



Committee and Date
North Planning Committee
12 May 2015

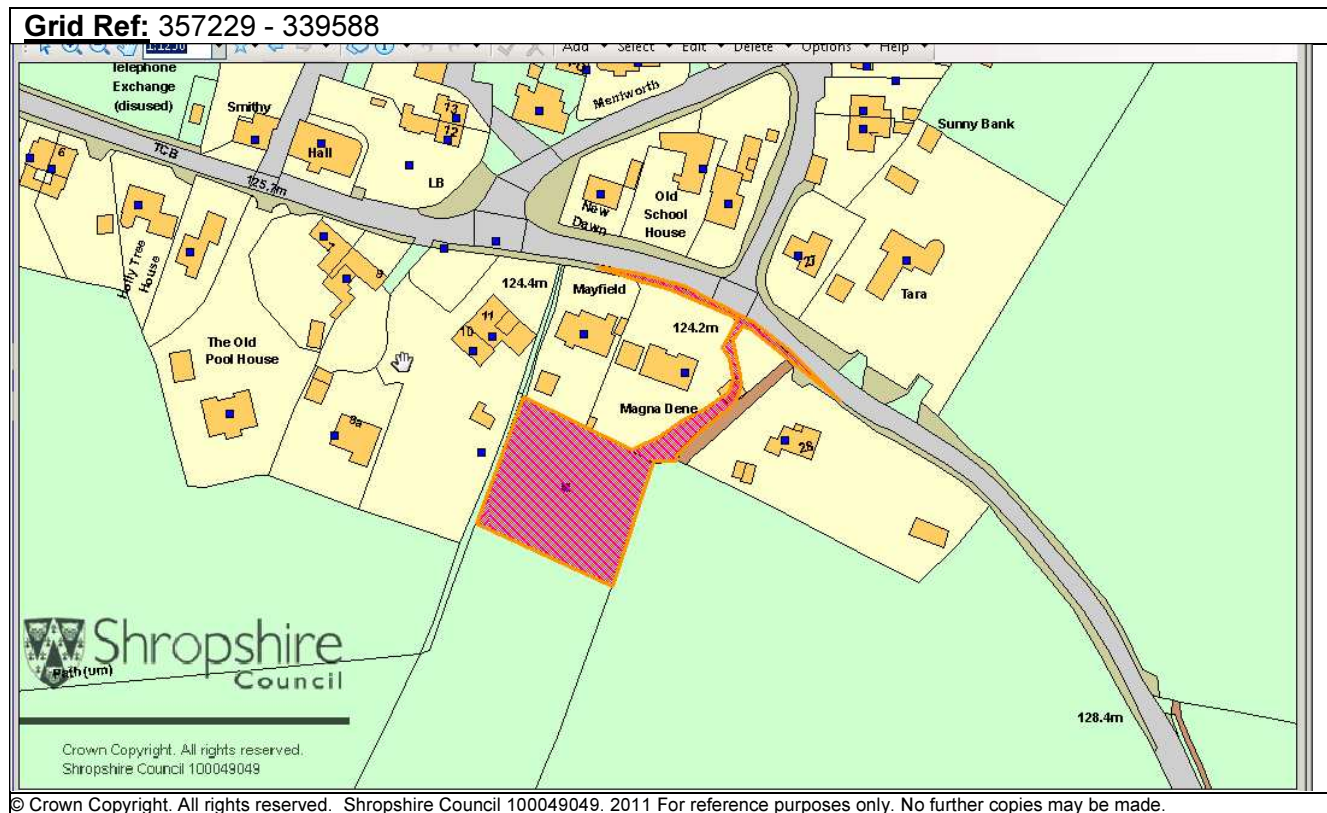
Item
7
Public

Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 14/05017/OUT	Parish: Whitchurch Rural
Proposal: Outline application (access for approval) for the erection of one dwelling	
Site Address: Development Land South Of Magna Dene Ash Magna Whitchurch Shropshire	
Applicant: Mr W Hilton	
Case Officer: Sue Collins	email: planningdmne@shropshire.gov.uk



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and subject to the applicants entering into a S106 agreement to secure affordable housing.

REPORT

1.0 THE PROPOSAL

1.1 This application seeks outline planning permission for the erection of one dwelling on land to the south of Magna Dene. The proposed access arrangements are for consideration at this stage with all other matters to be dealt with as reserved matters

1.2 During the course of the application the proposal has been amended. This includes the reduction of the number of dwellings to one and the proposed access arrangements have been amended to overcome the concerns raised by local residents, Parish Council and the Highways Development Control Officer.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is an area of land located at the rear of Magna Dene and Mayfield and to the east of a new dwelling erected at the rear of 10 Ash Magna. The area is currently identified as agricultural land with a public footpath located to the west of the site. Two previous planning applications in 2005 and 2006 for change of use of this land to residential use were refused.

2.2 The pattern of development within Ash Magna is predominantly road frontage dwellings. However, there are exceptions to this including along Church Road and to the west of the application site. The proposed development of this land would be similar to that of the dwellings adjoining the site where they are behind existing road frontage properties.

2.3 The land that is the subject of the application is identified in the North Shropshire Local Plan as being in an area of open countryside. However the existing development boundary for Ash Magna follows the line of two sides of the application site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme complies with the delegation to Officers as set out in Part 8 of the Shropshire Council Constitution.

Applications where the Parish Council submit a view contrary to officers (approval or refusal) based on material planning reasons the following tests need to be met:

(i) these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and

(ii) the Area Manager or Principal Planning Officer in consultation with the committee chairman or vice chairman and the Local Member agrees that the Parish/Town Council has raised material planning issues and that the application should be determined by committee

In this case although amended plans have been received they continue to object to the proposed development on the basis of the cumulative impact of the number of dwellings being approved in the village, the ability of the infrastructure to

support the number of dwellings, the access was unacceptable and the detrimental impact of the dwelling on the Jubilee Walk.

However, although these comments are noted by Officers, it is considered that most of these issues can be overcome and as such planning permission should be granted.

The Case Officer has spoken to Cllr Dakin as the Local Member and Cllr Wynn as Vice Chair of the Planning Committee regarding the matter. It was agreed that the application should be presented to the Planning Committee to discuss the material planning considerations that have been raised.

4.0 COMMUNITY REPRESENTATIONS full details of the responses can be viewed online

4.1 Consultee Comments

- 4.1.1 **Affordable Housing Officer:** In accordance with policy CS11 open market residential development will require a contribution to affordable housing. The applicant will be required to enter into a S106 Legal Agreement to ensure the appropriate payment is made.
- 4.1.2 **Highways Development Control Officer:** No objection is raised to the granting of outline consent subject to the inclusion of the recommended conditions.
- 4.1.3 **Ecology:** No objection subject to the inclusion of the recommended informatives and conditions.
- 4.1.4 **Drainage:** No objection however additional information would be required at the reserved matters stage should outline planning permission be granted.
- 4.1.5 **Rights of Way:** No objection subject to the developer ensuring the right of way is protected at all times both during and after the development.
- 4.1.6 **Whitchurch Rural Parish Council:** oppose the development because it is contrary to Shropshire's Core Strategy in the following respects viz:-

The Parish Council discussed the proposed amendments to the scheme and noted that the Parish has now fulfilled the SAMDev quota for Ash. Councillors discussed the amendment from 2 to 1 dwellings and agreed that it makes no difference and that access concerns remain. Councillors raised objections to the demand from the Agent for a delegated decision. The Council members queried the proposed siting of the proposed dwelling at the start of the Jubilee Walk footpath and agreed that this is undesirable. The Councillors raised and reconfirmed concerns about cumulative impact of additional dwellings and the current infrastructure being unable to support additional dwellings; Contrary to CS5; Detrimental impact on the village if the SAMDev allocation is ignored and further development is permitted; concerns of precedent being set. The Council members agreed to maintain strong objection to any development on this site and requested that the Local Member call in this application for decision by Planning Committee and hope that Localism will be adhered to and local views considered.

4.1.7 **Ramblers:** The proposal should not affect the existing public right of way.

4.2 **Public Comments**

4.2.1 Eight letters of representation have been received in connection with the application. The areas of concern relate to:

- Inaccuracies in the supporting information stating that the land is not agricultural use.
- The development will be outside the development boundary for the village and result in a loss of agricultural land
- This site was not a preferred site within the SAMDev consultations.
- The new housing will exceed the figures for delivery as part of SAMDev and would therefore be over development.
- There are more appropriate sites within the village for development.
- This is not a “natural rounding off” plot but will encourage more such development in the village if it is allowed.
- Affordable dwellings would be preferred as these are needed in the village
- If approved this would set a precedent for further development in the village.
- The new access will cause problems along an already dangerous stretch of highway.
- Condition 4 recommended by the Highways Development Control Officer is considered to be unenforceable.
- Extra traffic using the highway has increased the highway hazards
- The proposed visibility is inadequate.
- Drainage is an issue in this area.
- The dwellings would cause a loss of privacy to adjacent properties.
- The site is adjacent to the Jubilee Walk and as such the development will restrict views from it.

The development would have an adverse visual impact on the character and distinctiveness of the local landscape.

Proposal does not comply with policy CS5.

The pattern of development would not be linear like the remainder of the village.

The development would be visible from the highway.

The proposed layout of the site has changed with no consideration for the impact on the residential amenities of neighbouring properties.

The boundary treatment to the north of the site would need to be considered as a hedge or fence would reduce light to the neighbouring property

5.0 **THE MAIN ISSUES**

- Policy & Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Impact on Trees
- Ecology
- Drainage

6.0 OFFICER APPRAISAL

6.1 Policy & Principle of Development

6.1.1 Objections have been received from Local Residents and the Parish Council to the proposal on the basis that the site is in an area of open countryside outside the existing and proposed development boundary for Ash Magna. As there have been a number of recent approvals for dwellings in the cluster the number of dwellings has already been reached. Therefore the proposal should be refused as being contrary to policies CS4 and CS5.

6.1.2 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight.

6.1.3 Paragraph 14 of the NPPF states that:

‘at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking’

and that for decision making this means:

‘approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole’

NPPF Paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The council published a revised 5 year land supply statement in August 2014 which demonstrates that the Council now considers that it has a 5 year supply of housing.

6.1.4 Even though the Council has a 5 year housing land supply prior to adoption of SAMDev the balance of material consideration is still in favour of boosting housing supply in locations that are considered to be sustainable and/or those locations that are being promoted by the Parish as a Community Hub or Community Cluster within the emerging SAMDev DPD or are located within the development boundary under saved local plan policies. Consequently in the balance of considerations the key issues in determining this application are:

- Whether the proposal accords with adopted and emerging local plan policy and
- Whether the proposal represents sustainable development (an assessment of the benefits and harm).

6.1.5 The relevant adopted Local Plan for Ash Magna is the North Shropshire District

Council (NSDC) Local Plan and the Shropshire Core Strategy. The site is outside the development boundary for Ash Magna on the proposals map of the NSDC local plan and it is not an allocated site under saved NSDC policy H4 and is therefore classed as countryside. The relevant Core Strategy policy that relates to development in the countryside is CS5 which seeks to control development such that only limited types of development, such as accommodation for essential countryside workers and other affordable housing, is permitted. Core strategy policy CS4 outlines that development, which amongst other things, provides housing for local needs and that is of a scale appropriate to the settlement will be allowed in villages in rural areas that are identified as Community Hubs and Clusters within the SAMDev DPD and not allowing development outside these settlements unless it meets policy CS5. The explanation within CS4 states that *'Shropshire Council is adopting a "bottom up" approach, whereby it works with communities at the parish and village level in together undertaking an intelligent analysis of the nature of their local community and how their village functions, and how it can be improved'* and that *'a key consideration in identifying Community Hubs and Community Clusters is the views of the local community regarding whether they wish to put themselves forward for this status, whether singly or as a part of a networked group of settlements'*. Following extensive consultation the community and the Parish Council have put the settlement of Ash Magna forward and as part of a Cluster settlement. As the site is located outside the proposed development boundary for Ash Magna, the development of the proposed site would therefore be contrary to both adopted and emerging policy

- 6.1.6 Whilst the Agent has claimed that the land has been used as part of the garden to Magna Dene, some of the supporting information has been withdrawn. In addition the comments from local residents indicates that this is not the case and there is no record in the planning history of the site that indicates that the use of the land for domestic use has been approved. However, whether the land has been used for domestic or agricultural purposes is not material in the consideration of this application.
- 6.1.7 In the intervening period between submission and adoption of the SAMDev, sustainable sites for housing where the adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF. As such it remains officer's advice that it would be difficult to defend a refusal for a site which constitutes sustainable development and that the presumption in favour of sustainable development at paragraph 47 of the NPPF is given greater weight than either the adopted or forthcoming policies. The NPPF does not permit a housing development free-for-all, the principle issue for consideration is whether the development is sustainable or not when considered against the NPPF as a whole. As such a development which is not sustainable can be refused against the NPPF but officers advise that caution should always be taken when considering refusal against the NPPF. Paragraph 14 advises that the adverse impacts of granting consent would need to significantly and demonstrably outweigh the benefits.
- 6.1.8 **Is the Development Sustainable** The sustainability of a site is not judged purely on its location, or on whether it is deliverable. The fact that the site is deliverable and available is a positive in its favour. However, the suitability of a site in terms of its sustainability needs to be considered against the NPPF as a whole and the

policies within the Core Strategy Paragraph 6 of the NPPF advises that paragraphs 18 to 219 constitute sustainable development.

- 6.1.9 Paragraph 55 of the NPPF promotes sustainable development in rural areas where it will enhance or maintain the vitality of rural communities. The example given is where there are groups of smaller settlements and a development in one of these may support the services in others nearby. However dwellings in isolated locations should be avoided
- 6.1.10 Paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:
- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
 - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

The SAMDev Plan is considered to be at an advanced stage of preparation having undergone significant public consultation and has been submitted to the Secretary of State for its examination. It is therefore considered that even though there are some objections to it that some weight can now be given to SAMDev and the wishes and aspirations of the community that have chosen Ash Magna as part of a Cluster settlement.

- 6.1.11 This land is shown to be adjacent to the settlement of Ash Magna on Ordnance Survey maps. Whilst there are some hedges defining the boundary these would not be considered sufficient to screen the proposed development from the wider public realm. In particular the adjacent public right of way and the highway when approached from the East which is a concern raised by local residents and the Parish Council.
- 6.1.12 Officers agree that the proposal is located on land designated as open countryside. However this is adjacent to the existing development boundary for the village of Ash Magna with dwellings to the north and west of the site. Therefore any development of this land would be closely related to existing dwellings and the potential for visual intrusion would be lessened. Furthermore while the development may not be linear to the road as stated by the Parish Council and residents, there are dwellings within the village and adjacent to the site that have been similarly positioned behind road frontage dwellings. As such the proposal is one that would be considered to meet the requirements of the NPPF when read as a whole and this proposal would not lead to a sporadic form of development in the open countryside.
- 6.1.13 **Economic Consideration** Paragraph 7 of the NPPF sets out the three dimensions to sustainable development and provides an overview of what is considered to be the economic, social and environmental roles of the planning system.

- 6.1.14 However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is 'about positive growth – making economic, environmental and social progress for this and future generations'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:
- *an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
 - *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
 - *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*
- 6.1.15 It is acknowledged that there are economic benefits of new house building in providing housing in close proximity to the settlement and that it is located relatively close to other settlements where potential employment opportunities exist. Whilst it may be necessary to drive to some of these locations this does not necessarily preclude them from consideration as most rural settlements in Shropshire require access to other areas by vehicle.
- 6.1.16 As detailed in Paragraph 55 of the NPPF the benefit to nearby services can also be taken into consideration and as further development would contribute to the vitality and viability of these facilities in the area this aspect also has to be considered.
- 6.1.17 Taking the above in to consideration it is noted that there may be potential benefits to the economy of the area and nearby settlements however this is likely to be limited and as such limited weight can be given to economic aspect of the proposal.
- 6.1.18 **Social Considerations** The development of the site would increase the population of the settlement. The village contains a number of community facilities such as village hall, church, public house and tennis/bowling facilities all within walking distance of the site. In addition the close proximity of Ash Magna to Whitchurch will allow future occupiers access to other facilities, services and employment. Whilst this may rely on occupiers using private transport this is not a reason to recommend refusal as has been identified in appeal decisions. The development may provide an Affordable Housing Contribution that would assist in the provision of much needed affordable dwellings in the area although this would

be relatively small towards the overall cost of such a dwelling. As with the economic benefits this is an accepted benefit of house building. As such Officers consider that the benefit of the social aspects would outweigh the harm that could be caused.

- 6.1.19 **Environmental Considerations** The site is currently authorised for use as agricultural land. It is stated within the application that the site has been used for domestic purposes in excess of 10 years. However a statement supporting this has been withdrawn and the information has been contested by local residents. Local residents and the Parish Council have raised concerns that the proposed development will have a detrimental impact on the environment of the area. This is in terms of: the pattern of development being out of keeping with the character of the area; and the visual impact of the development particularly from the Public Right of Way. From the planning history for the site two previous applications to change the use of the land have been previously refused, one in 2005 and one in 2006. Therefore for the purposes of this application the assessment has been made based on the agricultural use of the land.
- 6.1.20 The site is grade 3 agricultural land, and has no heritage, cultural or ecological designation. It is considered that the loss of this piece of agricultural land for agricultural purposes would not be significant. It is appreciated that the site is close to other dwellings, and whilst the proposed new dwelling would be visible in the landscape, its closeness to other dwellings will lessen the visual impact. The Agent has stated that the development of this site would act as a “rounding off” of the development to the village. This is an understandable statement given that it is surrounded on two sides by not only other development but also the existing and proposed development boundary. The opposition to this statement is also appreciated however, the comments of setting a precedent is not the case as every application is assessed on its own merits against adopted National and Local Policy as detailed in para 6.1.2 above.
- 6.1.21 On balance whilst there is the potential for the development to be of harm to certain aspects the potential benefits also have to be considered. Whilst the development would be visible in the landscape the close proximity of other dwellings would minimise any potential impact. In addition any future design would also need to be sensitive to minimise further its impact. The provision of affordable housing contribution, the potential economic and social benefits also would be of benefit not only to the village but also other settlements in the area. Overall officers consider that the proposal would represent sustainable development and whilst contrary to adopted and emerging local policies it will be in accordance with National policy
- 6.2 **Design, Scale and Character**
- 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, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 ‘Requiring Good Design’ of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

- 6.2.2 In this instance the application is for outline planning permission where only the access is being approved at this stage. The matters of scale, layout and appearance are all matters that are to be dealt with at the later reserved matters stage. Therefore no details of the proposed dwellings have been provided with this application.
- 6.2.3 In view of the above the objections raised regarding layout, design and boundary treatments cannot be considered as part of this application.
- 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.
- 6.3.2 Concerns have been expressed by local residents that the proposed development would cause a loss of privacy to neighbouring properties.
- 6.3.3 The proposed layout and design of the dwellings is not to be determined as part of the outline planning application, although an indicative layout plan has been submitted. This layout plan does indicate that there is scope for a scheme to be developed on the site allowing the proposed dwelling with adequate amenity space and separation from neighbouring properties. In addition the proposed design and floor layouts of the dwelling would also be arranged to minimise any potential loss of light or privacy. However as described above these matters would be dealt with as part of the reserved matters application.
- 6.4 **Highways**
- 6.4.1 Concerns have been expressed by local residents and the Parish Council that the proposed access will exacerbate existing highway problems in this location. This is in terms of lack of visibility from the access and also the traffic levels currently experienced along this stretch of highway. As such the objectors consider that the proposal will have a significant impact on highway safety. A further comment has been made that one of the conditions recommended by the Highways Development Control Officer is unenforceable.
- 6.4.2 The amended site plan sets out an alteration to the access arrangements in order to overcome the objections raised by the Highways Development Control Officer. The plans now show the visibility splays that would be achieved and the Highways Development Control Officer has raised no objection to these as they are in accordance with the accepted standards.
- 6.4.3 With regard to the recommended conditions concerns have been raised regarding the proposed condition regarding parking and turning of vehicles. This is a condition that is frequently used and is not considered to be an issue with its enforceability. However, having assessed the plot and the proposed access arrangements it is considered by Officers to be unreasonable and therefore would not be recommended for inclusion on any planning permission that may be granted.
- 6.4.4 Overall as the Council's Highways Development Control is satisfied with the amendment to the access and raises no objection to the proposal, Officers

consider that the proposal is acceptable.

6.11 **Ecology**

- 6.11.1 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. Therefore the application has been considered by the Council's Ecologist.
- 6.11.2 An Environmental Survey has been provided with the application and this has been assessed by the Council's Ecologist. No objection to the proposal has been raised provided the recommended conditions and informatives are included on any planning permission that may be granted. This will ensure the future protection of statutorily protected species and habitats.
- 6.11.3 In view of the above it is considered by Officers that the proposed development will not have a detrimental impact on statutorily protected species and habitats. Therefore the proposal meets the requirements of the NPPF and policy CS17 of the Shropshire Core Strategy.

6.12 **Drainage**

- 6.12.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.
- 6.12.2 No objection to the proposed development has been raised by the Council's Drainage Engineer with regard to the scheme. However, additional information will need to be submitted with the reserved matters application to ensure that an appropriate scheme is designed.
- 6.12.3 In view of the above it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

7.0 **CONCLUSION**

- 7.1 On balance whilst the concerns and objections to the proposal are acknowledged, there is a requirement for the application to be considered against the requirements of the NPPF. This has a presumption in favour of sustainable development and an assessment has been carried out in accordance with the NPPF criteria. From the information above it is the opinion of Officers that the proposal meets the criteria and therefore the NPPF. Issues relating to design and impact on residential amenities will be considered in more detail as part of a reserved matters application however it is considered that the site.

Overall it is considered that the proposal is in accordance with the NPPF and policies CS4, CS5, CS6, CS11, CS17 and CS18 of the Shropshire Core Strategy.

In arriving at this decision the 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 187.

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 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

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

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 M. Price
Local Member Cllr Gerald Dakin
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Details of the appearance, layout, scale and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of twelve months from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:
 - The means of enclosure of the site. The southern boundary of the proposed development will be made up of a native species hedgerow as recommended in the Greenscape Environment Ltd (October 2014) Phase 1 Environmental Survey – Land to the rear of Magna Dene, Ash magna, Whitchurch, SY13 4DR.
 - The levels of the site
 - The means of access for disabled people
 - The drainage of the site
 - The finished floor levels

Reason: To ensure the development is of an appropriate standard.

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

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

6. No burning shall take place on site including during clearance of the site.

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

7. Work shall be carried out strictly in accordance with the recommendations for risk avoidance measures included within the report by Greenscape Environment Ltd (October 2014) Phase 1 Environmental Survey - Land to the rear of Magna Dene, Ash Magna, Whitchurch, SY13 4DR.

Reason: To ensure the protection of Great Crested Newts, a European Protected Species

8. Notwithstanding the details shown on drawing number W14/2349/01 Rev A received on 18th February 2015 the approval is for the access arrangements only.

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 DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

9. The alterations to the access apron shall be constructed in accordance with the Council's specification as follows; 20mm thickness of 6 mm aggregate surface course, 40 mm thickness of 20 mm aggregate binder course and 200 mm thickness of MOT type 1 sub-base and shall be fully implemented prior to the dwelling being occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

10. The visibility splays shown on drawing no. W14/2349/01 Rev A shall be provided at the access point extending both directions from the access along the highway. All growths and structures in front of these lines shall be lowered to and maintained at a height not exceeding 0.9 metre above the level of the adjoining highway carriageway and shall be fully implemented prior to the dwelling being first occupied.

Reason: To provide a measure of visibility from the access in both directions along the highway in the interests of highway safety.

11. The access shall be satisfactorily completed and laid out in accordance with the approved amended block plan drawing W14/2349/01 Rev A prior to the dwelling being occupied.

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety.

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

12. Any gates provided to close the proposed access shall be set a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.