

## Development Management Report

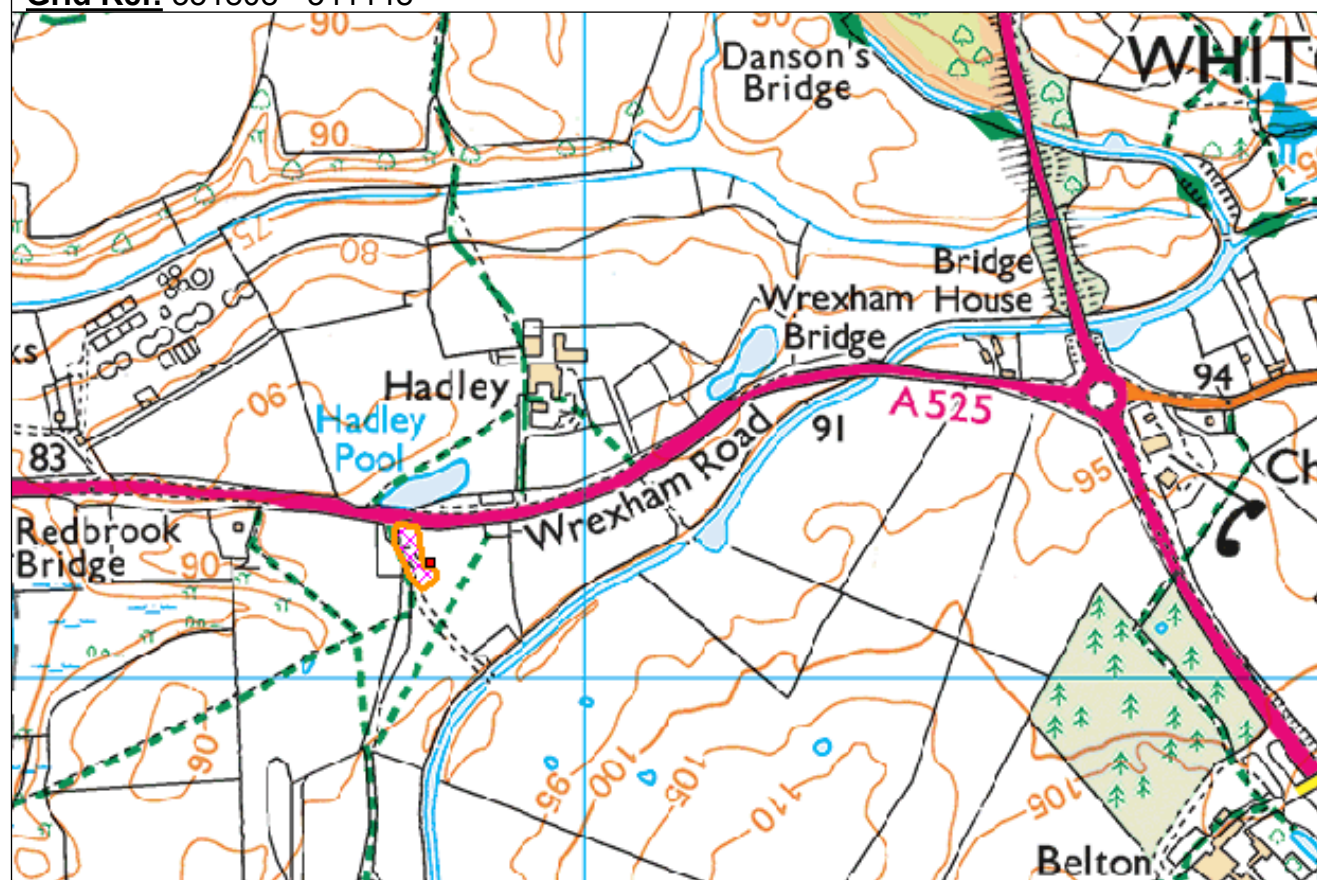
Responsible Officer: Tim Rogers

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### Summary of Application

<b><u>Application Number:</u></b> 17/05115/VAR	<b><u>Parish:</u></b>	Whitchurch Urban
<b><u>Proposal:</u></b> Variation of conditions number 2 (Approved Plans) and 3 (Materials) attached to Planning Permission reference 15/00329/FUL dated 6th August 2015		
<b><u>Site Address:</u></b> Proposed Cafe At Hadley Farm Wrexham Road Whitchurch Shropshire		
<b><u>Applicant:</u></b> Mr And Mrs P & J Wynn		
<b><u>Case Officer:</u></b> Sue Collins		<b><u>email:</u></b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>

**Grid Ref:** 351808 - 341148



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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 is for a variation to the approved plans for the erection of café in replacement to the catering unit and toilet block which was granted permission on the 6<sup>th</sup> August 2015 reference number 15/00329/FUL.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The equestrian centre and the application site lie on the south side of the A525 and is in an area identified as being in open countryside in the North Shropshire Local Plan. The land is relatively flat and is at a lower level than the adjoining highway with the boundary to the highway defined by a mature, high hedge which screens the majority of the site from view. The building will be sited on part of an existing car park which is surfaced in hardcore and it is separated from the remainder of the equestrian centre through post and rail fencing.

- 2.2 There are no residential properties within close proximity of the site.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 This application requires Committee consideration as it falls into the category of applications made, by or on behalf of, or relating to the property of Members or officers of the Council who hold politically restricted posts or who either directly or indirectly report to the Group Manager Environment.

**4.0 Community Representations****- Consultee Comments**

Shropshire council Drainage: No objection provided the requested conditions and informatives referred to in the previous application are added to any decision notice

Shropshire Council Ecology:  
No comment

Shropshire Council Highways: No objection

From the submitted Location, Site and Floor Plans published on the 20.10.2017, the application would appear to be seeking consent for a smaller building built within the footprint of the approved café facility. The variation to the design of the building and its location is not considered to affect the highway and raises no objection subject to the development being completed in accordance with the approved details.

It is noted that the variation to the development will not reduce the approved parking area with the site area having been extended slightly and the proposed site plan drawing no. PW-011 Rev B being annotated as car park.

Canal & Rivers Trust:

This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

## **5.0 THE MAIN ISSUES**

- Principle of development
- Siting, scale and design of structure
- Visual impact and landscaping

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

- 6.1.1 Policy CS13 of the Shropshire Council Core Strategy indicates the Council's approach to positively develop and diversify the Shropshire Economy through supporting enterprise and delivering sustainable economic growth and prosperous communities. Furthermore policy CS16 encourages appropriate development to deliver high quality sustainable tourism, cultural and leisure facilities.
- 6.1.2 Planning permission was granted in 2011 for the erection of a toilet facility and catering unit. The buildings were required in order to provide additional facilities for the users of the equestrian centre. At the time the need had been demonstrated for these units and a temporary planning permission was granted to assess the success of the operation over a period of five years. Since this time the applicant has run a successful venture and wishes to replace these existing facilities with a more permanent, robust building. Planning permission was thereafter granted in 2015 for a permanent structure. The current application seeks to vary the 2015 consent.
- 6.1.3 The on-site provision of such facilities will enable the centre to potentially attract more users and increase its popularity. As such these will have the potential to help the business to prosper further and to continue to operate in this area providing a benefit to the local economy. Customers include the users of the equestrian business and members of the public. As a local attraction it is important to encourage necessary development where appropriate to support the continued success of such operations.
- 6.1.4 In view of the above, the principle of the small scale proposed development is considered to be in accordance with the requirements of policies CS13, CS16 and MD11 of the Shropshire LDF. Furthermore, the principle has previously been accepted in granting the 2015 consent.
- ### **6.2 Siting, scale and design of structure**
- 6.2.1 The previously approved scheme (2015) was for a single building incorporating toilet facilities, seating area, kitchen and servery. It was to be a single storey structure and constructed using timber.
- 6.2.2 The new scheme will provide a kitchen area, seating area store and office but no toilet facilities. This will remain within the existing detached buildings.
- 6.2.3 The amended building is smaller in its scale being a flat roof it will be significantly lower in height and the footprint is significantly smaller. The appearance of the structure will be a rectangular "box" similar in appearance to the existing structure on site, but larger than the existing. However it would be clad in timber and as such would be a visual improvement on the existing facilities. While this is acceptable, in this rural location, it is Officer's opinion that it is a shame that the

previously approved scheme could not be implemented as this would have provided a modern well designed structure more aesthetically pleasing.

- 6.2.3 However, it is considered by officers, that the development is of a scale which will not be visually intrusive in the rural landscape making use of timber cladding which will help integrate it into the rural surroundings. Therefore it is advised that officer opinion is that the proposed development is of a scale and design that is appropriate for the location and the development is in accordance with policies CS5, CS6 and MD2 of the Shropshire LDF.

## **7.0 CONCLUSION**

The proposed development will provide an improvement to an established and what appears to be a popular facility, associated with a local attraction and it is appropriate in its design and scale and it will have a minimal impact upon the character and appearance of the rural landscape. Therefore the proposed development is in accordance with policies CS5, CS6, CS13 and CS16 of the Shropshire Council Core Strategy.

## **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

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS16 - Tourism, Culture and Leisure

MD2 - Sustainable Design

MD11 - Tourism Facilities and Visitor Accommodation

### Relevant planning history:

11/02093/FUL Provision of catering unit and toilet block GRANT 21st July 2011

15/00329/FUL Erection of a replacement cafe GRANT 6th August 2015

## 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 Thomas Biggins Cllr Peggy Mullock
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 6th August 2015 being the date of the original planning permission reference 15/00329/FUL.

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. The external materials for the proposed building hereby approved shall be as follows:

Main body: plastisol - willow green 12 b 17

Fascia: plastisol fascia - moorland green 12 b 21

Corners: plastisol - moorland green 12 b 21

Jacklegs: 60 / 70 painted - moorland green 12 b 21

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

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

4. The car parking area as depicted by the site plan area shown on Drawing No. PS-011 Rev B shall be at all times available for the parking of vehicles in connection with the Café facility and for no other purpose; the car parking area shall be maintained in perpetuity for the lifetime of the development.

Reason: To provide adequate off highway parking in the interests of highway safety.