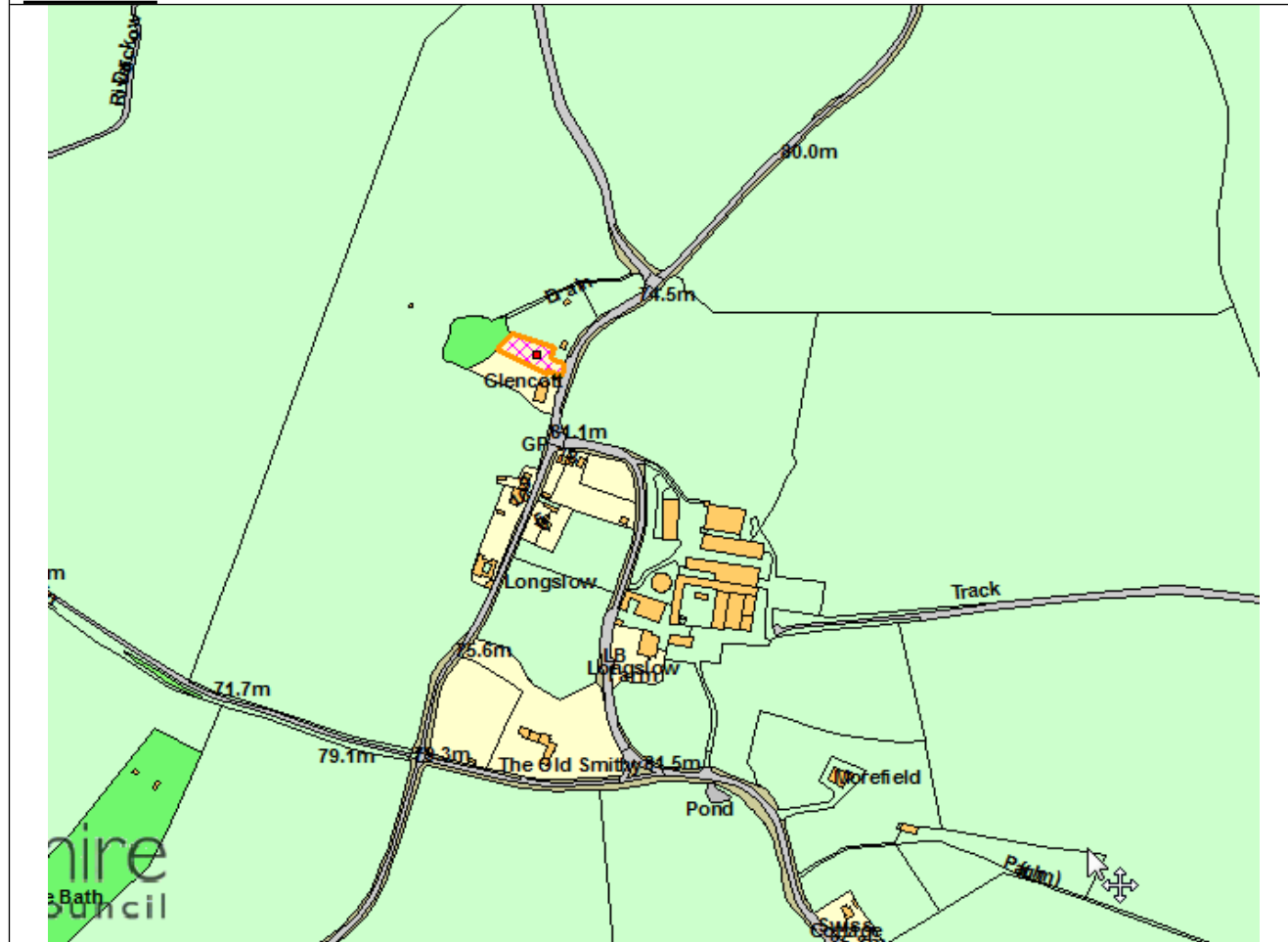


**Development Management Report**

Responsible Officer: Tim Rogers  
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**Summary of Application**

<b>Application Number:</b> 16/00661/OUT	<b>Parish:</b> Moreton Say
<b>Proposal:</b> Outline application for the erection of an open market dwelling to include access	
<b>Site Address:</b> Land North Of Glencott Longslow Market Drayton Shropshire	
<b>Applicant:</b> Mr Roger Hughes	
<b>Case Officer:</b> Karen Townend	<b>email:</b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>
<b>Grid Ref:</b> 365488 - 335514	



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**Recommendation:- Refuse**

1. The proposed development is located within an area defined as open countryside for planning policy purposes and accordingly would lead to extending the settlement and would therefore undermine the "rural rebalance" approach to development contrary to the requirements of the adopted planning policies CS4, CS5 of the Shropshire Core Strategy and MD7a and S11.2(xi) of the Shropshire Site Allocations and Management of Development.
2. Furthermore the development of the proposed site would be set further back from the road than the existing dwellings in Longslow and as such the development of this site would be out of context with the existing built form in the settlement contrary to the requirements of policy CS6 of the Shropshire Core Strategy and MD2 of the Shropshire Site Allocations and Management of Development.

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 This application seeks outline planning permission for the erection of one open market dwelling on land to the north of Glencott an existing detached single storey dwelling. The land is currently in the curtilage of the existing dwelling and is in part gravelled and part grassed. The application includes the means of access with all other matters (layout, scale, appearance and landscaping) reserved for future consideration.
- 1.2 The application has been submitted with a Design and Access Statement in support of the proposal and an indicative layout plan which is submitted to show a possible dwelling on site but is not for consideration at this stage.

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site is situated to the north of the existing dwelling which itself is within the settlement of Longslow which is a small hamlet to the west of Market Drayton. Longslow is served by country lanes from the adjacent villages and also a country lane off the Market Drayton bypass.
- 2.2 As noted above the site is currently part of the domestic curtilage of the existing dwelling. The site is approximately 0.08 hectares in size.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 In accordance with Part 8 of the Council's Constitution the application is brought to planning committee given that the applicant is Councillor Roger Hughes.

### **4.0 Community Representations**

#### **4.1 Consultee Comments**

- 4.1.1 **Moreton Say Parish Council** – Moreton Say Parish Council objects to the proposal as follows:- on the edge of the main settlement which would take development beyond the current building line into open countryside. This does not conform to the specification for the SAMDev policy which agreed that development for the Parish would be delivered through some small scale developments and infill. The proposed site is not an infill plot. Concerns over access were raised due to the road form i. e bad bends close to the proposed site entrance, narrow lanes, poor visibility, on road parking etc. Further concerns were raised over the infrastructure capability, the local water supply comes from a spring, it was suggested that a

borehole could potentially jeopardise supply for the entire settlements so an alternative source would be required.

4.1.2 **Affordable Housing** – Core Strategy Policy CS11 requires all open market residential development to contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application.

4.1.4 **Highways** – No objection – to the granting of outline consent with access included subject to the development being constructed in accordance with the approved details and subject to conditions and informatives.

The site adjoins a rural derestricted section of Class III Road. The proposed dwelling is intended to be served by means of an existing access that can currently serve the existing dwelling Glencott and as such it is considered that the development will have no material effect on the highway.

4.1.5 **Drainage** – 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: [www.shropshire.gov.uk/environmental-maintenance-and-enforcement/drainage-and-flooding/flood-risk-management-and-the-planning-process](http://www.shropshire.gov.uk/environmental-maintenance-and-enforcement/drainage-and-flooding/flood-risk-management-and-the-planning-process).

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. 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.

4.1.6 **Public Protection** – It is known that private water supplies are utilised in this area. The applicant should ensure that they are compliant with any regulations that may impact on them should a private water supply be installed. Details can be found at the following link: <https://new.shropshire.gov.uk/environmental-health/environmental-protection-and-prevention/private-water-supplies/>

## 4.2 **Public Comments**

4.2.1 A site notice has been erected and 1 neighbouring property directly consulted. No comments have been received as a result of this consultation process.

## 5.0 **THE MAIN ISSUES**

- Principle of development
- Siting, amenity, scale and design of structure
- Visual impact and landscaping

- Ecology (Biodiversity and landscape character)
- Highways
- Drainage
- Community Infrastructure Levy (CIL) & Affordable Housing Contribution

## **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. Since the adoption of the Council's Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration which is given weight in the determination of planning applications. Paragraph 11 of the NPPF advises that proposed development which 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. Further advising in paragraph 12 that the NPPF is constituted as a material consideration and should be given significant weight in the determination of planning applications.
- 6.1.2 Local policies relating to this application are contained within Shropshire Core Strategy Policies CS4 (Community Hubs and Clusters), CS5 (Countryside and Green Belt), CS6 (Sustainable Design and Development Principles), CS9 (Infrastructure Contributions) and CS11 (Type and Affordability of Housing) and CS17 (Environmental Networks), CS18 (Sustainable Water Management) and Supplementary Planning Document for Affordable Housing (SPD), together with the Site Allocations and Management of Development (SAMDev) Plan policies MD1, MD2, MD3, MD7A, MD12 and S11.2(ix).
- 6.1.3 Shropshire Council's Sites Allocations Management Development Plan (SAMDev) sets out proposals for the use of land and policies to guide future development in Shropshire up to 2026 and covers the whole of the administrative area of Shropshire Council (excluding Telford & Wrekin). The SAMDev was adopted on the 17<sup>th</sup> December 2015 and therefore holds full weight as part of the development plan.
- 6.1.4 The application site is situated adjacent to Glencott, an existing single storey dwelling, within the settlement of Longslow. Section S11.2 (ix) of the SAMDev identifies the settlements of Bletchley, Longford, Longslow and Moreton Say as a Community Cluster applicable to policy CS4 of the Core Strategy. The policy advises that the cluster will provide limited future housing growth of approximately 20 dwellings over the period to 2026 to provide for small scale development and the potential redevelopment of a brownfield site in Bletchley. The housing guideline is to be delivered through infilling, groups of houses and conversions on suitable sites within the development boundary for the village of Moreton Say, together with limited infilling, conversions and groups of houses which may be acceptable on suitable sites within the villages of Bletchley, Longford and Longslow.
- 6.1.5 Longslow does not have a defined settlement boundary in the SAMDev, however the above policy accepts that some housing development may be permitted where it is on a suitable site. The key issue is therefore whether the application site is a

suitable site. The agent, within the submitted Design and Access Statement is of the view that the site is suitable as it is currently part of the domestic curtilage of the existing dwelling and therefore not encroaching on the open countryside. This view is not taken by the Parish Council who have objected to the site on the basis that it is not within the settlement. The submitted Design and Access Statement does also comment that the site is on the northern edge of Longslow with all other properties located south and south east of Glencott and that the pattern of the settlement is made up of road frontage development around a looped road pattern.

- 6.1.6 Officers have considered the proposal carefully and have reached a recommendation that is consistent with the view of the Parish Council. Officers accept that whether the site is in the settlement or not is a matter of opinion and that members may reach a different conclusion. It is officers opinion that this site is not within the settlement as it lies on the outside edge of the settlement with all other properties to the south thusly in planning policy terms the application site is considered to be in open countryside failing to comply with policies CS4, CS5, M7a and S11.2 (xi). It is officers opinion that there are other sites within the settlement which could be developed to provide the limited level of growth envisaged for Longslow as part of its contribution towards the housing guideline for the Community Cluster.
- 6.1.7 At the heart of NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking and is a material consideration. The three dimensions to sustainable development include, economic, social and environmental roles. The proposal would partly observe paragraphs 7 and 55 of the NPPF by the delivery of limited social and economic benefits to the rural area through the introduction of a new household within the area and employment generated during construction. However, officers consider that the proposal would fail to comply with the environmental thread having regard to its location. The proposal would not contribute to or protect the natural and built environment. The proposal would constitute an extension to the settlement.
- 6.1.8 The application is not for a form of development which is accepted as an exception under either policy CS5 or MD7a in that it is not proposing a single plot affordable dwelling or an agricultural workers dwelling. As such having due regard to assessment detailed above, the scheme is considered to not comply with policies CS4, CS5, MD7a or S11.2(ix) as being development beyond the settlement of Longslow.
- 6.2 **Siting, amenity, scale and design of structure**
- 6.2.1 The development is also required to meet the relevant criteria of Shropshire Core Strategy policy CS6 and the emerging SAMDev policy MD2. These policies state that development should be appropriate in scale, density pattern and design. Furthermore, the policies advise that development should respect the existing pattern of development both visually and in relation to function of spaces with no adverse impact on residential amenity as a result of the development.
- 6.2.2 As an outline application these matters cannot be considered at this stage. Although an indicative plan has been provided this is not for consideration at this time. Officers do have concerns about the indicative plan showing a building which nearly fills the full width of the application site; however a smaller dwelling could be

provided with greater space around the property. The site slopes away from the adjacent road and the proposed dwelling would be at a lower ground level than Glencott. As such it may be possible to build a dormer bungalow as shown on the indicative plan, however this would be a matter for later consideration.

- 6.2.3 Notwithstanding the above officers are also concerned that the shape of the site will result in a dwelling that is set further back from the road than the existing dwellings in Longslow. As noted previously the character of the settlement is for road fronting housing and this site, due to its narrow frontage, will be set back from the road with its front elevation parallel, or behind, the rear elevation of the existing dwelling. This is considered by officers to be the lesser of the two issues and the possible siting of the dwelling would not be sufficient grounds to refuse the application on its own. However, with the principle issue of being beyond the existing settlement, the shape and resultant house position is also negative weight in the planning balance.

### 6.3 **Visual impact and landscaping**

- 6.3.1 As above, the specific details on the layout, scale and appearance of the dwelling are held back until reserved matters stage, considerable weight is given to the sites location and its appropriateness at the particular location in terms of impact on landscape character.

- 6.3.2 The site is sloped away from the roadside with the area to the side of the existing garage at road level and the land beyond sloping away down towards the group of trees shown on the site plan. Accordingly the development of a site on this plot of land would be set further back from the road than the existing dwelling but could also be built at a lower level. Therefore it is unlikely that the dwelling would be highly prominent in the street scene and officers consider that this would not result in a significant visual impact to be considered as a substantial negative. The development of the site would result in some level of visual impact on the character of the area but officers do not consider that it would be substantial.

- 6.3.4 Should planning committee be minded to approve the scheme contrary to officer recommendation, in the interests of protecting the amenity in terms of noise and general disturbance of other residents along Turners Lane, it would be considered reasonable to include a restrictive time limiting condition for hours of construction in accordance with policy CS6 of the Core Strategy.

### 6.4 **Ecology**

- 6.4.1 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 and existing trees and landscaping. As existing garden land and with only a short section of hedge, which currently divides the driveway from the garden, to be removed it is considered by officers that there would not be a significant impact on protected species and that enhancements could be provided through appropriately worded conditions.

### 6.5 **Highways**

- 6.5.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate

significant levels of traffic should 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 to be reduced.

6.5.2 Moreton Say Parish Council have raised concerns about the development of this site due to the road form and although this comment is noted firstly the Council Highway Officer has raised no objection, as detailed at section 4 above, and secondly the access proposed to be used for the development is an existing access and can already be used.

6.5.3 Taking into account this existing use, with the existing garage doors facing this access point, and that the rest of the village is served by the same road network of narrow lanes with bad bends it is officers opinion that this concern could not be substantiated as a reason for refusal. Should permission be granted an appropriate access could be provided to meet the requirements of policy, subject to the conditions as recommended by the Highway Officer.

## 6.6 **Drainage**

6.6.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. The foul drainage for the site is to be dealt with via a package treatment plant and surface water via soakaways. Where foul drainage cannot be connected to mains, a package treatment plant is the preferred option. The size and design of this facility will be dealt with under Building Regulations and as such it is not necessary to consider foul drainage further. The Council Drainage Consultant has recommended conditions relating to surface water and there is no reason to believe that a suitable scheme could not be provided.

6.6.2 The Parish Council have raised concerns about the local water supply being from springs and questioned whether a new borehole would impact on the existing supply. The agent has dealt with this matter in their submission by having a feasibility assessment carried out by a suitable professional. The study concludes that a new borehole could be provided without impacting existing supply. Without any information to the contrary the Council would be acting unreasonably to not take the professional view of the applicants advisor. However, should permission be granted a condition could be imposed to require the feasibility study to be updated and submitted to the Council.

## 6.7 **Community Infrastructure Levy (CIL) & Affordable Housing Contribution**

6.7.1 The applicant has acknowledged the requirement to pay CIL and a financial contribution towards affordable housing both of which weigh in favour of the development but do not outweigh the principle objection to the proposal. CIL is dealt with after the planning process but acceptance of a need to pay CIL is a material consideration.

6.7.2 The affordable housing officer was consulted and is in support of the proposal subject to complying with policy CS11. The applicant has submitted the Affordable Housing Contribution proforma, confirming that they would be happy to enter into the agreement to provide a contribution to the affordable housing liability. Therefore, the applicant has indicated that they are happy to contribute towards off site affordable housing contribution, and the application therefore complies with

requirements of policy CS11.

- 6.7.6 As such should members be minded to approve the application, against officer recommendations, planning permission should be granted only subject to the satisfactory completion of a S.106 legal agreement to secure the provision of off-site affordable housing in accordance with the terms of the policy.

## **7.0 CONCLUSION**

7.1 The proposed development is located within an area defined as open countryside for planning policy purposes and accordingly would lead to extending the settlement and would therefore undermine the “rural rebalance” approach to development contrary to the requirements of the adopted planning policies CS4, CS5 of the Shropshire Core Strategy and MD7a and S11.2(xi) of the Shropshire Site Allocations and Management of Development.

7.2 Furthermore the development of the proposed site would be set further back from the road than the existing dwellings in Longslow and as such the development of this site would be out of context with the existing built form in the settlement contrary to the requirements of policy CS6 of the Shropshire Core Strategy and MD2 of the Shropshire Site Allocations and Management of Development.

## **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

National Planning Policy Framework

CS4 - Community Hubs and Community Clusters

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision

CS11 - Type and Affordability of housing

Settlement: S11 - Market Drayton

## 11. Additional Information

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 – Condition