



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Monday, 9 May 2016

Committee:
North Planning Committee

Date: Tuesday, 17 May 2016

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Arthur Walpole (Chairman)
Paul Wynn (Vice Chairman)
Joyce Barrow
John Cadwallader
Gerald Dakin
Steve Davenport
Pauline Dee
Roger Hughes
Vince Hunt
David Lloyd
Peggy Mullock

Substitute Members of the Committee

Nicholas Bardsley
Karen Calder
Steve Charmley
Peter Cherrington
Andrew Davies
Ann Hartley
Simon Jones
Brian Williams
Thomas Biggins
Vacancy

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 257717

Email: emily.marshall@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes (Pages 1 - 4)

To confirm the Minutes of the meeting of the North Planning Committee held on 19th April 2016, attached, marked 2.

Contact: Emily Marshall on 01743 257717

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5pm on Thursday 12 May 2016.

4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 Land South Of Old Mopsis Way, Morda, Shropshire (15/04152/REM) (Pages 5 - 16)

Approval of Reserved Matters (layout, appearance and landscaping) pursuant to permission 13/03846/OUT for the erection of 10 no. single storey dwellings; formation of parking and vehicular access

6 3 Sunnybank, Church Lane, Ash Magna, Shropshire SY13 4DS (16/00219/FUL) (Pages 17 - 26)

Erection of a two storey side extension and a single storey rear extension.

7 Land North Of Glencott, Longslow, Market Drayton, Shropshire (16/00661/OUT) (Pages 27 - 36)

Outline application for the erection of an open market dwelling to include access.

8 Spoonley Farm, Spoonley, Market Drayton, Shropshire, TF9 3SR (16/01334/FUL) (Pages 37 - 44)

Erection of stable building.

9 Appeals and Appeal Decisions (Pages 45 - 54)

10 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 14 June 2016, in the Shrewsbury Room, Shirehall, Shrewsbury.



Committee and Date

North Planning Committee

17th May 2016

NORTH PLANNING COMMITTEE

Minutes of the meeting held on 19 April 2016

In the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

2.00 - 3.26 pm

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillor Arthur Walpole (Chairman)

Councillors Paul Wynn (Vice Chairman), Joyce Barrow, John Cadwallader, Gerald Dakin, Steve Davenport, Pauline Dee, Vince Hunt, David Lloyd and Peggy Mullock

129 Apologies for Absence

An apology for absence was received from Councillor Roger Hughes.

130 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 22nd March 2016 be approved as a correct record and signed by the Chairman.

131 Public Question Time

There were no public questions, statements or petitions received.

132 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

133 The Grocott Medical Centre, Whitchurch Road, Prees, Shropshire, SY13 2DG (16/00179/FUL)

The Principal Planning Officer introduced the application for the erection of 8 no. single bedroom non-market supported dwellings. Members' attention was drawn to the information contained within the Schedule of Additional letters.

Councillor Paul Gill on behalf of Prees Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Paul Wynn as local ward councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- There should be no development around the Medical Centre as he was concerned this would create infill between the surgery and the village;
- He supported the need for bungalows for the elderly and the disabled; and
- Questioned whether the Trust set up to run the accommodation would include an independent member.

Ian Jamieson, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of Members expressed their support for the proposal, commenting that the development was sustainable and would provide much needed housing for individuals who met the local need criteria. In response to concerns, the Council's Solicitor confirmed that the recommended Section 106 Legal Agreement was the most effective way to ensure that the units remained affordable in perpetuity.

RESOLVED:

That planning permission be granted in accordance with the Officer's recommendation, subject to:

- The conditions as set out in Appendix 1; and
- A Section Legal 106 Agreement

134 Lower Heath Farm, Lower Heath, Prees, Whitchurch, Shropshire (15/05563/FUL)

The Technical Specialist Planning Officer introduced the application for the Installation of an on farm anaerobic digestion plant and associated infrastructure, for the production of both renewable heat and electricity and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. Members' attention was drawn to the information contained within the Schedule of Additional letters which contained reworded conditions 9 and 12 and recommended an additional condition in relation to external lighting. Further comments from the Public Protection and Highways Officers were circulated along with a replacement condition 7.

The Chairman drew Members attention to comments that had been circulated on behalf of local residents of Lower Heath as it had not been possible for a representative to attend and speak at the Committee.

Councillor Paul Gill, on behalf of Prees Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Paul Wynn as local ward councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He was pleased to note that traffic passing the school would avoid pick up and drop off times, therefore ensuring pedestrian safety in the area;
- Any lighting should face downwards so as to fit in with the topography of the surrounding area, particularly Fauls Green; and
- The bund should be as high as possible, to include evergreen trees to ensure screening during the winter months.

Jack Spurway, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

The Technical Specialist Planning Officer responded to a number of concerns raised during the ensuing debate, confirming that the local public highway network was of a standard that could adequately cope with the proposed development without requiring any improvement, the estimated number of trips was a figure based on an average over the course of a year and so it did take into account seasonal fluctuations. In response to question, the agent confirmed that the landowner had indicated that they would be happy to extend the traffic management plan to be implemented over the entire operations at the farm. Members welcomed this however the Technical Specialist Planning Officer clarified that this could not be enforced under the anaerobic digester consent.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members unanimously expressed their support for the proposals.

RESOLVED:

That planning permission be granted in accordance with the Officer's recommendation, subject to the conditions set out in Appendix 1, an additional condition to require prior approval of external lighting and amended Conditions 7, 9 and 12 as detailed in the Schedule of Additional Letters.

135 Little Acorn Farm, Dobsons Bridge, Whixall, Whitchurch, Shropshire (14/00834/FUL)

The Principal Planning Officer introduced the application for the erection of two agricultural sheds; siting of temporary agricultural workers dwelling and extension to access track

Confirming that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding

area. Members' attention was drawn to the information contained within the Schedule of Additional letters.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Pauline Dee as local ward councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- The site was very wet and was concerned that officers were not fully aware of the drainage problems in that area; and
- Concerns relating to the impact on Whixall Moss and the ecology in that area.

Having considered the submitted plans and listened to the comments made by all of the speakers, the committee expressed their support for the proposals.

RESOLVED:

That delegated authority be given to the Head of Planning Services to **grant** planning permission subject to:

- The conditions set out in Appendix 1; and
- Any modifications to conditions if considered necessary by the Head of Planning Services, to include the rewording of Condition 7.

136 Appeals and Appeal Decisions

The appeal decision letter for planning application 15/02360/REF Hunkey Dory, Tern View, Market Drayton was circulated.

RESOLVED:

That the appeals and appeal decisions for the northern area be noted.

137 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee would be held at 2.00 p.m. on Tuesday 17th May 2016, in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:



Committee and Date
 North Planning Committee
 17th May 2016

Item
5
 Public

Development Management Report

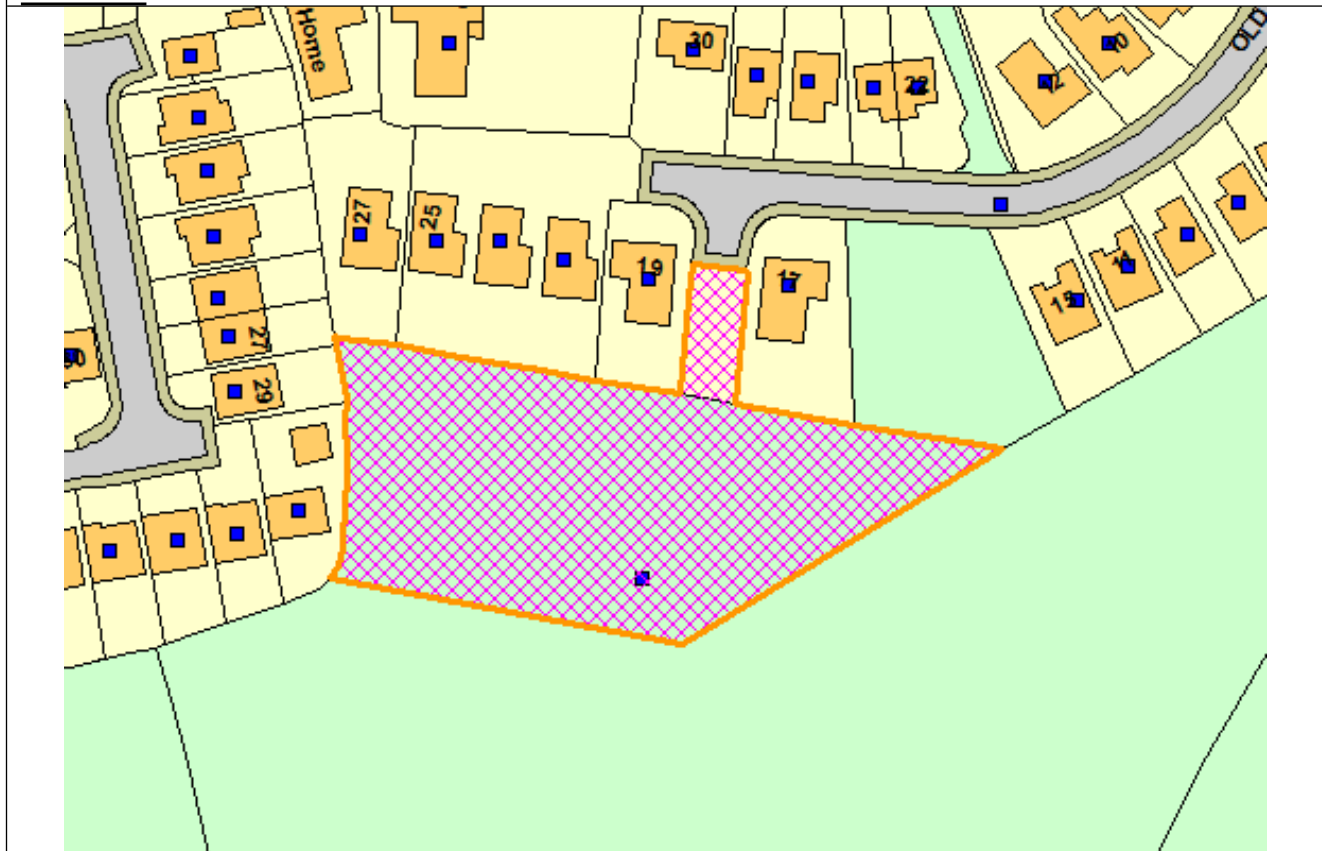
Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

| | | |
|--|--|----------------|
| Application Number: 15/04152/REM | Parish: | Oswestry Rural |
| Proposal: Approval of Reserved Matters (layout, appearance and landscaping) pursuant to permission 13/03846/OUT for the erection of 10 no. single storey dwellings; formation of parking and vehicular access | | |
| Site Address: Land South Of Old Mapsis Way Morda Shropshire | | |
| Applicant: Mrs Elizabeth Burton | | |
| Case Officer: Mark Perry | email: planningdmnw@shropshire.gov.uk | |

Grid Ref: 328557 - 327598



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

- 1.1 This application was previously considered by the Planning Committee at the meeting in March where members resolved to defer the application to enable further investigation into the site layout and in particular positioning of the communal bin area, the collection of bins and issues surrounding the future maintenance of hedges.
- 1.2 The proposal involves the construction of 10 single storey bungalows as an extension to an existing modern housing estate. Outline planning permission was granted in December 2013 (13/03846/OUT) where, appearance, landscaping and layout were all reserved for later approval. The outline planning consent therefore only established the principle of 10 dwellings, its access and the scale of the development on the site. This application is therefore to consider all of the outstanding reserved matters (layout, appearance and landscaping)

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located outside any development boundary, this is because under SAMDev Morda is neither a hub or a cluster and as such the whole settlement is classed as open countryside for the purposes of planning policy.
- 2.2 Access to the site would be provided off the existing turning head, where a gap was created in the adjacent development to allow access to the field and to maintain the opportunity for future built development.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The local member and the chair of the planning committee consider that the Parish Council have raised material planning issues that warrant the application being determined by committee.

4.0 COMMUNITY REPRESENTATIONS**4.1 Parish Council**

Made comments neither objecting to or supporting the Planning Application. At the meeting of Oswestry Rural Parish Council held on **26 April 2016** it was noted that the issues regarding waste management had been addressed by the revised site layout. The Council did not wish to comment on other issues.

At the meeting of Oswestry Rural Parish Council held on **26 January 2016** it was resolved to continue to object to the application and the comments submitted on 28 October 2015 were still relevant. Following a review of the re-consultation documents the following comments were made:

- The Council raised serious concerns regarding the proposal of a single waste storage area. It was considered it could attract vermin, be a health hazard, attract fly tipping and detrimentally impact on the amenity of the existing neighbouring property.
- The Council has been advised that there is an official footpath running through the site. The Council requests this be investigated.
- The Council requests that should the application be approved it is conditional that once started, the development completes within a 2 year period. This is to avoid the potential of partially developed properties remaining unfinished for an unacceptable period of time.

At the meeting of Oswestry Rural Parish Council held on **27 October 2015** it was resolved to object to the application. The Council has serious concerns regarding the site levels when compared to other properties in the vicinity. The Council does not support the proposed approach and would request the site is levelled to the lowest point and a retaining wall placed around the site where necessary. This is to reduce any adverse impact to the amenity and privacy of neighbouring properties.

4.2 **Highways**

The proposed parking provision has been provided in accordance with the outline permission condition and included 3 visitor spaces. The trees on the eastern side of the private drive prevent a continuous unobstructed pedestrian link between the proposed properties and the existing footway facility on Old Mapsis Way. The trees should be removed and a more direct continuous link designed across the turning head to the opposite side of the cul-de-sac adjoining parking space no.4.

In addition no refuse bin storage area has been considered, and the applicant may wish to liaise with Council's Waste Collection Team to address this. It may also be advisable to consult with them as to whether or not the refuse lorry is able to turn within the proposed private drive turning head.

4.3 **Parks and Recreation**

The layout of the 10 single storey dwellings should not obscure the views from the current Community Orchard Open Space provided at Old Mapsis Way, looking out to the south. Indeed some of the development land adjoining the POS should be added to the Community Orchard to create a rather larger space for the local community to enjoy. The minimum POS requirement would be 30m² per bedroom.

4.4 **Affordable Housing**

A development of 10 dwellings would need to provide 1 affordable dwelling on site in accordance with the SPD.

4.5 **Drainage**

The proposed surface water drainage details, plan and calculations should be submitted for approval prior to the approval of the Reserved Matters as per Drainage Condition 4 on Outline Application 13/03846/OUT.

4.6 **Archaeology**

Note Condition 6 of planning permission ref. 13/03846/OUT. No further comments to make.

4.7 Severn Trent Water

No objection subject to condition.

4.8 Waste Management

The tracking details provided for the refuse vehicle it appears that the vehicle can manoeuvre around the site.

4.9 Conservation

No comments to make on the application.

4.9 - Public Comments

Since the application was previously considered by committee and the submission of amended plans objections have been received from 7 individual addresses raising the following further issues:

No safe turning area in Old Mapsis Way as turning area would be a through route.
Maintenance of the area.

Plots 7,8, 9 and 10 are too high resulting in loss of privacy.

The land should be levelled.

Retaining walls are a safety hazard

Representations received from 3 individual addresses commenting on the following issues:

To many buildings on the site

There is no infrastructure to support more housing.

Overlooking

Impact upon human rights

Impact upon highway safety

Increased traffic

Impact on outlook

Long term maintenance of the landscaping

Impact on archaeology

Risk from contaminated land

Refuse collection area should be appropriately constructed

In sufficient/ inadequate parking area

Small gardens

Design/ layout

Impact on wildlife

Council now has a 5 year supply

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 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.

6.1.2 The principle of 10 units on the site has already been established along with the means of access by virtue of the outline planning consent.

6.2 **Scale, Density and Design**

6.2.1 Old Mapsis Way is a relatively modern development of mainly detached 2 storey dwellings. As the road reaches the turning head the existing development changes to bungalows with a private shared driveway continuing straight ahead serving 5 bungalows which have their rear gardens backing onto the application site. The proposed development also consists of small single storey bungalows which are considered to be in keeping with the context of the site. The design of the bungalows has been amended since previously been considered by members, this has involved moving the main entrance door to the front and some minor changes to the internal layout and slightly increasing the footprint.

6.2.2 The proposed bungalows are small 2 bed units with open plan kitchen, dining, and lounge areas measuring 63 sqm gross internal floor area in total. This is smaller than the bungalows on the neighbouring development and therefore the proposed development is at a higher density in terms of the number of dwellings per hectare. Despite the density of the development it will still provide good sized rear gardens and space for the parking and turning of vehicles. Each of the units will have 2 parking spaces available; this is in accordance with condition 8 of the outline planning permission. The parking area will be provided in a communal arrangement on the northern side of the proposed bungalows.

6.2.3 The levels of the site climb away from the proposed access in a westerly direction with the land climbing steeply towards the north western corner. The proposed bungalows will gently follow this incline in the same way that the existing bungalows to the north do. The applicant has provided full levels surveys and site sections to show how the proposed development will relate to the existing levels and the levels of the surrounding development.

6.2.4 The application demonstrates that the western most existing bungalow on Old Mapsis Way (no.27) has a ridge height of 107.7 AOD and the proposed western most bungalow will be 107.9 AOD, this equates to the ridge height of the proposed dwelling being 20cm higher than the existing neighbouring bungalow. The difference between existing and proposed ridge heights reduces towards the east to the point where the ridge height of no's 19 and 21 Old Mapsis Way would be 10cm above the nearest proposed bungalow. As such, the plans indicate that at the most there would be a 20cm difference between the ridge heights of the proposed and existing bungalows.

6.2.5 Across the site the western most proposed bungalow would be 3.2 m higher than the eastern most proposed bungalow. This is only 0.3m different to the change in heights of the existing bungalows on Old Mapsis Way where there is a change of 2.9m from no.27 down to no.17.

6.2.6 To the west of the application site there are two storey dwellings on Cae Onan, these sit on an even higher level than the application site.

6.2.7 It is acknowledged that there is a significant change in levels across the site, however this is comparable to the change in levels that the existing neighbouring development experiences. As such the development of the site would not appear out of context with its surroundings. The steepest part of the site is in the north western corner and adjacent to the neighbour's boundary fence. This area will remain as an open area as it is too steep to be used as part of the parking area. An appropriate condition will be imposed to secure an appropriate landscaping scheme and to ensure the long term maintenance of the area. An appropriately landscaped area will contribute positively to the overall appearance of the development.

6.2.8 Morda contains a wide mix of dwelling types, ages and styles. This site is on the edge of the village adjacent to another modern development. The site, or the surrounding area is not within a conservation area or any specific designation. However, policy CS6 still requires developments to be design to a high quality which respects and enhances local distinctiveness. The original submission was for a very poorly designed development of identical bungalows. In negotiation with Officers the applicant has made some changes to the scheme in an attempt to introduce some visual interest and variety. It is considered on balance that the proposed development, as amended, is of an acceptable design and would not have a detrimental impact upon the character and appearance of the locality.

6.3 **Impact on Neighbours**

6.3.1 The neighbours most affected by the proposal are those directly to the north who have their rear gardens backing onto the site. The neighbours either side of the access road have a dual aspect with the front doors facing towards the proposed access road. The minimum separation between the rear elevations of the existing properties to the front elevations of the proposed dwellings would be 14.7 metres, this is measured from the conservatory of no.17 rather than the main part of the neighbour' dwelling. The proposed plots 1 and 2 would be positioned at a 45 degree angle rather than facing directly towards the rear elevation of no. 17. The other properties on Old Mapsis way have separation distances of around 27 metres which is in excess of the 21m figure often used as a best practice minimum.

6.3.2 The existing neighbours are likely to experience some small amount of noise from the manoeuvring of cars and the shutting of car doors as the parking area will be directly behind their garden boundary. It will be a noise that neighbours do not currently experience but it is considered that given the small number of dwellings proposed it would not be to such an extent where it detrimentally impacts upon the neighbour's enjoyment of their gardens. Any noise generated would only be at a level that is typical of any other housing estate.

6.4 **Highway Safety**

6.4.1 Representations received from neighbours relate to increased traffic and highway safety. The access to the dwellings would be off an existing turning head off the existing estate road. When the rest of the estate was built this section of the road was built to such a standard firstly to provide a turning area but to also potentially provide access to the application site. The proposed development would increase

the number of vehicles using the estate road but this would not be to such an extent where it adversely impacts upon the free flow of traffic or the safety of highway users. The junction between the existing estate road and the main highway network is considered suitable to accommodate the small increase in vehicle movements as a result of the development proposed. The existing turning head in Old Mapsis way would continue to be used for such uses although it will now double up as the route of the access drive to the proposed development.

6.4.2 The Highways Officer also requested a continuous unobstructed footpath into the development. The revised plans show a continuation of the existing footpath from the turning head and pedestrians will be able to cross the parking area and through the wide gaps created in the line of parked cars. This revised scheme has broken up the mass of parking and introduced landscaped area and pathways to allow occupants to easily access the parking area.

6.4.3 By providing gaps in between the parked cars and providing an increase in landscaping has necessitated the loss of the visitor spaces originally proposed, however the revised parking provision of 20 spaces still complies with the condition attached to the outline consent.

6.5 **Affordable Housing**

6.5.1 The S106 attached to the outline planning permission required affordable units to be provided in accordance with the adopted SPD which currently requires a 10% provision. In accordance with the S106 the applicant will need to provide a scheme for the affordable dwellings detailing location, tenures etc prior to the commencement of development.

6.6 **Refuse Collection**

6.6.1 Following the debate by members at the previous committee meeting the applicant has amended the scheme to allow dustbins to be collected from the front of the individual properties instead of having a communal collection area as previously proposed. In response to the comments made by the Council's refuse collection team the applicant has now also shown the tracking for the refuse collection vehicles to demonstrate that there is adequate space for the vehicles to enter the site and be able to turn around before leaving in a forward gear.

6.6.2 It is considered that the revised refuse collection arrangements are much improved and help to preserve the amenity of the area and the neighbouring occupiers.

6.7 **Archaeology and Contamination**

6.7.1 The issue of the archaeological value of the site and any contamination of the land was considered at the time of the application for outline planning permission. Both of these issues were covered by planning conditions numbered 6 and 7 which both require further information to be submitted and approved by the Council.

6.8 **Landscaping**

6.8.1 The revised layout has allowed some of the previously large areas of amenity land to be incorporated into private gardens and thereby significantly increasing the likelihood that they will be well maintained. More communal areas of planting remain to the northern side of the site and on the entrance drive. Members and residents expressed concern about how these areas would be maintained. The

applicant has produced a maintenance schedule which is used on other sites they manage and sets out regular lawn cutting, hedge cutting, leaf collection and cleaning of hardstanding area. It is considered that the principle of such a schedule is appropriate. With most of the land within private gardens it is likely that occupants will want to maintain their own areas. The proposed planting and the ongoing maintenance schedule for this particular site could be appropriately conditioned as part of any planning permission granted.

6.9 **Other matters**

- 6.9.1 The Parish Council have commented on a public footpath that may cross the site. To clarify the nearest public right of way is a footpath which crosses the field to the south east, this is approximately 60 metres away from the edge of the application site.
- 6.9.2 The Parish Council have requested that a condition be imposed requiring the development to be completed within 2 years of starting. The use of such a condition would not meet the tests of being reasonable or enforceable as set out in the Planning Practice Guidance notes.
- 6.9.3 The Council's Parks and Recreation Officer has stated that the dwelling should not obscure views from the adjacent Community Orchard. This Orchard does not have any special statutory designation. The gardens of the eastern most bungalow will back onto this orchard. Although the proposed development will be clearly visible from the Orchard it will generally maintain its view across the open fields although partially obstructed by any boundary treatments proposed.
- 6.9.4 The Council's Parks and Recreation Officer has a minimum requirements of 30m sq of public open space per person. However, policy MD 2, paragraph 5 of SAMDev states that, "For developments of 20 dwellings or more, this should comprise an area of functional recreational space for play, recreation, formal or informal uses including semi-natural open space". It is considered that the size and type of development, which is only for 10 bungalows and where it includes reasonable sized private gardens and area of landscaping/ planting, there is not a requirement for any other formal public open space to be provided.

7.0 **CONCLUSION**

- 7.1 The principle for residential development has been agreed as part of the outline consent. It is considered that the proposed design and layout of the bungalows will respect the rural character of the area and of the adjoining housing estate and will not impact upon the amenities of any neighbours. The proposed access will provide adequate visibility in both directions for emerging vehicles and a suitable level of off street car parking and manoeuvring space is provided within the development. It is therefore considered that the proposed development complies with policies CS6 and CS17 of the adopted 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

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks
MD2 Sustainable Design

RELEVANT PLANNING HISTORY:

13/01675/OUT Outline application for the erection of 10 semi-detached bungalows to include access and scale REFUSE 2nd August 2013

13/03846/OUT Outline application (access & scale) for the erection of ten single-storey dwellings; formation of parking area and vehicular access GRANT 20th October 2014

Appeal

13/02067/REF Outline application for the erection of 10 semi-detached bungalows to include access and scale DISMIS 27th January 2014

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 Joyce Barrow |
| Appendices APPENDIX 1 - Conditions |

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

2. Notwithstanding the details submitted, a continuous footpath shall be provided from the eastern side of the existing turning head into the proposed development. The design and construction of any roadways, footways, and accesses shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied (whichever is the sooner).

Reason: This detail is required prior to commencement to ensure a satisfactory means of access to the highway.

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

3. No above ground works shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule, timescales and maintenance schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs

4. Prior to the above ground works commencing details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

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

5. Construction works shall not take place outside 0730 hours to 1600 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In order to maintain the amenities of the area

6. The development hereby permitted shall not be occupied until the car parking shown on the approved plan has been provided, laid out and hard surfaced. The area shall thereafter remain free of any obstruction for the lifetime of the development.

Reason: To ensure the provision of adequate car parking, to avoid congestion on adjoining roads, and to protect the amenities of the area.

-



Committee and Date

North Planning Committee

17th May 2016

Item

6

Public

Development Management Report

Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

| | | |
|--|--|------------------|
| Application Number: 16/00219/FUL | Parish: | Whitchurch Rural |
| Proposal: Erection of a two storey side extension and a single storey rear extension. | | |
| Site Address: 3 Sunnybank Church Lane Ash Magna Shropshire SY13 4DS | | |
| Applicant: Miss Caroline Wynn | | |
| Case Officer: Sue Collins | email: planningdmne@shropshire.gov.uk | |

Grid Ref: 357312 - 339703



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2015 For reference purposes only. No further copies may be made.

Recommendation:- GRANT planning permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the erection of a two storey side extension and a single storey rear extension to the existing dwelling. The scheme has been amended during the progress of the application. The extensions will provide a dining room, extension to the existing kitchen, a ground floor WC and a pedestrian link to the rear garden on the ground floor, and a bedroom on the first floor.

2.0 SITE LOCATION/DESCRIPTION

2.1 The existing semi-detached property is located within a modest curtilage within a residential street in the village of Ash Magna. The dwelling was constructed in the 1980s and externally is clad in brick with concrete tile to the roof. There is a conservatory on the rear elevation.

2.2 The topography of the site is such that the application site is elevated above the adjacent property 3 Sunnybank which lies to the south. There is approximately 1 metre height difference between the ground levels of the two properties. At the front a timber fence defines the boundary between the site and 3 Sunnybank. At the rear a high hedge defines the boundary.

2.3 In 2002 planning permission was granted for the erection of a two storey front and side extension to the dwelling.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In this case the Parish Council have raised objections to the proposed development which are contrary to the views of the Case Officer. It is the opinion of the Local Member that this should be considered by the Committee in view of the concerns raised and the recommendation of Officers.

3.2 At the meeting of the Chair, Vice-chair and Principal Planning Officers the application was discussed and it was agreed that the matter could be dealt with under the adopted Scheme of Delegation. However with further consideration it has been concluded that this application should be presented to Committee for a planning decision with further consideration to local member comments and the comments as made by the local Parish Council.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 Parish Council:

Response received 27.04.16

Objection to the scheme on the grounds of overdevelopment of the plot and the overbearing nature of the scheme on the neighbouring property. Out of keeping in terms of design and appearance being at odds with existing properties and the resultant visual impact. Contrary to CS6: protects, restore, conserves and enhances the natural, built and historic, environment and is appropriate in scale, density, pattern and design taking into account the local context and character...'

and CS4: ensuring that all development in community hubs and clusters is of a scale and design that is sympathetic to the character of the settlement ...'.

Response received 08.03.16

Councillors agreed that the proposed scheme is over development of the site which would render the property out of proportion for the size of plot. Objection on the grounds of visual impact and overbearing nature of project.

- 4.1.2 **Highways:** No objection – subject to the development being constructed in accordance with the approved details and the recommended conditions and informatives.
- 4.1.3 **SUDS:** No objection is raised however due to the differences in levels between the application site and the neighbouring property surface water disposal may be an issue together with the outfall from other properties which crosses the site. Further details will be required.

4.2 **Public Comments**

4.2.1 Eleven letters of representation have been received from two addresses. The areas of concern relate to:-

- Inaccuracies with the definition of the boundary between 3 and 4 Sunnybank
- The plans do not show adjacent development
- The size of the existing building provides a smaller more affordable dwelling
- Increasing the size of the dwelling is overdevelopment
- The height of the extension will tower over 2 Sunnybank and be overbearing.
- The proposal will detract from the character of the village and the buildings surrounding the site.
- The extensions will look out of place with No. 4 Sunnybank and the character or the area.
- Reduction in parking space and potential loss of visibility splay
- Inconvenience to neighbours during construction period
- Drainage issues regarding surface water run-of and drains running under the site.
- Implications for the hedge at the rear of the property which belongs to the adjacent dwelling.
- The development could cause instability in the ground which would affect the neighbouring property
- The dwelling may not be occupied by the applicant in the future and the planning permission is only required to increase the value of the property.

5.0 **THE MAIN ISSUES**

- Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Drainage

6.0 **OFFICER APPRAISAL**

6.1 **Principle of Development**

6.1.1 Policy CS6 of the Shropshire Core Strategy deals with issues of sustainable design and development principles. This requires all development proposals to achieve applicable national standards. It is also intended to ensure that

sustainable design and construction are incorporated into any development. The policy also requires any development to protect and enhance the built environment.

- 6.1.2 MD2 of the SAMDev also deals with the issue of sustainable design. This includes such matters as the form and layout of development and reflecting local characteristic architectural design and details.
- 6.1.3 The Supplementary Planning Document on the Type and Affordability of Housing (SPD) also sets out policies in connection with extensions to existing dwellings. The policy requires a mix of housing to be available whilst there is a need to maintain acceptable living standards for the occupants of dwellings including the internal size of living accommodation and the provision of external private amenity space. It is also commented that it is important to ensure that such development does not have unacceptable impact on neighbouring properties due to overshadowing or loss of privacy.
- 6.1.4 On the basis of the above, it is considered by Officers that there is no objection to the principle of the construction of extensions to the property. Other issues relating to scale, design, impact on neighbours etc will be discussed further in this report.
- 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.
- 6.2.2 Policy MD2 of the SAMDev also deals with the issue of sustainable design and requires consideration to be given to the impact of the proposal not only in terms of form and layout but also how it functions.
- 6.2.3 The SPD also refers to the need to ensure accommodation meets applicable standards as well as protecting the amenities of neighbours.
- 6.2.4 A number of objections have been made by local residents to the proposal including the design and scale of the proposed development and that it is not in keeping with its surroundings or the area.
- 6.2.5 Since the submission of the application in January 2016 the scheme has had two amendments made to try to overcome concerns from neighbours and also initially from officers.
- 6.2.6 The existing dwelling is a small, two bedroom semi-detached dwelling within a residential area. The primary aim of the application is to provide a third bedroom to the property at first floor and an improved dining/kitchen area at the rear. The proposed bedroom will be positioned above a storage area/link to the rear garden.
- 6.2.7 The single storey section at the rear will primarily replace an existing dining/utility

area to improve not only the layout and usability of the space, but also to improve the heating and lighting of this area as at present due to poor insulation it is cold and expensive to maintain.

- 6.2.8 The two upstairs bedrooms are a double and a single with a floor area of approximately 9.3 square metres for bedroom 1 and 4.5 square metres for bedroom 2 excluding the built in cupboard space. The Technical Housing Standards – Nationally Described Space Standard issued by DCLG sets out that a single bedroom must have a floor area of at least 7.5 square metres with at least 2.15 width. A double bedroom must be a floor area of 11.5 square metres and is at least 2.75 metres wide. It is clear that neither of the existing bedrooms meet the minimum space standards required. Indeed the size of the rear bedroom cannot accept a single bed. As such this reduces the building from a small family home to a dwelling suitable only for a single person or couple. Adding the new bedroom would provide the dwelling with two useable bedrooms meeting the standards set out by Government and maintaining its use as a small family home.
- 6.2.9 Externally the scale of the two storey extension has been reduced particularly as a result of the latest amended plan. The extension will fully fill the gap to the mutual boundary with no. 2 Sunnybank. The ground floor will have a canopy extending over the entrance doors to the ground floor storage. The extension is alongside the existing dwelling providing an entrance into the rear garden. The single storey dining area then wraps around the rear elevation. Upstairs the bedroom has been set back from the front elevation and the ridge height of the roof is approximately 6.3 metres above ground level and 1 metre below the ridge height of the main dwelling. This is a significant reduction on the original proposal and has been achieved through the introduction of a dormer window to the front elevation and a rooflight to the rear. It has also been necessary to lower the ceiling height to the ground floor and as such it is only possible to allow this to be used as storage and a link to the rear garden as it would not meet the height requirements for general living accommodation.
- 6.2.10 It is noted that the neighbour and Parish Council has commented that this design is out of keeping with the character of the area and with the adjoining semi-detached dwelling. Having undertaken a tour of Ash Magna the Case Officer has found numerous properties where dormer windows have been installed whether as part of the original property or since as an extension. This is particularly within close proximity of the site and the “triangle” area at the centre of the village. As such the use of this would not be considered by officers to be a feature out of keeping with the village character. With regard to the issue on the appearance of the adjoining property it is frequently an issue where one half of a semi-detached pair of dwellings may wish to extend. The design of setting the upper floor back from the front elevation and reducing the roof level are a means of reducing its visual impact and ensuring the extension remains subordinate to the original building.
- 6.2.11 Overall it is the opinion of officers that the proposal will ensure that the dwelling is brought to an acceptable standard of family accommodation to ensure its future use. The scale and design of the extension is appropriate for its intended use and is within keeping of the character of the village.

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. Having regard to the proposed orientation and distance away from neighbouring properties the proposed windows will not result in any detrimental impact from overlooking or loss of light. The proposed layout, design and scale of the extension in relation to the boundary will also not result in any overbearing impact or cause any detrimental loss of light or result in any noise disturbance.
- 6.3.2 The SPD also reiterates the requirements to protect the residential amenity for the neighbouring properties.
- 6.3.3 Concerns have been expressed by local residents that the proposed development will have a detrimental impact on their amenities by reason of loss of light, loss of privacy and have an overbearing impact.
- 6.3.4 The ground floor rear extension will be a depth of approximately 3 metres with a height to ridge of approximately 3.3 metres. This is the same depth as the existing utility and as high as the existing boundary wall with no. 4 Sunnybank. All windows are at ground floor level with the rooflights being above head height. The width of the extension does stretch to the mutual boundary with no. 2 Sunnybank to provide the link to the rear garden.
- 6.3.5 The two storey part of the extension has no side facing windows and at its highest point will be approximately 6.3 metres above ground level. The rear rooflight would be approximately 1.4 metres above floor level. A dormer window is proposed to the front elevation.
- 6.3.6 Currently the bedroom window in the rear elevation of the existing dwelling provides extensive views across the rear garden of nos. 2 and 4 Sunnybank. However in order to reduce the impact of the rooflight, a condition could be imposed requiring this to be obscure glazed and to remain closed. As such the proposal would not cause a loss of privacy.
- 6.3.7 With regard to the potential for loss of light, the proposed ground floor extension would be no higher than the existing boundary wall to no. 4 Sunnybank and therefore would have no impact. With regard to no. 2 Sunnybank the side wall of this dwelling faces north and has a first floor landing window. A garage is positioned between the side wall and the mutual boundary. Given its orientation and that a landing is not a habitable room, the potential for loss of light would not be to an unacceptable level.
- 6.3.8 It is appreciated that the dwelling at No. 2 Sunnybank is on land that is approximately 1 metre lower than No. 3 Sunnybank and as such building up to the boundary will have more of an impact. However it is noted that there is a garage on the premises as no. 2 which will be parallel with the majority of the 2 storey section of the proposed extension. This will significantly remove the potential for the proposal to have an overbearing impact as it will be more closely related to the garage than if it were garden space. The height of the extension has also been significantly reduced in order to make the proposal more acceptable in this regard.

6.3.9 It is the opinion of officers that whilst the proposal will have an impact on the residential amenities of the area, this is not to an unacceptable level. Therefore the proposal is in accordance with policy CS6 of the Shropshire Core Strategy and the SPD.

6.4 **Highways**

6.4.1 An issue has been raised by local residents regarding parking at the dwelling and that there is a condition requiring the visibility splays approved at the time of the permission for the dwelling to be maintained.

6.4.2 The Highways Development Control Officer has responded to the application that from a highway perspective the proposals are acceptable for the prevailing highway conditions and therefore no objection is raised to the development.

6.4.3 Conditions and informatives have been recommended for inclusion on any planning permission that may be granted. These include ensuring the parking spaces within the front curtilage are kept available for parking of vehicles. This will be solely for use by occupiers and their visitors of the property and that no gates or other means of enclosure shall be erected within the access mouth and the parking area to the front of the dwelling.

6.5 **Drainage**

6.5.1 A query has been raised regarding the means of drainage for surface water from the site and also that the proposal will be constructed over manholes which provides access into the drainage system.

6.5.2 No objection to the proposal has been made by the Council's Drainage Engineer although recommendations have been made. It is recommended by Officers that a condition be imposed on any planning permission granted requiring the full details for the surface water drainage system to be submitted for approval prior to the development commencing.

6.5.3 With regard to building over the manholes on the property, this is a matter for Building Regulations and not the Local Planning Authority. The developer would need to contact them to apply for a Building Over Agreement which it is understood is dealt with in conjunction with the appropriate water utility company. Therefore this is not a reason that can be given to refuse the application.

6.6 **Other Matters**

6.6.1 Comments have been received regarding the impact of the proposal on the neighbouring hedge and to the stability of the ground.

6.6.2 The hedge is located on the neighbouring property no. 2 Sunnybank and is outside the application site. It has been allowed to grow to the height of the brick pillars in the rear boundary fence. Any damage to this hedge would be a civil matter between the two landowners would have to be settled privately.

6.6.3 With regard to the stability of the ground, this would be dealt with by Building Regulations in determining the foundations for the extension. Any damage or other impact caused on the adjoining property would be a civil matter between the two landowners. It cannot be used as a reason to justify refusal of planning

permission as it lies outside the remit of the Local Planning Authority.

7.0 CONCLUSION

7.1 The proposed scale, design and appearance of the extension is considered by officers to respect the existing character of the area and will not overall have a detrimental visual impact or cause any unacceptable impact on neighbouring properties. Therefore the proposal is considered to be in accordance with policies CS6 and MD2 of the Shropshire LDF and in accordance with the SPD on the Type and Affordability of Housing.

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

CS6 - Sustainable Design and Development Principles

CS18 - Sustainable Water Management

MD2 - Sustainable Design

SPD Type and Affordability of Housing

Relevant planning history:

NS/79/00815/OUT Erection of dwelling and formation of vehicular access GRANT 16th October 1979

NS/81/00340/FUL Erection of a pair of semi-detached dwellings and formation of vehicular and pedestrian accesses GRANT 19th June 1981

NS/90/01068/FUL Erection of an extension to front of existing dwelling. GRANT 19th November 1990

NS/02/00064/FUL Erection of a two storey extension to front and side elevation of existing dwelling GRANT 12th April 2002

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. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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.

3. The external materials shall match in colour, form and texture those of the existing building.

Reason: To ensure that the works harmonise with the existing development.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development shall take place until a scheme of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (which ever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

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

5. The car spaces currently available within the front curtilage of the property shall be kept available for the parking of motor vehicles at all times. The car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure an appropriate level of parking is provided for the lifetime of the development

6. Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015, as amended or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected, within the access mouth and parking area to the front of the dwelling.

Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interests of highway safety.



Committee and Date

North Planning Committee

17th May 2016

Item

7

Public

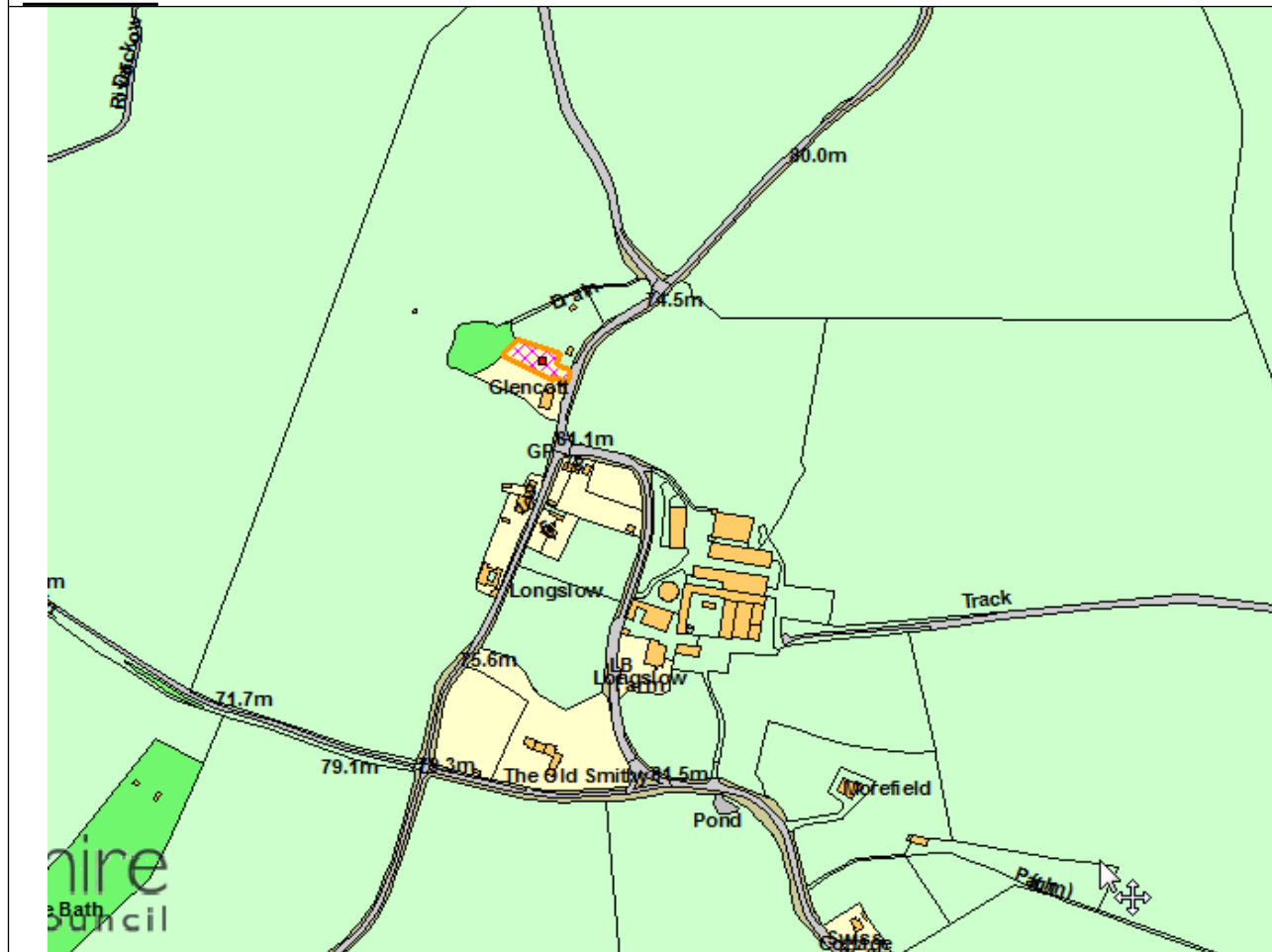
Development Management Report

Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

| | |
|--|--|
| Application Number: 16/00661/OUT | Parish: Moreton Say |
| Proposal: Outline application for the erection of an open market dwelling to include access | |
| Site Address: Land North Of Glencott Longslow Market Drayton Shropshire | |
| Applicant: Mr Roger Hughes | |
| Case Officer: Karen Townend | email: planningdmne@shropshire.gov.uk |
| Grid Ref: 365488 - 335514 | |



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2015 For reference purposes only. No further copies may be made.

Recommendation:- Refuse

1. The proposed development is located within an area defined as open countryside for planning policy purposes and accordingly would lead to extending the settlement and would therefore undermine the "rural rebalance" approach to development contrary to the requirements of the adopted planning policies CS4, CS5 of the Shropshire Core Strategy and MD7a and S11.2(xi) of the Shropshire Site Allocations and Management of Development.
2. Furthermore the development of the proposed site would be set further back from the road than the existing dwellings in Longslow and as such the development of this site would be out of context with the existing built form in the settlement contrary to the requirements of policy CS6 of the Shropshire Core Strategy and MD2 of the Shropshire Site Allocations and Management of Development.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of one open market dwelling on land to the north of Glencott an existing detached single storey dwelling. The land is currently in the curtilage of the existing dwelling and is in part gravelled and part grassed. The application includes the means of access with all other matters (layout, scale, appearance and landscaping) reserved for future consideration.
- 1.2 The application has been submitted with a Design and Access Statement in support of the proposal and an indicative layout plan which is submitted to show a possible dwelling on site but is not for consideration at this stage.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is situated to the north of the existing dwelling which itself is within the settlement of Longslow which is a small hamlet to the west of Market Drayton. Longslow is served by country lanes from the adjacent villages and also a country lane off the Market Drayton bypass.
- 2.2 As noted above the site is currently part of the domestic curtilage of the existing dwelling. The site is approximately 0.08 hectares in size.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In accordance with Part 8 of the Council's Constitution the application is brought to planning committee given that the applicant is Councillor Roger Hughes.

4.0 Community Representations

4.1 Consultee Comments

- 4.1.1 **Moreton Say Parish Council** – Moreton Say Parish Council objects to the proposal as follows:- on the edge of the main settlement which would take development beyond the current building line into open countryside. This does not conform to the specification for the SAMDev policy which agreed that development for the Parish would be delivered through some small scale developments and infill. The proposed site is not an infill plot. Concerns over access were raised due to the road form i. e bad bends close to the proposed site entrance, narrow lanes, poor visibility, on road parking etc. Further concerns were raised over the infrastructure capability, the local water supply comes from a spring, it was suggested that a

borehole could potentially jeopardise supply for the entire settlements so an alternative source would be required.

4.1.2 **Affordable Housing** – Core Strategy Policy CS11 requires all open market residential development to contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application.

4.1.4 **Highways** – No objection – to the granting of outline consent with access included subject to the development being constructed in accordance with the approved details and subject to conditions and informatives.

The site adjoins a rural derestricted section of Class III Road. The proposed dwelling is intended to be served by means of an existing access that can currently serve the existing dwelling Glencott and as such it is considered that the development will have no material effect on the highway.

4.1.5 **Drainage** – A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at: www.shropshire.gov.uk/environmental-maintenance-and-enforcement/drainage-and-flooding/flood-risk-management-and-the-planning-process.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

4.1.6 **Public Protection** – It is known that private water supplies are utilised in this area. The applicant should ensure that they are compliant with any regulations that may impact on them should a private water supply be installed. Details can be found at the following link: <https://new.shropshire.gov.uk/environmental-health/environmental-protection-and-prevention/private-water-supplies/>

4.2 **Public Comments**

4.2.1 A site notice has been erected and 1 neighbouring property directly consulted. No comments have been received as a result of this consultation process.

5.0 **THE MAIN ISSUES**

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

- Ecology (Biodiversity and landscape character)
- Highways
- Drainage
- Community Infrastructure Levy (CIL) & Affordable Housing Contribution

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 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 Council's Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration which is given weight in the determination of planning applications. Paragraph 11 of the NPPF advises that proposed development which 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. Further advising in paragraph 12 that the NPPF is constituted as a material consideration and should be given significant weight in the determination of planning applications.
- 6.1.2 Local policies relating to this application are contained within Shropshire Core Strategy Policies CS4 (Community Hubs and Clusters), CS5 (Countryside and Green Belt), CS6 (Sustainable Design and Development Principles), CS9 (Infrastructure Contributions) and CS11 (Type and Affordability of Housing) and CS17 (Environmental Networks), CS18 (Sustainable Water Management) and Supplementary Planning Document for Affordable Housing (SPD), together with the Site Allocations and Management of Development (SAMDev) Plan policies MD1, MD2, MD3, MD7A, MD12 and S11.2(ix).
- 6.1.3 Shropshire Council's Sites Allocations Management Development Plan (SAMDev) sets out proposals for the use of land and policies to guide future development in Shropshire up to 2026 and covers the whole of the administrative area of Shropshire Council (excluding Telford & Wrekin). The SAMDev was adopted on the 17th December 2015 and therefore holds full weight as part of the development plan.
- 6.1.4 The application site is situated adjacent to Glencott, an existing single storey dwelling, within the settlement of Longslow. Section S11.2 (ix) of the SAMDev identifies the settlements of Bletchley, Longford, Longslow and Moreton Say as a Community Cluster applicable to policy CS4 of the Core Strategy. The policy advises that the cluster will provide limited future housing growth of approximately 20 dwellings over the period to 2026 to provide for small scale development and the potential redevelopment of a brownfield site in Bletchley. The housing guideline is to be delivered through infilling, groups of houses and conversions on suitable sites within the development boundary for the village of Moreton Say, together with limited infilling, conversions and groups of houses which may be acceptable on suitable sites within the villages of Bletchley, Longford and Longslow.
- 6.1.5 Longslow does not have a defined settlement boundary in the SAMDev, however the above policy accepts that some housing development may be permitted where it is on a suitable site. The key issue is therefore whether the application site is a

suitable site. The agent, within the submitted Design and Access Statement is of the view that the site is suitable as it is currently part of the domestic curtilage of the existing dwelling and therefore not encroaching on the open countryside. This view is not taken by the Parish Council who have objected to the site on the basis that it is not within the settlement. The submitted Design and Access Statement does also comment that the site is on the northern edge of Longslow with all other properties located south and south east of Glencott and that the pattern of the settlement is made up of road frontage development around a looped road pattern.

- 6.1.6 Officers have considered the proposal carefully and have reached a recommendation that is consistent with the view of the Parish Council. Officers accept that whether the site is in the settlement or not is a matter of opinion and that members may reach a different conclusion. It is officers opinion that this site is not within the settlement as it lies on the outside edge of the settlement with all other properties to the south thusly in planning policy terms the application site is considered to be in open countryside failing to comply with policies CS4, CS5, M7a and S11.2 (xi). It is officers opinion that there are other sites within the settlement which could be developed to provide the limited level of growth envisaged for Longslow as part of its contribution towards the housing guideline for the Community Cluster.
- 6.1.7 At the heart of NPPF 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 is a material consideration. The three dimensions to sustainable development include, economic, social and environmental roles. The proposal would partly observe paragraphs 7 and 55 of the NPPF by the delivery of limited social and economic benefits to the rural area through the introduction of a new household within the area and employment generated during construction. However, officers consider that the proposal would fail to comply with the environmental thread having regard to its location. The proposal would not contribute to or protect the natural and built environment. The proposal would constitute an extension to the settlement.
- 6.1.8 The application is not for a form of development which is accepted as an exception under either policy CS5 or MD7a in that it is not proposing a single plot affordable dwelling or an agricultural workers dwelling. As such having due regard to assessment detailed above, the scheme is considered to not comply with policies CS4, CS5, MD7a or S11.2(ix) as being development beyond the settlement of Longslow.
- 6.2 **Siting, amenity, scale and design of structure**
- 6.2.1 The development is also required to meet the relevant criteria of Shropshire Core Strategy policy CS6 and the emerging SAMDev policy MD2. These policies state that development should be appropriate in scale, density pattern and design. Furthermore, the policies advise that development should respect the existing pattern of development both visually and in relation to function of spaces with no adverse impact on residential amenity as a result of the development.
- 6.2.2 As an outline application these matters cannot be considered at this stage. Although an indicative plan has been provided this is not for consideration at this time. Officers do have concerns about the indicative plan showing a building which nearly fills the full width of the application site; however a smaller dwelling could be

provided with greater space around the property. The site slopes away from the adjacent road and the proposed dwelling would be at a lower ground level than Glencott. As such it may be possible to build a dormer bungalow as shown on the indicative plan, however this would be a matter for later consideration.

- 6.2.3 Notwithstanding the above officers are also concerned that the shape of the site will result in a dwelling that is set further back from the road than the existing dwellings in Longslow. As noted previously the character of the settlement is for road fronting housing and this site, due to its narrow frontage, will be set back from the road with its front elevation parallel, or behind, the rear elevation of the existing dwelling. This is considered by officers to be the lesser of the two issues and the possible siting of the dwelling would not be sufficient grounds to refuse the application on its own. However, with the principle issue of being beyond the existing settlement, the shape and resultant house position is also negative weight in the planning balance.

6.3 **Visual impact and landscaping**

- 6.3.1 As above, the specific details on the layout, scale and appearance of the dwelling are held back until reserved matters stage, considerable weight is given to the sites location and its appropriateness at the particular location in terms of impact on landscape character.

- 6.3.2 The site is sloped away from the roadside with the area to the side of the existing garage at road level and the land beyond sloping away down towards the group of trees shown on the site plan. Accordingly the development of a site on this plot of land would be set further back from the road than the existing dwelling but could also be built at a lower level. Therefore it is unlikely that the dwelling would be highly prominent in the street scene and officers consider that this would not result in a significant visual impact to be considered as a substantial negative. The development of the site would result in some level of visual impact on the character of the area but officers do not consider that it would be substantial.

- 6.3.4 Should planning committee be minded to approve the scheme contrary to officer recommendation, in the interests of protecting the amenity in terms of noise and general disturbance of other residents along Turners Lane, it would be considered reasonable to include a restrictive time limiting condition for hours of construction in accordance with policy CS6 of the Core Strategy.

6.4 **Ecology**

- 6.4.1 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. As existing garden land and with only a short section of hedge, which currently divides the driveway from the garden, to be removed it is considered by officers that there would not be a significant impact on protected species and that enhancements could be provided through appropriately worded conditions.

6.5 **Highways**

- 6.5.1 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 to be reduced.

6.5.2 Moreton Say Parish Council have raised concerns about the development of this site due to the road form and although this comment is noted firstly the Council Highway Officer has raised no objection, as detailed at section 4 above, and secondly the access proposed to be used for the development is an existing access and can already be used.

6.5.3 Taking into account this existing use, with the existing garage doors facing this access point, and that the rest of the village is served by the same road network of narrow lanes with bad bends it is officers opinion that this concern could not be substantiated as a reason for refusal. Should permission be granted an appropriate access could be provided to meet the requirements of policy, subject to the conditions as recommended by the Highway Officer.

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 foul drainage for the site is to be dealt with via a package treatment plant and surface water via soakaways. Where foul drainage cannot be connected to mains, a package treatment plant is the preferred option. The size and design of this facility will be dealt with under Building Regulations and as such it is not necessary to consider foul drainage further. The Council Drainage Consultant has recommended conditions relating to surface water and there is no reason to believe that a suitable scheme could not be provided.

6.6.2 The Parish Council have raised concerns about the local water supply being from springs and questioned whether a new borehole would impact on the existing supply. The agent has dealt with this matter in their submission by having a feasibility assessment carried out by a suitable professional. The study concludes that a new borehole could be provided without impacting existing supply. Without any information to the contrary the Council would be acting unreasonably to not take the professional view of the applicants advisor. However, should permission be granted a condition could be imposed to require the feasibility study to be updated and submitted to the Council.

6.7 **Community Infrastructure Levy (CIL) & Affordable Housing Contribution**

6.7.1 The applicant has acknowledged the requirement to pay CIL and a financial contribution towards affordable housing both of which weigh in favour of the development but do not outweigh the principle objection to the proposal. CIL is dealt with after the planning process but acceptance of a need to pay CIL is a material consideration.

6.7.2 The affordable housing officer was consulted and is in support of the proposal subject to complying with policy CS11. The applicant has submitted the Affordable Housing Contribution proforma, confirming that they would be happy to enter into the agreement to provide a contribution to the affordable housing liability. Therefore, the applicant has indicated that they are happy to contribute towards off site affordable housing contribution, and the application therefore complies with

requirements of policy CS11.

- 6.7.6 As such should members be minded to approve the application, against officer recommendations, planning permission should be granted only subject to the satisfactory completion of a S.106 legal agreement to secure the provision of off-site affordable housing in accordance with the terms of the policy.

7.0 CONCLUSION

7.1 The proposed development is located within an area defined as open countryside for planning policy purposes and accordingly would lead to extending the settlement and would therefore undermine the “rural rebalance” approach to development contrary to the requirements of the adopted planning policies CS4, CS5 of the Shropshire Core Strategy and MD7a and S11.2(xi) of the Shropshire Site Allocations and Management of Development.

7.2 Furthermore the development of the proposed site would be set further back from the road than the existing dwellings in Longslow and as such the development of this site would be out of context with the existing built form in the settlement contrary to the requirements of policy CS6 of the Shropshire Core Strategy and MD2 of the Shropshire Site Allocations and Management of Development.

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

CS8 - Facilities, Services and Infrastructure Provision

CS11 - Type and Affordability of housing

Settlement: S11 - Market Drayton

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 Paul Wynn |
| Appendices APPENDIX 1 – Condition |

This page is intentionally left blank



Committee and Date
 North Planning Committee
 17th May 2016

Item
8
 Public

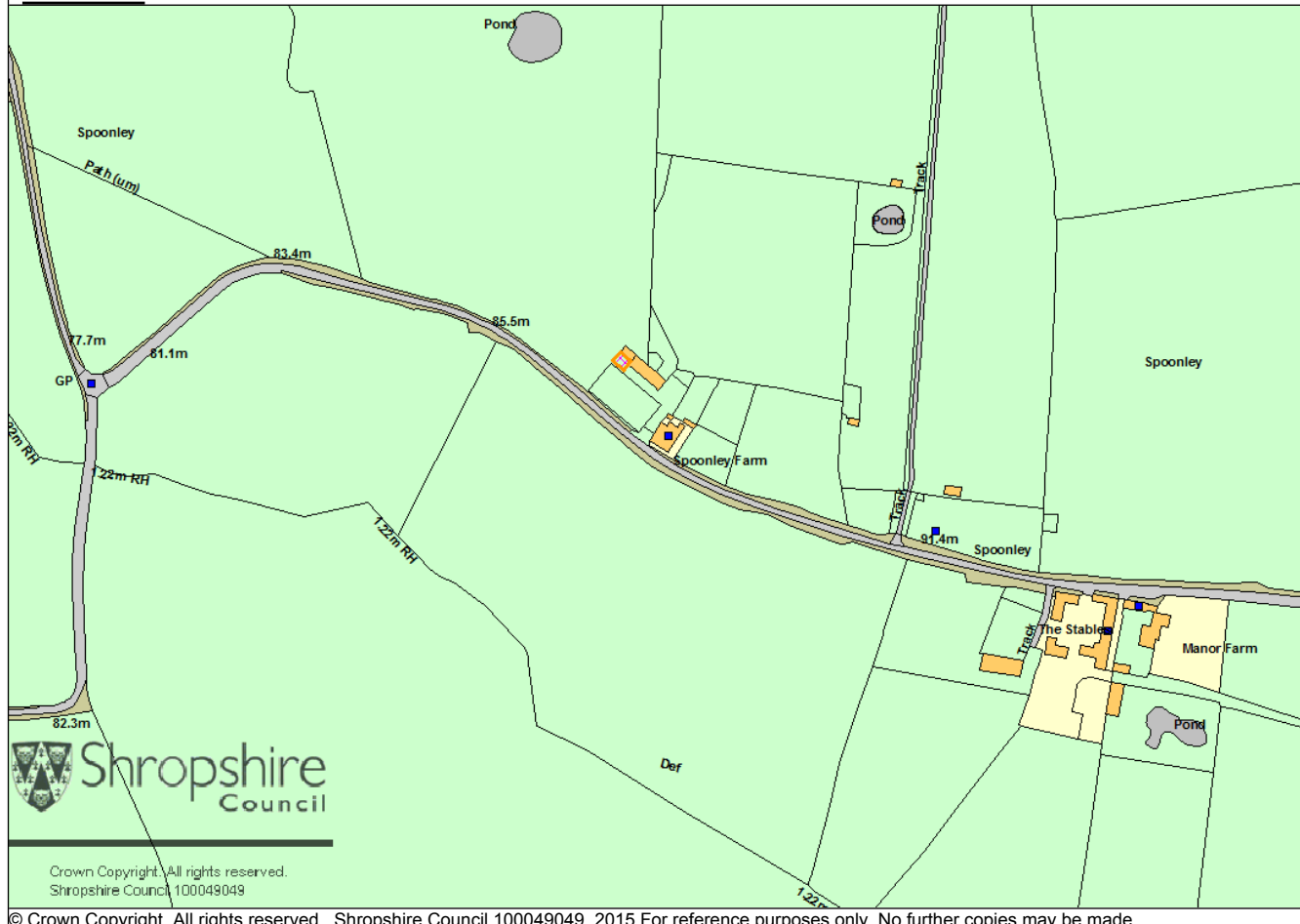
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

| | | |
|---|----------------|--|
| Application Number: 16/01334/FUL | Parish: | Adderley |
| Proposal: Erection of stable building | | |
| Site Address: Spoonley Farm Spoonley Market Drayton Shropshire TF9 3SR | | |
| Applicant: Mr & Mrs J Cadwallader | | |
| Case Officer: Richard Denison | | email: planningdmne@shropshire.gov.uk |

Grid Ref: 366268 - 335974



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2015 For reference purposes only. No further copies may be made.

Recommendation:- Grant planning permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the erection of an extension to an existing building to provide a two bay stable building with internal circulation space.

2.0 SITE LOCATION/DESCRIPTION

2.1 Spoonley Farm is located on a country lane just off the A529 approximately 1km north of Market Drayton. The farm consists of a small complex of farm buildings with land to the north and south of the country lane.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application has been made on behalf of a local member of the Council and that the application should be determined by committee as set out in Part 8 of the Shropshire Council Constitution.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Shropshire Council, Flood and Water Management Team** - A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at: www.shropshire.gov.uk/environmental-maintenance-and-enforcement/drainage-andflooding/flood-risk-management-and-the-planning-process. The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed. Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

4.2 Public Comments

4.2.1 No public representations have been received.

5.0 THE MAIN ISSUES

- Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of Development

6.1.1 Policy CS5 'Countryside and Green Belt' of the Shropshire Core Strategy relates to development being strictly controlled in accordance with national planning policy

to protect the countryside from inappropriate development. Agricultural and rural development would be supported subject that it does not result in an unacceptable adverse environmental impact and that the design and use of materials is appropriate to the location and does not lead to isolated and sporadic development. The proposed building indicates the provision of two stables and an associated circulation space which will be used by the applicants existing horses which graze and exercise on the adjoining fields and therefore the principle is acceptable.

6.2 **Design, Scale and Character**

6.2.1 Policy CS6 'Sustainable Design and Development Principle' requires that sustainable design and construction principles are incorporated within the new development. The policy also indicates that the development should protect, restore, conserve and enhance the natural environment and be appropriate in scale, density, pattern and design taking into consideration the local context and character.

6.2.2 The proposed stable building is modest in size and will link into the existing open stall building and will measure 7.6 metres wide by 4.85 metres deep on the south east facing elevation and 7 metres on the north west facing elevation. The building will be constructed with a concrete lower section with Yorkshire boarding above with a fibre cement natural grey roof with GRP roof lights to match the adjoining buildings. The proposed extension will be positioned within an area of hardstanding between the existing building and the manege which runs along the roadside. The building will be viewed in context with the existing buildings and will not result in the loss of any open countryside.

6.2.3 There is a genuine need to provide accommodation for horses and having regard to the siting and scale of the building it will not be viewed in a prominent location. The design and use of materials is in keeping with this rural area and would not appear to protrude out into prime open countryside.

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. Having regard to the proposed orientation and distance away from neighbouring properties the proposed building will not result in any detrimental impact from causing an overbearing impact, loss of light or result in any noise disturbance.

6.4 **Drainage**

6.4.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. The application indicates that surface water will be disposed of via soakaways and the Drainage Engineer has indicated that percolation test and soakaways should be designed in accordance with BRE Digest 365. No concerns have been raised regarding the suitability of the local ground conditions for soakaways and a safeguarding informative is proposed regarding surface water drainage.

7.0 CONCLUSION

7.1 The proposed stable is necessary to provide covered weather proof accommodation for the applicant's horses. The proposed building is adjacent to the existing buildings and is of a scale and appearance which is sympathetic to this rural location. The building will not result in the significant loss of open countryside and will not be clearly visible for any public vantage point, whilst the proposed siting and design will not result in any detrimental impact on the neighbouring properties.

7.2 In arriving at this decision the Council has used its best endeavours to work with the applicants 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.

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.

10.0 **BACKGROUND**

10.1 **Relevant Planning Policies**

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:-

National Planning Policy Framework (March 2012):

7 : Requiring Good Design

Shropshire Council Core Strategy (February 2011):

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

Site Allocation and Management of Development (December 2015):

MD2 : Sustainable Design

MD7b : General Management of Development in the Countryside

10.2 **Relevant Planning History**

16/01323/AGR - Erection of open sided Dutch style barn. Prior Approval Not Required 22nd April 2016.

NS87/00552/FUL - Erection of a general purpose agricultural building. Granted 26th August 1987.

11.0 **ADDITIONAL INFORMATION**

List of Background Papers - None

Cabinet Member (Portfolio Holder) - Cllr Malcolm Price

Local Member - Cllr John Cadwallader

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 date of this permission.
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.
3. The proposed stable shall be constructed from Yorkshire boarding (150mm x 22mm) and fibre cement natural grey roof with GRP rooflights and fibre cement barge boards.
Reason: To ensure that the external appearance of the development is satisfactory.

This page is intentionally left blank



Committee and Date
 North Planning Committee
 17th May 2016

Item
9
 Public

SCHEDULE OF APPEALS AS AT COMMITTEE 17th May 2016

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Appeals Lodged

| | |
|-----------------------------------|---|
| LPA reference | 15/00343/FUL |
| Appeal against | Refusal |
| Committee or Del. Decision | Delegated |
| Appellant | Mr Tim Baker |
| Proposal | Erection of one detached property with detached double garage; alterations to existing vehicular access |
| Location | Land Adj. 2 Moston Pool Lee Brockhurst Shrewsbury Shropshire |
| Date of appeal | 29.04.16 |
| Appeal method | Written Representations |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

| | |
|-----------------------------------|---|
| LPA reference | 16/00244/FUL |
| Appeal against | Refusal |
| Committee or Del. Decision | Delegated |
| Appellant | Mr S Hammond C/O Berrys |
| Proposal | Erection of two 3-bay part open fronted garage buildings/stores; installation of boundary fencing; change of use of land to form domestic curtilage for previously approved conversions |
| Location | Wood Farm Myddlewood Myddle SY4 3RY |
| Date of appeal | 03.05.16 |
| Appeal method | Written Representations |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

| | |
|-----------------------------------|---|
| LPA reference | 15/01833/OUT |
| Appeal against | Refusal |
| Committee or Del. Decision | Delegated |
| Appellant | Mrs Dawn Hart – C/O Les Stephan Planning Ltd |
| Proposal | Outline application for the erection of nine dwellings to include means of access |
| Location | Land To The South Of A51 Pipe Gate Market Drayton Shropshire |
| Date of appeal | 03.05.16 |
| Appeal method | Written representations |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

| | |
|-----------------------------------|--|
| LPA reference | 15/05127/OUT |
| Appeal against | Refusal |
| Committee or Del. Decision | Decision |
| Appellant | W L R Gwilt C/O Saxonby |
| Proposal | Outline application (access and scale for consideration) for an affordable residential development of up to 20 dwellings |
| Location | Proposed Residential Development Land North Of Stony Yard Baschurch Shrewsbury |
| Date of appeal | 03.05.16 |
| Appeal method | Written Representations |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

| | |
|-----------------------------------|--|
| LPA reference | 15/03594/OUT |
| Appeal against | Refusal |
| Committee or Del. Decision | Delegated |
| Appellant | Saxonby (Affordable Housing) Limited |
| Proposal | Outline application for the erection of up to 8 affordable dwellings (to include access) |
| Location | Land To The North West Of Village Hall Ellesmere Road Harmer Hill Shropshire |
| Date of appeal | 03.05.16 |
| Appeal method | Written Representations |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

Appeals determined

| | |
|-----------------------------------|--|
| LPA reference | 15/00288/OUT |
| Appeal against | Refusal |
| Committee or Del. Decision | Delegated |
| Appellant | Mr L Gibbons C/O Peter Richards |
| Proposal | Outline application (access for approval) for the erection of three dwellings |
| Location | Proposed Residential Development Land To The East Of Whitchurch Road Prees |
| Date of appeal | 09.02.16 |
| Appeal method | Written Representation |
| Date site visit | |
| Date of appeal decision | 28.04.16 |
| Costs awarded | |
| Appeal decision | Dismissed |

| | |
|-----------------------------------|--|
| LPA reference | |
| Appeal against | |
| Committee or Del. Decision | |
| Appellant | |
| Proposal | |
| Location | |
| Date of appeal | |
| Appeal method | |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

| | |
|-----------------------------------|--|
| LPA reference | |
| Appeal against | |
| Committee or Del. Decision | |
| Appellant | |
| Proposal | |
| Location | |
| Date of appeal | |
| Appeal method | |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

| | |
|-----------------------------------|--|
| LPA reference | |
| Appeal against | |
| Committee or Del. Decision | |
| Appellant | |
| Proposal | |
| Location | |
| Date of appeal | |
| Appeal method | |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

| | |
|-----------------------------------|--|
| LPA reference | |
| Appeal against | |
| Committee or Del. Decision | |
| Appellant | |
| Proposal | |
| Location | |
| Date of appeal | |
| Appeal method | |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

| | |
|-----------------------------------|--|
| LPA reference | |
| Appeal against | |
| Committee or Del. Decision | |
| Appellant | |
| Proposal | |
| Location | |
| Date of appeal | |
| Appeal method | |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

This page is intentionally left blank

Appeal Decision

Site visit made on 13 April 2016

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 April 2016

Appeal Ref: APP/L3245/W/15/3140217

Land to the rear of 22 Whitchurch Road, Prees, Shropshire, SY13 2DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Lee Gibbons against the decision of Shropshire Council.
 - The application Ref: 15/00288/OUT, dated 19 January 2015, was refused by notice dated 14 September 2015.
 - The development proposed is up to 3 dwellings.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - i) the character and appearance of the surrounding area; and
 - ii) living conditions at 22 and 23 Whitchurch Road.

Procedural matters

3. The planning application was submitted in outline with all matters reserved, except for the access. Drawings showing a possible layout have been submitted for indicative purposes only. I shall deal with the appeal on this basis.
4. The Council's Site Allocation and Management of Development Local Plan (LP) was not adopted when the planning application was determined, but given the advanced stage it had reached the relevant policies of this plan were used to assess this proposal. The LP has since been adopted by the Council, following public examination. Consequently I shall afford the policies drawn to my attention full weight in considering the appeal proposal.
5. It is common ground between the main parties that the Council is able to demonstrate that it has a 5 year supply of deliverable housing land.

Reasons

6. The appeal site is located to the rear of 22 and 23 Whitchurch Road, a pair of semi-detached dwellings. It currently forms part of the garden of Nos 22 and 23, although it is one undivided parcel of land. It is open apart from a dilapidated garage close to the southern boundary. The rear boundary of the

- site is adjacent to a landscaped bund which separates the site from the busy A49 road to the east. It is outside of the settlement limits defined by the LP and so in open countryside for planning policy purposes.
7. Nos 22 & 23 are set back behind small front gardens and have small private gardens/curtilages at the rear. No 23 and the appeal site are located adjacent to a small plant and haulage business. Opposite, on the other side of the road, are a few other traditional dwellings. Also on the opposite side of the road, closer to the village, is a medical centre with associated car parking. The appeal site is physically divorced from Prees village by a long rectangular shaped field.
 8. To the north, abutting the footpath, is a single storey brick building containing the reception for the adjacent plant and haulage business. Towards the rear of the associated yard is an industrial type building. This is the only sizeable development in this area that is built in tandem with other development and it would appear that this has been necessary for operational reasons.
 9. The short row of traditional dwellings on the opposite side of the road were clearly built some time ago and it is not unusual to see older dwellings like these located outside of the main built up area of villages, laid out in a linear manner.
 10. The introduction of up to 3 detached dwellings and the associated car parking and domestic curtilages on the appeal site would lead to a concentrated form of urban style residential development. This is not characteristic of the existing residential development found here. The proposed development beyond Nos 22 & 23 would be highly visible from Whitchurch Road and appear at odds with the character and appearance of the area. It would also greatly increase the amount of built development in this countryside location.
 11. As such, the proposal would have a significant detrimental effect on the character and appearance of the surrounding area and conflict with LP policy MD7a which seeks to control new housing on sites like this one, outside of defined settlement limits. It does contain some exceptions, similar to those set out in paragraph 55 of the Planning Policy Framework (the Framework), but none are relevant in this case. This harm in itself is sufficient for the appeal to fail.
 12. Turning to the matter of living conditions, the proposal would result in both existing dwellings being left with very modest sized gardens. In addition, that belonging to No 22 would be adjacent to the driveway and parking for both the existing and proposed dwellings. While on balance the garden at No 23 would be acceptable, that at No 22 would not because of a combination of its limited size and poor quality. The proposal would result in unacceptable living conditions at No 22, contrary to LP policy MD2 in so far as it seeks to protect existing amenity.
 13. There are concerns from the neighbouring plant and haulage business that residents of the proposed dwellings may complain about noise and light pollution from their business premises. There is no need for me to consider this point since I have found that the proposal would be unacceptable in relation to my main issues.

14. As the appellant points out, the Framework advocates a presumption in favour of sustainable development to which there are 3 dimensions. In terms of the economic role the proposal would provide employment during the construction phase, but given the scale of the proposal this would be likely to be for a short period of time. The occupiers of the dwellings would also be likely to contribute the local economy. Regarding the social role this proposal would not lead to a high quality environment. While local services would be accessible from here, particularly local health care, the housing is not required to meet an identified housing need since the Council are able to demonstrate that they have a 5 year supply of deliverable housing land.
15. Finally, in terms of the environmental role I have found that the proposal would result in a significant detrimental effect on the character and appearance of the surrounding area and harm living conditions at No 22. So, while the proposal would provide some limited benefits, overall the proposal would not represent sustainable development because of the harm factors I have identified.
16. The appellant has drawn to my attention a scheme that has recently been approved by the Council for a courtyard of 8 single bedroom, non-market, supported bungalows. These would be located on the opposite side of the road between the medical centre and the existing dwellings. This site is also in the countryside and outside of the defined settlement limits. However, it is clear from the Council officer's report that this scheme is materially different. It is for a specific type of specialist housing which will be provided on a philanthropic basis. Its location next the medical centre makes it an ideal site for housing likely to be home to people with medical needs. Moreover the development would infill a parcel of land between existing built development.
17. By comparison, this site is at the rear of existing development and is separated from the village by a long open field. Also, the proposal is for market housing for which there is no justification for it to be built outside of defined settlement limits. While the proposed housing would add to the supply in this area, as set out above, the Council is able to demonstrate a 5 year supply of deliverable housing land and so this in itself is not a reason to allow development that I have found would be harmful and conflict with the Local Plan and the Framework, when read as a whole.
18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Louise Crosby

INSPECTOR

This page is intentionally left blank