

Development Management Report

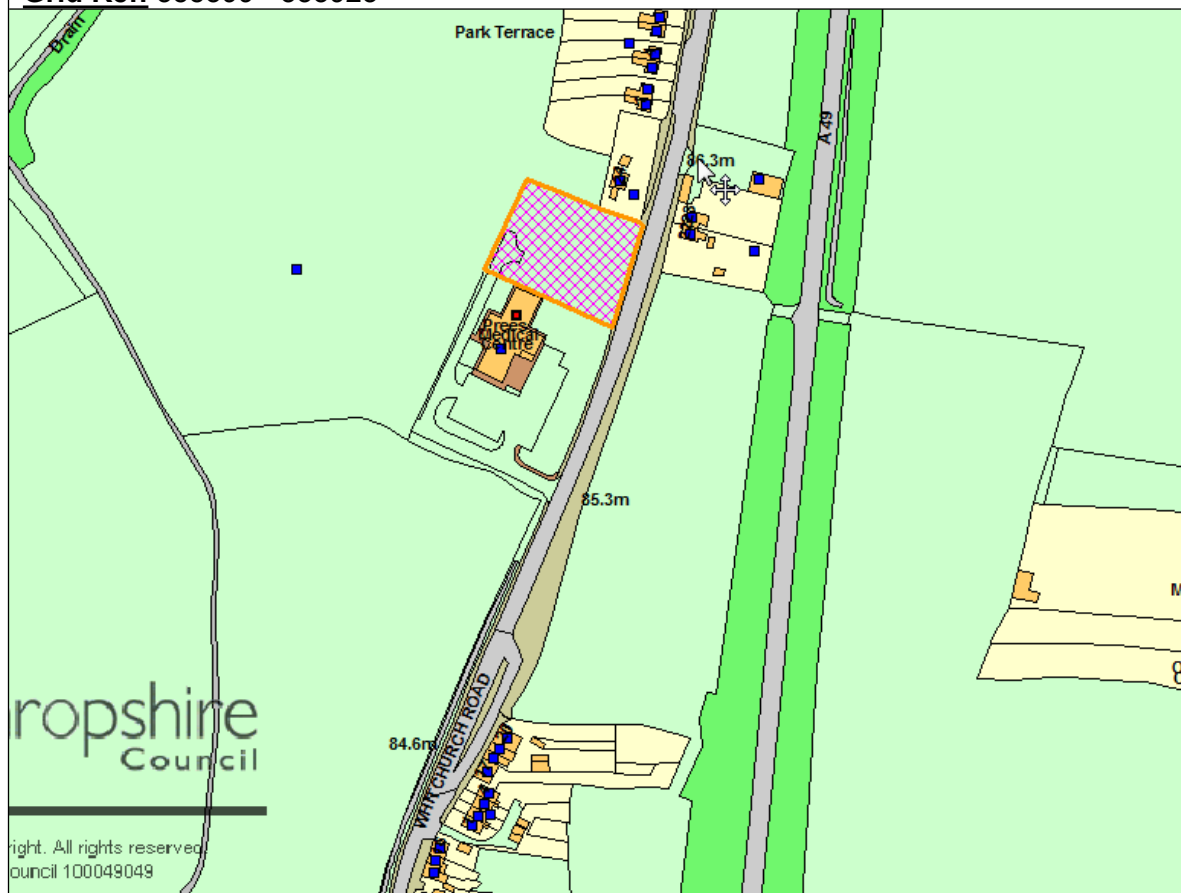
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 16/00179/FUL	Parish:	Prees
Proposal: Erection of 8 no. single bedroom non-market supported dwellings		
Site Address: The Grocott Medical Centre Whitchurch Road Prees Shropshire SY13 2DG		
Applicant: Mr R Grocott/The Grocott Family Charitable Trust		
Case Officer: Sue Collins	email: planningdmne@shropshire.gov.uk	

Grid Ref: 355399 - 333923



Shropshire Council
All rights reserved.
Council 100049049

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

1.1 This application seeks planning permission for the erection of eight single bedroom bungalows, constructed as four pairs of semi-detached properties around a central courtyard. To the north west of the site a parking area will be provided. It is proposed that these are to be non-market dwellings rented on an affordable basis

2.0 SITE LOCATION/DESCRIPTION

2.1 The land is located between the new medical centre and houses to the north. There are also a group of dwellings on the opposite side of Whitchurch Road and the site is identified as open countryside within SAMDev.

2.2 Access to the site is via the existing access serving the medical centre off Whitchurch Road.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council have objected to the proposed development which is a view contrary to the recommendation of Officers. Following discussions with the Local Member, the Chair of the Planning Committee and the Principal Planning Officer it was agreed that in this case the application should be presented to the Planning Committee for determination.

4.0 COMMUNITY REPRESENTATIONS full details of the responses can be viewed online.**4.1 Consultee Comments****4.1.1 Parish Council:**Response Received 17.02.16

Prees Parish Council has considered this application and is currently unable to support it. The Parish Council accepts that there are community benefits from the development of the site in this way. However it remains that this is development in the open countryside outside the development boundary for Prees and as such outside SAMdev.

Given the community benefits and the type of housing proposed the Council would welcome the resubmission of the application under the exemption site policies with housing to fulfil a local need.

Response Received 16.03.16

Prees Parish Council has reconsidered this application following an email from the Planning officer. The council has voted to continue to object to the application. The site is out side the development boundary for Prees and is not part of the SAMdev allocation for the parish. The Council do not want to see residential development take place outside these policies and wrote to the developers when asked to support the Medical Centre stating that it was only supported provided there was no attempt to include or develop the site further for residential use. Copy of the letter sent to the Planning officer.

4.1.2 Affordable Housing Officer:Response dated 12.02.16

To be deemed affordable the units would need to be let at no more than 80% of the open market rent (or local housing allowance whichever the lower) and be available for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. As the potential occupiers have already been identified then this will not be possible. The units will need to be assessed on an open market basis.

As an open market housing proposal, the Core Strategy requires the development to contribute towards the provision of affordable housing. The detail of this requirement is contained in Core Strategy Policy CS11 together with Chapter 4 of the Council's adopted Supplementary Planning Document on the Type and Affordability of Housing.

Response dated 31.03.16

It is confirmed that the applicant is proposing to charge an affordable rent on all 8 units and as our policy requires it, 1 of the units must be let to someone from our housing waiting list. This unit can be retained by the trust and not transferred to a Housing Association. There is some need in Prees with at least 2 of them requiring level access accommodation, which will provide the required local letting unit with a tenant. The rest are being let to identified tenants of the trust.

4.1.3 Highways: No objection subject to the inclusion of the recommended conditions and informatives on any planning permission that may be granted.

4.1.4 SUDS: No objection subject to the submission of further details. This can be the subject of a condition attached to any planning permission that may be granted.

4.1.5 Ecology: No objection subject to the inclusion of the recommended conditions and informatives on any planning permission that may be granted.

4.2 Public Comments

4.2.1 No letters of representation have been received.

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL**6.1 Policy & 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 that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that 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. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

- 6.1.2 The Parish Council has objected to the proposal as the site lies outside the development boundary for Prees.
- 6.1.3 The NPPF has at its core, the principle that housing applications should be considered in the context of the presumption in favour of sustainable development. It also supports the principle of providing a mixture of housing size, design and tenure in order to meet the requirements of different sections of the community.
- 6.1.4 Policy CS5 of the Shropshire Core Strategy deals with development in the countryside. This sets out that new development in these areas would be strictly controlled and gives limited exceptions. This policy encourages refusal of proposals that would result in isolated, sporadic, out of scale, and otherwise unacceptable development or which may erode the character of the countryside.
- 6.1.5 CS11 of the Shropshire Core Strategy also sets out the requirement for creating mixed, balanced and inclusive communities. This seeks development that will provide a balance to the local housing stock; seeks to meet local needs affordable housing; and supporting the provision of housing for vulnerable people including specialist housing provision.
- 6.1.5 MD7a of SAMDev supports the provision of suitably designed and located exception site dwellings where they meet evidenced local housing needs and other relevant policies.
- 6.1.6 The SPD on the Type and Affordability of Housing (SPD) requires the consideration of a mix of types and sizes of homes. The policy also encourages provision of housing for elderly and vulnerable people to enable people to live independently in their own homes. Each proposal will be considered on its own merits on a site by site basis with negotiations with the Housing Enabling Officers. There is no restriction on the provision of this whether it be by general stewardship, a housing association or land trust.
- 6.1.7 The Agent has confirmed to the Case Officer that the applicant is willing to enter into a S106 Legal Agreement to ensure the units remain affordable in perpetuity. The Housing Enabling Officer has confirmed that provided at least 1 dwelling accommodates a person from the Council's Housing Waiting List the proposal would comply with policy. They have indicated that there a need for housing in Prees with at least 2 on the list requiring level access accommodation.
- 6.1.8 Whilst the site is located in an area of open countryside, it is not in isolation

given the buildings to the north, south and east of the site. Also being in close proximity to the Medical Centre would be of use to residents as by their very nature they are likely to be dependent on this service. So not only would the visual impact be reduced by its close proximity to other development it would also be of benefit to residents in this location in terms of their health. For the more able, there is a footpath connection to the village with its associated shops and facilities.

6.1.9 Therefore in view of the above it is considered by officers that on balance the proposed development is acceptable in principle. This is subject to the applicant entering into a S106 Legal Agreement to ensure the future affordability of the dwellings and that at least one residential unit accommodates a person from the Council's Housing Waiting List.

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. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

6.2.2 In addition policy MD2 of SAMDev also deals with the issue of sustainable design.

6.2.3 This is a rare opportunity for the provision of one bedroom bungalows primarily aimed as accommodation for the elderly. Each unit will have a living room, kitchen, bedroom and bathroom. Each will have access to the communal garden area with parking located to the west.

6.2.4 The pairs of bungalows will be approximately 16.5 metres long by 8.3 metres wide with a height of approximately 5.5 metres. As there is a very slight difference in ground levels, the blocks will appear at slightly different heights in relation to one another but no more than 1 metre. This will provide a character to the site with the varying roof heights rather than appearing as all one level.

6.2.5 Externally it is proposed to clad the building in brick with slate clad roofs. The design of the hipped roofs will minimise the visual impact of the dwellings, which when taken with the development either side will reduce the impact further.

6.2.6 The block plan indicates that a series of paths will provide access from the parking area to the buildings and connect to the footpath along the public highway. This will ensure free access through the communal landscaped gardens to the village. By the use of the proposed layout it will enable the residents to feel part of the community and not isolated as they will have connections to other residents.

6.2.7 Officers are of the opinion that the proposed design is appropriate for the

intended use of the dwellings and that the layout and the provision of the communal gardens will be of benefit to the intended residents. As such the proposal would be in accordance with policy CS5 and CS6 of the Shropshire Core Strategy and policy MD2 of SAMDev.

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.
- 6.3.2 There is one dwelling adjacent to the site and located to the North. The layout plan shows the side elevation of one of the dwellings facing this property which has no windows. Whilst there is a rear elevation of a pair of dwellings facing north these face towards agricultural land and as such would not cause any overlooking. It should also be noted that the boundary would restrict any views from the ground floor windows. Whilst there are openings in the rear wall elevation there are none in the side wall. In addition all the openings will be at ground floor level and therefore any potential loss of privacy from these would be mitigated through the boundary treatment.
- 6.3.3 With regards to the height of the dwellings although these are located to the south of the neighbouring property, their limited height together with the hipped roof and the layout of the site would not cause any loss of light to the neighbouring property.
- 6.3.4 Overall officers consider that the proposal will not have a detrimental impact on the residential amenities of the neighbouring property. Therefore the proposal will be in accordance with policy CS6 of the Shropshire Core Strategy.

6.4 **Highways**

- 6.4.1 It is noted that the development is to be served off the previously approved access and internal drive serving the adjoining medical centre. Having regard to the scale and context of the 'supported living' accommodation for elderly people; the Highway Authority is of the view that the proposal is unlikely to result in adverse highway implications and raises no objection to the development as submitted.

6.5 **Ecology**

- 6.5.1 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. Policy MD12 of SAMDev further supports the principle of protecting and enhancing the natural environment. Therefore the application has been considered by the Council's Ecologist.
- 6.5.2 No objection has been received. However it has been recommended by the Council's Ecologist that conditions and informatives be included on any planning permission that may be granted. These will improve and protect the existing biodiversity of the area.
- 6.5.3 In view of the above the proposed development will not have a detrimental

impact on statutorily protected species and habitats. Therefore the proposal meets the requirements of the NPPF policy CS17 of the Shropshire Core Strategy and policy MD12 of SAMDev

6.6 **Drainage**

6.6.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.

6.6.2 The Council's Drainage Engineer has raised no objection to the proposal. However he does require further information is provided for approval in connection with the disposal of surface water. This can be carried out through the inclusion of a condition attached to any planning permission that may be granted. The approved system should then be installed prior to the use of the dwellings commencing.

6.6.3 In view of the above it is considered by officers that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

7.0 **CONCLUSION**

7.1 From the above information it is the opinion of officers that this provides an opportunity for the philanthropic provision for affordable housing within close proximity of appropriate facilities. The design and scale of the proposal is appropriate for its intended use and location, and will not result in the isolated provision of housing development. Therefore in this case and in view of the exceptions, and subject to the applicant entering into a S106 Legal Agreement in order to ensure the development as a whole is for the provision of affordable housing that meets the requirements for this form of housing, that planning permission be granted. The proposal would be considered to be in accordance with the NPPF, policies CS5, CS6, CS11, CS17 and CS18 of the Shropshire Core Strategy, policies MD2, MD7a and MD12 of SAMDev and the SPD on the Type and Affordability of Housing.

In arriving at this decision the 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 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. **Background**

Relevant Planning Policies

National Planning Policy Framework

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

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
SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

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) Cllr M. Price
--

Local Member Cllr Paul Wynn

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. 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.

4. No construction (and/or demolition) works shall take place before 07:30 am on weekdays and 08:00 am on Saturdays nor after 18:00 pm on weekdays and 13:00 pm on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. 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 REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

6. The development hereby permitted shall not be brought into use until the areas shown on the approved plan 1730 D02 for parking, loading, unloading 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.

7. Prior to the first occupation of the dwellings hereby approved the footway link shown on drawing 1730D02 received on 15th January 2016 shall be implemented in accordance with the

engineering details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory access to the site.

8. A total of 2 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds

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

9. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK.

Reason: To minimise disturbance to bats, a European Protected Species.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 class A, B, C, D and E shall be erected, constructed or carried out.

Reason: To ensure that the dwelling remains of a size which is "affordable" to local people in housing need in accordance with the Council's adopted affordable housing policy