



Committee and date

Central Planning Committee

4 February 2016

Development Management Report

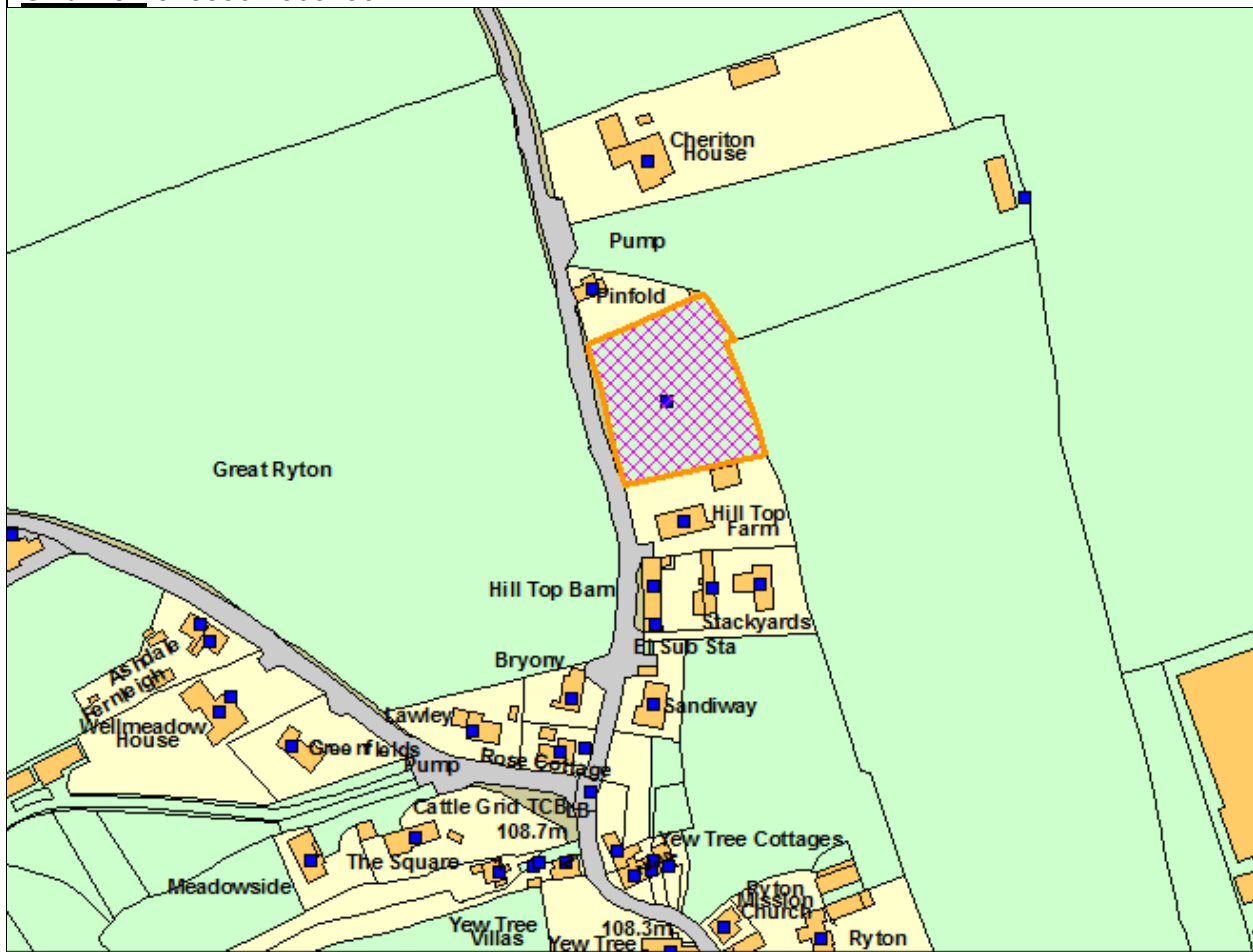
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 15/03259/REM	Parish:	Condover
Proposal: Reserved matters application (layout, appearance, scale and landscaping) pursuant to 14/03221/OUT for the erection of 2no. dwellings and garages		
Site Address: Land At Great Ryton Shrewsbury Shropshire		
Applicant: T C Homes		
Case Officer: Aileen Parry	email: planningdmc@shropshire.gov.uk	

Grid Ref: 348836 - 303736



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Contact: Tim Rogers (01743) 258773

Recommendation:- Permit, subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks Reserved Matters (appearance, scale and landscaping) pursuant to Planning Permission reference 14/03221/OUT dated 6th November 2015 and subject to a s106 Agreement.
- 1.2 The proposal is for two four/five bed roomed houses each with double garage. The dwellings will be west facing so that the front elevation of each faces the road with garages that extend forward of the main bodies of the dwellings with side elevations facing the road.
- 1.3 This orientation and positioning of the proposed dwellings is somewhat different to that which was indicated with the outline permission, but importantly the number of dwellings has not changed. As layout was approved as part of the outline consent a variation to the outline consent will be required should the current application be approved. Further clarification on this matter is given below.
- 1.4 It should also be noted that although the D&A for the outline application stated that the proposal was for 1.5 storey 4 bed dwellings, scale was identified as a reserved matter and is therefore under consideration for this current application.
- 1.5 As a result of discussions with the agent regarding both officers concerns and those of third parties, revised plans have been submitted with a reduction in ridge height of both houses from approximately 9 metres to 8.4 metres. The roof pitch has been reduced and the fifth bedroom above the proposed garages is now identified as an “ancillary room”, with the intention of being used for a gym or studio –home office and not a fifth bedroom. The proposed dwellings have also been set back approximately 3.0 metres further into the site. Drainage details have also subsequently been provided.
- 1.6 In addition to the above at the request of officers, a revised drawing providing the street scene has been submitted which shows the comparable heights of the proposed dwellings with that of existing dwellings either side of the site.
- 1.7 This report is written with reference to the various revisions received.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 This application site is located in between a row of properties stretching north from the centre of the village. It comprises a grassed field broadly square in shape, surrounded by mature hedgerows. It is located to the east of the adjacent highway. Neighbouring properties are Pinfold to the north and Hilltop Farm to the south. Hilltop Farm is a Grade II listed building. Agricultural fields are located to the east and west of the site.

2.2 The application site as determined under planning reference 14/03221/OUT and subject to an s106 agreement is considered to be infill, between two developed plots and will not therefore result in encroachment into the open countryside.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Conover Parish Council have submitted a view contrary to Officers recommendation for approval based on material planning reasons where these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman and vice chairman agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 SC Affordable Housing

The current prevailing target rate for the site is 15%, therefore based on the submitted the submitted plans, the total contribution for the two plots will be J27,000. The payment terms are as per the S106 Agreement attached to the Outline Planning Permission.

4.1.2 SUDS

Drainage Comment: The proposed surface water drainage is acceptable.

4.1.3 SC Highways

The Highway Authority raises no objection to the granting of consent. Access to the development was approved under the outline application. The proposed scale and layout of the site is satisfactory from the highway perspective. Conditions and informative recommended.

4.2 - Parish Council 04.12.15 - OBJECTION

Conover Parish Council agreed to object to the (REM) application as it was noted that the new drawings accompanying the application had significantly changed to those shown in the outline application and that the development now bore no resemblance to the original application as follows:

- To reduce visual impact both dwellings had originally been restricted to 1.5 storey height. A 2.0 storey height had been introduced which would dominate the skyline between the two existing dwellings and fails to be sympathetic with the existing village skyline profile.

- The original proposed dwellings more appropriately met the needs of the Ryton community, (as per the PC's SAMDev submission and recent Parish Plan outcomes published in 2015). The new plans for two 5 bedroom luxury properties fail to do this as much smaller affordable homes are needed to make it a sustainable community.

- Changes in respect of the drive and access on to the narrow lane have significantly altered with garages and driveways now being at the front of both properties. This is not acceptable and concerns over the access have been expressed.

- The amended foot prints of both properties now impact significantly on the neighbouring properties as the much larger footprints are significantly closer to the

existing boundaries.

It was also noted that the outline planning application (ref 14/03221/OUT) has only recently been passed by Shropshire Council and was not therefore part of the 5.53years housing supply figure recently approved. Therefore the Parish Council's SAMDev submission recognising Ryton as Countryside as part of policy CS 5 supports that the application be refused.

(As agreed at the Parish Council's Finance & Personnel Com Meeting held on 1/12/2015.)

The Parish council was re-consulted on the revised plans.

06.01.16 - The Parish Clerk advised that the Parish Council have not made any new comments they simply stand by those already made. The Parish Clerk also advised that Councillors have been following the application via PAS and are aware of the amendments to date and street scene documentation submitted in December.

4.3 - Public Comments

Five neighbours have been consulted and a site notice forwarded for display. Four objections were received. All five neighbours were re-consulted upon the revisions received. One further objection was received.

The main points raised by the objectors include the following:

- Affect on the historical context and village legacy of a neighbouring property
- Height of the dwellings of proposal
- Loss of view of other dwellings and loss of historical context
- Loss of light and visibility
- Too large for village
- Village requirement for smaller and affordable homes and does not meet local needs
- Proposed dwelling houses are oversized for the location
- Out of character for the village
- Lack of privacy
- Overshadowing of amenity space of neighbouring property
- Proposal is not sympathetic in size or design to the village
- Revisions to plans do not meet the concerns raised.

5.0 THE MAIN ISSUES

Principle of development
Appearance, landscaping, layout and scale
Impact on neighbouring amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principal of the development for two dwellings has been established and accepted by the granting of Outline consent (reference 14/03221/OUT dated 6th November 2015). The only reserved matters approved at that stage was the means

of access and layout. All other matters were reserved and are the subject of the current application. However officers are of the opinion that the layout has changed sufficiently since the outline approval to require a further approval. Accordingly, should the current application be approved (bearing in mind that the proposed layout is evident) an application to vary the outline consent in relation to the layout will be required. It is requested that the determination of the layout variation be delegated to officers, with no decision on the current application to be issued until that application is also ready to be issued.

- 6.1.2 Ryton is one of four villages within the Parish of Condover, but is not included within the Community Cluster with the other three villages. Within Ryton's recently published 2015 Parish Plan there is divided opinion as to whether further housing within the Parish is desirable with a small majority in favour. General agreement includes that any development should be in accordance with the SAMDev and planning documents.

SAMDev policy MD3: Delivery of Housing Development states that Residential proposals should:

- ☐ Meet the design requirements of relevant Local Plan policies; and
- ☐ On sites of five or more dwellings, include a mix and type of housing that has regard to local evidence and community consultation.

Officers consider that as the proposal is for two dwellings on a site that is considered infill and not an encroachment into/onto open countryside, and that the outline permission has been permitted with an s106 agreement to secure the provision of off-site affordable dwellings, it complies with MD3.

6.2 Appearance, landscaping, layout and scale

- 6.2.1 Core Strategy Policy CS6 establishes the overarching aim that new development will be designed to a high quality using sustainable design principles. Achieving high quality sustainable design is a key planning objective which applies to all new development including alterations, extensions, conversions and replacements of existing buildings, advertisements and telecommunications infrastructure. Policy MD2 builds on Policy CS6, providing additional detail on how sustainable design will be achieved.

Further to Policy CS6, SAMDev policy MD2 states that for a development proposal to be considered acceptable it is required to include:

- ☐ Respond positively to local design aspirations, wherever possible, both in terms of visual appearance and how a place functions
- ☐ Contribute to and respect locally distinctive or valued character and existing amenity value
- ☐ Embrace opportunities for contemporary design solutions
- ☐ Consider design of landscaping and open space holistically.

- 6.2.2 The dwellings have been designed with an L-shaped footprint and include features of visual interest including chimney, exposed timber framing and traditional fenestration. The dwellings have been sited set back within the plot with the garages to the front adjacent to the highway and an access which is a shared access between the two dwellings. The dwellings and garages are considered to be

of appropriate scales which sit comfortably within the plot and the simple landscaping which includes grassed areas, shrub planting, and lawn and patio areas is considered acceptable. The design is considered to accord with CS6.

6.2.3 The site is considered to be of a sufficient size to accommodate the proposed number of dwellings and SC Highways have confirmed that the proposed scale and layout of the site is satisfactory from the highway perspective. The development is therefore considered to be able to be accessed safely and accommodated by the local highway network without detriment to highway safety. Officers consider that on balance the proposal complies with the relevant criteria within CS6 and MD2.

6.3 Impact on neighbouring amenity

6.3.1 Officers note the concerns raised by both the Parish Council and Public. Officers consider that these have been at least partly addressed by the revisions received including a lowering of the ridge height, reducing the roof pitch by 40 degrees on both proposed dwellings, the setting back of the dwellings by a further 3 metres into the plot and the proposed five bedrooms having been reduced to four with ancillary use above the garages.

6.3.2 It is considered that the proposed dwellings are located a sufficient distance from neighbouring properties to the south and north to ensure that any first floor windows in the side elevations will not result in an unacceptable level of overlooking or result in an overbearing impact. Officers believe that with the revisions received and on balance the proposal complies with the criteria contained within CS6.

7.0 CONCLUSION

It is considered that on balance the appearance, landscaping, layout and scale of the proposed two-storey four bedroomed dwellings with an ancillary room above the garage are acceptable and will adequately protect and enhance the natural and built environment whilst safeguarding local and residential amenity. It is considered that the scheme complies with CS6, MD2 and MD3. A condition regarding garage occupation should be included within any permission 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, 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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework
CS6 - Sustainable Design and Development Principles
MD2 - Sustainable Design
MD3 - Managing Housing Development

RELEVANT PLANNING HISTORY:

14/03221/OUT Outline application for the erection of 2 no. dwellings and garages to include means of access (amended). GRANT 6th November 2015
15/03259/REM Reserved matters application (layout, appearance, scale and landscaping) pursuant to 14/03221/OUT for the erection of 2no. dwellings and garages PCO

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) Cllr M. Price
Local Member Cllr Tim Barker
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. 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

2. No built development shall commence until details of all external materials have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

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

3. The garages and ancillary rooms hereby approved shall not be used as additional living room or bedroom accommodation and shall only be used for purposes incidental to the enjoyment of the residential dwellings hereby permitted.

Reason: To safeguard the residential character and amenity of the area.