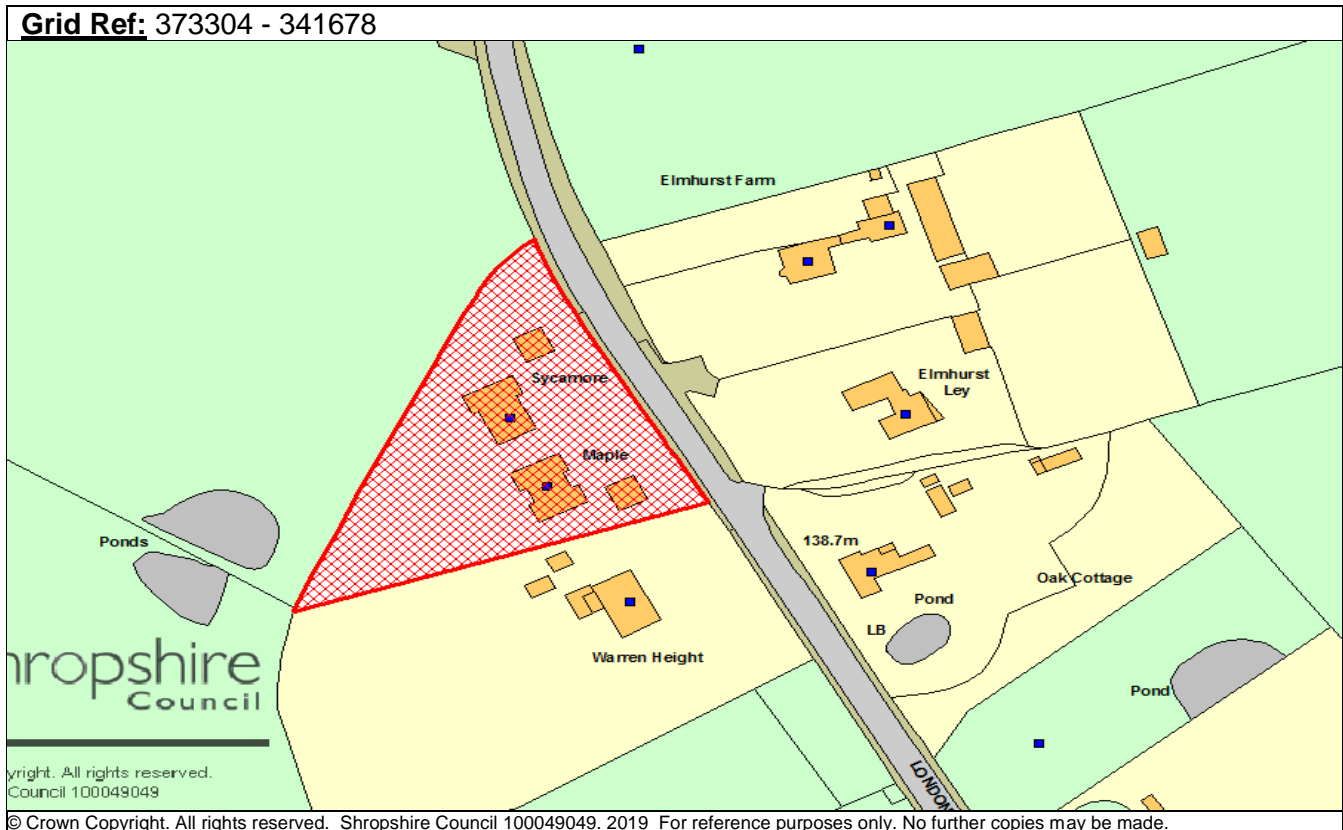


Development Management Report

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

Summary of Application

Application Number: 20/03698/FUL	Parish:	Woore
Proposal: Installation of access gates, formation of visibility splay and boundary wall, landscaping detail (modification to previously approved)		
Site Address: Land Adj Warren Heights London Road Woore CW3 9RG		
Applicant: Mr Peter Stanfield		
Case Officer: Alison Lloyd	email : planning.northern@shropshire.gov.uk	



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

REPORT

1.0 THE PROPOSAL

1.1 This application seeks approval for the installation of access gates, formation of visibility splay and boundary wall.

1.2 Associated Planning Applications:

14/01692/OUT Outline application (access, layout and scale) for the erection of two detached dwellings; formation of access road and driveways - Approved 15th October 2015

16/01907/REM Reserved matters pursuant to Outline permission reference 14/01692/OUT dated 22.01.2016 for the erection of two dwellings; formation of access road and driveway to include Appearance and Landscaping - Approved 17th June 2016

17/02051/REM Approval of reserved matters (access) pursuant to permission 14/01692/OUT for the erection of two detached dwellings; formation of access road and driveways - Approved 12th July 2017

17/05856/VAR Variation of Conditions Nos. 7 and 8 (ecology) attached to permission 14/01692/OUT dated 15/10/2015 - Approved 12th January 2018

18/03539/VAR Variation of Condition no.4 (approved plans) pursuant to permission 14/01692/OUT dated 15/10/2015 in order to re-position of Garage - Plot 2 Only - Approved 26th September 2018

2.0 SITE LOCATION/DESCRIPTION

2.1 The proposed site is located directly along the main A51 road adjacent to Warren Height and adjoins the settlement of Irelands Cross. The site currently forms part of an enclosed area of land adjacent to agricultural fields which are located to the north west with residential development on the opposite side of the road to the east and directly along the southern boundary. The plot of land has approval for two residential dwellings which are close to completion.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The views of the Parish Council are contrary to the officer's recommendation for approval, therefore based on material reasons as indicated by the Council, it been concluded that the application needs to be considered and determined by Committee. The local member has raised no objections.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Highways Team

No Objection – subject to the development hereby approved being constructed in accordance with Proposed Entrance Wall and Gates Plan Drawing No. 2966-19 Rev C.

4.2 Public Comments

4.2.1 Woore Parish Council

Woore Parish Council objects to this application for the following reasons; The developer did not comply with their original approved plans. Furthermore, it is understood occupation of the property has been completed without the completion of the property and landscaping which contravenes the original approval.

This latest submission seeks to alter the original consent which had conditions around the landscaping and retention of the existing hedges. This also aligns with the PC comments to the 2016 (16/01907/REM) submission that supported the application provided the hedges were maintained in-line with the approved plans.

Taking cognisance of this it is proposed the application is rejected as it goes against the original design intent originally conveyed and is not in keeping with the character of the area. We make reference to Woore Neighbourhood Plan 2016-2036:

Objectives in section 5...Developments will be sensitively located and designed to ensure that the cherished natural environment and rural character of the parish is maintained"

The planning application is also not in line with:

POLICY HOU2 - HOUSING DEVELOPMENT

Housing developments within the settlements of Woore, Irelands Cross and Pipe Gate will be supported where they have regard to the following:

a) do not adversely affect local landscape character and visual amenity.

POLICY HOU3 - DESIGN

New housing development will be supported where they have regard to the following:

A. Where adjoining open countryside they should provide a sympathetic built-to-unbuilt area transition.

B. The topography and natural features of the site should maximise significant views from the site to the surrounding countryside and minimise impact on the skyline.

C. Minimise adverse impacts on the amenity of future or adjacent property by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour, or in any other way.

F. Respect the character of the locality and the local vernacular and contribute positively to local distinctiveness.

H. Development should support features beneficial to wildlife where appropriate

I. Developments should incorporate a native British mix of plants within their landscaping.

A further point worthy of consideration is the HS2 mitigation submitted by Woore Parish Council - this requests a full width pavement from Pipe Gate to Woore centre. If given the go ahead would also impact on this proposal.

4.2.2 A site notice was displayed on the site from 11.10.2020 - no public representations have been received.

5.0 THE MAIN ISSUES

Principle of development

Boundary landscaping and Access Arrangements

5.1 Relevant Planning Policies:

Shropshire Core Strategy

CS6: Sustainable Design and Development Principles

CS17: Environmental Networks

SAMDev Plan

MD2: Sustainable Design

National Planning Policy Framework

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The site gained outline approval for the development of two dwelling houses in 2014, later in 2016 the reserved matters details were also approved. The time frame for details relating to the reserved matters has now expired, therefore the proposed alterations to the site front boundary and access arrangements are to be dealt with under a full planning application.

6.1.2 The principle of development for two dwellings has previously been considered and deemed to be acceptable, this application is to consider the proposed changes to the site boundary landscaping and access arrangements.

6.2 Boundary Landscaping and Access Arrangements

6.2.1 The application is seeking to amend the boundary treatment of the new properties onto the A51. The Council's highways team have advised that the proposed wall and gate positions as detailed on the submitted drawings do not appear to constrain or compromise the approved access layout and visibility splay lines as previously approved and conditioned to the Site Plan Drawing No. 2966-03 Rev C under consent 17/02051/REM and therefore raise no highway objection.

6.2.2 The approved boundary landscaping details with regards to the north, west and southern boundaries remains as approved consisting of the retention of existing hedgerows. It is proposed to erection a 1 metre high dwarf red bricked wall, extending to 1.5 metres to provide pillars to accommodate the new access gates to the eastern boundary which faces the main A51 highway, a native hedgerow will be planted internally along the wall. The materials used will match those of the dwelling houses. The proposed wall and gates are to run along the boundary for plot 1 and part of the boundary for plot 2, the remainder will be as previously approved consisting of hedgerow, matching that of the field boundary which adjoins plots 2.

6.2.3 The stretch of London Road where the application site is situated has had many approvals in the recent years for infill housing development, this has resulted in the

road frontage consisting of a mix in boundary treatments, timber fencing, hedging and brick walls, officers on balance are satisfied that the introduction of the proposed low height walls, gates with hedging behind will provide a secure site boundary whilst not resulting in adverse visual harm to the locality or street scene. Following consultation with the Highway Officers it was confirmed that the walls and gates will not impact on the passing road and that they conform with highway safety standards.

7.0 CONCLUSION

The proposed boundary wall, gates and hedging will provide a secure site boundary whilst not resulting in any visual harm to the locality or street scene. The proposed site layout is in line with current highway standards, causing no impact to the sites approved access arrangement, whilst also not resulting in any harm to the adjoining main highway. As such the proposal is in accordance with the Woore Neighbourhood Plan, the NPPF, policies CS06 of the Shropshire Core Strategy and MD02 of the SAMDev Plan.

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

CS17 - Environmental Networks

National Planning Policy Framework

RELEVANT PLANNING HISTORY:

14/01692/OUT Outline application (access, layout and scale) for the erection of two detached dwellings; formation of access road and driveways GRANT 15th October 2015

16/00287/REM Approval of Reserved Matters (appearance and landscaping) pursuant to 14/01692/OUT for erection of 2 no. detached dwellings and garages; formation of access and driveway APPRET

16/01907/REM Reserved matters pursuant to Outline permission reference 14/01692/OUT dated 22.01.2016 for the erection of two dwellings; formation of access road and driveway to include Appearance and Landscaping
GRANT 17th June 2016

17/02051/REM Approval of reserved matters (access) pursuant to permission 14/01692/OUT for the erection of two detached dwellings; formation of access road and driveways GRANT 12th July 2017

17/05856/VAR Variation of Conditions Nos. 7 and 8 (ecology) attached to permission 14/01692/OUT dated 15/10/2015 GRANT 12th January 2018

18/01601/DIS Discharge of Condition 4 (Foul and surface water) relating to Planning Permission 16/01907/REM GRANT 16th May 2018

18/02667/DIS Discharge of condition 3 (external materials) relating to planning permission 16/01907/REM DISAPP 11th July 2018

18/03539/VAR Variation of Condition no.4 (approved plans) pursuant to permission 14/01692/OUT dated 15/10/2015 in order to re-position of Garage - Plot 2 Only GRANT 26th

September 2018

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)
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Cabinet Member (Portfolio Holder) Councillor Gwilym Butler

Local Member Cllr Roy Aldcroft

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITIONS

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 THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

4. All hard and soft landscape works shall be carried out in accordance with the approved plan ref: 2966-19 rev. E. 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 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.

Informatives

1. 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 a 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/roads-and-highways/road-network-management/application-forms-and-charges/>

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. This planning permission notice must be read in conjunction with the previous approvals attached to the site ref: 14/01692/OUT and 18/03539/VAR where additional conditions are

attached.

3. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.