



Committee and date

Central Planning Committee

4 March 2016

Development Management Report

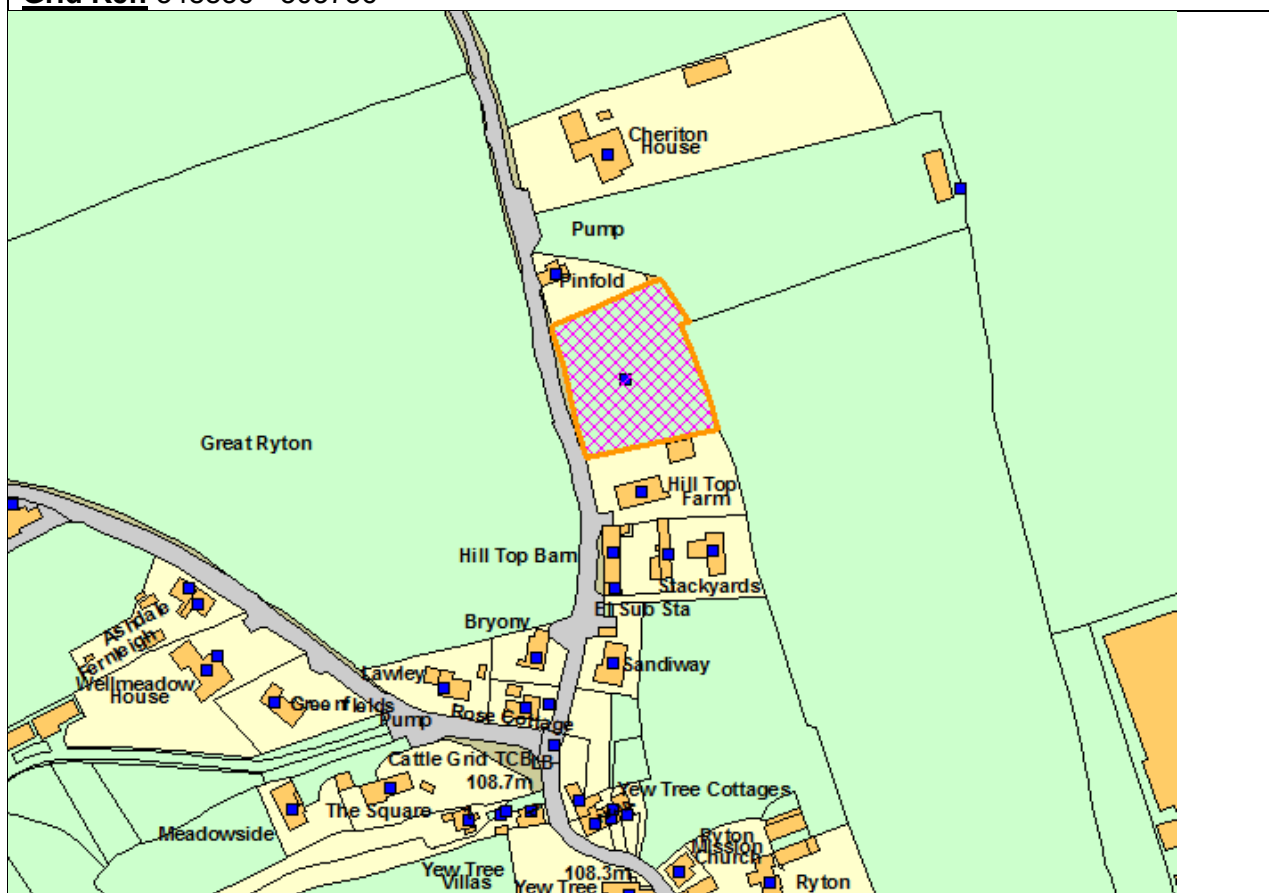
Responsible Officer: Tim Rogers

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

REPORT

ADDENDUM TO PREVIOUS OFFICER REPORT

1.0 Background

1.1 The decision of Central Planning Committee on 4th February 2016 was that the application be deferred to a future meeting to enable further consideration to be given by the applicants to the design, scale and elevations of both the dwellings and garages and further information to be submitted with regard to the proposed planting and landscaping.

The agent has now provided further details in respect of the Committee's decision and these are outlined in section 3 of this addendum.

The Committee's attention is also drawn to the further comments provided by Conover Parish Council which are in addition to their previously reported comments and these are provided in section 2 of this addendum.

2.0 Additional comments received from Conover Parish Council received 15.02.16.

Following deferment of the application at the SC Planning Committee meeting on 04/02/16, Conover Parish Council wishes to add the following comments in addition to our previous comments (submitted on 04/12/15), objecting to the application which the Council still fully endorses.

Reference to the past history relating to this site was omitted from the SC Officer's report yet is materially relevant as members of the Planning Committee were unaware of the following:

- A Decision Notice was issued on 10/08/12 for a single storey affordable bungalow with detached garage (09/03217/FUL).
- That an affordable bungalow application has been replaced by two 4-bed 11/2 storey market dwellings in the Outline Application (14/03221/OUT).
- In 10.1 of the D&A submission for the Outline Application, it was stated that the 2 outline dwellings were "for specific clients who are both existing residents of the Parish", thus meeting a local need, which is no longer the case.
- The height of the Outline proposal was specifically restricted to 11/2 storey to ensure the height and scale was kept to a minimum and not result in visual harm. This formed part of the Planning Officer's report in recommending approval. The very large 2 storey dwellings proposed in Reserved Matters, disregards this.

Please note that the Parish Council would be happy to support amendments which bring the proposal broadly in line with the Outline application; ie. two 11/2 storey 4 bed dwellings with garaging set behind the dwellings to ensure adequate off-road parking.

3.0 Detail

3.1 In response to Committees decision on 4th February 2016, further details have been submitted by the agent for the application for consideration by Committee at its 3rd March Committee meeting and include a planning statement, site layout plan & hard and soft landscaping details (reference 1128_06 rev B), and a context map. The agent has advised that these details are intended to clarify certain issues that have been raised.

3.1.2 Planning statement

The statement provides additional information regarding the Hard and Soft Landscaping drawing, included with this updated report. The statement also advises that the agent has attempted to revise the proposal regarding several issues that have been raised by interested parties. A list and details of these revisions can be found on page two of the Planning Statement under the headings Consultation and Development context.

Officers note that within these sections the agent has provided that they are proposing to Plot One a further reduction in floor level and therefore a reduction in height of Plot One by one metre. Plot One is also proposed to be moved back a further 2.0 metres which with the previous revisions, which have already been placed before Committee, results in a re-positioning of Plot One by five metres back into the site.

3.1.3 Site layout plan & hard and soft landscaping details

The revised drawing (reference 1128_06 rev B), provides better detail and information and also the revised positioning of the Plot One dwelling.

Officers consider that the revised site layout plan and landscaping detail provide a better visual aid to Committee regarding the proposal.

Along with the submitted Planning Statement, officers consider that these further improvements to the proposal further address the objections and concerns expressed by third parties in relation to site layout, height of dwellings, the position of proposed dwellings in relation to both the properties known as Pinfold and Hilltop are therefore acceptable in principle.

3.1.4 Context map

Officers consider that this map provides an additional overview to the street view plan drawing that was provided for the 4th February Committee meeting in that together they provide a better idea of where the dwellings will sit within the village and their relationship and comparison with other dwellings and the village and locality.

4.0 Conclusion

4.1 Officers consider that the further details that have been provided by the agent in response and with respect to the Committees decision of 4th February; and also the additional amendments made in response to some of the issues, objections

and concerns expressed by third parties; that on balance the proposal is acceptable in principle.

4.2 It is therefore concluded and recommended by officers to Committee that on balance the revisions and clarifications received on appearance, landscaping, layout and scale of the proposed two-storey four bedroomed dwellings with an ancillary room above the garage are acceptable in principle. It is considered that they 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. Officers recommend that a condition regarding garage occupation should be included within any permission that may be granted.

4.3 Officer's recommendation to Committee is that permission be granted.

5.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

5.1 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.

5.2 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.

5.3 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.

6.0 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

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)
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Cllr M. Price

Local Member

Cllr Tim Barker

Appendices

APPENDIX 1 – Conditions

Appendix 2 – Report considered by Central Planning Committee – 4 February 2016
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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.