



Committee and date
Central Planning Committee
29 May 2014

Item
10
Public

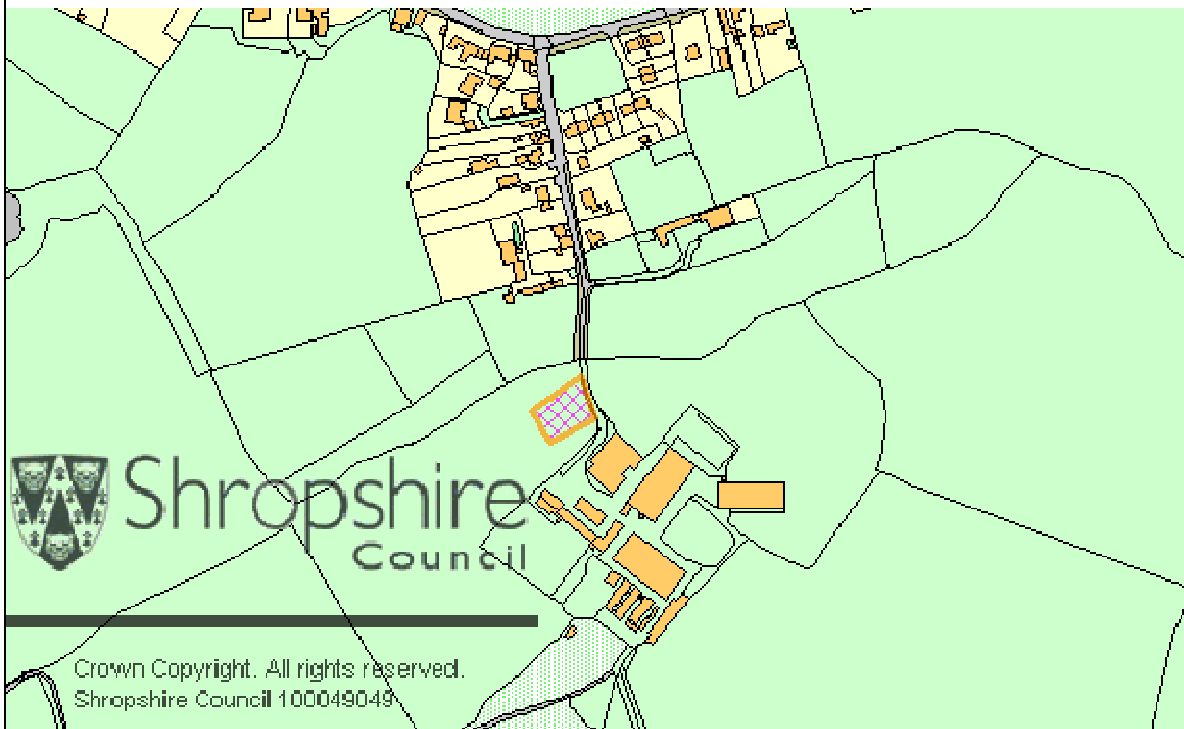
Development Management Report

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Summary of Application

Application Number: 14/00629/OUT	Parish:	Alberbury With Cardeston
Proposal: Outline application for the erection of a single detached dwelling to include access		
Site Address: Proposed Dwelling Adjacent Lower Wigmore Farm Wigmore Lane Wattlesborough Heath Shrewsbury Shropshire		
Applicant: Mr & Mrs Jonathan Stokes		
Case Officer: Steve Drury	email: planningdmc@shropshire.gov.uk	

Grid Ref: 335465 - 311427



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and the applicant entering into a Section 106 agreement requiring a financial contribution towards local needs affordable housing in accordance with Policy CS11 of the Core Strategy.

REPORT

1.0 THE PROPOSAL

1.1 This application seeks outline permission for the erection of an open market, detached dwelling on land at Lower Wigmore Farm, Wattlesborough. The application includes a consideration of access with all other matters reserved for later consideration.

1.2 The proposal is a resubmission of a previous application for the same development under planning permission reference 13/01612/OUT which was refused on 30th August 2013.

2.0 SITE LOCATION/DESCRIPTION

2.1 Lower Wigmore Farm is located to the south of the settlement of Wattlesborough Heath from which it is separated by two fields and a distance of approximately 100m. It is accessed via Wigmore Lane which extends south from the centre of the village. Wigmore Lane has residential properties located along its length on both sides.

2.2 The application site comprises a parcel of the southernmost of the two fields which separate the farm from the village. A post and rail fence separates the site front the access drive to the farm.

2.3 The nearest neighbouring properties are Mansfield, Rose Cottage and Hill View which are all located approximately 95 to 100m to the north of the site. Lower Wigmore Farm is located immediately to the south of the site and is a working farm with a mixture of traditional brick and modern agricultural buildings surrounding the main farmyard.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with Part 8 of the Shropshire Councils Scheme of Delegation, the application has been requested to be referred to Central Planning Committee by the local member for the Loton ward, in response to an objection from Alberbury with Cardeston Parish Council.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 Alberbury with Cardeston Parish Council:

The Parish Council strongly opposes this application, because we have a stated aim of being open countryside and this development does not fit any of the criteria such as single plot exception or affordable housing. At an estimated 4 bedrooms, it is a large development considered inappropriate and unnecessary for the area

4.1.2 SC Drainage:

The application form states that the surface water drainage from the proposed development is to be disposed of via soakaways. However, no details and sizing of the proposed soakaways have been provided. Percolation tests and soakaways should be designed in accordance with BRE Digest 365.

Full details, plan and sizing of the proposed package sewage treatment plant including percolation tests for the drainage fields should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water Flows and Loads: 3 should be used to determine the number of persons for the proposed development.

4.1.3 SC Rights of Way: No objection

The drive that would be used to access the site is also a public footpath, although this does not appear to be recognised in the application. I note that the right of way already appears to be obstructed in several places by farm buildings and needs to be legally diverted. A public footpath also runs close to the field boundary to the north of the application site but is not directly affected.

Although the proposal will mean a small increase in the volume of vehicular traffic using the public footpath I do not consider that the levels associated with a single dwelling would be incompatible with the existing public rights and assuming there is a sufficient private right over the route (which would seem likely) I would not raise any fundamental objection provided neither path is not obstructed in any way during or after construction.

4.1.4 SC Ecology:

Raise no objection subject to addition of informative(s) relating to nesting wild birds.

4.1.5 SC 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.

4.2 Public Comments

4.2.1 One letter of support and one letter of objection have been received from local residents. The comments are available in full on the file but have been summarised as follows: -

4.2.2 Support:

- no concerns over access and compliments the existing pattern of developments of Wattlesborough Heath.
- With there being many local services and amenities I feel it is a site of good sustainability.

4.2.3 Objection:

- The Alberbury with Cardeston Parish Plan established that no further building was needed,
- Preference should be given to smaller properties and starter homes.
- Parish Council decided after exhaustive discussion to remain as “Open Countryside”.
- The current inability of the Council to demonstrate a 5 year land supply should not be used to approve applications for which there is no established need, are against local wishes and would in normal circumstances be refused.

5.0 THE MAIN ISSUES

Site History
Principle of Development
Proposed Site
Impact upon Residential Amenity
Highways and Access
Ecology Issues
Affordable Housing
Drainage Issues

6.0 OFFICER APPRAISAL

6.1 Site History

6.1.1 12/04473/FUL:

Permission has been granted on the same site as the proposal, subject to the signing of a Section 106 agreement, for the erection of an affordable dwelling under the single plot exception policy. The site is located adjacent to a named settlement and as such, is suitable for the erection of an affordable dwelling in accordance with Policy CS11 and the Type and Affordability of Housing SPD.

6.1.2 13/01612/OUT:

Refusal of an application for the erection an open market dwelling on the same site as the proposal. The application was refused on the grounds that the site is not located within a hub or cluster and is therefore located within open countryside.

6.1.3 13/04666/FUL:

Permission has also been granted, subject to the signing of a Section 106 agreement, at Lower Wigmore Farm, for the conversion of an existing barn to an open market dwelling. The barn concerned was considered to constitute a heritage asset and as such was suitable for conversion subject to the applicant agreeing to the provision of a financial contribution towards affordable housing.

6.1 Principle of Development

6.1.1 The site is located to the south of the settlement of Wattlesborough Heath which is not a settlement in the saved Shrewsbury and Atcham Borough Local Plan Policy HS3 (identified for residential development) and it has not been identified as a hub or cluster in the emerging LDF SAMDev document. This document has undergone periods of consultation and is expected to be adopted in spring 2014 and therefore can be afforded some weight. In accordance with the development plan, sites

which are not located with 'HS3 settlements', market towns or settlements identified as community hubs or clusters are considered to be located within open countryside. Policy CS5 of the Shropshire Core Strategy does not support the provision of new open market residential development in the countryside.

6.1.2 Notwithstanding the above, Shropshire Council cannot currently demonstrate a 5 year supply of available housing land as required by the NPPF. This reduces the weight that can be given to saved local plan and core strategy policies which relate to the supply and location of housing. Such policies should be considered out of date and the presumption in favour of sustainable development which lies at the heart of the NPPF should therefore apply to this application.

6.1.3 The NPPF sets out three dimensions to sustainable development against which proposed development should be assessed; economic social and environmental : -

Economic: The erection of a dwelling in Wattlesborough will provide a boost to the local economy through the provision of construction jobs and increased spending power in local shops and services.

Social: In accordance with Para 55 of the NPPF, the proposal will also contribute to the vitality of the local community by bringing new occupants of the proposed dwelling to the village. The proposal includes the provision of a financial contribution towards local needs affordable housing in accordance with Policy CS11.

Environmental: The environmental dimension of sustainability is concerned with protecting and enhancing the natural, built and historic environment and adapting to climate change. The proposal is, however, only outline therefore a consideration of the wider impacts will need to take place as part of the reserved matters application.

6.1.4 Paragraph 55 of the NPPF advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

6.1.5 The site lies to the south of the settlement of Wattlesborough Heath. When considering the sustainability of the settlement, the NPPF allows services in adjacent settlements to be taken into consideration and in this respect, Wattlesborough and Halfway House can be considered in conjunction. Together, the settlements contain a basic level of service provisions including a village shop, a café, a small number of businesses including a motor repair garage, a village hall and a public house.

6.1.6 In terms of accessibility, there are good links to both Shrewsbury and Welshpool in the form of a local bus service and proximity to the A458 Shrewsbury to Welshpool trunk road. Both factors help to make the site easily accessible to pedestrians and vehicular traffic.

6.1.7 Having regard to the services available, it is considered that the settlement would constitute a sustainable location for new residential development to be provided.

6.1.8 Notwithstanding the above, the development will also need to comply with the requirements of policies CS6, CS11, CS17 and CS18 to be considered acceptable.

6.2 Proposed Site

6.2.1 Siting:

In terms of the siting of the proposed dwelling, it is noted that the site is situated to the south of the existing settlement, in a gap between the village and Lower Wigmore Farm. The site is therefore technically separated from the settlement by a field, however, officers do not consider it represents encroachment into the open countryside given the position of Lower Wigmore Farm immediately to the south. As such, it is not considered that the erection of a dwelling would have a harmful impact upon the character and appearance of the surrounding countryside.

6.2.2 The site has already been approved for the erection of an affordable dwelling under the 'build your own affordable home exception' policy (subject to signing of S106 agreement) and this must be taken into account as a material consideration given that is likely to constitute a fall-back position for the applicant. Therefore, a refusal on the grounds that the site is in open countryside could not be substantiated as the applicant could still build the affordable dwelling in the same position following completion of the S106 agreement.

6.2.3 It should be noted that since officers agreed to grant permission for the original affordable dwelling under 12/04473/FUL, permission has been granted at the farm for a barn conversion scheme. Whilst this property could be occupied by the applicant (who was also the intended occupant of the affordable dwelling), it could also be sold off as an open market dwelling and should not necessarily mean that the affordable dwelling is now surplus to requirements. The affordable dwelling should therefore still be taken as the fall back position on site.

6.2.4 Scale and Design:

This is an outline application where the details for the proposed dwelling in terms of its scale and design have been deferred for assessment as part of the approval of reserved matters application. Clearly to be acceptable, any dwelling provided on the site will need to be appropriate, taking into account the local character and context.

6.3 Impact Upon Residential Amenity

There are no neighbouring properties immediately within the vicinity of the site. The nearest property is the farmhouse at Lower Wigmore Farm which is within the ownership of the applicant. The nearest properties to the north are Mansfield, Rose Cottage and Hill View which are located 95 to 100 metres to the north. At such a distance, it is not considered that the amenities of the occupants of those properties will be detrimentally affected by the development. Clearly, however, a further assessment of the impact upon the amenities of nearby residents will take place at the reserved matters stage following the submission of detailed plans and elevations.

6.4 Highways and Access

6.4.1 Whilst no comments have been provided by the Highways team in respect of this application, they have commented on a previous application on the site which were as follows: -

6.4.2 Wigmore Lane is a no-through road serving a number of properties and terminating at Lower Wigmore Farm. The access to the proposed dwelling would be from the farm driveway beyond the end of the public highway. The occupation of the dwelling may be likely to generate an increase in vehicle movements along Wigmore Lane but it is considered that the lane has the capacity to accommodate these and I do not consider that the proposal would have any detrimental effects on the highway or highway safety conditions.

6.4.3 As noted in section 6.1.6, the site is considered to have good vehicular and public transport links to both Shrewsbury and Welshpool.

6.5 Ecology Issues

6.5.1 The NPPF and Policy CS17 of the Shropshire Core Strategy require consideration to be given to the potential impact of a development on the natural environment. The Council's Planning Ecologist has assessed the application and is satisfied that the proposal can be provided without harm to any statutorily protected species or habitats, however, do request that an informative be attached to any planning permission granted which notifies the applicants of their duties with regard to protecting the wild birds.

6.6 Affordable Housing

6.6.1 The applicant has confirmed that an affordable housing contribution will be provided in accordance with Policy CS11. The prevailing rate will be set at the time of submission of the reserved matters application. This is a relevant consideration in terms of the local benefits provided by the scheme.

6.6.2 This is also relevant given that the Parish Council have objected on the grounds that the proposal will not constitute an exception site or contain affordable housing. For the erection of a single dwelling there is a requirement to provide an affordable housing contribution which the applicant has agreed to. This will be secured by Section 106 agreement.

6.7 Drainage Issues

6.7.1 The application form states that surface water will be drained by soakaways and foul drainage will be disposed of by a septic tank. The proposal has been assessed by the Councils Drainage team who request the attachment of conditions requiring further details of the soakaways and septic tank to be provided.

6.7.2 Given that the application is only at the outline stage, further precise details of both foul and surface water drainage will be considered at the reserved matters stage. Notwithstanding this point, the agent has confirmed that the proposed dwelling will include a package treatment plant and will utilise soakaways to provide surface water drainage.

7.0 CONCLUSION

- 7.1 The application proposes a single open market dwelling on land to the south of Wattlesborough Heath. The site is not within a settlement designated as a community hub or cluster and is therefore located within open countryside. However, having regard to the shortage in the 5 year housing supply, significant weight must now be given to the NPPF which advocates a presumption in favour of sustainable development.
- 7.2 Paragraph 14 of the NPPF advises that where the local plan is considered out-of-date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme. The application has been considered in the context of the 3 dimensions to sustainable development and against the relevant policies within the Core Strategy.
- 7.3 The site is located within close proximity to basic service provisions and employment within Wattlesborough Heath and Halfway House, and both settlements have public transport links to Shrewsbury. The proposal would make a contribution towards the local economy during the construction process and once completed through the increased spending power locally. Socially, the proposal will provide new residential accommodation within the area and will include a financial contribution towards local needs affordable housing. Environmentally, the proposal will not result in the loss of highest quality agricultural and can be landscape to ensure it fits discreetly within its surroundings. The proposal will be sited between the settlement and the field and will not result in isolated or sporadic development within the countryside, nor will it impact detrimentally upon the amenities of nearby residents or the local wildlife habitats or European Protected Species. Accordingly, the proposal is considered to comply with Policies CS6, CS11, CS17 and CS18 of the Shropshire Core Strategy and the principal of residential development of the site is considered acceptable. Further detailed assessment of the proposal will take place at the reserved matters stage.
- 7.4 Having regard to the above considerations, it is felt that the proposed benefits of the scheme outweigh the likely harm and as such, the proposal is felt to constitute a sustainable form of development in accordance with the recommendations of the NPPF. Accordingly, the proposal is recommended for approval.

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 three months 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 1970.

9.0 FINANCIAL IMPLICATIONS

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework (NPPF)

Core Strategy and Saved Policies:
CS5: Countryside and Green Belt
CS6: Sustainable Design and Development Principles

CS11: Type and Affordability of Housing
CS17: Environmental Networks
CS18: Sustainable Water Management

Type and Affordability of Housing SPD

RELEVANT PLANNING HISTORY:

12/04473/FUL Erection of affordable dwelling and detached double garage; formation of vehicular access PDE

13/01612/OUT Outline (access) application for the erection of one dwelling; formation of new vehicular access REFUSE 30th August 2013

13/04666/FUL Conversion of existing barn to a residential dwelling to include insertion of rooflights PDE

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

See planning file ref. 14/00629/OUT=

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr David Roberts

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Details of the appearance, landscaping, layout, scale (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. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. Details of the means of access, including the layout, construction and sightlines, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The agreed details shall be fully implemented before the dwelling hereby approved is first occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

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

5. Any gates provided to close the proposed access shall be set a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

Informative(s)

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
2. 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.
3. 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 bird's 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.