

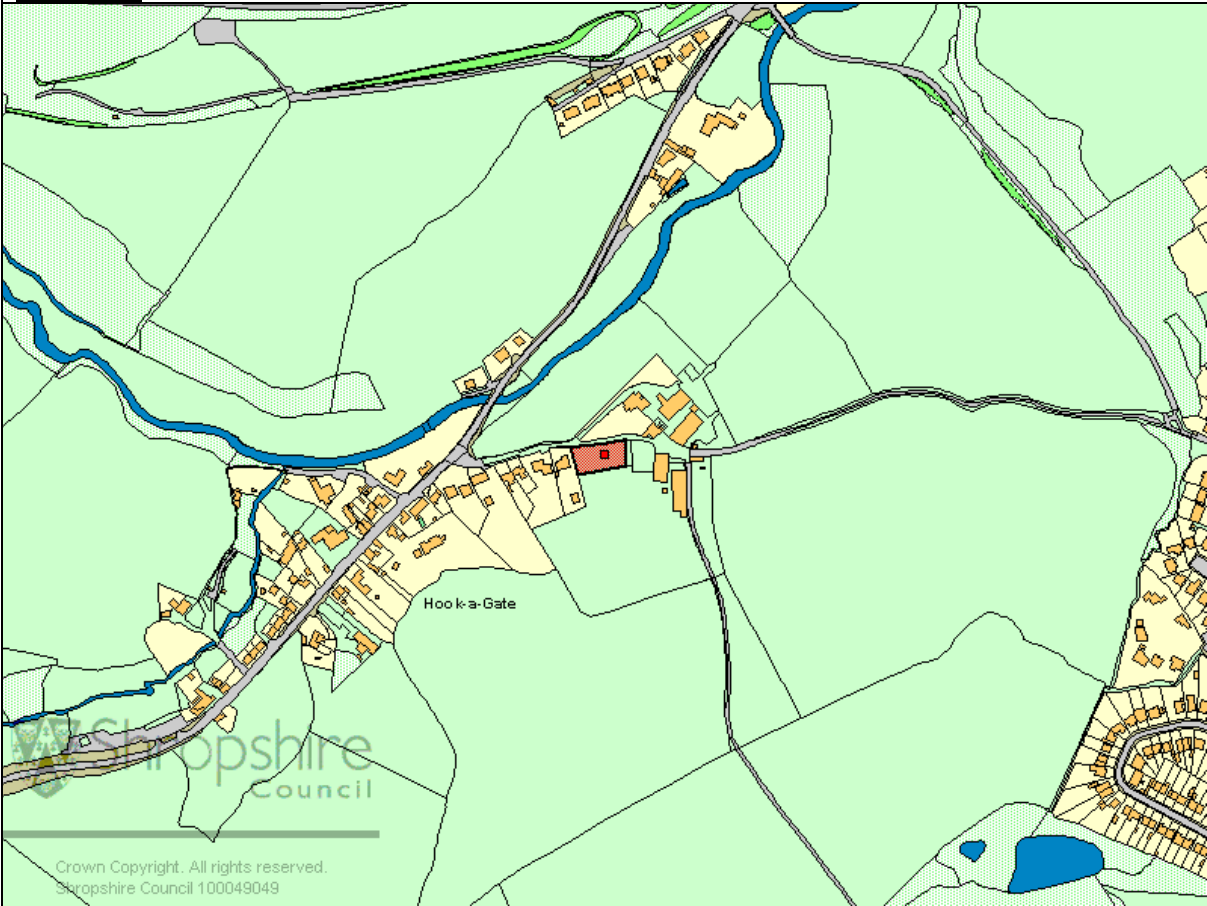
Development Management Report

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Summary of Application

Application Number: 12/02391/OUT	Parish:	Longden
Proposal: Outline application for the erection of a detached dwelling and garage (to include access)		
Site Address: Proposed Dwelling South Of Hanley House Hookagate Shrewsbury Shropshire		
Applicant: Mr Jeremy Richards		
Case Officer: Dyanne Humphreys	email: planningdmsw@shropshire.gov.uk	

Grid Ref: 346729 - 309200



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Recommendation: Grant Permission subject to the conditions sets out in Appendix 1 and subject to a 106 Agreement to secure affordable housing contribution.

Recommended Reason for Approval

In arriving at this decision consideration has been given to all the material policy considerations. There is continuing Parish Council support for the identification of the settlement as a Community Cluster and for this proposal in particular. No substantive objections have been received in terms of the principle of development in the settlement and scale of the development relative to the settlement and its emerging housing target and there is headroom within the emerging housing target for the proposed community cluster. The site is judged to be 'within' the settlement and as such is a windfall infill site. The proposal also meets the other requirements of Policy CS4 and satisfies Policy CS6 in so far as it is relevant to this outline scheme. Relevant policies taken into account are as follows:

- Central Government Guidance:
- NPPF: March 2012
- Core Strategy and Saved Policies:
- CS4 Community Hubs & Community Clusters
- CS5 Countryside & Greenbelt
- CS6 Sustainable Design & Development Principles
- CS9 Infrastructure Contributions
- CS11 Type & Affordability Of Housing

REPORT

1.0	THE PROPOSAL
1.1	This application seeks consent for the erection of a dwelling with detached garage and formation of a vehicular access on land adjacent to Windy Ridge in the settlement of Hook-a-Gate.
1.2	The application is made in outline with all matters reserved, except access, for later consideration; it seeks therefore to establish the principle only.
2.0	SITE LOCATION & DESCRIPTION
2.1	The application site is adjacent to a bungalow known as Windy Ridge and opposite Hanley House in the village of Hook-a-gate.
2.2	Hook-a-gate is located approximately 1 ½ miles south west of Shrewsbury. Access from the main road to the site is via a privately owned and maintained tarmacadam lane which runs along the sites northern boundary.
2.3	The application site is presently bounded on all 4 sides by either hedging or fencing and is currently a small paddock laid down to permanent pasture.

3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The application is contrary to the Council's current policies, however, it is in line with the SAMDev proposals for Hook-a-Gate and it is supported by the Parish Council. However, the application has attracted objections from third parties and as such it is a requirement within the Council's adopted Scheme of Delegation that in such circumstances the application should be determined by Committee.
4.0	COMMUNITY REPRESENTATIONS
4.1.0	Consultee Comments
4.1.1	Longden Parish Council – Support. After discussion the Council agreed to fully support this application.
4.1.2	SC Highways Officer – no objection. The parcel of land on which this development is proposed would be accessed via Hanley Lane. I believe the status of this to be a 'green lane' which has ancient highway rights along it. The lane provides a means of access to a number of existing dwellings plus agricultural properties and I consider that the vehicle movements likely to be generated by a further dwelling would not make any material difference to highway conditions at the junction of the lane and the passing Class III road. I do not raise any highway objections in principle to permission being granted for this application.
4.1.3	SC Ecology Officer – no objection. Nesting Wild Birds – The site has potential for nesting Wild Birds to be present. An informative should therefore be included on any decision notice advising the developer of their responsibilities in this respect.
4.1.4	SC Drainage Officer – no objection. Request the imposition of conditions to protect this interest.
4.1.5	SC Affordable Housing Officer – no objection. In accordance with the Core Strategy Policy CS11 and affordable housing contribution will be required. This should be reflected in any accompanying S106 as the contribution formula outlined in the SPD Type and Affordability of Housing.
4.1.6	SC Planning Policy Officer – The tests that we can consistently apply to 'early' applications particularly in emerging Hubs and Clusters (in the context of NPPF para 216 re weight to policies in emerging plans) are as follows: <u>Windfall Sites:</u> <ul style="list-style-type: none"> Is there continuing Parish Council support for the identification of the settlement as a Community Hub/Cluster (check SAMDev Plan Preferred Option response);

	<ul style="list-style-type: none"> • Is there PC support for the particular proposal; • Are the particular proposals controversial locally, but in terms of the principle of development in the settlement (i.e. should it be a Hub/Cluster) and scale of the development relative to the settlement and its emerging housing target, rather than details of the proposals i.e. with regard to the issues that should be determined by the SAMDev Plan process rather than a planning application; • Is there headroom within the emerging housing target for the settlement, and if a potential problem, has the Parish Council expressed concerns in that respect; • Is the site 'within' the settlement (a Development Management Officer decision) – SAMDev Plan Policy Direction MD1 refers to this, and we will be developing the draft policy wording soon; • Do the proposals meet the other requirements of Policy CS4 i.e. makes sufficient community contribution, is sympathetic in scale and design, and satisfies Policy CS6; <p>If yes, then potential to recommend approval as a departure from Policy CS5.</p>
4.1.7	<p>Shropshire Fire Service Officer – no objection.</p> <p>Observations regarding access for emergency vehicles. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter.</p>
4.2.0	Public Comments
4.2.1	<p>The application has been advertised in accordance with the Council's adopted procedure. Two letters of objection from local residents have been received.</p>
4.2.2	<p>The occupant of Windy Ridge has expressed concern that the development of this site would potentially result in loss of their privacy; the increased use of the lane would be detrimental to their amenity; and they do not agree that the site is "infill". Furthermore, if planning is successful they fear further development close to their property may result.</p>
4.2.3	<p>The occupants of The Beeches have also objected to the scheme; their comments are as follows: They do not regard the site as "infill"; they express concern over the increased use of the lane; and also the size of the dwelling proposed, they are concerned it will not be in character with the adjacent property which is a bungalow.</p>
4.2.4	<p>A letter has also been received from the Ramblers Association stating the importance of keeping the access track to the site, which is also a Public Right of Way, unobstructed.</p>
5.0	THE MAIN ISSUES
	<p>Principle of development; Impact of the access; Other issues</p>

6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	The principle of the proposed development will be assessed against the National Planning Policy Framework and the Council's adopted Core Strategy and in particular policies CS4, CS5, CS6 and CS11. The Council's Site Allocations and Management of Development – Development Plan Document (SAMDev) will also be given some weight in this case.
6.1.2	The National Planning Policy Framework states that proposed development that accords with an up-to-date Local Plan should be approved and, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The Shropshire Core Strategy was adopted on the 31st March 2011 and is in this context considered up-to-date.
6.1.3	At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.
6.1.4	There are three dimensions to the sustainable development which give rise to the need for the planning system to perform an economic, social and environmental role. These include contributing to building a strong, responsive and competitive economy, whilst protecting and enhancing the natural environment. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment.
6.1.5	Policy CS4 allows for sensitively designed development that reflects the needs of the local community, and contributes towards much needed infrastructure and affordable homes for local people. This policy will be expanded upon with the SAMDev and will aim to provide locally identified detail on what is of most community benefit in each Community Hub or Community Cluster; it will be community led as far as possible, within the frame work of the formal planning system.
6.1.6	Policy CS6 seeks to ensure that all development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking in to account the local context and character and those features which contribute to local character.
6.1.7	Development should ensure that there is capacity and availability of infrastructure
6.1.8	The quality and local distinctiveness of Shropshire's townscapes and landscapes are important assets. They have a direct impact on quality of life and are an important influence on the local economy in terms of attracting investment and boosting Shropshire's image as a tourist destination. The Council will ensure new development complements and relates to its surroundings, not only in terms of how it looks, but the way it functions, to maintain and enhance the quality of

	Shropshire's environment as an attractive, safe, accessible and sustainable place in which to live and work.
6.1.9	Policy CS11 aims to meet the diverse housing needs of Shropshire residents now and in the future and to create mixed, balanced and inclusive communities; an integrated and balanced approach will be taken with regard to existing and new housing, including type, size, tenure and affordability.
6.1.10	All new open market housing developments are required to make appropriate contributions to the provision of local needs affordable housing having regard to the current prevailing target rate, and the viability of developments taking into account Policy CS9 in respect of infrastructure contributions. In this instance the applicants have confirmed their agreement to meet this aspect of the policy.
6.1.11	In terms of SAMDev Longden Parish Council has supported the identification of a Community Cluster comprising Longden, Annscroft, Hook-a-Gate, Longden Common and Lower Common/Exfords Green, and the development of an additional 10-50 houses up to 2026.
6.1.12	The Parish Council considers Longden village to be the main focus for any development, but is seeking development through infilling and conversions rather than new site allocations, with starter or low cost homes the priority. It is not proposed to identify development boundaries for any of the settlements in the Community Cluster.
6.1.13	Policy CS5, which aims to limit development in the open countryside, is also relevant and should also be given weight. In this instance this site has the status of open countryside and as such CS5 is relevant.
6.1.14	However, the Shrewsbury & Atcham Plan that affords the site this status was adopted in June 2001. Annexe 1 of the NPPF, paragraph 214 advises decision-makers that: "For 12 months from the day of publication (being 27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 ...".
6.1.15	This implies that some weight can still be given to policies that pre-date 2004, since it does not expressly say that it cannot. However this weight is less than should be given to those that post-date 2004 and the weight to be given will continue to diminish as time passes.
6.1.16	Furthermore, the NPPF advises decision-takers that: "From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to: <ul style="list-style-type: none"> • the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); • the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

	<ul style="list-style-type: none"> the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”
6.1.17	The up-to-date policy situation is set out by the Policy Officer in paragraph 4.1.6 above. Whilst it is acknowledged that this is a generic comment, it applies in this case given the SAMDev Preferred Options Shrewsbury Area Consultation March – July 2012.
6.1.18	The community, via the Parish Council and public meetings, have expressed a preference for residential developments to be of a “windfall” nature, that is to say they do not want to allocate specific sites or to have village boundaries. These windfalls are to take place in the community cluster identified, which includes Hook-a-Gate, as well as other small settlements in the Parish of Longden.
6.1.19	The windfalls are to provide between 10 – 50 houses over the plan period being 2011 – 2026, and Longden is identified as being the main contributor; both new-build of an infilling nature and the conversion of rural buildings are to be considered favourably to enable this figure to be realised.
6.1.20	Therefore, in this instance the open countryside status is considered to be out-of-date. This is as a result of the Council not having received any challenges in response to the SAMDev Preferred Options for the Shrewsbury Area, in respect of the community cluster status proposed for Longden, Hook-a-Gate, Annscroft, Longden Common, and Lower Common/Exfords Green.
6.1.21	This brings policy CS4 into play and greater weight is therefore given to policy CS4 than to CS5 of the Core Strategy in this instance.
6.1.22	The letters of representations received express the view that the site is not “infilling”. Whilst this site is on the edge of the village, Hanley House and associated outbuildings continue beyond the confines of this site and as such the term infilling can be applied.
6.1.23	To summarise, the scheme is a departure to current prevailing policy CS5 which is judged to be out-of-date in this case. This scheme is in accordance with the emerging SAMDev as infilling residential development within an identified community cluster, for which Parish support is given.
6.1.24	The proposed development is for an open market house that will be subject to a 13% affordable housing contribution, and it will also be CIL liable. In this regard the scheme therefore makes sufficient community contribution to satisfy policy CS9 and CS11.
6.1.25	The scale of the proposal, being one detached house with garage is considered to be reasonable in this context.
6.1.26	Having taken all the relevant policies into account and apportioned weight as

	advised by the NPPF together with the Council's Policy Team, the balance falls in favour of the scheme and as such it is supported.
6.2	Impact of the access.
6.2.1	The other matter for consideration that is not reserved is the access. This has been considered by the Council's Highways Officer and their comments are set out in paragraph 4.1.2 above.
6.2.2	The Officer advises that the vehicle movements likely to be generated by a further dwelling would not make any material difference to highway conditions at the junction of the lane and the passing Class III road.
6.2.3	Furthermore, the third parties who have objected have also raised the increase in traffic as an issue with regards to their amenity. However, given the traffic generated by the proposed dwelling, the impact on the neighbours' amenity is unlikely to be so unreasonable as to warrant a refusal.
6.3	Other issues
6.3.1	The representations received also express concern regarding overlooking and loss of privacy. Given the application is made in outline with no indication as to design or layout this is not possible to assert. The site is of sufficient size to accommodate a dwelling that, with careful positioning and design, would not create an unacceptable degree of overlooking between the properties.
6.3.2	The size and character of the proposed property have also been raised as a concern, however, this will be judged at the reserved matters stage.
6.3.3	In relation to the comment received by the Ramblers Association an informative has been included reminding the applicant of their responsibility with regard to the public right of way.
7.0	CONCLUSION
7.1	This is a testing time for decision-takers given the status of the numerous policies contained within the various development plans and guidance documents that are all material considerations. Apportioning weight appropriately is a challenge.
7.2	<p>However, careful consideration has been given to all the material considerations in this instance and the strategy as set out by the policy team has been followed:</p> <ul style="list-style-type: none"> • There is continuing Parish Council support for the identification of the settlement as a Community Cluster; • There is Parish Council support for this particular proposal; • This particular proposal is not controversial locally in terms of the principle of development in the settlement and scale of the development relative to the settlement and its emerging housing target; • There is headroom within the emerging housing target for the community cluster;

	<ul style="list-style-type: none"> • The site is judged to be ‘within’ the settlement; • The proposal meets the other requirements of Policy CS4 i.e. makes sufficient community contribution, is sympathetic in scale and design, and satisfies Policy CS6. <p>In these specific set of circumstance the Policy Officer advises that there is potential to recommend approval as a departure from Policy CS5; that is the case here.</p>
7.3	<p>The application is therefore considered to be acceptable and approval is recommended subject to a section 106 agreement requiring the affordable housing contribution required by Policy CS11.</p>
8.0	RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> • 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 three months after the grounds to make the claim first arose first arose. <p>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.</p>
8.2	Human Rights
	<p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>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</p>

	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
	There are likely financial implications of 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 dependant on the scale and nature of the proposal. The financial implications of any decision are not a material planning consideration and should not be "weighed" in planning committee members' mind when reaching a decision.
10.0	BACKGROUND
10.1	Relevant Policies
	Central Government Guidance: NPPF: March 2012 Core Strategy and Saved Policies: CS4 Community Hubs And Community Clusters CS5 Countryside And Greenbelt CS6 Sustainable Design and Development Principles CS9 Infrastructure Contributions CS11 Type And Affordability Of Housing
10.2	Relevant Site History
	None
11.0	ADDITIONAL INFORMATION
11.1	List of Background Papers : 12/02391/OUT
11.2	Cabinet Member (Portfolio Holder): Cllr M. Price
11.3	Local Member: Cllr Roger Evans
11.4	Appendices: APPENDIX 1 - Conditions

APPENDIX 1

STANDARD CONDITION(S)

1. Details of the siting, design, and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.
2. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.
3. (a) No development shall take place until percolation tests has been carried out in accordance with BRE Digest 365 (or such other guidance as may be approved in writing by the Local Planning Authority).
(b) The location of the percolation tests, together with full details, calculations and the design and location of the proposed surface water soakaways should be submitted for approval.
(c) The surface water drainage scheme shall be implemented in accordance with the approved details and thereafter maintained.
Reason: To ensure that the surface water from the site can be adequately drained without causing nuisance.

Informatives

1. Consent is required from the service provider to connect into the foul main sewer.
2. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive
Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of birds nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.
3. It is recommended that the applicant investigate ways of incorporating techniques of 'Sustainable Urban Drainage' into this development. These will help to minimise the impact of the development with features such as porous parking, detention ponds, grass swales and infiltration trenches. This will maintain the recharge of groundwater resources, reduce large fluctuations in river flows during rainfall and stop pollutants from road runoff from entering watercourses. Further information can be obtained from the Environment Agency.
4. The applicant is reminded that the public right of way adjacent to the site shall be kept free of any obstruction.