



Committee and Date
North Planning Committee
15th October 2019

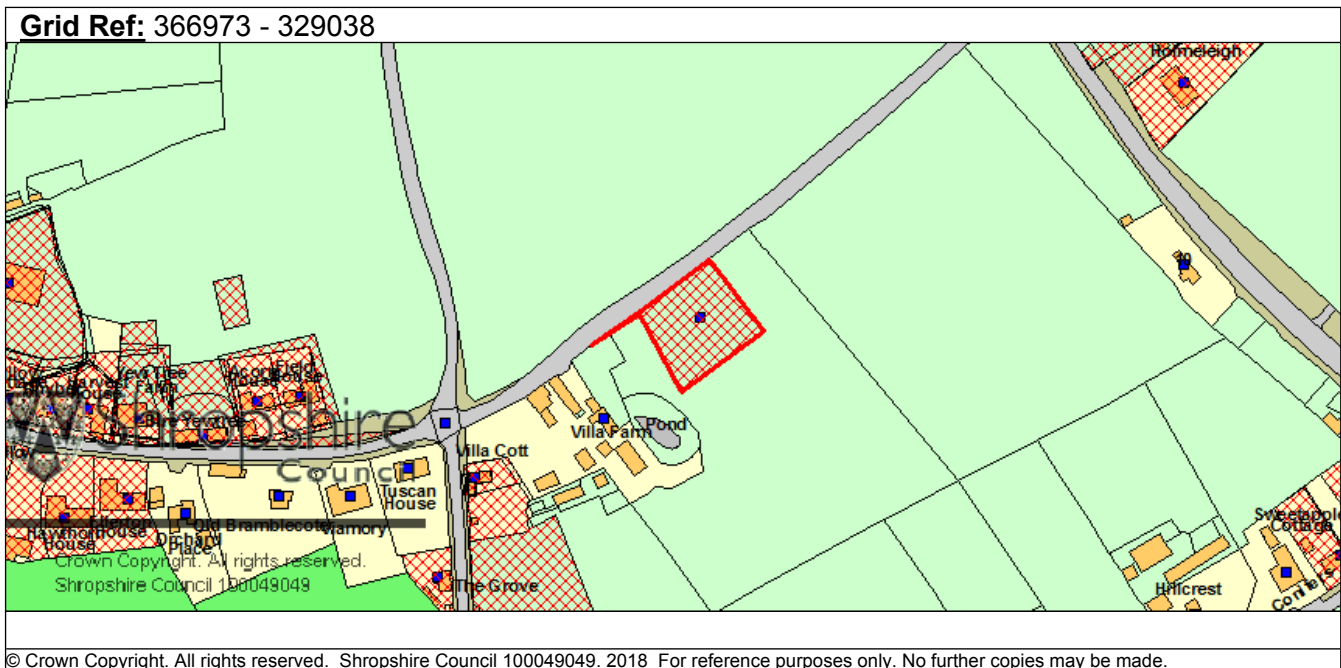
Item
8
Public

Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 19/02855/REM	Parish:	Stoke Upon Tern
Proposal: Approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant of 14/04785/OUT - Erection of 1 detached local need dwelling including construction of new vehicle access		
Site Address: Land East Of Villa Farm Wistanswick Market Drayton Shropshire		
Applicant: Mr Roberts And Miss David		
Case Officer: Jane Preece	email: planning.northern@shropshire.gov.uk	



Recommendation:- Approval, subject to the conditions set out in Appendix 1.

REPORT

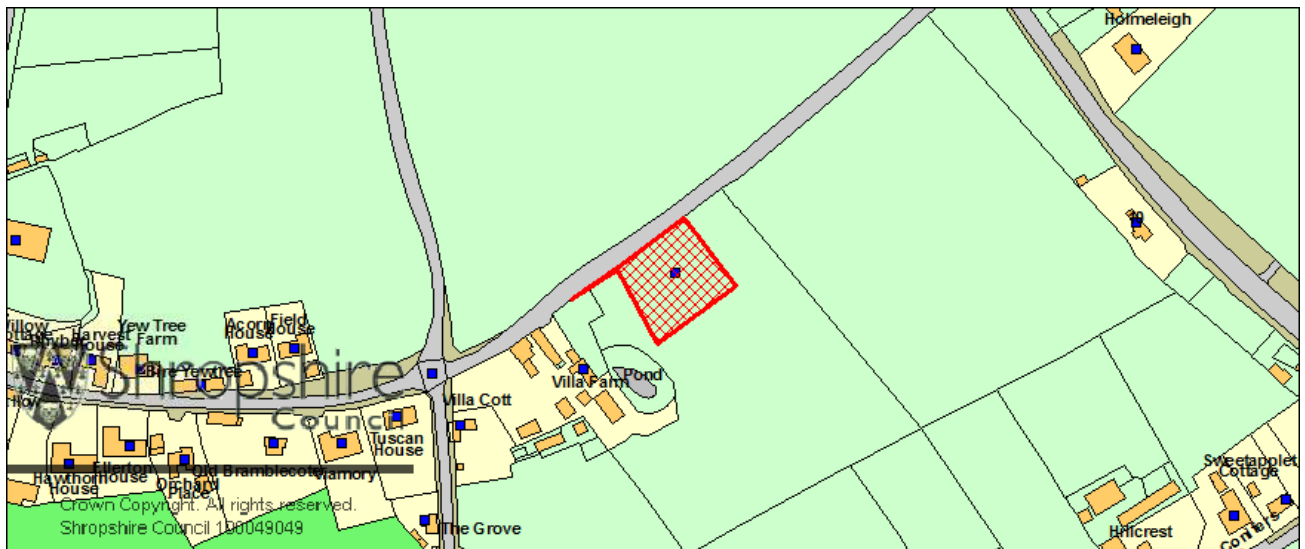
1.0 THE PROPOSAL

- 1.1 Outline planning permission was granted for the following on 7th February 2017 under application reference 14/04785/OUT: '*Outline application for the erection of 1 detached local need dwelling including construction of new vehicle access (access for approval)*' – land east of Villa Farm, Wistanswick. Access was for approval at that time. However, under condition 1 of the outline permission access arrangements were also listed as a reserved matter.
- 1.2 The current application seeks 'Approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant of 14/04785/OUT - Erection of 1 detached local need dwelling including construction of new vehicle access' on land east of Villa Farm, Wistanswick.
- 1.3 The proposal details a two storey 3 bedroomed dwelling, not exceeding the 100 sq m threshold for affordable dwellings, together with a detached, double garage with lean-to log/bin store. The dwelling is rectangular in footprint, with a single storey utility/wc addition to the north east side elevation and a chimney to the south west elevation. The front elevation faces the road and details a double fronted dwelling with a central open porch of timber, with dwarf brick walls and a tiled roof. The external building materials for the dwelling are detailed and include Imerys Phalempin weathered clay plain tiles, Wienerberger Kempsey antique facing bricks and cream upvc windows. The garage is shown of timber construction and cladding under a tiled roof.
- 1.4 The dwelling is to be set back on the site, with the garage positioned to its north east side. The property will be served by a parking and turning area to the frontage and an access positioned centrally within the road frontage.
- 1.5 Landscaping comprises the retention of a mature roadside oak tree and the roadside boundary hedge, except that needed for removal to accommodate the new access and associated visibility splay. New indigenous hedging will be planted behind the visibility splay and to all site boundaries.
- 1.6 Foul drainage will be disposed of to a Bio Pure 3 sewage treatment plant and associated irrigation field within the site. Surface water will be disposed of to soakaways.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposed development site sits in the open countryside, immediately to the east of Winstanswick. The nearest neighbouring property, known as Villa Farm, lies to the south west:

2.2



3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council have expressed a view (objection) contrary to the views of officers (support). The Principal Planning Officer in consultation with the relevant Committee Chairman/Vice Chairman consider that referral of the application to the Planning Committee is warranted owing to concerns from Parish Council in relation to surrounding street scene which will need to be assessed via a site visit.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 **SUDS** - The proposed surface and foul water drainage are acceptable.

4.1.2 **SC Affordable Homes** – Provide the following comments:

- Satisfied Miss David and Mr Roberts qualified for the 'build your own' affordable housing scheme and sent them a letter with this information on 23rd October 2018.
- Have checked the plans and are satisfied the house meets the criteria of being less than 100sqm.
- Garage - Impose a condition to ensure it remains as garaging and incidental needs and not used for additional living accommodation etc.

4.1.3 **SC Trees** – Re-consultation comments: The revised plan has taken into account previous tree comments. Can now support the application including the removal of the defective Ash tree replaced by 1 Lime tree in the garden of the proposed property.

4.1.4 **SC Highways** – Re-consultation comments: No objection, subject to development being constructed in accord with drwg W19/2616/P01 Rev D.

Note condition 6 attached to outline 14/04785/OUT has yet to be discharged.

4.1.5 **SC Ecology** – I am satisfied with the proposed landscaping.

4.2 Public Comments

- 4.2.1 **Stoke upon Tern Parish Council** – Original comments: **Object** as the Parish Council feel that the elevation of the land will mean that the proposed design will be significantly higher than adjacent properties, and a lower ridge line could be less dominant. Also the field is 1metre higher than the Lane at the proposed access point but no detail is offered to show how the adjacent tree and hedges will be protected from any damage resulting from the regrading that will be necessary to provide a safe access.
- 4.2.2 Re-consultation comments: The Parish Council wishes to **maintain its objection** to the design of the property and feel that the Street Scene elevation prepared by the Applicant clearly demonstrates that the dwelling will be significantly higher than the nearby properties and a lower roofline would be necessary to ensure that the building sits more comfortably within the village setting. The Parish Council also still feel that the substantial change in level between the road and the building plot has not been properly addressed by this Application.
- 4.2.3 **Public representations** – None received.

5.0 THE MAIN ISSUES

- Reserved matters - access, appearance, landscaping, layout and scale

6.0 OFFICER APPRAISAL

6.1 Layout, appearance and scale

- 6.1.1 No objections have been raised to the siting and layout of the dwelling within the plot or the general design and appearance of the dwelling and garages structures themselves. However, the Parish Council have raised a specific objection in relation to design; in that they consider that, due to the elevation of the land, the height of the ridgeline will have a dominant impact within the village setting. They feel the street scene submitted demonstrates that the proposed '*... dwelling will be 'significantly higher than the nearby properties ...'*' and they consider a lower roofline is '*...necessary to ensure that the building sits more comfortably within the village setting. ...'*
- 6.1.2 Whilst it is acknowledged that the street scene may show the new dwelling sitting higher than the nearest adjoining dwelling, the agent considers that the Parish Council have failed to give due regard to the considerable distance between the properties, coupled with the fact that the proposed dwelling sits well back from the road. He feels this factor of perspective (which does not translate on a flat drawing) has not be recognised. To give some context to this, the proposed dwelling is to be set back around 19 metres from the road, whereas the existing neighbouring dwelling directly abuts the road. Further, there is a separation distance of approximately 37 between the dwelling and the outbuilding associated with the neighbouring dwelling. As regards heights and land levels, the ridge height of the proposed dwelling is 7.5 m. The ridge height of Villa Farm ranges from approximately 6.5 m to 7.12 m due to the fall of the road. The application site sits 1 m above the road. Villa Farm is built in line with the road level. The road level falls in south westerly direction past Villa Farm, such that the difference in levels between the site and Villa Farm is around 2.5 m. The members will have the opportunity to assess the physical characteristics of the site and its relationship to neighbouring development when they visit the site.
- 6.1.3 Further, the suggestion by the Parish Council that the roofline should be lowered to reduce

the visual impact has been noted. However, in response the agent has made the point that that reducing the ridgeline is not an economic option. The application is for an 'affordable' local need dwelling. Reducing the ridgeline will necessitate the introduction of dormer features which will increase build costs.

6.1.4 Taking all the above into consideration, it is the view of officers that the height of the ridgeline of the dwelling as currently proposed will not impact on the character and appearance of the locality, including the neighbouring built context, so adversely as to warrant refusal of the application.

6.2 Access and impact on trees

6.2.1 As originally proposed the access was positioned between two roadside boundary trees; ie an oak to the north east and an ash to the south west. The access proposals attracted concerns from the Council's Highway advisor, the Parish Council and the Council's Tree Officer.

6.2.2 The concerns from the Highway advisor cited that the access apron was too short in length to provide a passing place (a requirement of the outline) and required the plans to be amended to provide a minimum length of 6 metres excluding tappers.

6.2.3 The concerns from the Parish Council and the Tree Officer related to the potential of the proposed access to impact on the trees. Having visited the site and inspected the trees the Tree Officer found the ash tree to be defective, with decay present. Her advice was therefore that the ash tree could be removed to enable the access to be moved outside the RPA of the oak tree and a new tree added to the scheme in mitigation.

6.2.4 In response to the concerns amended plans have been received. The amended plans follow the advice of the both the Council's Highway advisor and Tree Officer, such that both are now supportive of the application as amended. The amended plans show the access apron layout revised to provide a passing opportunity within the road. Further, the access has been relocated slightly further to the south west within the site frontage, with the defective ash tree now shown as to be removed and a replacement ash tree to be provided within the front garden of the proposed dwelling.

6.2.5 Despite the amendments, the Parish Council have submitted re-consultation comments of continuing concern. However, it appears that this concern (as quoted in paragraph 4.2.2 above) now focusses on the difference in land levels between the road and the plot and the associated visual impact.

6.3 Landscaping

6.3.1 Landscaping proposals are considered acceptable.

6.3.2 As discussed above there were initial issues with the roadside trees. As a consequence and following the advice of the Council's Tree Officer a roadside ash tree that was in poor condition is now to be removed and a new ash tree planted within the site to replace the loss. This mitigation is acceptable and has also allowed the relocation of the access to give greater clearance and protection of the roadside mature oak. The Council's Tree Officer is satisfied with the revised proposals.

6.3.3 Otherwise, the landscaping is simple and considered appropriate for the rural area. The site will be enclosed with timber post and fencing and indigenous species hedging.

7.0 CONCLUSION

7.1 On balance, officers consider that the proposal, as amended and supported by additional information, is now acceptable and planning policy compliant. Approval is therefore recommended, subject to the imposition of the conditions listed in the appendix below.

7.2 In considering the application due regard has been given to the following planning policies as relevant: Shropshire Core Strategy CS5, CS6, CS9, CS11, CS17 and CS18; Site Allocations and Management of Development (SAMDev) Plan policies MD2, MD7a, MD12 and S11; the Council's SPD on the Type and Affordability of Housing and the National Planning Policy Framework published February 2019.

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

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD7A - Managing Housing Development in the Countryside

MD12 - Natural Environment

Settlement: S11 - Market Drayton

SPD Type and Affordability of Housing

National Planning Policy Framework

RELEVANT PLANNING HISTORY:

14/04785/OUT Outline application for the erection of 1 detached local need dwelling including construction of new vehicle access (access for approval) GRANT 7th February 2017

11. Additional Information

View details online:

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)
Councillor Gwilym Butler

Local Member

Cllr Karen Calder

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 DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

2. The external building materials for the proposed dwelling shall be as specified on the approved plans. As regards the proposed garage, the roofing materials shall be as specified for the proposed dwelling. Otherwise, as no details have been submitted, no cladding shall be applied/installed to the external walls of the garage unit samples and/or full details of the cladding, to include the finish. have been 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.

3. All hard and soft landscape works shall be carried out in accordance with the plans hereby approved. The works shall be carried out prior to the occupation / use of any part of the development hereby approved. Any trees, hedging 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 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.

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

4. The garage hereby approved shall not be used for any purpose other than those incidental to the enjoyment of the dwelling hereby approved but not including use as living accommodation.

Reason: To enable the Local Planning Authority to retain control over the scale and use of development at the site in accordance with adopted planning policies for local need affordable dwellings.

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