



Committee and Date  
North Planning Committee  
5<sup>th</sup> February 2019

Item  
**7**  
Public

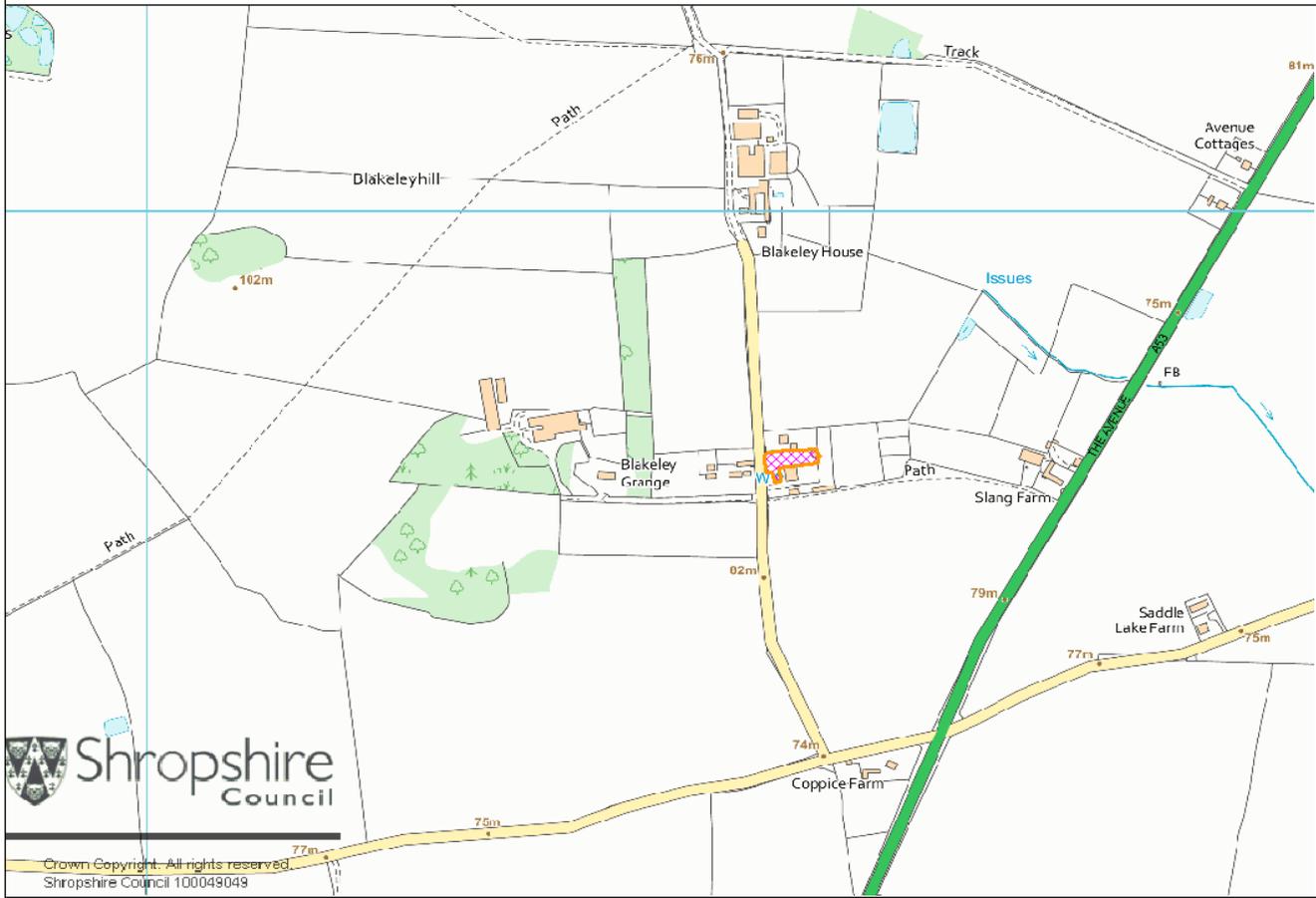
### Development Management Report

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

<b>Application Number:</b> 18/03419/FUL	<b>Parish:</b>	Stanton Upon Hine Heath
<b>Proposal:</b> Erection of a local needs affordable disabled access bungalow		
<b>Site Address:</b> Land North of Crinan Blakeley Stanton Upon Hine Heath Shropshire SY4 4ND		
<b>Applicant:</b> Mr S McCormack		
<b>Case Officer:</b> Richard Denison	<b>email:</b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>	

**Grid Ref:** 358680 - 324720



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**Recommendation:- Approval subject to the conditions set out in Appendix 1 and the signing of a Section 106 agreement in order to ensure the dwelling remains as an affordable dwelling in perpetuity.**

## **Recommended Reason for Approval**

### **REPORT**

#### **1.0 THE PROPOSAL**

1.1 This application relates to the erection of a local needs affordable disabled access bungalow within the hamlet of Blakeley near Stanton upon Hine Heath. The proposed bungalow will provide a long central entrance hallway including wheelchair storage, open plan kitchen/dining/lounge, and utility, master bedroom with accessible shower room, carer's bedroom, small study/guest room, bathroom and accessible w.c. Two new vehicular accesses are proposed to replace the existing access to enable the existing and proposed bungalow to have their own separate access with the provision of parking and manoeuvring space for a minimum of two vehicles.

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

2.1 The proposed site forms part of the side garden associated with Crinan (a bungalow) located in the settlement of Blakeley. A bungalow is located directly to the north, whilst two dwellings are located directly opposite the site on the far side of the road to the west. Open fields are located to the east.

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

3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Principal Planning Officer in consultation with the committee chairman and the Local Member agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

#### **4.0 COMMUNITY REPRESENTATIONS**

##### **4.1 Consultee Comments**

4.1.1 **Shropshire Council, Flood and Water Management Team** - No objection subject to safeguarding informatives.

4.1.2 **Shropshire Council, Affordable Housing Officer** - The applicant has demonstrated strong local connections to the administrative area of Stanton Upon Hine Heath Parish Council. After considering his housing needs and personal circumstances I can confirm that the requirements of the Supplementary Planning Document in relation to the 'build your own affordable home scheme' have been satisfied.

- 4.1.2 **Shropshire Council, Tree & Amenity Protection Officer** - No protected or important amenity trees are affected by this proposal and therefore I have no objection on arboreal grounds including the removal of the garden specimens to facilitate the development.
- 4.1.2 **Shropshire Council, Ecology** - This application site meets the trigger point for requiring a bat survey since it may involve development close to, or felling or lopping of, mature trees, or removal of hedgerows. Trees should be assessed in line with the Bat Conservation Trust's Good Practice Guidelines (3rd edition, 2016) by a licensed bat ecologist and, if deemed necessary, activity surveys should be undertaken. There is a mapped pond approximately 200m to the north-east of this site. Any ponds within 250m of a minor planning application should be assessed in terms of their broad suitability to support great crested newts by carrying out a Habitat Suitability Index (HSI) assessment.
- 4.1.3 **Shropshire Council, Highways** - The access to Crinan is existing and adequate as is the proposed parking and turning with the garage. The driveway for Crinan actually bends towards the site of the proposed house and could serve both houses although the proposed access for the proposed dwelling is also adequate. No Objection is raised subject to the development being carried out in accordance with the approved details and provision of safeguarding conditions.
- 4.1.5 **Stanton-upon-Hine Heath Parish Council (05/09/18)** objects to this application on the following grounds: The proposed dwelling is far too big for the site, close proximity to adjoining properties, loss of light, privacy and sunlight would be severely affected to these adjoining properties and the site plan is incorrect in that it omits previous additions to Oakdene giving a false impression of space.
- 4.2 **Stanton-upon-Hine Heath Parish Council (09/01/19)** - Objects to this application on the following grounds; The proposed dwelling is far too big for the site, close proximity to adjoining properties, loss of light, privacy and sunlight would be severely affected to these adjoining properties and the site plan is incorrect in that it omits previous additions to Oakdene giving a false impression of space. Also the Parish Council could not find any reference to the amendments to comment on from the Shropshire Council website.
- 4.2 **Public Comments**
- 4.2.1 Three letters of objection have been received one from a previous owner of the adjoining bungalow Fernlea and one from the existing occupier of Fernlea, together with comments from an architects practice on behalf of the occupiers of Fernlea. The objections are summarised as follows:-
- Cramped development akin to urban housing estate.
  - Site layout plan is incorrect and omits electric pole, sandstone well and pipeline which would run under the proposed building.
  - Garage is on a steep bank which would necessitate earth moving.
  - Loss of sunlight.
  - Overlooking and loss of privacy.
  - Impact on loss of trees and ecology.

- No need for wheelchair accessible dwelling.
- Impact on outlook.
- Inadequate drainage.
- Devaluation of property value.
- Existing rear shed would appear to be within curtilage of proposed dwelling and therefore existing dwelling would need storage.

4.2.2 A letter has been received from the Resettlement and Community Liaison Officer from the Robert Jones & Agnes Hunt Orthopaedic Hospital who co-ordinates care packages and equipment for the discharge of complex spinal patients. The applicant has sustained a cervical spinal injury many years ago and is a permanent wheelchair user and lives at home with a 24 hours care package. A high tetraplegia requires ample storage space to accommodate all of the necessary equipment and supplies. The proposed dwelling will need to provide adequate storage space for medical supplies, equipment and space for three wheelchairs, shower chair and a manual portable hoist.

## **5.0 THE MAIN ISSUES**

- Background
- Policy & Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Impact on Trees
- Ecology
- Drainage
- Other Matters

## **6.0 OFFICER APPRAISAL**

### **6.1 Background**

6.1.1 This application relates to the erection of a local needs affordable disabled access bungalow within the hamlet of Blakeley near Stanton upon Hine Heath. The applicant has sustained a cervical spinal cord injury and as a result is tetraplegic and has suffered from periods of ill health which requires 24 hour care and currently has carers living with him.

6.1.2 Comments have been made that the existing bungalow currently provides the necessary accommodation and could be enlarged or altered to provide improved accommodation. Whilst it has also been commented that suitable accommodation has come on the market and is available locally without the need to build a new isolated property.

6.1.3 Unfortunately, the applicant is required to sell his current home to complete a financial settlement owed to his ex-wife. After the sale of his current home he will have insufficient funds to purchase an alternative property to meet his care needs. There are no suitable properties within the local area and the only option he has to retain part of the side garden and develop a purpose built local needs wheel chair

accessible bungalow.

6.1.4 The site is located in Blakeley which is a typical rural settlement and consists of a number of dwellings including Blakeley Grange and Blakeley Stud. Although there are no facilities within Blakeley, although there is a public house, church and village hall 1.6km to the west of the site at Stanton Upon Hine Heath.

## 6.2 Policy & Principle of Development

6.2.1 The Housing Supplementary Planning Document (SPD) and policy CS11 'Type and Affordability of Housing' of the Core Strategy provides a positive support framework for the consideration of single plot exception sites in open countryside subject to a number of criteria including location, size of dwelling and local housing need.

6.2.2 The size of the proposed dwellings are normally restricted to 100 square metres floor area and the location is considered acceptable as it is located within the loose knit settlement of Blakeley close to Stanton Upon Hine Heath where a number of local facilities are provided including a public house, church and village hall. Pre-application discussions have taken place between officers and the Housing Enabling Team who have supported the location.

6.2.3 The applicant has provided supporting information in relation to the housing need and strong local connection which has been verified by the Housing Enabling Team as follows:-

- Mr McCormack has demonstrated strong local connections to the administrative area of Stanton Upon Hine Heath Parish Council. After considering his housing needs and personal circumstances the requirements of the Supplementary Planning Document in relation to the 'build your own affordable home scheme' have been satisfied.
- The Local Housing Need elements of this application were established as follows from information presented by the applicant in March 2018.
- Mr McCormack intends to construct an affordable dwelling at the above site to occupy as his long-term home. This dwelling will be subject to a Section 106 Agreement prescribing local occupancy criteria, restricting the potential size and limiting any future sale value.
- Due to a change in circumstances Mr McCormack needs to sell his current home within the parish. After the sale of his current home he will have insufficient funds to purchase an alternative property to meet his care needs, because of this he is deemed to be in housing need.
- Mr McCormack has lived within the parish for over 30 years. Mr McCormack has had periods of significantly poor health and is tetraplegic after a road accident. He requires the support of carers on a 24-hour basis and space is required for his carers to sleep over to provide a high level of support. His current home does need some general updating.

- Stanton Upon Hine Heath Parish Council has confirmed that Mr McCormack has local connections in our parish.
- Mr McCormack very much feel the parish is his home and has developed a network of friends and neighbours locally over the years. He also relies on the medical care provided by Hodnet Medical Practice.
- Mr McCormack has therefore demonstrated housing need, strong local connections and a need to live in the local area. Due to a lack of suitable alternative accommodation to meet his current and future need he is unable to satisfy his quite specific housing requirements without assistance from this scheme.
- Reference should also be made to the letter received from Mrs Barbie Simmons NHS Resettlement and Community Liaison Team in relation to Mr McCormack's needs and how those with high tetraplegia require ample storage and space for equipment and supplies.

6.2.4 The applicant has demonstrated a strong local connection to the local area and is unable to meet their housing needs in the local open market without the assistance of this policy. They have a long standing personal and family connection to the local area. A Section 106 planning obligation will be required to ensure the dwelling remains affordable in perpetuity.

6.2.5 In view of the above it is considered that the principle and personal circumstances of the applicant and the size and location of the proposed dwelling is acceptable and in compliance with the terms of the policy subject to a Section 106 legal agreement.

### 6.3 **Design, Scale and Character**

6.3.1 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.

6.3.2 The proposed plot is approximately 0.875ha and has a site frontage of 17.6 metres, whilst the dwelling will have a width of 10 metres and will be positioned equally between the two adjoining bungalows which have plot widths of 22.6 metres. Although the proposed plot is slightly narrow by 5 metres this is not considered restrictive and the narrower bungalow will sit comfortably within the plot and street scene.

6.3.3 The size of a local needs affordable dwellings are normally restricted to 100sqm gross internal floor area, although in special circumstances policy guidance allows for larger properties such as when specialist wheel chair provision may increase the room sizes for accessibility purposes. Amended plans have been submitted to reduce the depth of the bungalow by 1.8 metres which has resulted in the property

having an internal gross floor area of 137sqm. The applicant has very specialist care which includes providing accommodation for a living in carer, together with requiring all rooms to be wheel chair accessible and storage for three specialist wheel chairs and a storage for a manual portable hoist. The level of accommodation is not excessive having regard to the personal requirements of the applicant.

6.3.4 The bungalow will be constructed from traditional brick with tiled roof to match the adjoining bungalows, whilst the lower front gable section of the bungalow will include vertical larch timber cladding which will match the adjacent carport. Solar panels are located on the southern side of the roof which will not directly face the roadside.

6.3.5 The proposed dwelling would appear modest in scale and would reflect the design and appearance of the adjoining bungalows and would not cause any detrimental impact on the character of the local area.

#### 6.4 **Impact on Residential Amenity**

6.4.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. Concerns have been raised from the occupiers of the adjoining bungalow Fernlea regarding and loss of privacy and loss of sunlight.

6.4.2 The front elevation of the proposed bungalow will be positioned 25 metres away from the dwellings on the opposite side of the road, whilst the north elevation will be positioned 5 metres from the rear corner and 5.5 metres from the front corner of Fernlea and the south elevation will be 5 metres from the side elevation of applicants existing dwelling Crinan. A utility door, study/guest room window and obscure glazed bathroom window are proposed on the north elevation and will face a Leylandii hedge. This hedgerow does provide a degree of screening, although the study/guest room will face the blank wall of Fernlea. A bedroom, lounge and obscure glazed wet room and w.c. windows are proposed on the south elevation and will face a new wooden fence. Having regard to the existing and proposed boundary screening the bungalow will not result in any significant detrimental overlooking or loss of privacy.

6.4.3 The bungalow will have an eaves height of 2.2 metres with a small section of the front having a reduced ridge height of 4.5 metres, whilst the main ridge height which is central to the plot will be 5.6 metres. The proposed bungalow will be sited in line with the adjacent bungalows either side and will be separated by a carport, blank wall and shed of Fernlea along the northern boundary. A lounge window in this bungalow is located on the side elevation which has a view through the car port to the boundary hedge and is 10 metres away from the side elevation of the proposed bungalow. This lounge also has a front facing window, full height sliding patio door and door entrance. Fernlea has a similar height eaves and ridge height of approximately 5.5 metres and is not too dissimilar to the proposed bungalow. There is a slight height difference of the proposed plot which is approximately 0.3 metres higher than Fernlea. Having regard to the orientation and scale it is not considered that the proposed bungalow would result in significant overbearing impact or loss of light.

6.4.4 The movement of vehicles from this single household will not cause any significant increase in noise and disturbance

## 6.5 Highways

6.5.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should be designed to be safe and accessible to all. The proposed development will provide two new vehicular accesses which replace the existing access. This will enable the provision of the existing and proposed bungalow to have their own independent access each. Amended plans have been received to remove the previously proposed double garage from the front garden of the existing bungalow with both properties being provided with large driveways which will accommodate easily 3 to 4 vehicles each with a turning area. The road is relatively straight with a grass verge and good visibility will be provided in both directions from both new accesses. The Highways Authority have raised no objection subject to safeguarding conditions.

## 6.6 Impact on Trees

6.6.1 Policy CS17 ‘Environmental Networks’ of the Shropshire Core Strategy indicates that development should protect and enhance the local natural environment. Concerns have been raised regarding the loss of trees within the existing side garden to facilitate the dwelling and driveway. However, these trees are not protected or within a Conservation Area, whilst the Tree & Amenity Protection Officer has indicated they are not important amenity trees and no objection is raised on arboreal ground regarding the removal of garden specimen trees.

## 6.7 Ecology

6.7.1 Policy CS17 ‘Environmental Networks’ of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire’s environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environment and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in policy 11 ‘Conserving and Enhancing the Natural Environment’ of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.

6.7.2 The Planning Ecologist has indicated that as trees are being removed advice should be sought as to whether bat activity surveys should be undertaken, whilst there is a mapped pond within 200 metres of the site and an assessment should be made in terms of whether the site is suitable to support Great Crested Newts by carrying out a Habitat Suitability Index assessment.

6.7.3 A detailed Ecological Appraisal has been undertaken which has indicated that there are no designated ecology sites found within the vicinity of the site. The nearest site is Hodnet Heath SSSI which is 3.4km away and due to the distance there is no

negative impact expected. The site comprises of a driveway and well-maintained garden supporting trees of low ecological value and none have any potential for roosting bats. There is one pond within 250 metres of the site to the north east and separated by agricultural fields. The land owner has confirmed that this has been dry for many years and the risk assessment has indicated that an offence is highly unlikely to occur. Therefore, the development will have no negative impact on Great Crested Newts.

- 6.7.4 To provide ecological enhancement it is recommended that opportunities are provided for roosting opportunities for bats and nesting facilities for birds, whilst a detailed methodology for the removal of the domestic trees and roadside hedgerow are proposed and can be conditioned accordingly.

## 6.8 **Drainage**

- 6.8.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. The application indicates that foul drainage will be dealt with via a package treatment plant and no objection has been raised by the Drainage Engineer subject to the design being in accordance with Building Regulations. The application indicates that surface water will be disposed of via soakaways and the Drainage Engineer has indicated that percolation test and soakaways should be designed in accordance with BRE Digest 365. No concerns have been raised regarding the suitability of the local ground conditions and therefore it is recommended that both the foul and surface water drainage are conditioned accordingly for details to be submitted and approved prior to the commencement of works on site.

## 6.9 **Other Matters**

- 6.9.1 Concerns have been raised regarding the devaluation of the neighbour's property, although this is not a material planning consideration. Concerns have also raised regarding the impact on outlook and view from the side lounge window which looks through the carport. The window is located 10 metres from the front corner of the proposed bungalow and any outlook or view would be partially obstructed when vehicles are parked in the carport and by the boundary hedgerow. This is a secondary window to the lounge and whilst the loss of view is not a material planning consideration it is not considered that the proposed dwelling would not be significantly detrimental to the views and outlook from the lounge as a whole.

## 7.0 **CONCLUSION**

- 7.1 The applicant has demonstrated that he is in local housing need, and the size and location of the proposed dwelling is considered to be acceptable and in compliance with the terms of the policy. The design and appearance of the proposed dwelling is acceptable and would not impact on this rural location or have any adverse impact on residential amenity or highway safety. The application would be subject to a S106 legal agreement to secure the use of the bungalow as a single plot exception site.

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

## **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.

## **10.0 BACKGROUND**

### **10.1 Relevant Planning Policies**

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:-

#### **National Planning Policy Framework (March 2012):**

#### **Shropshire Council Core Strategy (February 2011):**

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

CS11 : Type and Affordability of Housing

CS18 : Sustainable Water Management

Supplementary Planning Document (SPD) on the Type and Affordability of Housing

#### **Site Allocations and Management Development Plan (December 2016):**

MD2 : Sustainable Design

MD7a Managing Housing Development in the Countryside

MD12 : Natural Environment

### **10.2 Relevant Planning History**

There is no relevant planning history.

## **11.0 ADDITIONAL INFORMATION**

List of Background Papers - Application reference 18/03419/FUL

Cabinet Member (Portfolio Holder) - Cllr Robert Macey

Local Member - Cllr Karen Calder

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. The access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved block plan drawing no. SM\_002 Rev.F dated 10th December 2018 prior to the dwelling being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.  
Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety.
5. The new affordable dwelling hereby permitted shall be constructed to a minimum of an equivalent to the Code for Sustainable Homes level 3, for energy and water efficiency.  
Reason: To ensure the dwelling is constructed with a view to reducing its carbon footprint.

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

6. The dwelling hereby permitted, shall not exceed 137sqm gross internal floor area, including any future extensions. No further internal habitable space shall be created within the dwelling by internal alterations.  
Reason: To ensure that the dwelling is of a size appropriate to the local affordable housing market.
7. Notwithstanding the provisions of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order modifying, revoking or re-enacting that Order), no garage, carport, extension or other building shall be erected within the curtilage of the dwelling hereby permitted without the prior consent in writing of the Local Planning Authority.  
Reason: To enable the Local Planning Authority to retain control of the siting and external appearance of any buildings to be erected in the interest of visual amenity and to maintain the future affordability of the dwelling.