

Development Management Report

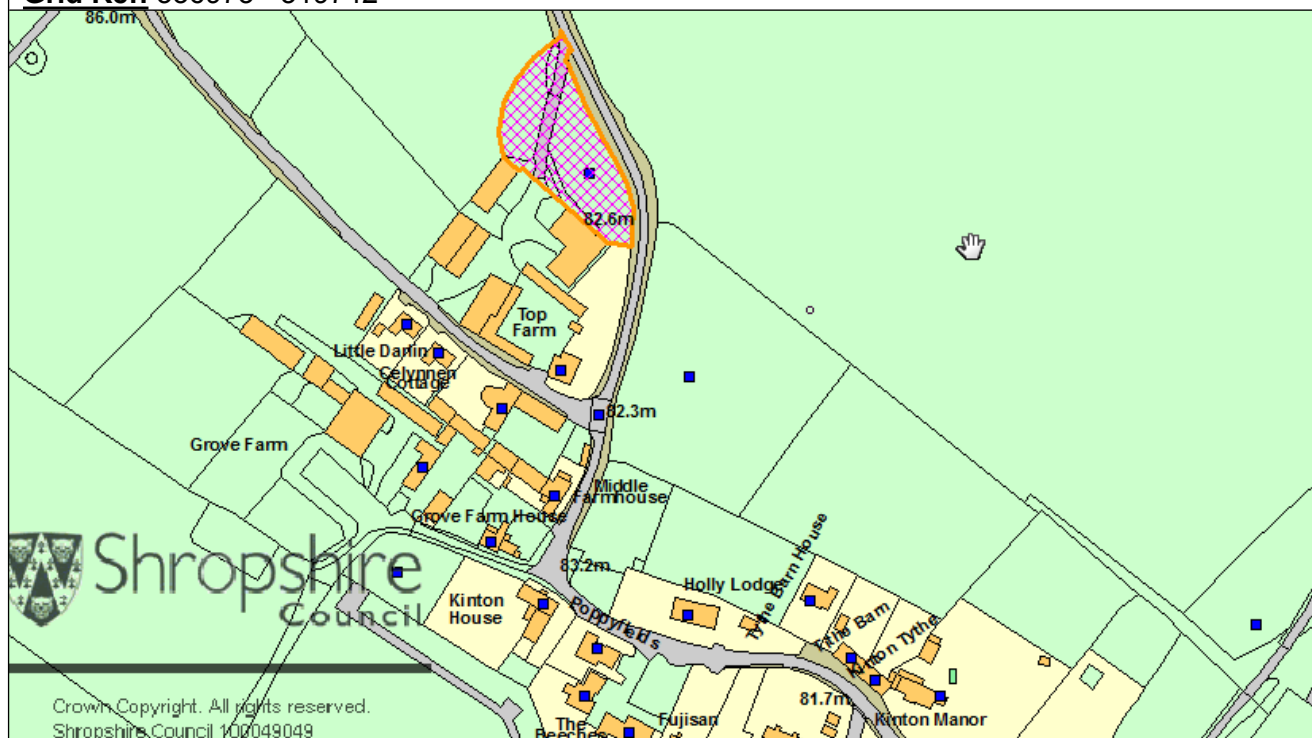
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Summary of Application

<u>Application Number:</u> 18/03967/REM	<u>Parish:</u>	Great Ness
<u>Proposal:</u> Approval of Reserved Matters (access, appearance, layout, scale, landscaping) pursuant to Outline application 13/05065/OUT for the erection of dwelling including re-aligned agricultural access and removal of agricultural shed		
<u>Site Address:</u> Proposed Dwelling North of Top Farm Kinton Shrewsbury Shropshire		
<u>Applicant:</u> Mr J Hitchen		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 336973 - 319742



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to the approval of Reserved Matters to include access, appearance, layout, scale and landscaping pursuant to Outline application 13/05065/OUT for the erection of a dwelling including re-aligned agricultural access and removal of agricultural shed.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is a piece of land that forms part of Top Farm that is situated on the north west edge of the village of Kinton.

3.0 REASON FOR COMMITTED DETERMINATION OF APPLICATION

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as it relates to an application made, by or on behalf of, or relating to the property of a member of staff who either directly or indirectly reports to the Planning Services Manager.

4.0 Community Representations

4.1 - Consultee Comments

- 4.1.1 **WSP on behalf of SC Drainage:** Recommends drainage conditions.

- 4.1.2 **WSP on behalf of SC Highways:** No Objection subject to the development being constructed in accordance with the approved details, and the recommended conditions.

Observations/Comments: As part of the proposed development the internal access drive is to be realigned so that it will meet the adjoining highway at a 90-degree angle rather than the oblique angle at present. The proposal is a betterment of the current situation and is therefore acceptable from a highways perspective. The improved access driveway should be wide enough for two vehicles to pass for a distance of 12 metres from the adjoining carriageway edge to accommodate agricultural vehicles.

- 4.1.3 **SC Ecology:** The proposal should provide ecological enhancements. Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species. Inclusion of integrated bat roost features into the building design are recommended.

- 4.1.4 **SC Affordable Housing:** As this development has a S106 agreement an affordable housing proforma will be required so the contribution can be calculated and agreed.

4.2 - Public Comments

- 4.2.1 A site notice has been erected and the Parish Council and nearest neighbour have been notified but no response has been received to this publicity.

5.0 THE MAIN ISSUES

The principle of development of the site for the erection of a dwelling has already been established by the Outline application. The purpose of this reserved matters application is to determine whether the matters reserved for approval are acceptable, and in this instance include the following:

- Layout, scale and appearance
- Access
- Landscaping

6.0 OFFICER APPRAISAL

6.1 Layout, scale and appearance

- 6.1.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) 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 and should also safeguard residential and local amenity.
- 6.1.2 The proposal is for a two storey house with detached garage and has been designed to respond to the agricultural farm yard setting. Its design is influenced by agricultural type buildings and incorporates the use of metal roofing and timber cladding. It is considered that this approach is more appropriate than an urban designed dwelling.
- 6.1.3 It is considered that the proposed layout of the site and the scale, design and appearance of the proposed dwelling are acceptable and would have no significant adverse impact on the character and appearance of the locality and accords with CS6 and MD2.

6.2 Access

- 6.2.1 Conditions 4 and 5 attached to the outline consent required details of the access, driveway and parking to be submitted for approval as part of the reserved matters. These details have been submitted and Highways have no objection to the application subject to the recommended conditions being imposed.

6.3 Landscaping

- 6.3.1 A landscaping proposal has been submitted that indicates hard surfaced areas, lawn, retention of the existing hedge and the planting of an orchard. It is considered that the proposed landscaping is appropriate and acceptable for this rural location and as suggested by the Ecologist trees should be locally native species.

7.0 CONCLUSION

- 7.1 The principle of development has been established by the Outline permission. It is considered that the proposed scale, layout and appearance of the dwelling and landscaping of the site are appropriate and would not adversely impact on the character and appearance of the locality or wider area or impact on residential amenity. A safe means of access and adequate parking and turning areas will be provided within the site. It is therefore considered that the proposal accords with Shropshire LDF policies CS6 and MD2 and the aims and provisions of the NPPF.

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 Site Allocations and Management of Development (SAMDev) Plan:
CS6 and MD2

RELEVANT PLANNING HISTORY:

13/05065/OUT Outline application for the erection of dwelling including re-aligned agricultural access and removal of agricultural shed GRANT 24th September 2015

11. Additional Information

List of Background Papers

18/03967/REM - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages

Cabinet Member (Portfolio Holder) - Cllr R. Macey

Local Member - Cllr Ed Potter

Appendices

APPENDIX 1 – Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

2. The external materials shall be as indicated on the approved plans or in accordance with details to be submitted to and approved in writing by the Local planning Authority.

Reason: To ensure a satisfactory appearance to the development.

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

3. Prior to above ground works a scheme of foul drainage, and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

4. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

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

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

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

6. All hard and soft landscape works shall be carried out in accordance with the approved plans prior to the first occupation of any part of the development hereby approved. The trees and plants shall be locally native species and 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 be replaced by the end of the first available planting season by trees and plants of the same species.

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