proposal meets the Council's policy which requires the provision of two car parking spaces for each new dwelling and the turning area will remain. The comments relating to the possibility of rear access to Beech Villa would have to be considered under the relevant planning application (09/00781/FUL)

## **11.0 CONCLUSION**

11.1 The applicant wishes to vary condition No.3 of the original planning approval to substitute the erection of a double garage for the provision of two 'open' car parking spaces. There will be no alterations to any other part of the approval, including the turning area and access.

11.2 It is considered that this proposal is a minor alteration to the approved scheme as the only alteration being the deletion of the garage building and provision of

two replacement car parking spaces. The proposal should not detrimentally impact upon neighbouring properties or the character or appearance of the locality; therefore it is considered that the application be approved.

11.3 Having regard to the above considerations, it is recommended that the application is approved.

#### **LIST OF BACKGROUND PAPERS:**

##### **HUMAN RIGHTS**

Article 8 give 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 of development upon nationally important features and the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

##### **Environmental Appraisal**

Not applicable

##### **Risk Management Appraisal**

Not applicable

##### **Community / Consultations Appraisal**

Included within report

##### **Member Champion**

Martin Taylor Smith

##### **Local Member**

Stephen Charmley

##### **Appendices**

None

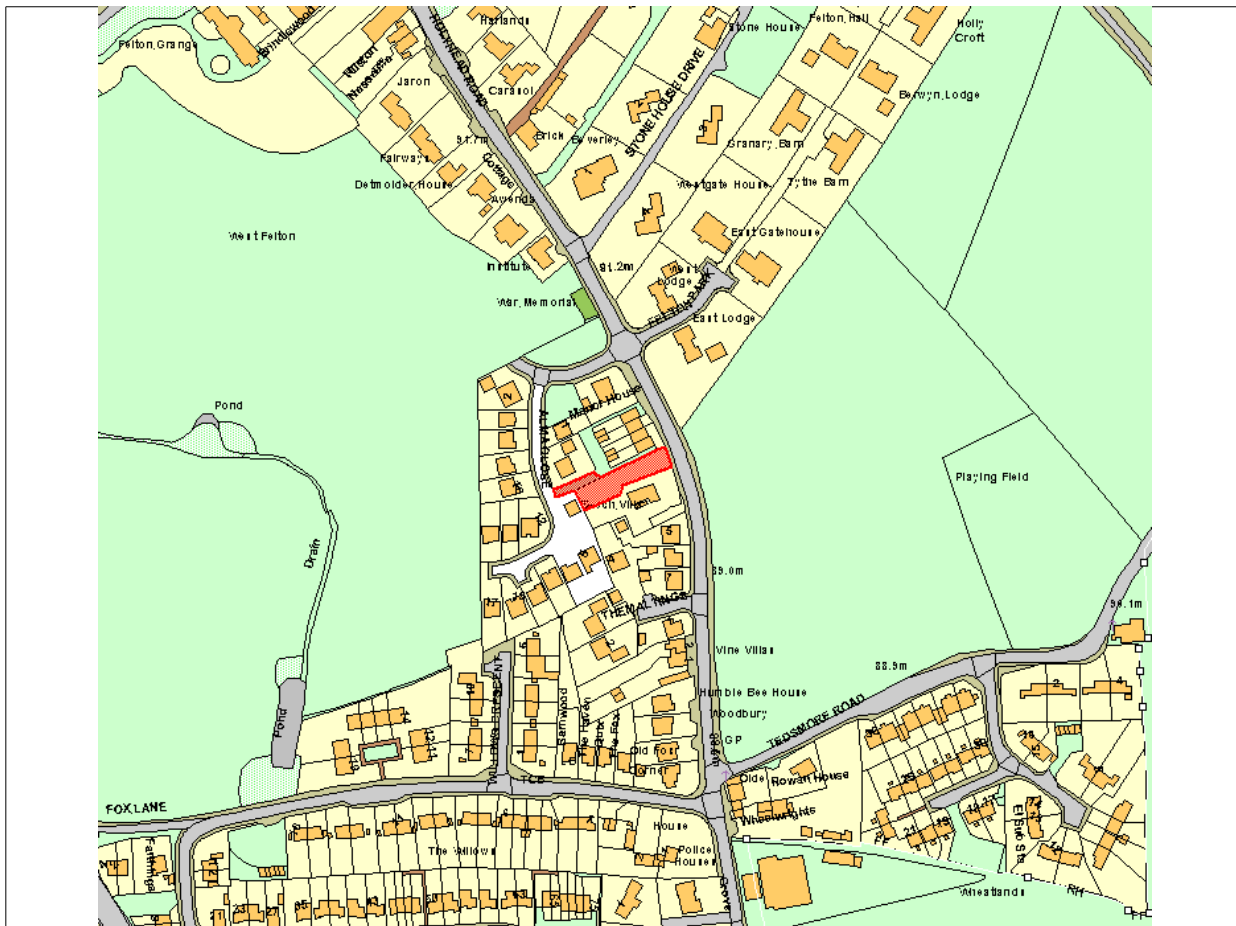
#### **Reason for Approval**

The proposed development would not be harmful to the amenities of nearby residents and would not be detrimental to the character or appearance of the locality and therefore meets Policy H4 and H16 of the Oswestry Borough Local Plan.

#### **Conditions**

1. No dwelling hereby permitted shall be occupied until space has been laid out within the site, in accordance with the plans submitted, for 4 cars to be parked (2 for each dwelling) and for vehicles to turn so that they may enter and leave the site in forward gear. This space and garages shall be retained for the parking and turning of vehicles thereafter.

Reason – To provide for the parking of vehicles off the highway and to ensure a safe and satisfactory access in the interest of traffic safety.



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## Development Management Report

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**Application Number:** 09/00851/OHL

**Parish:** St Martins

**Grid Ref:** 350664 - 312259

**Proposal:** 132kV Overhead Line Between Legacy and Oswestry

**Site Address:** Between Legacy And Oswestry

**Applicant:** SP Manweb Plc

**Case Officer:** Robert Bennett **email:** [planningdmnw@shropshire.gov.uk](mailto:planningdmnw@shropshire.gov.uk)

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### **1.0 THE PROPOSAL**

- 1.1 This is an application by Scottish Power Energy Networks under S37 of The Electricity Act 1989 to construct a 132kV overhead electricity line between Legacy Substation near Wrexham and Oswestry. Shropshire Council is a consultee and a decision on the application will be made by the Secretary of State for Energy and Climate Change.
- 1.2 Scottish Power has a duty to develop and maintain an efficient, co-ordinated and economical system of electricity distribution. The 132kV system south of Wrexham supplies some 80,000 customers around Shropshire and Mid Wales. The existing supply network meets the supply security requirements imposed by the Government but during a breakdown or fault a large proportion of the customers are disconnected. Under the terms of their licence SP Manweb must restore supply to these people within three hours. This can be done under the existing line network but as Oswestry and the surrounding area develops and load demand increases the network will become inadequate.
- 1.3 To meet this increased demand the company needs to put in a new overhead line system.
- 1.4 To carry a 132kV line it is possible to use a variety of poles and lattice towers depending upon the location within the system, the demands of the terrain and the importance of minimising visual impact on the landscape. There is an operational need to keep ground clearance to a minimum of 6.7m in all circumstances. In this case single wood poles are to be used wherever possible varying in height between 10.5m and 16m. Where longer spans are necessary "H" poles will be used. The steelwork and insulators above will add some 2m to the overall height. Where the supply leaves the Legacy sub station and enters the Oswestry sub station it will be placed underground. Between these points there will be some 21 kilometres of overhead line. The poles will be positioned every 60m to 135m depending on the terrain, with an average

1.5 span of 100m. There is an operational need for the preferred route to have a 100m deviation tolerance.

The line will approach from the Erbistock direction entering Shropshire over the River Ceiriog north west of St Martins and Glyn Morlas. It runs across country, through farm land north of Ifton Colliery and skirts around the northern and eastern edges of St Martins crossing Ellesmere Road to the east of Arthans Pool. It sweeps south through farm land at Wiggington and crosses the Shropshire Union Canal near New Marton before diverting in a straight line to the south east and on to Henlle. It crosses the B5009 south east of Iron Mills Lane before crossing the Chester to Shrewsbury Railway line and on to the A5 between Park Hall and the Robert Jones and Agnes Hunt Orthopaedic Hospital. At the A5 it is buried as far as the Whittington Road sub station.

## **2.0 SITE LOCATION/DESCRIPTION**

2.1 The route runs between Glyn Morlas and Oswestry

## **3.0 RECOMMENDATIONS**

3.1 That the Secretary of State be advised:-

- The Council's preferred option is for the supply to be placed underground.
- If the Secretary of State approves the scheme:-
  - a) It should be for a single circuit single wooden pole system wherever this is operationally acceptable.
  - b) Care should be taken to protect the setting of the Shropshire Union Canal and all residential property by careful siting of poles and steelwork with landscaping wherever possible.
  - c) Work should be programmed in consultation with Natural England and the Environment Agency to protect ecology along the entire route.
  - d) Work should be carried out to minimise disruption to landowners and residents
  - e) All land should be reinstated as each phase of construction work is completed.
  - f) Contractors should be required to ensure that all access points are left clean to prevent danger to road users.

## **4.0 REASON FOR COMMITTEE / DELEGATED (DELETE AS APPROPRIATE)**

4.1 There is considerable public interest in the scheme and the line crosses land owned by a member of the Council.

## **5.0 RELEVANT PLANNING HISTORY**

5.1 No relevant planning history

## **6.0 CONSULTEE RESPONSES**

6.1 All comments have been sent direct to The Secretary of State for Energy and Climate Change.

## **7.0 PUBLIC REPRESENTATIONS**

7.1 All comments have been sent direct to The Secretary of State for Energy and Climate Change.

## **8.0**

### **PLANNING POLICY**

#### **8.1**

##### **Central Government Guidance:**

The principles guiding the routing of overhead lines derive from the Holford Rules and supplementary guidelines issued by the National Grid Company.

#### **8.2**

##### **West Midlands Regional Spatial Strategy Policies:**

QE1 – Conserving and Enhancing the Environment

QE5 – Protection and Enhancement of the Historic Environment

QE6 The conservation, enhancement and restoration of the Regional landscape

QE7 – Protecting, managing and enhancing the Regional Environment biodiversity and nature conservation resources.

#### **8.3**

##### **Local Plan:**

Policy NE1 – Areas of Special Landscape Character

Policy NE2 – New Development in the Countryside

Policy NE3 – Agricultural Land

Policy NE7 – Protected Species and Habitats

Policy NE9 – SSSI

Policy NE10 – Wildlife Sites

Policy NE11 – Watercourses

Policy NE12 – Water Resources and New Development

Policy NE13 – Local Nature Reserves

Policy HE1 – Development and the Historic Environment

## **9.0**

### **THE MAIN PLANNING ISSUES**

The main planning considerations in this case are the visual impact of the line and its impact on residential property, the natural environment and the setting of the canal.

## **10.0**

### **OFFICER APPRAISAL**

#### **10.1**

##### **Principle of Development**

- 10.1.1 Safeguarding electricity supplies for the development of Oswestry and the surrounding area is obviously important and should be supported. The task is to ensure that this is achieved in a way that has least impact on the residents and the natural and built environment.
- 10.1.2 Scottish Power Manweb policy is to find an overhead route for all high voltage distribution routes and will only underground the supply where there are exceptional constraints. These constraints are normally only found in urban areas and rural areas of the highest scenic and amenity value. This approach is prompted by many technical, environmental and economic disadvantages of undergrounding which relate to the physical amount of land required, fault repair times, maintenance difficulties, greater ground disturbance, sterilizing large areas of land from development and planting, increased land take and structures at the end of undergrounding and the much higher cost (five times for a 132kV supply). These constraints however need not influence the planning process.
- 10.1.3 Before submitting their application to the Secretary of State SP Manweb undertook an extensive public consultation exercise to try and address individual concerns and ensure that all things of obvious importance eg. wildlife sites, natural resources, the historic environment were not impacted. They did this by public exhibition and direct consultation with local authorities, the Environment Agency, Natural England ,etc. There was considerable interest and the route was amended to protect wildlife sites, nature reserves and individual property interests. An environmental impact assessment was also undertaken to identify and address all the environmental consequences of installing the line.
- 10.2 **Visual Impact**
- 10.2.1 This is a major project and it is not possible to erect 12m to 18m high poles across open countryside without having some visual impact. However the applicants have attempted to avoid areas of highest amenity value altogether and smaller areas by deviation. Other than this they have sought to keep the route as straight as possible to avoid sharp changes and thus the need for angle towers.
- 10.2.2 Wherever possible the route follows open valleys where the apparent height of the poles is reduced and open views through the line are broken by trees. Tree and hill backgrounds have been sought wherever possible although some sections are relatively flat and open where it is impossible to screen or obscure it. Where this occurs the new and existing lines have been kept apart and converging routes have been avoided to avoid a concatenation of wirescape. In some areas, particularly around the canal it has proved impossible to screen the visual impact. This is also true where the route passes the eastern edge of St Martins, parts of Henlle and the corridor between the Orthopaedic Hospital and Park Hall. In these places however residential property is sufficiently distant to be acceptable. Judicious landscaping would however offer further long term protection.

### 10.3 **Ecology**

10.3.1 A major construction project like this has significant potential for habitat destruction especially around watercourses like the Ceiriog and Dee where there are populations of Otter and Water Vole. Wooded areas where there are Badger and Bats and ponds and smaller ditches where there are significant populations of Great Crested Newt. The ecological impacts of the work have been assessed and the scheme designed to avoid or minimise adverse consequences from the initial construction work and the longer term impact of excavation and felling. Where protected species are expected or encountered unexpectedly the contractor will need to obtain a licence to work within the habitat or with the species direct. The work would be supervised by a licensed expert. The ecological issues raised by the scheme have been the subject of detailed examination and consultation with Natural England. One pole is to be sited close to a SSSI in the Henlle area but this will not affect it and has been agreed with Natural England.

10.3.2 Away from the very sensitive areas of ecological importance the environmental impacts of the work should be confined to minor tree work and reinstating farmland around poles and at field entrances. This can easily be controlled and there should be no long term impact.

### 10.4 **Built Form**

10.4.1 There are a number of Listed Buildings and historically important structures along the route of the line but with the exception of the canal at New Marton they are not directly affected. The line crosses the canal at right angles and it will be visually prominent. This is unavoidable and will inevitably locally spoil the setting of the canal. However the route drawing suggests that a pole is to be sited alongside which will exacerbate the visual impact. This positioning is probably to ensure maximum clearance for boats and is understandable. Notwithstanding this it is felt that an alternative, less visually intrusive solution should be sought.

10.4.2 The line will cross Wats Dyke in the Glyn Morlas area but it is not directly affected and the supporting pole in this area is bedded in land previously disturbed for a gas pipeline.

10.4.3 Where previously undiscovered archaeological sites or artefacts are unearthed arrangements are in place for them to be reported and monitored with the Historic Environment team.

### 11.0 **CONCLUSION**

11.1 The project will have a significant visual impact in some areas and ideally the line should be placed underground for all its length. This representation should be made to the Secretary of State. However considerable effort has been put into selecting the route and the visual and ecological impacts have been minimised. The Secretary of State may therefore decide that on balance an overhead system is acceptable. In that instance conditions should be attached

stipulating that only single poles should be used wherever possible. A maximum pole height should be stipulated and care should be taken to protect the amenity of residents and the setting of the canal. Work should be programmed to help landowners and protect wildlife. Landscaping should be required near dwellings and public places where the poles and wires are prominent.

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**LIST OF BACKGROUND PAPERS:**

**HUMAN RIGHTS**

Article 8 give 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 of development upon nationally important features and the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.



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## Development Management Report

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**Application Number:** 09/70213/OUT

**Parish:** Oswestry Town

**Grid Ref:** 330375 - 329626

**Proposal:** Erection of three detached houses

**Site Address:** Llys Hill Middleton Road Oswestry Shropshire SY11 2LJ

**Applicant:** Mr Bob Isherwood

**Case Officer:** Robert Bennett **email:** [planningdmnw@shropshire.gov.uk](mailto:planningdmnw@shropshire.gov.uk)

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### **1.0 THE PROPOSAL**

1.1 This is an outline application for the erection of three detached houses in the garden of Llys Hill on Middleton Road in Oswestry. No details of the houses are known although the illustrative drawings submitted with the application indicate that they would be substantial dwellings, sited and orientated to minimise overlooking and loss of privacy and light for neighbouring dwellings. They would share the drive used by Llys Hill and traffic calming would be introduced on Middleton Road to slow traffic as it passed the entrance.

### **2.0 SITE LOCATION/DESCRIPTION**

2.1 Llys Hill is a large detached house surrounded by residential property on Prince Charles Close and Middleton Close with the Llys Fields Nursing Home alongside the entrance onto Middleton Road. The garden is triangular in shape being some 52 metres wide at the widest part and narrowing down to approximately 4 metres at the entrance. It is 130 metres long.

### **3.0 RECOMMENDATIONS**

3.1 That planning permission be granted subject to conditions requiring details of the design, siting and materials of construction of the houses, landscaping details and the installation of traffic calming measures to control the speed of traffic passing the site entrance. A S106 Agreement will be required to secure funding for the traffic calming and the cessation of the child minding business that is presently run from Llys Hill.

### **4.0 REASON FOR COMMITTEE / DELEGATED (DELETE AS APPROPRIATE)**

4.1 Representations have been received from seven parties and in accordance with standing orders the application must be determined by the Area Regulatory Committee.

## **5.0 RELEVANT PLANNING HISTORY**

- 5.1 73/1208 – Residential development and vehicular access.  
74/5708 - Dwelling and access  
84/3823 Residential development (R)  
84/3869 – Bungalows and garages  
In recent years Llys Hill has been used as small a day nursery.

## **6.0 CONSULTEE RESPONSES**

- 6.1 Fire Service – Adequate access must be maintained for emergency vehicles.  
Highways – No objection. Visibility at the access is restricted in one direction but the traffic calming proposed will make the arrangement acceptable and provide a safer passing place for pedestrians.

## **7.0 PUBLIC REPRESENTATIONS**

- 7.1 Representations have been received from the nursing home next to the entrance and from six nearby households. They are concerned:-  
1) That they may suffer a loss of privacy and light if the dwellings are badly sited.  
2) The access onto Middleton Road is poor and visibility is limited.  
3) That the proposed traffic calming will force local people to park away from their homes.  
4) The increased usage of the access will make road conditions more dangerous. Middleton Road is used by lots of traffic and children.  
  
5) The public will have to pay for the traffic calming.  
6) The site is already used for business purposes.

## **8.0 PLANNING POLICY**

- 8.1 **Central Government Guidance:**  
PPS 3 - Housing

- 8.2 **West Midlands Regional Spatial Strategy Policies:**  
Policy RR1 – Rural Renaissance  
Policy RR3 – Market Towns  
Policy CF2 – Housing beyond major urban areas

- 8.3 **Local Plan:**  
OBLP – Policy H16 (Windfall sites)

## **9.0 THE MAIN PLANNING ISSUES**

- The main planning considerations are:-
- Is the site within an established settlement boundary.
- Is the site large enough to accommodate the number of dwellings proposed and will the occupiers enjoy a reasonable standard of amenity.
- Is the density and style of development appropriate for the locality.
- Will the adjoining residents be adversely affected.
- Will the access be safe.

## **10.0 OFFICER APPRAISAL**

- 10.1 **Principle of Development**

10.1.1 The application site is within the settlement boundary and the area is residential in character. Residential development is therefore acceptable in principle. PPS 3, the Government's statutory guidance on housing, states that priority should be given to the beneficial use of previously used land like this which is sustainable in terms of location, transport and drainage and is close to a variety of local services.

## 10.2 **Design, Scale and Character**

10.2.1 PPS 3 advises that densities of thirty dwellings to the hectare should be sought as a sustainable and beneficial use of housing land in urban areas. The application site is some 0.272H in area and normally eight dwellings would be expected. However this density is inappropriate in this case because the surrounding houses stand in larger plots and the site is constrained by its shape, topography and the location/orientation of the surrounding dwellings. The access is also unsuitable for lots of traffic.

10.2.2 As the application is in outline there are no details of the exact dwellings that would be built although they would be two storey and reflect the design and materials of the surrounding dwellings. The sketch drawings submitted with the application indicate that they would be slightly larger than the surrounding properties but smaller than Llys Hill. Each new dwelling would have a large garden and Llys Hill would be left with a garden commensurate with its size and character.

## 10.3 **Impact on neighbours/residential amenity**

10.3.1 The very low density proposed allows for the dwellings to be located away from the boundaries which will lessen the visual and physical impact of the houses on the neighbours. The boundaries are marked by significant hedges and some trees which will break up the appearance of the dwellings. However they will still be noticeable and the one shown on the north eastern edge of the site is only some 3 or 4 metres from the hedge. This has understandably caused some concern for residents on Middleton Close and this will have to be addressed at the detailed stage. The Design and Access Statement supporting the application suggests that facing elevations would respect privacy by careful siting of windows and choice of accommodation. This would help but careful orientation of the houses will be essential. This could easily be achieved given the amount of room available.

## 11.0 **ACCESS**

11.1 Access into the site is via a single vehicular width road onto Middleton Road. Visibility to the west is restricted by the retaining wall of the adjacent nursing home and because this is in third party ownership the applicant cannot provide the visibility splay that would normally be expected. To provide the necessary visibility it is proposed to remove some trees at the junction with a build out into the road and traffic calming by way of rumble strips with a new priority junction. This is considered to be acceptable by the Highways Section as it will slow traffic and provide a safer place for pedestrians to pass where the pavement presently ends. The work will have to be funded by the applicant.

## 12.00 **CONCLUSION**

The application site is large enough to accommodate three dwellings without

adverse impact on Llys Hill or the surrounding dwellings. The properties will have to be carefully positioned and designed to minimise visual impact and loss of privacy. However this can be done. The relatively poor access can be made acceptable by the introduction of traffic calming but the child minding business that presently operates at Llys Hill will have to be discontinued to limit the number of vehicles visiting the site and to protect the amenity of the people living in the new houses. Planning permission should therefore be granted subject to the applicant entering into a S106 Agreement to(1) fund the approved traffic calming measures and(2) discontinuing the child minding business.

#### **LIST OF BACKGROUND PAPERS:**

##### **HUMAN RIGHTS**

Article 8 give 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 of development upon nationally important features and the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

##### **Environmental Appraisal**

See report

##### **Risk Management Appraisal**

Not applicable

##### **Community / Consultations Appraisal**

See report

##### **Member Champion –Councillor Martin Taylor Smith**

Martin Taylor-Smith

##### **Local Member – Councillors Martin Bennett & W Benyon**

Bill Benyon and Martin Bennett

##### **Appendices**

None

#### **Reason for Approval**

**The proposal accords with the requirement of saved policies H4 and H16 of the adopted Oswestry Borough Local Plan and offers the beneficial use of under-used land within a settlement.**

#### **Conditions**

1. 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.

2. This permission does not purport to grant consent for the layout shown on the deposited plan Number ND3083SK04.revB submitted with this application.

Reason: To enable the Local Planning Authority to consider the siting of the development when the reserved matters are submitted.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-

- extension to the dwelling
- free standing building within the curtilage of the dwelling
- addition or alteration to the roof
- erection of a porch
- hard surfacing
- container for the storage of oil
- satellite antenna
- fences, gates or walls
- any windows or dormer windows

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building.

4. All existing trees, shrubs and hedgerows within and bordering the site shall be protected, retained and maintained to the satisfaction of the local planning authority for the duration of any development works and for 5 years thereafter.

Reason: To safeguard the visual amenities of the area.

5. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

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

6. No development shall take place until the proposed junction improvements/traffic calming feature has been submitted to and approved in writing by the Council and the development hereby permitted shall not be occupied until the junction improvement/traffic calming feature has been carried out strictly in accordance with the approved details.

Reason; To ensure a safe and satisfactory access into the site.

7. No development shall take place until details for the parking, turning, loading and unloading of vehicles have been submitted to and approved by the Local Planning. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

8. No development shall take place until details of measures to be taken to prevent mud from vehicles leaving the site during the construction works being deposited on the public highway, have been submitted to and approved by the Local Planning Authority in writing and fully implemented. Such measures shall be retained for the duration of the construction period.

Reason: In the interests of highway safety.

9. No development shall take place until details of the means of access, including the layout, construction and sightlines, have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

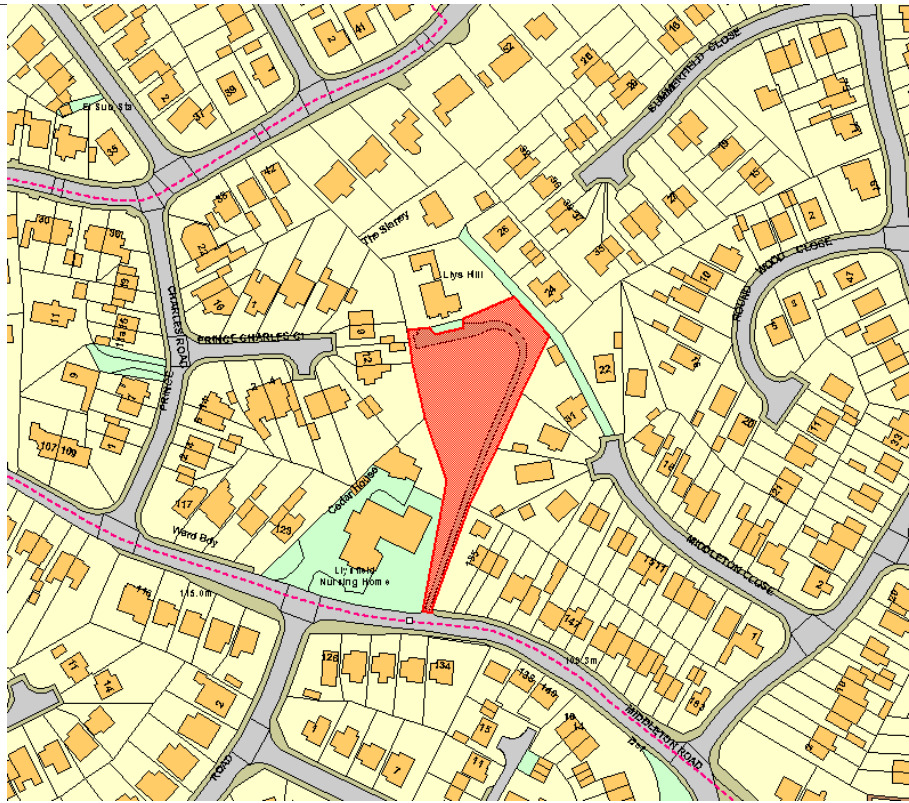
Reason: To ensure a satisfactory means of access to the highway.

10. No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of surface water have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory access to the site.

11. 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:
  - 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 construction
  - vii. 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.



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