

Development Management Report

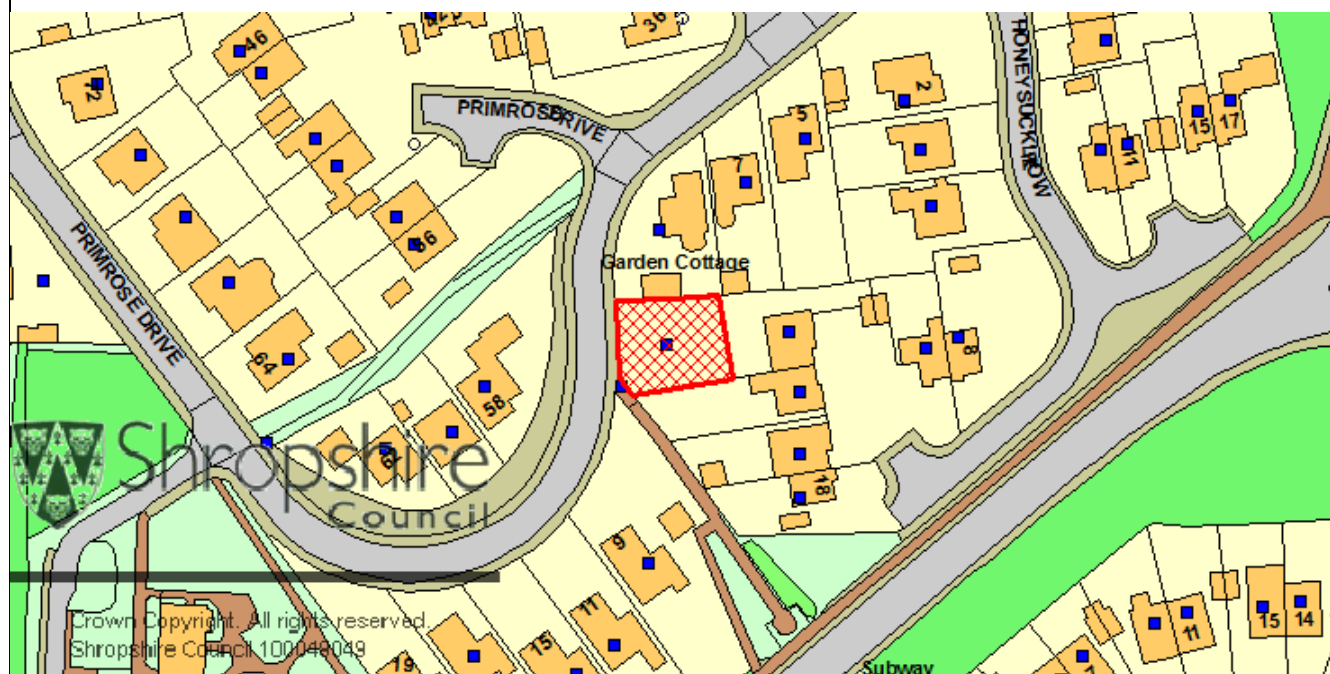
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 20/02760/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of a self-build dwelling and formation of vehicular access		
Site Address: Proposed Dwelling On The East Side Of Primrose Drive Shrewsbury Shropshire		
Applicant: Mr Craig Edwards		
Case Officer: Kelvin Hall	email : planning.northern@shropshire.gov.uk	

Grid Ref: 349907 - 311226



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

REPORT

1.0 THE PROPOSAL

1.1 This application seeks planning permission for the erection of a two storey detached dwelling on Primrose Drive, Shrewsbury. The dwelling would include a lounge, kitchen/dining room, utility room and WC at ground floor. First floor accommodation would include three bedrooms, one with en-suite, and a bathroom. The house would be approximately 9.8 metres wide x 6.7 metres deep, with a height to eaves of 5 metres and to 7.7 metres to ridge. It would have brick walls, concrete roof tiles and white uPVC window. The property would have garden space to the front, side and rear. There would be a driveway to the side, which would accommodate two cars parked in tandem.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is located within the residential estate of Sutton Park towards the southern side of Shrewsbury. The application site comprises the western part of the rear garden of no. 12 Honeysuckle Row, and measures approximately 18 metres deep x 14 metres wide. Surrounding land is in residential use. At present the roadside (western) boundary is defined by a thick, high leylandii hedgerow and timber fence adjacent to the footway of Primrose Drive. There is a footpath that runs to the south of the property which links Primrose Drive to Hazledine Way.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The views of the Town Council are contrary to the officer recommendation, and are based on material planning reasons. The Planning Services Manager in consultation with the Committee Chairman has confirmed that it is appropriate for the application to be determined by Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 Shrewsbury Town Council Objects.

Members have considered the amended plans, and the Town Council maintain their objections to this application.

- The proposed property still represents an over-development of the site in a backland development and is not in-keeping with the existing street scene.
- Members feel that these overbearing proposals would lead to a loss of privacy for neighbouring properties.
- Members state that the proposed driveway is a risk to the general public and other road users.
- The submitted plans have not altered the original design, as the only amendments are the re-positioning of the driveway.

Previous comments based upon application as originally submitted: Objects. The Town Council views this application as an attempt to shoe-horn a property in too small a plot which would in effect have a detrimental impact on the local area and its

amenity.

Members object to this application on the following grounds:

- The proposed property represents an over-development of the site in a backland development and is not in-keeping with the existing street scene.
- Members feel that these overbearing proposals would lead to a loss of privacy for neighbouring properties
- Members also question whether the driveway provides enough space to turn a vehicle to allow access and egress from the site in forward gear and an expectation of reversing onto a road at the crown of a bend puts the safety of that driver and other road users at risk

4.1.2 **SC Highways Development Control** No objection.

It is considered that the proposed development is satisfactory from a Highways and Transportation perspective. The location of this development is within an established residential area, where there are many private accesses, vehicular turning movements and pedestrian activities. Also, the estate road is particularly sinus in nature, with a consistent level of on-street parking. This all combines to create a high degree of “side friction”, (Manual for Streets), which results in increased driver awareness and slower moving vehicles.

In these circumstances, the proposed location of the access/driveway, for this development, provides an adequate and optimal level of visibility, in both directions, along the existing road, in accordance with national best practice guidance (i.e. Manual for Streets). A condition should be imposed to require that the access layout and visibility splays are constructed prior to the development being brought into use.

The fence/hedge at the southern end of the site that runs alongside the pedestrian link, needs to be reduced in height to 600mm for a distance of at least 2m back. This is in order to provide pedestrians with sight of the proposed driveway and any vehicles that may be exiting/entering the parking spaces. It would also provide the vehicles with visibility of pedestrians. In turn then a condition should be included within the decision notice to require this reduction in height and thereafter kept clear of all obstructions.

4.1.3 **SC Affordable Housing** There are no affordable housing obligations associated with this proposal.

4.1.4 **SC Drainage** Details of the proposed drainage, plan and calculations should be conditioned if planning permission were to be granted.

4.1.5 **Councillor Tony Parsons** In my opinion this application, if accepted, would constitute an overdevelopment of this small site, as well as having an adverse impact on the local street scene, being out of keeping with the surrounding properties. Although this application has reduced the bulk of the building by removing the detached garage and providing two parking spaces the building would still be too close to the footpath and road, Primrose Drive, and would be overbearing on the local street scene. In the design statement provided the photographs of other properties in the area are largely unrepresentative, the bulk having large lawned

areas to the footpath, far larger than what is proposed here.

In my opinion the application is contrary to the requirements of Policy CS6 of the Shropshire Core Strategy. This site is simply not large enough for a development of this size. It appears that the frontage has been designed slightly further away from the footpath than previous applications, thereby reducing the size of the rear garden at the cost of that amenity. The house would stand out as an intrusive feature and would be too prominent in the street scene.

Whilst two of the three rear windows are shown as opaque there remains the issue of overlooking of both 12 and 14 Honeysuckle Row. It would lead to a loss of privacy as determined in previous application 16/04175/FUL, which was also a 2 storey proposal.

One of the key concerns is with regards to the sites position on a significant bend on Primrose Drive. Vehicles leaving the proposed property, particularly in reverse, would do so at risk. I accept that two parking places for a property of this size would be sufficient, but additional street parking from visitors would add to the problem on this stretch of road.

The issue of drainage has been raised previously and remains an issue but in line with the SUDS submission I cannot add anything further.

In my view because of these material planning issues this application should be refused.

Comments based upon revised layout: This revised comment is made in relation to the changes to the original proposal for this site, made on 11 August 2020.

The only issues that are amended from my previous comments are in relation to overlooking and parking/ road safety. All other objections remain. The re siting of the building would make the overlooking of 14 Honeysuckle Drive slightly less of an issue but would do nothing regarding the overlooking of 12 Honeysuckle Drive, which whilst not an issue now because of the fact the owners of 12 are looking to sell this land for development, will be in the future when 12 Honeysuckle is sold.

On the re positioning of the parking spaces this may give a slightly better visibility looking in the direction of the junction between Primrose Drive and Sutton Lane but does not resolve the issue that this application would still be built on a significant bend in the road. Its positioning adjacent to the footpath between Primrose Drive and Redfern Close, often used by cyclists, will still prove a danger to vehicles reversing from the property in a left hand direction in order to drive towards Sutton Lane.

The latest documents added to this application, 17 September 2020, showing the different views of the property, again highlight one of the key issues which is the proximity of the proposed building to the road (Primrose Drive). The Sutton Park estate is such that along the sweeping, winding elements of Primrose Drive the established properties are set well back from the road which is an integral part of its design as well as improving the road safety elements. This proposal does nothing to enhance either of those key elements.

4.2 Public Comments

4.2.1 The application has been advertised by site notice, and by direct notification to four adjacent properties. 14 objections have been received, on grounds summarised as follows:

- Adverse impact on character and appearance of the area
- Overdevelopment
- Adjacent to another infill development
- Too close to adjacent property, Garden Cottage
- Unacceptable to be less than 3 metres from public road and 2 metres from public footpath
- Not in keeping with layout of other properties on the estate
- Loss of open aspect of neighbourhood
- Would be intrusive feature; too prominent in the street scene
- Would be overbearing to nos. 14 and 16 Honeysuckle Row
- Would cause loss of privacy due to overlooking properties to the rear
- No garage
- Location of driveway close to bend would cause highway safety issues
- Revised plan showing relocated driveway is even more dangerous
- Increased traffic through the already busy estate
- Estate road layout not designed for additional properties
- Health and safety issues as located on a sharp S bend corner with public footpath entrances on both sides of the road
- Safety issue from vehicle reversing off drive and from parking outside property
- Has already been refused three times and dismissed on appeal
- Not dissimilar to previous refused application other than no garage and is closer to footpath and further forward in the plot
- Queries over site area
- No demand for one additional property given other large new developments taking place
- Impact on drains at the property which have been blocked on several occasions and have required remedial work to unblock
- Impact on wildlife due to removal of trees
- Tree removal will exacerbate flooding in the underpass
- Trees that don't need to be removed should be retained
- Conifer hedge can be properly managed to improve its appearance
- Dwelling would exacerbate flooding of area
- Perspective plans are inaccurate and misleading

4.2.2 There has been one letter of support, making the following comments:

- No objection from highways team
- Sufficient visibility for driveway
- Adequate room in the plot
- Vegetation is to be replanted
- Will provide a new home, and work for local tradesmen, particularly important during Covid 19
- Application has addressed previous issues

5.0 THE MAIN ISSUES

- Policy & Principle of Development
- Planning history

- Design, Scale and Character
- Residential amenity considerations
- Highways and access considerations
- Drainage considerations

6.0 OFFICER APPRAISAL

6.1 Policy and Principle of Development

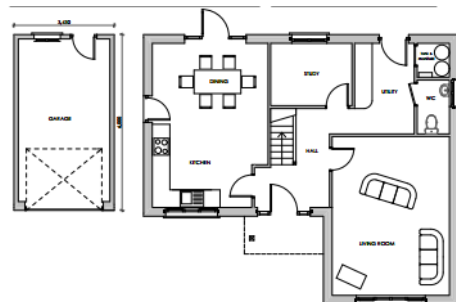
6.1.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicated otherwise. The development plan includes the Core Strategy and Site Allocations and Management of Development (SAMDev) Plan.

6.1.2 The application site is located within the development boundary of Shrewsbury as identified within the Policies Map of the SAMDev Plan. Residential development in the town is supported in principle under Core Strategy policies CS1 and CS2, SAMDev Plan policy MD1 and settlement policy S16.1. Shrewsbury is well served by services and facilities, including good transport links, and the proposed site represents a sustainable location. There is no objection to the proposal in principle.

6.2 Planning history

6.2.1 Planning permission for residential development at this site has been refused on three occasions in recent years, with one of these proposals being dismissed on appeal. Details of these decisions are set out below.

6.2.2 Planning permission for the erection of a detached two-storey dwelling and garage on this site, as illustrated below, was refused under delegated powers on 2nd November 2016 (ref. 16/04175/FUL).



6.2.3 The reason for refusal was:

The two storey detached dwelling, by virtue of its proximity to neighbouring dwellings and the relatively small size of the development plot, would lead to a cramped built form, which would be considered to be harmful to neighbouring properties and would lead to a loss of privacy and an overbearing development. The garden space provided would also be considered much too small for a dwelling of this size and would be out of keeping with the form of development in the locality. Accordingly the proposal is considered contrary to Core Strategy policy CS6 and SAMDev policies MD1 and MD2.

6.2.4 Following this a planning application was submitted for a detached two-storey dwelling on the site with a revised design (ref. 16/05410/FUL), as illustrated below. This included a revised footprint which incorporated an attached garage, and additional distance between the property and no. 12 Honeysuckle Row.



6.2.5 The application was refused by the Central Planning Committee on 7th March 2017, contrary to the officer recommendation. The reason for refusal was as follows:

The proposal would constitute overdevelopment of the site, and the scale and design of the proposed development would have an adverse impact on the local street scene thereby being out of keeping with the surrounding neighbourhood. As such the proposal is considered to be contrary to the requirements of Policy CS6 of the Shropshire Core Strategy and Policy MD2 of the Shropshire Site Allocations and Management of Development.

6.2.6 An appeal into this decision was dismissed on 14th July 2017 (appeal ref: APP/L3245/W/17/3173395). The inspector considered that the main issue was the effect of the development on the character and appearance of the area. In the decision letter the inspector made the following remarks:

- the house would be sited significantly further forward in the plot than others in the immediate vicinity;
- the siting, combined with the curve of the road, means that the house would be highly visible and prominent in the street scene;
- whilst the size and scale of the house would be comparable to others in the road, the development would extend across the full width of the plot and the front garden would be relatively shallow;
- the two-storey element of the house would be furthest forward, which would accentuate its visual impact;
- overall, the house would stand out as an obtrusive feature that would not blend in with its surroundings. The proposed boundary treatment would be insufficient to mitigate the visual impact of the development.

6.2.7 The inspector acknowledged that a house on an adjoining plot had recently been built as infill development, but considered that this is less prominent than the appeal proposal, and that it complements the street scene.

6.2.8 The inspector took into account the opinion of the planning case officer for 16/05410/FUL that there are other built elements within the street scene that come closer to the public highway than the proposed dwelling. However she noted that the neighbouring garage is set further back and is single storey, so is less prominent. She also considered that boundary walls in the area are relatively small scale and are characteristic features of the estate, which complement the area. The inspector considered that although the fence and conifer hedge at the front of the appeal site is a visually dominant feature, its impact is not comparable with a two storey house, and its removal does not justify the development.

6.2.9 The inspector concluded that the development would have an adverse effect on the character and appearance of the area. It would not respond appropriately to the form and layout of existing development and the way it functions, contrary to Policy MD2 of the adopted SAMDev Plan. It would also be contrary to Policy CS6 of the Core Strategy, which promotes high quality development that respects and enhances local distinctiveness.

6.2.10 Following this appeal decision, planning permission was refused under delegated powers in 2018) for a revised proposal this time comprising a bungalow, as illustrated below (ref. 17/04771/FUL).





6.2.11 The reason for refusal was:

The proposal would constitute overdevelopment of the site, and the scale and design of the proposed development would have an adverse impact on the local street scene thereby being out of keeping with the surrounding neighbourhood. As such the proposal is considered to be contrary to the requirements of Policy CS6 of the Shropshire Core Strategy and Policy MD2 of the Shropshire Site Allocations and Management of Development Plan. Whilst the proposal would deliver some benefits, including the provision of an open market dwelling in a sustainable location, these are not sufficient to outweigh the harm to the character and appearance of the area.

6.2.12 The planning history of the site is a material factor to be taken into consideration as part of the current application. Nevertheless the application also needs to be considered on its merits, and it is acknowledged that the applicant has sought to address the concerns raised by officers, the Planning Committee and the appeal inspector in relation to the previous proposals.

6.3 **Design, scale and character**

6.3.1 Core Strategy policies CS6 and CS17 requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. SAMDev Plan policy MD2 requires that, in order to be considered acceptable, development proposals need to respond appropriately to the form and layout of the existing development including streetscape, building heights and lines, scale, density, plot sizes.

6.3.2 As noted above, refusals on previous applications for a dwelling on this site have raised concerns on matters relating to overdevelopment of the site, and impact on the streetscene. They have advised that this would result in an adverse impact on the character and appearance of the area. In terms of the current proposal the house would be set back from the footway by approximately 2.6 metres. This would be significantly further forward in the plot than others in the immediate vicinity, especially the bungalow located to the south. The visibility of the property when approaching from the north would be broken up somewhat by the adjacent single storey garage, and boundary brick wall. However the positioning would mean that it would be highly visible and prominent in the street scene. This was noted by the planning inspector in relation to a previous proposal which was to be 3 metres back. In relation to that proposal the inspector considered that a two-storey property would stand out as an obtrusive feature and that the proposed boundary treatment would be insufficient to mitigate the visual impact.

6.3.3 The proposed removal of the conifer hedge at the front of the site, which itself is an

imposing feature, would be of some visual benefit. It should be noted that there are other built features at this part of the estate that are also close to the highway. These include a brick wall on the opposite side of the road, and boundary walls associated with the neighbouring property, Garden Cottage. Whilst these are smaller in height they do characterise this part of the estate as less open than further afield.

6.3.4 The current proposal differs from previous ones in that, as it would not have a garage or annex, it would be a much narrower property. The previous three proposals have measured more than 15 metres across whereas the current one would measure 9.8 metres wide. It is considered that this width of house would fit comfortably within the plot without having a cramped appearance. The two storey design and appearance of the dwelling would be generally in keeping with other nearby houses on the estate to the north. Details of external materials can be agreed by planning condition to ensure that these are sympathetic to the local context, and in particular to require an appropriate brick type. Boundary treatment including landscape planting could soften the appearance of the development and mitigate for its visibility in this part of the estate. Whilst the proposal would impact on the character of the estate it is not considered that it would do so to an unacceptable degree, and is therefore in line with the above policies.

6.4 **Residential amenity considerations**

6.4.1 Core Strategy policy CS6 states that development should safeguard residential and local amenity. The positioning of the dwelling towards the front of the plot has been determined somewhat by the need to provide adequate offset distance to the properties to the rear, and also to provide a satisfactory amount of garden space. There would be no windows to either of the side elevations and it is considered that the separation distance to the neighbouring property to the north is satisfactory. The rear garden would be approximately 8.4 metres long, and the garden to the property to the rear would be reduced to approximately 9.5 metres. It is considered that these are adequate.

6.4.2 The offset distance between the proposed house and the one to the rear would be approximately 18 metres. This is in line with the previous two proposals for which the refusal reason did not specifically refer to adverse impacts on residential amenity from loss of privacy and overbearing. Two of the first floor windows would be obscure glazed which would limit the extent of such potential issues, and it is considered that separation distances are satisfactory in this context.

6.5 **Highways and access considerations**

6.5.1 Core Strategy policy CS6 requires that development is designed to be safe and accessible to all. The site is located close to bends in Primrose Drive which reduces forward visibility for road users. In addition the proposed driveway would be situated adjacent to the point at which a public path meets the footway of Primrose Drive. Concerns have been raised through public objections that the proposal would cause highway safety issues and these are discussed below.

6.5.2 The proposal would provide two parking spaces which is acceptable for this development. The tandem layout of the parking space would require that vehicles either reverse in or reverse out however this is not uncommon. It is acknowledged that Primrose Drive is sinuous and this impacts on forward visibility. The amended

layout proposes that the access point would be at the south side of the dwelling where it was originally proposed to be on the opposite side. It is considered that this is an improvement in terms of maximising visibility. Local concerns have been raised that there is a potential safety issue due to the proximity of the driveway to the public path. However Officers consider that there is sufficient visibility to avoid conflict. The recommendation of the highways team that part of the boundary hedgerow is cut back to a maximum of 600mm would improve visibility further.

6.5.3 Overall, in line with advice from the Council's highways consultant, it is considered that the access design and layout is acceptable.

6.6 **Drainage considerations**

6.6.1 Core Strategy policies CS18 and CS6 seek to reduce flood risk and protect groundwater resources. It is proposed that surface water is drained to soakaway and foul water is connected to the mains sewer. Concerns over existing drainage issues are noted, and detailed arrangements for providing an acceptable drainage scheme can be agreed by planning condition, as recommended by the Council's Flood and Water Management team. There is no evidence that the removal of trees from the site would significantly increase flooding in the nearby underpass.

6.7 **Other considerations**

6.7.1 Self-build proposal: The application states that the proposal is for a self-build dwelling and that the applicant is on the self-build register. The Design and Access Statement suggests that there is a greater onus of responsibility placed on the planning authority to approve self-build applications under the Self Build and Custom Housebuilding Act 2015. Although the Council supports the principle of self-build plots, and keeps a register of applicants wishing to self-build, this does not override the need to ensure that sites are suitable on planning grounds.

6.7.2 3D imagery: The application is supported by a number of 3D images which seek to depict how the proposed development would appear from different angles. There were a number of inaccuracies with the original 3D images. These have been corrected. However it should be noted that these images are illustrations only and should be viewed in that context.

7.0 **CONCLUSION**

7.1 Planning permission for a detached dwelling within the rear garden of no 12 Honeysuckle Row has been refused three times in recent years, with one of these decisions having been dismissed at appeal. Each of these proposals were for a dwelling having a different design. The principal concerns of each of these decision was the adverse impact of the dwelling on the character and appearance of the area.

7.2 The current proposal has sought to address these previous concerns. The development would be significantly narrower within the plot and it is considered that it would no longer present a cramped appearance. The design of the property would be more in keeping with other houses in the area than previously proposed, and precise details of external materials can be agreed by planning condition. The design and siting of the access point is satisfactory subject to conditions being imposed regarding visibility matters. The proposal would have some impact upon the amenity of residents, particular those to the rear due to the siting of the property,

however it is not considered that this would be unacceptable. The proposed layout of the property, relatively close to the public highway, would mean that it would be highly visible and prominent in the street scene, and would impact on the character and appearance of the area. However Officers are of the view that, given the context of the site, this change to the visual character of the area would not be unacceptable. The provision of an additional dwelling to the housing stock and the removal of the conifer hedge would constitute some benefits in favour of the scheme. Overall Officers are of the view that the proposed development is acceptable in relation to Development Plan policies, subject to the imposition of the conditions set out in Appendix 1 and as such it is recommended that planning permission is granted.

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 - written representations, a hearing or inquiry.
- The decision is 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 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 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 on residents.

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the

public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 FINANCIAL IMPLICATIONS

9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS1 - Strategic Approach
CS2 - Shrewsbury Development Strategy
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
Settlement: S16 - Shrewsbury

RELEVANT PLANNING HISTORY:

16/04175/FUL Erection of single detached dwelling and garage REFUSE 2nd November 2016
16/05410/FUL Erection of single detached dwelling and garage; formation of vehicular access REFUSE 7th March 2017
17/04771/FUL Erection of single detached dwelling and formation of vehicular access REFUSE 22nd January 2018

Appeal

17/02544/REF Erection of single detached dwelling and garage; formation of vehicular access DISMIS 14th July 2017

11. Additional Information

View details online:

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

Cabinet Member (Portfolio Holder)
Councillor Gwilym Butler

Local Members
Cllr Ted Clarke
Cllr Jane Mackenzie
Cllr Tony Parsons

Appendices
APPENDIX 1 - Conditions

APPENDIX 1 - Conditions**STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

4. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (which ever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

5. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

6. Before the development is brought into use, the fence and hedge at the southern end of the site that runs alongside the existing pedestrian link (between Primrose Drive and Hazeldine Way), shall be reduced in height to a maximum of 600mm above the adjacent carriageway level, for a minimum distance of 2m (from its end with Primrose Drive) and shall thereafter be maintained at a height no greater than 600mm.

Reason: To ensure the provision of adequate vehicular and pedestrian facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

7. Prior to the development hereby permitted being first brought into use/occupied the access layout and visibility splays shall be implemented in accordance with Drawing No. EC.01.01 Rev A.

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

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

3. Drainage advice:

(1) The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

(2) Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare Change allowance % of impermeable area

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum.

"Curtilage" means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

(3) If non permeable surfacing is used on the new access, driveway and parking area or the new access slopes toward the highway, the applicant should submit for approval a drainage system to ensure that no surface water runoff from the new access run onto the highway.

(4) The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

4. Highways advice:

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway/verge) or
- carry out any works within the publicly maintained highway (street), or
- authorise the laying of private apparatus within the confines of the public highway (street) including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or
- otherwise restrict any part of the public highway (inc. footway, verge or waste) in any way, for the purposes of constructing the development (i.e. Skips, scaffolding, hording/safety fencing, material storage or construction traffic, etc.)

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required. No drainage to discharge to highway Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

Extraordinary maintenance

The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic. Therefore, it is in the developer's best interest to contact the Council's Streetworks Team, prior to the commencement of any works, to agree the condition of the local highway. If no pre-start condition survey/agreement is made, the Council will assume that the affected street, is in a satisfactory condition. Therefore, any damage occurring to any part of the street during the period of construction, will subsequently become the responsibility of the developer, to repair or contribute towards any additional required maintenance, to make good the damage.