

## Development Management Report

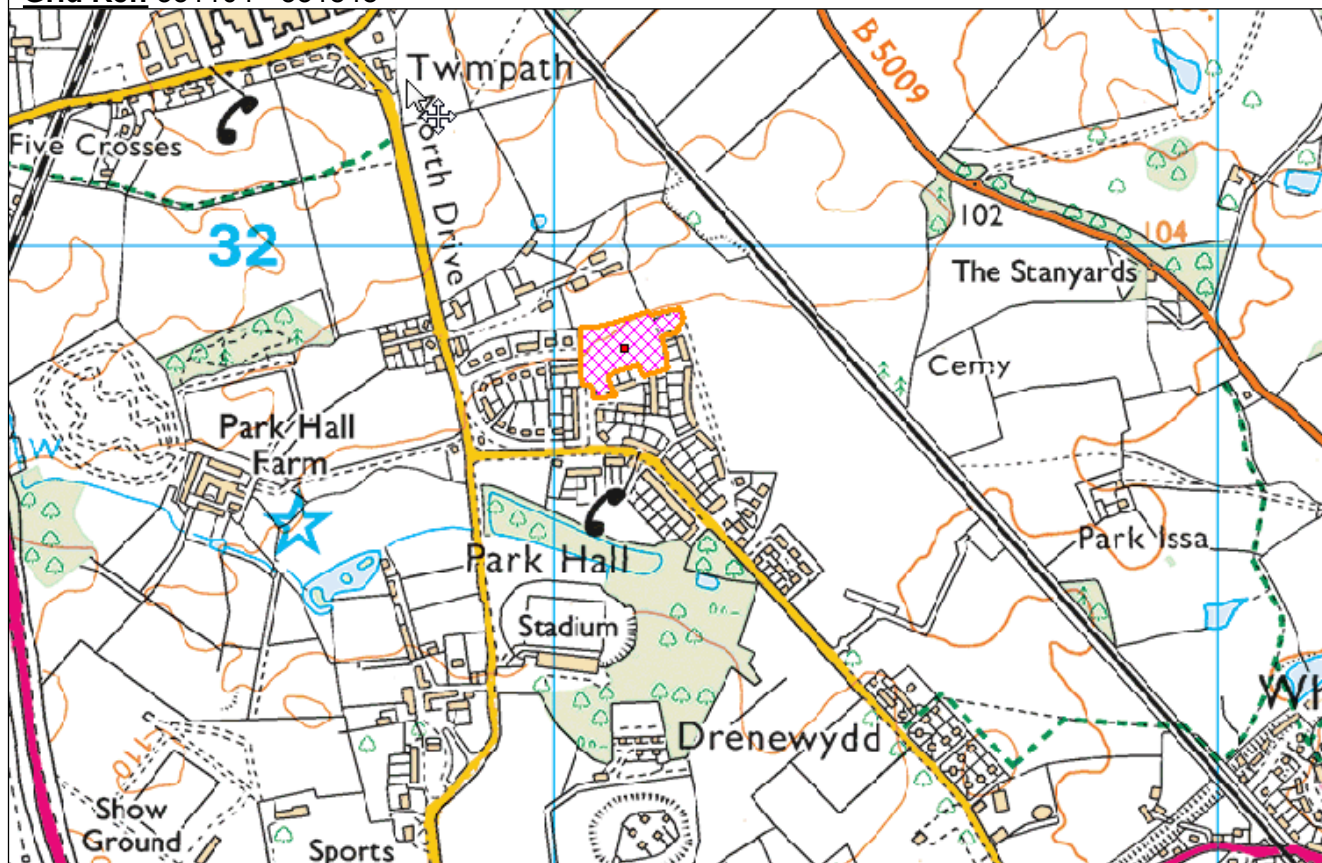
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### Summary of Application

<b><u>Application Number:</u></b> 17/03678/REM	<b><u>Parish:</u></b> Whittington
<b><u>Proposal:</u></b> Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of seven dwellings (Phase 2 : Plots 4-10) with garaging and formation of parking spaces	
<b><u>Site Address:</u></b> Land West Of Artillery Road Park Hall Oswestry Shropshire	
<b><u>Applicant:</u></b> Chartland Homes	
<b><u>Case Officer:</u></b> Karen Townend	<b><u>email:</u></b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>

**Grid Ref:** 331104 - 331848



## **REPORT**

**RECOMMENDATION:** That, subject to no objections from the Council Highway Officer, that planning permission be granted subject to the conditions set out in appendix 1 and any other conditions recommended by the Highway Officer.

### **1.0 THE PROPOSAL**

- 1.1 This application is one of five applications submitted for approval of reserved matters of access, layout, scale, appearance and landscaping of the site off Artillery Road, Park Hall. Outline planning permission was granted for residential development on this site on the 27<sup>th</sup> August 2014, subject to a legal agreement to secure affordable housing. All matters were reserved for later approval; only the principle of developing the site for housing was approved at that time.
- 1.2 This application is named as phase 2 of the development, for plots 5-9 (5 dwellings). The application has been submitted with full plans and supporting information to seek to deal with the matters reserved on the outline consent. There are four other planning applications, submitted concurrently, which propose the other phases of the development of the site granted at outline. The whole scheme has been amended since first submission when the proposal was for 30 dwellings. In total the five applications, as amended, now propose 27 dwellings on the site area, as approved at the outline stage.

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

- 2.1 This application is part of the original outline site of 1.18 hectares and was previously used as grazing land. Existing residential development lies to three sides of the site which were previously accommodation associated with the former Park Hall Military camp in the 1940' and 50's.
- 2.2 The site lies to the east of the detached dwellings on Park Crescent which are positioned in sizeable gardens, to the north of the semi-detached houses on St Barbaras Place and to the west of the terraced houses on Artillery Road. To the north is a band of trees and hedges beyond which is a separate agricultural field lying between the site and an industrial site.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Parish Council comments are contrary to the Officer recommendation and the Local Member has requested that the application be considered by committee. This was discussed with the Chair and Vice Chair of the Planning Committee who agreed that, given the level of objection received, the subjective matters of design and layout and the complexity of 5 reserved matters applications on the one outline site, the application should be determined by committee.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 Consultee Comments**

- 4.1.1 **Parish Council** – 30.10.17 – Whittington Parish Council discussed the amendments at a recent meeting. There is little change to the original plans and the Council is concerned that the reduction from 30 to 27 houses does not come near the maximum of 23 houses that was originally stated.

The Council are concerned that this has been broken up into 5 applications when they feel this is only 1 site that should have had 1 application not 5.

The Parish Council believe that the developers should meet with the residents of Park Hall to discuss the many concerns relating to these planning applications.

07.09.17 – There has been a great deal of concern relating to the submission of 5 separate applications, the original outline application was for 23 properties, these applications are for a third more now, 30 properties.

The mix of the proposed build is not in keeping with the existing area.

There is the issue of safety concern relating to the increase of traffic in an area already extremely busy traffic-wise and the infrastructure should be considered before any application is approved.

4.1.2 **Affordable Housing** – We note that the affordable dwellings are shown as plot numbers 25-27 as these are shown in phase 5 we need confirmation as to the timing of this phase as the S106 states that the affordable units must be transferred at the 50% occupation stage of the scheme, obviously if the affordable units are built out in the last phase this trigger point will not be met.

4.1.3 **Learning and Skills** – Shropshire Council Learning and Skills reports that the local primary school is currently close to capacity. With future housing developments in the area it is forecast it will exceed current capacity. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered necessary to meet pupil requirements. In the case of this development it is recommended that any contributions are secured via CIL funding.

4.1.4 **Highways** – Awaiting final response.

4.1.5 **Ecology** – SC Ecology welcomes the retention of trees along the western boundary, and the additional native tree planting.

SC Ecology has no additional comments to make on this REM application providing the conditions on planning application 13/01643/OUT are adhered to, and a discharge of condition application is received as appropriate prior to first occupation of the dwellings.

4.1.6 **Drainage** – The drainage proposals for Phases 1 to 5 should be submitted for approval as a Whole Site before the development commences as per Drainage Condition 6 on Outline Application 17/03677/REM.

## 4.2 **Public Comments**

4.2.1 Site notices were erected for all five applications and 23 neighbouring properties directly consulted. As a result of this consultation 79 objections have been received raising the following concerns:

- Should not have been submitted as five separate applications
- SAMDev allocates the site for 20 houses, outline consent was for 23
- Contrary to Government Inspector's report/ decision

- Overdevelopment of the cluster with the other developments at Burma Road (4), The Piggeries (44) and Wingate Way (18)
- Park Hall has no services or facilities
- Insufficient infrastructure
- Insufficient water pressure
- Over development of the site
- Too many houses proposed
- Park Crescent are all detached houses, proposal is out of keeping
- Does not respect character or heritage of Park Hall Camp
- Park Crescent mainly rendered, proposal is mainly brick
- Courtyard housing not in keeping
- Roofs not orientated north/south so will not be able to use solar panels
- Amenity space should be relocated to be accessible to existing residents
- Overlooking of existing properties
- Too many houses proposed off Park Crescent, should be distributed across the other accesses
- Junction of Park Crescent to Burma Road is dangerous
- Junction of Park Crescent and North Drive has poor visibility and an incline
- Existing speeding issues
- No street lighting in area is a safety issue
- Will increase traffic
- No improvements to pedestrian or cycle links to Oswestry, including crossing the bypass
- Impact on bats and newts
- Increase flooding, especially on Burma Road
- Insufficient capacity in foul drainage system & Severn Trent not consulted

4.2.2 Following receipt of amended plans further objections have been received many repeating the comments above. Additional comments include:

- No need for more houses, Shropshire has at least for 5-6 years
- Reduction by 3 houses is not sufficient
- Will alter the character of the area to an estate
- Build out will increase loss of privacy to residents
- Traffic calming bollards are in the wrong location
- Should be speed humps not bollards as traffic speeds up to get around bollard
- Road is not wide enough for build out
- Build out will affect manoeuvring at adjacent house
- Proportion of houses accessed off Park Crescent is still unacceptable
- Applicant not willing to meet local residents
- Will reduce property value

## 5.0 THE MAIN ISSUES

- Policy & principle of development
- Layout, scale and design
- Impact on residential amenity
- Highways, access, parking and footpaths
- Ecology and trees
- Drainage

## **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 indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 The granting of the outline planning consent has accepted the principle of housing development on this site. All matters were reserved at the outline stage and as such are now submitted for consideration. The site is also allocated within the SAMDev as the single allocation for Park Hall which is within the cluster of Park Hall, Hindford, Babbinswood and Lower Frankton. Policy S14.2(ix) advises that the cluster will provide for future housing growth of around 50 dwellings delivered through a specific site allocation at Park Hall for 20 dwellings (the application site). In addition to the allocation the housing guideline will be provided through limited infill and conversions on appropriate sites in the development boundaries.
- 6.1.3 Local objections have referred to a Government Inspector's report which they state concludes that the site should be for no more than 23 dwellings. This presumably is a reference to the outline application which proposed 23 dwellings. The outline was approved by the Council under delegated powers. Neither the Planning Inspector nor Government were involved. The Planning Inspector was involved in the SAMDev but did not comment on the number of houses for the application site. The figure of 20 within the SAMDev is a guideline and not an upper limit. The fact that the current applications propose more dwellings than indicated in either the SAMDev or the outline application is not a reason for refusal. Consideration of the access, layout and impact on amenities are the key issues to determine whether the number of houses is acceptable.
- 6.1.4 Objectors have also noted other recent approvals in the immediate area and consider that the community cluster guidelines have been met without the proposed site. This may be the case; however the site has outline consent and is also an allocated site for development. The principle has been accepted. Of the three sites quoted by the objectors the site at Wingate Way is for 100% affordable housing and therefore would not be considered as part of the housing guideline in the SAMDev. The Piggeries site was approved at a similar time to the outline on this site, between being able to give full weight to the old Oswestry Local Plan and the SAMDev, when greater weight was given to the NPPF. Officers acknowledge that the guideline will be exceeded but the issue can only be whether constructing more than 20 houses on this site results in unacceptable impacts. The issues, as noted above, are considered in detail later in this report.
- 6.1.5 With regard to affordable housing the current reserved matters application includes 3 affordable dwellings which the Council Affordable Housing Officer has confirmed is acceptable in principle and complies with the current SAMDev and SPD requirements of 10% affordable housing. The tenure of the dwellings will need to

be understood as part of the requirements of the S106 on the outline consent, it is not necessary to be detailed in the reserved matters application. However, the affordable housing officer has raised concerns that the affordable dwellings are shown in a late phase in the development which would not comply with the requirements of the S106 on the outline consent. This matter was discussed with the agent who confirmed that this phase of the development would be constructed earlier to comply with the S106. It is likely to be one of the first phases for the reasons given in the highway section below.

6.1.6 Local objections have also raised concerns about the capacity of infrastructure such as school places, water and foul drainage. Drainage is dealt with below. The Council Learning and Skills team have also advised that this development is likely to cause some capacity pressures at the local primary school. However, as noted by the Learning and Skills officer this will be addressed through the use of CIL. The development will be liable for CIL payment and this is expected to be used to provide for local infrastructure requirements in accordance with policy CS9 of the Core Strategy. The capacity of the local water provision is a matter between the developer of the site and the water provider.

6.1.7 Concern has also been raised that the development of the whole site has been submitted as 5 separate applications. There is nothing within planning legislation or guidance to prevent this. The applications have all been submitted at the same time and it is considered to be clear what the overall development of the site will be. Officers, consultees and local residents have been able to consider the impact of all five phases together. The concerns raised by residents that as five applications this will therefore negate the need for a new foul water system and upgrade to water supply is not a matter for planning. The water/ sewerage provider will need to assess the development as a whole and determine what upgrades are required. This is a separate matter between the developer and the sewerage provide. In allocating the site Severn Trent Water did not raise any objections in regard to capacity. The justification for submitting 5 applications is detailed in the design and access statement submitted with the application. It relates to the trigger for payment of CIL. The applicant has confirmed that they will be paying the CIL payment but wanted to be able to phase payment with the construction and sale of houses. If the application had come in as one application for 30 dwellings the CIL payment for all 30 would have been required on the commencement of the first. Splitting the proposal into 5 applications has meant that the CIL payments will be relevant to the scale of each phase.

## 6.2 **Layout, scale and design**

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy 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. The development should also safeguard residential and local amenity and ensure sustainable design and construction principles are incorporated within the new development.

6.2.2 The design and access statement submitted with the application comments on density with reference to the recently approved development to the north of the site known as the Piggery. That nearby development is for 44 houses on a site of 2.17ha and therefore a density of 20 dwellings per hectare. The applications as

originally submitted, in total, provided 30 dwellings on 2.9ha which is therefore 15.8 dph. The amended scheme reduces the number of houses by 3 and therefore also reduces the overall density. Although local objectors have commented that they consider the proposal is for too many houses this is based on the misconception that the outline consent was for a maximum of 23 dwellings and also reference to existing density. This second matter is considered below.

- 6.2.3 The layout of the whole site has been designed around a central area of open space which the applicant considers is similar to other parts of Park Hall where houses are provided near and overlooking open space. The proposed layout of the site will also improve pedestrian connectivity by providing footpaths through the site connecting Park Crescent, Larkhill Road and Artillery Road. This is considered to be a benefit to the wider community and the position of the open space is considered, by officers, to be appropriately sited. The area of open space is 1550sqm which it is acknowledged is less than the requirement within MD2 of the SAMDev but there are other areas of open space available in the wider area.
- 6.2.4 The layout, as amended, provides a mix of detached and semi-detached houses across all five phases. The parish council and local residents have raised concerns that the mix is not in keeping with the area, the existing houses on Park Crescent are all detached and the proposal includes semi-detached off Park Crescent; and that courtyard housing is not in keeping. However, the houses off St Barbaras Pace, Larkhill Road and Artillery Road are mixed with more semi-detached properties. The development does not have to copy existing form, layout or design. The existing houses are mixed, there are brick and rendered properties, there are detached and semi-detached. The layout as amended proposes predominately detached houses off Park Crescent with only three pairs of semi-detached houses.
- 6.2.5 With regard to this specific application it proposes five detached houses off Park Crescent. Plot 5 faces the side elevation of 14 Park Crescent, plots 6, 7 and 8 face the new estate road and plot 9 is laid out with its gable end facing the estate road. All five of these units are also proposed with garaging and sufficient driveway space for two cars to park. Officers accept that the proposal is different to the indicative layout on the outline application and that the local residents would prefer to see only these 5 houses accessed off Park Crescent.
- 6.2.6 However, the indicative layout on the outline consent was purely for indication how the site could be developed. Officers consider that plan was poor as, although it showed detached houses off Park Crescent, there was no turning head provided and no pedestrian link through to either Larkhill Road or Artillery Road. Furthermore, the houses off Artillery Road were cramped, would have been too close to neighbouring properties and with a car park of 25 spaces adjacent to a smaller play area. It is officer's opinion that the scheme now proposed is an improvement on the indicative layout whilst also providing more open space and more dwellings.
- 6.2.7 In terms of design these five houses are all large detached dwellings with symmetrical frontages, chimneys and simple porches. Officers consider that these five houses reflect the designs of the existing houses on Park Crescent. They are proposed to be finished in brick which also continues the houses at the end of Park Crescent which are built of brick. The applicant considers that the design is of a

high quality and will add to the character of the area. Officers consider that these five houses are acceptable and continue the designs and details as existing. Granted beyond these five houses the designs do alter and include traditional features, smaller houses and different detailing. The acceptability of the remainder of the site is considered within the report for those phases. However, overall officers consider that the whole of the site will provide a good quality development which mixes the existing housing in the immediate area and wider area.

6.2.8 Layout, design and appearance are subjective matters. Opinions can differ. The Parish Council and local residents view is clear from the level of objections which have been received. Members will need to consider whether they agree with the residents or officers. Officers consider that the layout, design and appearance are acceptable and will enhance the area. As such officers are of the opinion that the scheme complies with adopted policies.

### 6.3 **Impact on residential amenity**

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The development of the site should not result in unacceptable loss of privacy or light to existing dwellings or to the future residents of the site. It is not a matter of protecting views of existing properties or protecting properties from all overlooking or the feeling of overlooking. It is a subjective matter whether an impact is unacceptable or not. However, for ease officers regularly seek to ensure that there is at least 5m undeveloped around existing windows to ensure that the impact on right to light is not unacceptable and seek to ensure that there is around 21m between direct facing windows to ensure that the privacy of existing dwellings is maintained.

6.3.2 The site for these five plots is off the end of the existing Park Crescent where the existing housing face over the existing estate road. Plot 7 is proposed to lie adjacent to 21 Park Crescent with a separation distance of approximately 20 metres but with no windows in the gable end of the new dwelling and the majority of the trees on the boundary retained. As such the new dwelling will not cause an unacceptable impact on the amenities of the existing dwelling. Plot 6 will sit back to back with 1 St Barbaras Place but with over 30 metres between facing windows will not cause an unacceptable loss of amenity.

6.3.3 Plot 5 will face towards the side elevation of 14 Park Crescent which has windows in the gable end. However, the separation distance will be over 21 metres with the existing trees retained on the boundary. As such, although there will be windows in the front elevation of plot 5 the separation distance is such that officers could not justify refusal or an amendment on the basis of loss of privacy. This plot has been positioned at this angle to provide an element of interest and feature on entering the site. It is intended to form "bookends" with the garage opposite to create an entrance to the new part of the estate. It may be possible to turn this plot but there is no reason to require it to be turned.

6.3.4 With regard to amenity of new residents the layout of these five dwellings will ensure that there is no loss of light or privacy. Accordingly the proposal is considered to comply with policy CS6 in regard to amenity.



#### 6.4 **Highways, access, parking and footpaths**

- 6.4.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel can be reduced.
- 6.4.2 Three points of access are proposed to the development. The layout as amended across all five applications shows 17 houses served off Park Crescent, 4 off Larkhill Road and 6 off Artillery Road. As noted in section 4 above, even as amended, the number of houses being accessed off Park Crescent has raised a significant number of local objections. The Parish Council have also objected to the proposal on the basis of traffic safety, increased traffic and lack of infrastructure.
- 6.4.3 Prior to submitting the current applications the agent met with the planning officer and highway officer. Advice was given that the majority of the houses should be accessed off Larkhill Road and Park Crescent. Artillery Road has a sharp bend and narrow width and as such is not considered suitable for high numbers of houses. Following receipt of the plans the Highway Officer raised concerns about the junction of Park Crescent onto North Drive which has limited visibility to the north. It was recommended that the number of houses off Park Crescent be reduced. The agent met again with the Planning Officer and Highway Officer and discussed alternative house numbers and other options.
- 6.4.4 The provision of a traffic calming measure on North Drive was suggested and has been submitted as part of the set of amended plans. The proposal is for the provision of a “build out” which is a trapezium shaped kerbed area with a central plastic bollard. It reduced the road width and requires drivers travelling in a southerly direction to give way to those travelling in a northerly direction. It is necessary to have this feature to the north of the existing junction as this is required to improve visibility and will mean that traffic travelling south towards the junction of Park Crescent and North Drive will be visible to traffic waiting to pull out of Park Crescent.
- 6.4.5 Local objections have raised concerns about the position of the build out, both in terms of traffic safety, increase in speed for vehicles attempting to beat other traffic to the narrowed section and also impact on the amenities of the properties either side of this feature. As noted above the build out is required to the north of the existing junction to alleviate the existing limited visibility. Officers, and the local member, accepts that there are other areas in Park Hall which also require traffic calming as part of a wider assessment of traffic speeds but this is a separate matter to the current application. There is a potential for increased speeds from some vehicles, if this does become a significant problem alternative traffic calming can be considered by the Parish Council and Highways Department.
- 6.4.6 With regard to amenity and the use of existing driveways the build out has been shown in a position where it will not conflict with the use of any existing driveway entrance. The give-way will increase vehicles waiting outside existing dwellings, however waiting times will only be short, the existing dwellings are viewable from

the public highway and footpath (on west side) and there are no parking restrictions preventing cars currently parking or waiting in the same position as the give way marking is proposed. The proposed bollard will be low and overall the build out feature is not considered to be visually intrusive.

- 6.4.7 As noted in the recommendation and section 4 above the final comments from the Council Highway Officer have not yet been received. However, the Principal Planning Officer has spoken to the Highway Officer, who was involved in the discussions with the agent. The principle of the proposed build out on North Drive is acceptable, the details would need to be worked up with highways under a S278 agreement as the work will involve works to the highway. With the addition of the build out the Council Highway Officer has verbally advised that they have no objection to the five applications under consideration. They have taken into account all five applications and the potential traffic impacts whilst also acknowledging that the site is allocated for housing development.
- 6.4.8 With regard to accessibility the agent considers the site is close to the recreational facilities at The Venue and Rugby club and near to employment such as a the hospital and BT. The village is also served by bus to Oswestry and Shrewsbury. It is acknowledged that the village does not have a shop, as noted by objectors, however it is close to the facilities available and is an allocated housing site with outline consent. The services and facilities around the site and in Oswestry are accessible.
- 6.4.9 Accordingly the site is considered to be suitable for housing development, the principle was accepted by allocation and the granting of outline consent. The improvements proposed to the existing highway and the layout and numbers of houses proposed will not result in highway safety impacts and as such the scheme complies with local policies and the NPPF.
- 6.5 **Ecology and trees**
- 6.5.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. The potential for impact on protected species was considered in detail during the determination of the outline planning application and conditions were imposed accordingly to enable improvements to ecology.
- 6.5.2 As noted in section 4 above the Council Ecologist has confirmed, with regard to the 5 reserved matters applications, that they have no additional comments to make and will rely on the conditions on the outline consent. The conditions will ensure the protection of species and the enhancement of habitat. As such the development of this site would comply with the requirements of policy CS17 and the NPPF with regard to ecology.
- 6.5.3 With regard to trees the Council Ecologist has advised that they welcome the retention of trees along the western boundary, and the additional native tree planting. The site was previously grazing land but does not appear to have been actively grazed recently. The site boundaries are hedges and fences and the application proposes to retain the existing hedges and provide additional planting to the boundaries and also around and within the proposed amenity space.

## 6.6 **Drainage**

6.6.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. The principle of connecting the foul drainage to the existing mains drainage system was accepted at the outline stage. Objections were raised by local residents at that time and are repeated on this application. However, as noted in the officer report for the outline application this is not a matter for planning, the sewerage provider is required to enable a connection to an existing mains foul system, any capacity issues would be a matter for the sewerage provider to resolve. No objections have been received from the sewerage provider.

6.6.2 The Council Drainage Engineer has advised that the drainage proposals for Phases 1 to 5 should be submitted for approval as a Whole Site before the development commences as per Drainage Condition 6 on Outline Application 17/03677/REM. The condition requires the details to be submitted prior to commencement. It does not require the details as part of the reserved matters applications. This information can be provided at a later date under an application for discharge of conditions. Any upgrades required to the local sewer network to enable connections to be made would have to be provided by the sewerage provider.

## 7.0 **CONCLUSION**

7.1 The principle for residential development has already been agreed through the allocation of the site and the granting of outline planning consent. It is considered by Officers that the proposed layout, appearance and landscaping of the scheme will respect the character of the area and not detrimentally impact upon the amenities of any neighbours. The proposed accesses will provide safe access for highway users and the scheme includes adequate off street car parking and manoeuvring space. It is therefore considered that the proposed development complies with policies CS6 and CS17 of the adopted Core Strategy and MD2 and MD12 of SAMDev.

## 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 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 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

National Planning Policy Framework  
CS4 - Community Hubs and Community Clusters  
CS6 - Sustainable Design and Development Principles  
CS11 - Type and Affordability of housing  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management  
MD1 - Scale and Distribution of Development  
MD2 - Sustainable Design  
Settlement: S14 - Oswestry

### Relevant planning history:

13/01643/OUT Outline application for residential development (all matters reserved) GRANT  
27th August 2014

17/03677/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of three dwellings (Phase 1 : Plots 1-3) with garaging and formation of parking spaces PCO

17/03678/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of seven dwellings (Phase 2 : Plots 4-10) with garaging and formation of parking spaces PCO

17/03679/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of eight dwellings (Phase 3: Plots 11-18) with garaging and formation of parking spaces PCO

17/03680/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of six dwellings (Phase 4: Plots 19-24) with garaging and parking spaces PCO

17/03690/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of six dwellings (Phase 5: Plots 25-30); formation of parking spaces PCO

## 11. ADDITIONAL INFORMATION

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 R. Macey
Local Member Cllr Steve Charmley
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.

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

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

3. No development shall take place until a Construction Method Statement (incorporating a Traffic Management Plan) has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for: -

- the parking of vehicles of site operatives and visitors loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- a traffic management and HGV routing plan

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

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

4. The materials to be used in the construction of the external walls shall be as detailed on the correspondence received 1st July 2016 in relation to application 16/02759/DIS.

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