



Committee and date

South Planning Committee

30 July 2019

Development Management Report

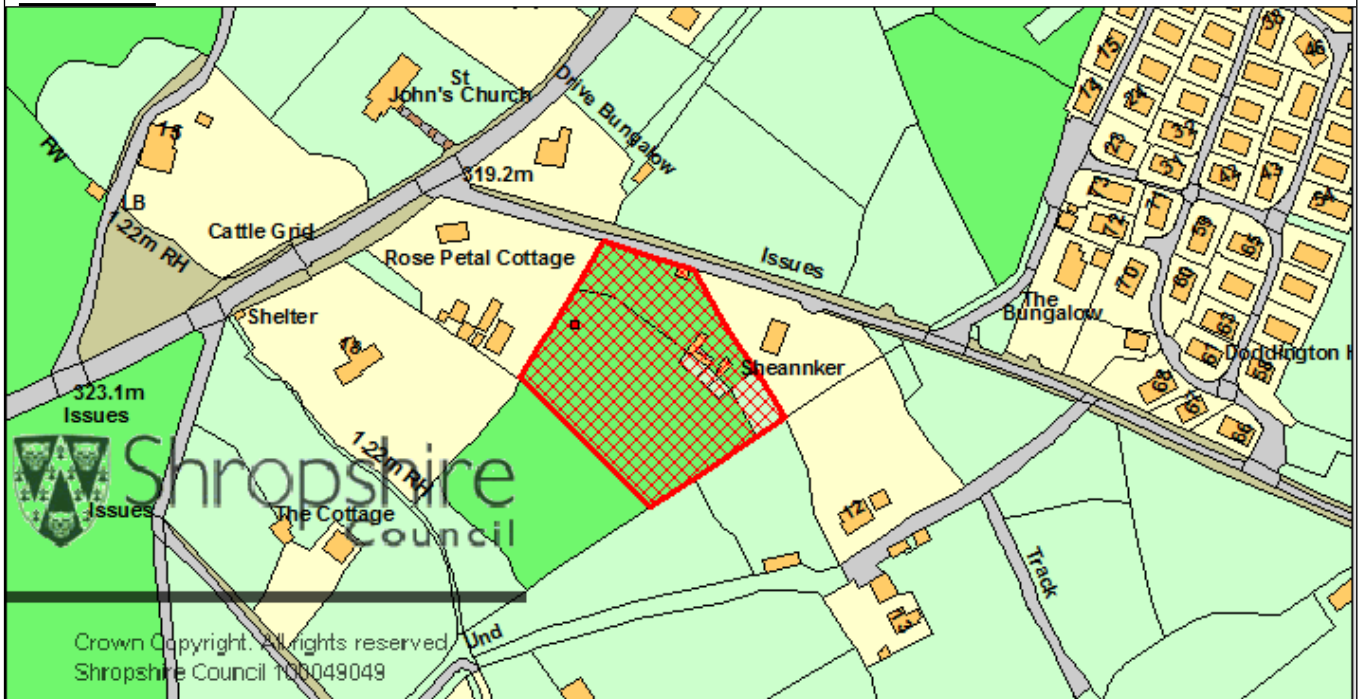
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 18/05739/FUL	Parish:	Hopton Wafers
Proposal: Erection of 2no. dwellings; formation of access and installation of package treatment plant and temporary siting of caravan.		
Site Address: Proposed Dwellings East Of Doddington Shropshire		
Applicant: Mr Bryan Talbot		
Case Officer: Heather Owen	email: planningdmsw@shropshire.gov.uk	

Grid Ref: 361638 - 276082



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Contact: Tim Rogers (01743) 258773

Recommendation:- Grant Permission subject the agreement of the structural design of the bridges, the conditions set out in Appendix 1 and the granting of delegated authority to enable the Area Planning Manager to add/amended conditions to require further detail of the bridge construction if necessary.

REPORT

1.0 THE PROPOSAL

1.1 This application seeks full planning permission for the following:

- Erection of two detached dwellings.
- Installation of Sewage Treatment Plants (one per dwelling).
- Temporary siting of caravan.

1.2 The scheme seeks to provide a detached 4 bedroomed dwelling and attached garage (plot 1) with a footprint of approximately 127sqm and a total overall floorarea, over the two floors approximately 232sqm, excluding the garage. The second plot is proposed to provide a 3 bedroomed detached dwelling with a footprint of approximately 97sqm and an overall floor area of approximately 195sqm. The block plan places plot 2 at the front of the site with plot 1 towards the rear of the site. The supporting planning statement suggests that plot 1 is intended to be used as the applicant's principle residence.

1.3 Both dwellings as proposed have a contemporary design with dual mono-pitched roofs. For plot 1 the roof is proposed to be part sedum roof and part standing seam zinc. The roofs for the dwelling on plot 2 are proposed to be part composite slate roof and part sedum roof. A mix of timber edged boarding, stone, brick and render are proposed to clad the walls of both of the proposed dwellings. The dwellings are proposed as 'split level', which each property served by a 'bridge' which would provide access to the first floor and a parking/turning area for each dwelling.

1.4 The site currently benefits from planning permission for the erection of one detached dwelling, a package treatment plant, alterations to access and siting of a caravan (part retrospective) ref -17/05144/FUL, granted 01st February 2018.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site covers approximately 1.2acres of rough pasture land on the south side of the settlement of Doddington. The site is defined by mature hedging boundaries and post and wire fencing. An existing access into the site is located in the north west corner of the application site. This access opens out onto a single with lane which connects the site to the wider road network, namely the A4117 which runs through Doddington.

2.2 The land slopes at a gentle gradient down from the A4117 towards the west which gives the application site a sloping nature. A detached single storey bungalow known as 'Sheannker' is located adjacent the site to the east. Approximately 110m to the north east of the site is 'Doddington Heights', an established mobile home complex. To the west lies a detached two storey stone dwelling with a grouping of

outbuildings set between.

- 2.3 The site itself is outside of the Shropshire Hills Area of Outstanding Natural Beauty (AONB), the boundary of which runs along the A4117, which is around 70m to the north west of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council objections are contrary to officer recommendation. Both Local Members request that this case be considered by planning committee and following discussion with Chair and Vice Chair of the South Planning Committee it was determined that due to the sensitive location and significant material planning considerations the case would benefit from committee determination.

4.0 Community Representations

- 4.1 Consultee Comments

- 4.1.1 Hopton Wafers Parish Council: Strongly objects to these proposals.

The proposed dwellings will not blend into the elevated landscape of agricultural land off Earls Ditton Lane. They are massive dwellings and do not match the local surroundings and will appear imposing in the environment. Houses nearby are mostly one storey and have smaller floor areas. These dwellings would be very prominent on the landscape and be visible for many miles.

This is speculative development of market housing on agricultural land and does not meet the criteria set in our Community Led Plan and SamDEV statement. The community and Parish Council would only support single plot small scale (up to 100m² - not 192m² and 232m²) housing, to be affordable and thus more available for local people which would encourage the community to survive and families to stay together. Luxury homes does not meet this criteria.

The site is on the edge of Doddington and is debatable whether it should be permitted for any dwelling as it is agricultural land.

There is the matter of current planning (17/01544/FUL) on the field which has been recently permitted. This house may still be built or further amendments made to the current application which would mean three market houses on one site - again this all goes against the wishes of the community in the Community Led Plan.

Local residents have serious concerns about the access into the site which has already been altered. Services have been put into the site prior to permission being granted. The site is deemed to be contaminated due to being used for waste disposal and an ecologist should undertake a survey.

Earls Ditton Lane is in a poor state and the junction onto the A4117 has been the site of many accidents over the years due to the steepness of the junction and speed of traffic on the main road. Increased numbers of vehicles will make this matter worse.

In summary this Council strongly objects to this planning application due to the site location, number and size of properties, materials proposed and issues with the access/road/junction.

- 4.1.2 SC Affordable Housing: There are no affordable housing obligations associated with this proposal
- 4.1.3 SC Highways: No Objection – subject to the development being carried out in accordance with the submitted details. Recommend informatives regarding works to a highway.
- 4.1.4 SUDS: No objection, recommend informative regarding use of sustainable drainage systems.
- 4.1.5 SC Trees: Recommend landscaping condition:
Existing mature vegetation on the site boundaries should be conserved and enhanced.
A detailed landscaping scheme should be secured by condition to include details of the planting plan, species, time schedule and a plan identify existing trees and hedges for retention and confirming methods of protection of these existing trees and hedgerows and show that level changes and the movement of vehicles or storage of materials will not have a detrimental effect on those features.
- 4.1.6 SC Regulatory Services: Guidance for development regarding Private Water Supplies Regulations.
- 4.2 Public Comments
- 4.2.1 2 objections received:
- Loss of view.
 - Concern where the sewerage is going – there is no mains sewage in this village.
 - The field is agricultural and always has been.
 - The previous purchaser did not tell me he would sell.
 - Concerned that this single lane track is already deteriorating from the increase in traffic and another 2 dwellings could generate up to another 8 vehicles.
 - Traffic is busy and travels fast.
 - Have already had two cars come through the hedge into the garden.
 - We did not object to the previous scheme as it was for a local person but now the scheme is for a property development and has gone from 1 single storey building to 2, 4 bed houses.
 - The doubled storied houses would stand out like a sore thumb.

5.0 THE MAIN ISSUES

Principle of development
 Siting of Caravan
 Affordable Housing Contribution
 Siting, scale and design of structure
 Visual impact and landscaping – Setting of Shropshire Hills AONB
 Highway Safety
 Residential Amenity
 Drainage

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. The development plan for Shropshire is the Council's Adopted Local Development Framework Core Strategy, the associated 'Type and Affordability of Housing' Supplementary Planning Document (SPD) and the adopted Site Allocations and Management of Development (SAMDev) Plan.

6.1.2 For new housing development, Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer new housing to sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters') as identified in policy CS3; CS4 and set out in detail in the Council's SAMDev Plan, policy MD1.

6.1.3 Doddington is identified as a community cluster alongside Hopton Wafers by policies CS3 and MD1. The settlement policy S6.2(ii) provides further guidance as to the nature and amount of housing expected stating:

'Limited infill of smaller, market priced houses on single plot developments immediately adjacent to existing development, and conversions may be acceptable, with housing guidelines of around 12 additional dwellings over the period to 2026. Doddington is within the Shropshire Hills Area of Outstanding Natural Beauty (AONB) and new development will have to pay particular regard to its setting.'

6.1.4 The following is an extract from the Council's previous assessment of this site in terms of whether the plot qualifies as infill. 'Doddington is a relatively scattered loose-knit settlement, the site subject to this application is situated between two existing properties and within relatively close proximity to an established mobile home complex and a loose grouping of properties to the south. Given the presence of built development surrounding the site, it is judged that the site would represent an infill plot on the edge of Doddington' There has been no material change in planning policy since this assessment was made and it is judged that in principle the development of this site for residential use would comply with the main objectives of relevant planning policy.

- 6.1.5 The Councils most recently published Five Year Housing Land Supply Statement, March 2019 includes analysis of completions and commitments and sites with planning permission as at 31st March 2018. In the case of the community cluster within which Doddington sits there have been 3 completions and 10 sites with planning permission or prior approval (as at 31st March 2018).
- 6.1.6 SAMDev policy at MD3.2 states that the settlement housing guideline is a significant policy consideration and provides further guidance on how decisions should be determined in such circumstances where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline. The policy requires decisions to have regard to:
- i) The increase in number of dwellings relative to the guideline; and*
 - ii) The likelihood of delivery of the outstanding permissions; and*
 - iii) The benefits arising from the development; and*
 - iv) The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and*
 - v) The presumption in favour of sustainable development.*
- 6.1.7 On applying the criteria listed in policy MD3.2, it is acknowledged that the scheme if permitted would add to the number of permissions granted within the cluster as a whole which if all delivered would increase the number of dwellings above the cluster guideline. At present there is no evidence to suggest that each of the outstanding planning permission would not be delivered. It is noted that the number of completions within this cluster since the previous 5 year land supply publication using data from 31st March 2016 has increased by 1 (from 2), and thus there is still a significant under delivery of housing completions for this cluster.
- 6.1.8 Doddington has been identified as an appropriate location for open market residential development and the Local Planning Authority is satisfied that this designation has been made taking into account the long term sustainability of the settlement and county as a whole. Out of the existing planning permissions for new build dwellings within Doddington itself, one is at the site subject to this application (17/05144/FUL) and to which due to the proposed siting of these two dwellings it would not be possible to build and the other is for 1 single dwelling, also located along Earls Ditton lane (18/03934/OUT). The other completions and the 8 planning permissions appear to be focused at Hopton Wafers. In terms of this applications contribution towards the housing figures, it should be borne in mind that the number of houses would in effect be an increase of one rather than two given that the previous permission at this site currently contributes to these figures within the current five year housing supply. It is judged that the erection of one further dwelling would not cause any demonstrable harm to the character of the settlement in terms of delivering excessive housing to the settlement which may result in disproportionate car usage or excessive energy consumption in the context of the Community Cluster policy. When the above is weight in the planning balance it is considered it would be difficult to justify refusal of this application on housing numbers.

6.2 Siting of Caravan

6.2.1 The proposal includes the siting of a static caravan, which is already at the site located alongside the northwest boundary, though it is understood the caravan now sited is different to the one placed there which the previous application gave a 12month temporary consent for. The applicant's agent advises that it is the intention of the applicant to occupy this caravan whilst their dwelling is constructed, this is not an unusual request for small dwellings plots such as this and provided the caravan occupation is restricted to a temporary period it is not considered unacceptable. To remain consistent with the previous permission at this site a condition would be attached to any planning permission given restricting the siting of the caravan for 12months.

6.3 Affordable Housing Contribution

6.3.1 Core Strategy Policy CS11 and an accompanying Supplementary Planning Document require all market housing schemes to make an affordable housing contribution (usually a payment in lieu of on-site provision where a small number of dwellings is proposed). However the revised version of the NPPF published in February 2019, incorporated the 2014 Written Ministerial Statement which announced that planning obligations should not be used to secure such tariff-style contributions below certain thresholds, the stated intention being to boost housing supply by removing "disproportionate burdens on small-scale developers". Paragraph 63 of the NPPF states, that affordable housing provision should not be sought in connection with small-scale residential developments (i.e. those comprising fewer than ten dwellings, or five or fewer in 'designated rural areas'), without any reference to developer burden or other motives. This application is for 2 dwellings and given the above circumstances it must be accepted that the Council's policies in this respect are out-of-date and can no longer be given significant weight, meaning no affordable housing contribution should be sought here.

6.4 Siting, scale and design of structure

6.4.1 Both national and local plan policy seek to ensure developments are of a high quality of design which seeks to create distinctive places. At paragraph 126 the NPPF acknowledges that the level of design detail and degree of prescription should be tailored to the circumstances of each place.

6.4.2 Paragraph 127 of the NPPF goes into further detail regarding the development of planning policies and decisions seeking to ensure that developments:

'a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased

densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

and paragraph 130 the NPPF goes further stating:

'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'

6.4.3 Core Strategy policy CS6, which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character. SAMDev policy MD2 expands further on this and expects development to contribute to and respect locally distinctive or valued character and existing amenity value by:

- i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement;*
- ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion;*
- iii. Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13; and*
- iv. Enhancing, incorporating or recreating natural assets in accordance with MD12.'*

6.4.4 To a degree the suitability of a design is a subjective matter. It should be borne in mind however that the previous permission (which could still be implemented) permitted the use of a contemporary design here, albeit at single storey level rather than two storey. The external wall materials through the use of render, stone and

facing brick pick up on materials used in the construction of dwellings throughout Doddington. The sedum roof would help to partially soften the dwelling and a condition would be attached to any permission given requiring detail of the zinc seam roof to ensure it has a finish which is not overly reflective. Doddington has a mix of dwelling styles from the traditional to the more modern, including the mobile home park to the north east of the site.

- 6.4.5 One of the more unusual features to this scheme is the introduction of two bridge structures to serve each dwelling and provide access to the first floor of the dwellings. The applicant's agent advises the aim of this design solution is to create the visual impression of a 'split level' dwelling, so the dwellings would be viewed in the main as single storey from the public highway.
- 6.4.6 For plot 1, the bridge is proposed to project off the front elevation of the dwelling by approximately 9m and would have a width of around 6m. For plot 1 the structural posts would be partly incorporated into the dwelling structure and clad with stone. For plot 2, the bridge is proposed to measure approximately 10m in width and approximately 6m in length. As the bridges would be used by vehicles additional information was requested around the structural design of this part of the proposal and as such a Structural Engineering report by Delta Vector Engineering Ltd has been submitted. The report advises that the bridges would be constructed with steel beams and posts. 'Iroko' decking is proposed for the surface sitting on the steel bridge beams and an open rail metal fence would run around the bridge edges. Sections of the bridge design have been included with the structural report and indicate that every other pair of bridge beams would be braced together with angle bracing. In terms of the structural integrity of the proposals the Councils Highways Team are reviewing the proposals and at the time of writing this report a response is awaited, it is hoped that a response will be available for consideration at the meeting.
- 6.4.7 Turning to the design, it is acknowledged that this design solution is not typical and careful consideration needs to be given as to whether such a design is suitable for a rural location. The drawings submitted indicated what appears to be relatively lightweight structures using steel beams and steel posts which would either be built into the walling of the house (plot 1) or where free standing, clad with stone. The surface material of timber decking would provide a softer appearance than a tarmacked surface and the open rail fencing would enable views through to the wider landscape to remain and would be more suitable than a close boarded fence for example. Sections of the site have been provided which shows some areas of fill are proposed to enable the construction of the bridges and to the rear of both plots to level out the immediate access from the rear of the dwellings. The level of fill proposed would not significantly alter the character of the landscape and is considered acceptable in this case.
- 6.4.8 When considering the above in the planning balance it is judged that on balance that the proposed design of the dwellings and bridges are acceptable, subject to conditions on materials and agreement on the principal of the structural engineering of the bridges.

- 6.4.9 In terms of siting it is noted that the Parish Council raise concern that the site will be developed for three houses, with the previous permission also being built. However when the current permission and the proposed block plans are compared it can be seen that the proposed dwellings have been sited in a way which would overlap the dwelling with planning permission and thus it would not be possible to build all three dwellings.
- 6.4.10 As already noted within this report Doddington by being nominated as part of a community cluster has been accepted as a sustainable location for open market housing development. It is accepted that both properties are sizeable dwellings in terms of floorspace provided. The settlement policy for this cluster refers to 'smaller, marked priced houses', however it does not define 'smaller' and there are no specific restrictions in adopted planning policy on the size of open market dwellings providing the plot on which the dwellings would be constructed is of sufficient size. The Parish Council expects small to mean less than 100sqm as set out in their SAMDev statement. In considering this matter it has to be borne in mind that the other open market dwellings permitted across the cluster are all more than 100sqm in size, and the dwelling which currently has consent for this site is approximately 177sqm. Given the plot size available here it is judged that the site is capable of taking the dwellings at the size proposed.
- 6.5 Visual impact and landscaping
- 6.5.1 Although falling outside of the AONB the site is in close proximity to the boundary and thus the impact of this development on the setting of the AONB should be taken into account. The site is set at a lower gradient than the A4117 and thus the boundary with the AONB and existing development and mature tree and hedge landscaping sits between the site and the boundary. Whilst two storey in height the dwellings and the proposed bridges would be viewed alongside existing dwellings and when considering the above, on balance it is judge that the proposed dwellings are unlikely to appear unduly prominent within the wider landscape views and the impact on the setting of the Shropshire Hills AONB would not be adverse. A landscaping condition is recommended to ensure existing mature vegetation on the site boundaries is enhanced with new planting in order to further soften the impact of the development and provide long-term sustainable landscape mitigation and biodiversity enhancements.
- 6.6 Highway Safety
- 6.6.1 Paragraph 109 of the NPPF states that developments should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.6.2 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic 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 reduced.

- 6.6.3 The proposals seek to utilise the existing field entrance which had previously been widened and a gate installed and was subsequently granted retrospective permission under the previous planning application at this site (17/05144/FUL). The Councils Highway Team have reviewed the scheme and are content that the access is appropriate to serve two dwellings and is content that sufficient parking and turning areas have been provided for each plot.
- 6.6.4 There is local concern regarding both the general state of repair of Earls Ditton Lane and the impact of the intensification of the junction with the A4117 as a result of this permission and other planning permissions granted for dwellings along Earls Ditton Lane. In terms of the general maintenance and state of Earls Ditton Lane, this is a county wide highway authority matter which would be covered by general highway authority spending. The intensified use of the A4117 as a result of the proposal and other permissions along this lane has not been raised as a concern by the Councils Highways Authority. In terms of contributions towards improvements to this junction, it would not be reasonable to expect a contribution via a S106 c, given the small scale of housing numbers proposed and that this has not been a requirement of the previous permission at this site or the approved single dwelling further south of the site (18/03934/OUT). The need for potential improvements to this junction would be a separate matter, which the Parish needs to discuss with the Highways Authority and potentially raise within the Place Plan monitoring where if agreed as a propriety issued, CIL Monies can then be used for local infrastructure improvements.
- 6.7 Residential Amenity
- 6.7.1 Core Strategy Policy CS6 requires all development to safeguard the amenities of neighbouring residents. There are neighbouring properties which share boundaries with the site on both the west and east sides of the site. A scattered group of properties also sit opposite the site separated by the highway. Concerns raised regarding the loss of view as a result of the development are noted, however there is no right to a view across private land and little weight can be given in planning terms to this.
- 6.7.2 Plot 2 would be the closest dwelling to the neighbouring property on the east side, which is a detached bungalow known as Sheannker. The block plan indicates the dwelling would be approximately 10m from the boundary adjoining this neighbour and the rear elevation of the dwelling is orientated at an angle towards the south east, facing away from this neighbour. A single ground floor window is proposed to be inserted into the side elevation facing this neighbour, no openings are proposed to the first floor. The existing mature hedge boundary would go some way to screening the ground floor opening and given the distance and orientation of the proposed dwelling it is considered that the dwelling would not be overbearing or result in loss of privacy or light to result in undue harm to the amenity of this neighbouring property.
- 6.7.3. The property to the west is set at a higher ground level than the application site as the land slopes up towards this property. There is a mature landscaped boundary between the sites. Given the distance between the dwellings and the lay of the land it is judged that the proposed development would not unduly harm the residential

amenity of this neighbouring property.

6.8 Drainage

- 6.8.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in existing runoff rate and not to result in an increase in runoff. In this case the surface water is proposed to be managed via a sustainable drainage system using permeable paving, a part sedum roof and water butts with any overflow via an on-site soakaway. Local residents' question what is to happen with sewage generated by the development, The plans submitted indicate that foul drainage for each plot is proposed to be served by a sewage treatment plant. The Councils drainage officer has considered the information provided and is satisfied that the development can be adequately drained without causing or exacerbating flooding in the site or vicinity.

7.0 CONCLUSION

- 7.1 The application site is situated within the settlement of Doddington which is part of a nominated community cluster, the principal of open market housing development is therefore acceptable on suitable sites in accordance with policies CS4 and MD1. The application site is considered to represent infill forming part of the loose-knit cluster settlement and it is judged that the addition of two further dwellings in this settlement would not cause demonstrable harm to the settlement character in terms of the number of new houses within the area.
- 7.2 The design and scale of the proposed dwellings whilst contemporary picks up on local vernacular materials and would sit within the plot without resulting significant harm to the character or appearance of the settlement or surrounding area. The dwellings could be constructed with the setting of the character and natural beauty of the Shropshire Hills AONB preserved and without resulting in severe impact on highway safety or undue harm to levels of residential amenity.
- 7.3 Overall on balance it is considered that the application accords with the principal determining criteria of the relevant development plan policies and it is recommended that the application is approved, subject to the agreement of the structural design of the bridges and delegated authority to enable the Area Planning Manager to add/amended conditions to require further detail of the bridge construction if necessary.

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
National Planning Practice Guidance

Core Strategy:

CS1 Strategic Approach
CS4 Community Hubs and Community Clusters
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

Site Allocations and Management of Development (SAMDev) Plan:

MD1 Scale and Distribution of Development
MD2 Sustainable Design
MD3 Managing Housing Development
MD12 Natural Environment

Settlement Policies

S6 Cleobury Mortimer

Supplementary Planning Document (SPD) on the Type and Affordability of Housing.

RELEVANT PLANNING HISTORY:

17/05144/FUL Erection of 1No dwelling, installation of package treatment plant, alterations to existing vehicular access and siting of caravan (part - retrospective) GRANT 1st February 2018

18/00876/DIS Discharge of Condition 4 (materials) associated with planning application number 17/05144/FUL DISPAR 3rd April 2018

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PJOVLPTDIJO00>

List of Background Papers
Cabinet Member (Portfolio Holder) Cllr Gwilym Butler
Local Member(s) Cllr Gwilym Butler & Cllr Madge Shingleton
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 amended 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 caravan unit hereby approved shall be removed from the site and the land reinstated to its previous condition within 12 months of the date of this planning permission.

Reason: To retain planning control and in the interests of the visual amenity of the area.

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

4. Prior to the above ground works commencing samples and/or 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.

5. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') 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 and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become 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 the interest of visual amenity.

Informatives

1. Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

-construct any means of access over the publicly maintained highway (footway or verge) or

-carry out any works within the publicly maintained highway, or

-authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or

-undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

2. 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: <http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>.

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. Soakaways should be designed in accordance with BRE Digest 365.

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.

3. PRIVATE WATER SUPPLY

Consideration should be given to ensuring that the quality of the water supply to the proposed development meets the required microbiological and chemical standards of

the Private Water Supplies (England) Regulations 2016 where these regulations apply. In addition, an investigation should be carried out in order to provide evidence that there is a sufficient and sustainable water supply available to meet the needs of future residents living in the proposed dwellings. Alternatively, there may be provision for properties to connect to the mains water supply. The latter is the preferred option with regards to public health.

Regulation 13(2) of the Private Water Supply (England) Regulations 2016 stipulate that a water supply must not be brought into use unless the Local Authority are satisfied that the supply does not constitute a potential danger to human health. The applicant must therefore provide suitable information with any future application including test results. Shropshire Council should be used to carry out sampling to ensure that it is carried out in a way that satisfies legislative requirements.

For information on water sampling and contact details please visit:

<https://new.shropshire.gov.uk/environmental-health/environmental-protection-and-prevention/private-water-supplies/how-do-private-water-supplies-regulations-affect-me/>