

W2006/1318

Sambrook Hall Farm, Sambrook, Shropshire.

Erection of 9no. dwellings and alterations to existing vehicular access and provision of new pedestrian access

APPLICANT

Trustees of the Briggs Family

RECEIVED

25/10/2006

PARISH

Chetwynd

WARD

OFFICER

Daniel Owen

PROPOSAL

This report relates to a proposed variation of a signed S106 Legal Agreement. A planning application (W2006/1318) was submitted to the Council in 2006 for the erection of nine dwellings at Sambrook Hall Farm, Sambrook. Planning permission was granted subject to a number of Conditions and a S106 agreement to ensure that 5 of the dwellings were Affordable Housing. In addition a financial payment of £15,000 to the Sambrook Village hall Committee was required.

The S106 Agreement was completed on the 15th January 2009 and the planning permission was issued on the 6th February 2009. The necessary Conditions were discharged by the applicant and development commenced. However the construction of the approved dwellings stalled as the applicant considers that the development is no longer viable and a viability assessment has been submitted to demonstrate that the approved development should provide a reduced level of affordable housing.

The applicant is proposing that one unit of affordable housing is provided in addition to the financial payment of £15,000 towards the Village Hall.

SUMMARISED CONSULTATIONS

Development Delivery Group Specialist: The applicant has presented a thorough case with the required evidence. The sales values included in the viability report are comparable to the current market and the proposed costs seem reasonable. No objection to the variation of the S106.

RELEVANT HISTORY

W2006/1313: Erection of 9 Dwellings and alterations to existing vehicular access and provision of new pedestrian access. Approved: February 2009.

RELEVANT POLICIES

National Planning Policy Framework (NPPF)

Core Strategy

Policy CS7: Rural Area

Saved Wrekin Local Plan

PolicyH23: Affordable Housing

PLANNING CONSIDERATIONS

The National Planning Guidance Practice states that Planning Obligations should only be sought where they are necessary to make the development acceptable in planning terms. Where they provide essential site specific items to mitigate the impact of the development, such as a necessary road improvement, there may only be limited opportunity to negotiate.

However, where Local Planning Authorities are requiring affordable housing obligations or tariff style contributions to infrastructure, they should be flexible in their requirements. Their policy should be clear that such obligations will take into account specific site circumstances.

The Guidance also states that planning obligations can be renegotiated at any point, where the local planning authority and developer wish to do so. In addition, Section 106BA of the 1990 Act (inserted by the Growth and Infrastructure Act 2013) allows applications to be made to modify the affordable housing requirements of any Section 106 agreement regardless of when it was signed. This review must be based on economic viability and cannot take into account other aspects of the planning consent.

In this instance the applicant has submitted a detailed viability assessment that has been assessed by the Council's Development Delivery Group Specialist who agrees with the submitted assessment and supports the claim that the development would not be viable if more than one of the dwellings was affordable.

Core Strategy Policy CS7 states that new housing development within the rural area will be expected to deliver affordable housing to the level of 40%. Saved Wrekin Local Plan Policy H23 (Affordable Housing) states that the actual amount will depend on the level of local need, the specific circumstances of the site and whether there have been specific costs incurred to enable the site to be brought forward for development. Consideration is also made to the Ministerial Statement of the 28th November 2014, that a threshold for affordable housing is not sought on developments of 10 or less within the rural area.

It is considered that the applicant has submitted sufficient information to demonstrate that the scheme would not be viable if the previously agreed level of affordable housing was provided. Accordingly, the development is considered compliant with Policies CS7 of the Core Strategy, Policy H23 of the Saved Wrekin Local Plan and national guidance in the NPPF.

RECOMMENDATION:

That the S106 be re-drafted to ensure that one unit of affordable housing is provided in addition to the financial contribution of £15,000 towards the village hall.

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Departure from policy, provision of social/affordable housing, impact upon locality, design and quality of built form and character or appearance of area.

INTRODUCTION: The applicant has been in discussion with the Local Planning Authority over approximately the last five years with the aim of bringing forward the development of this site. As a basis for the proposal, a study of the village was carried out to identify and systematically assess the potential of sites within the village for residential development, including an assessment of historical development patterns and the historic core of the village and the resulting environmental, social and physical impacts of such activity. Following receipt of the study in 2002, officers advised the applicant to carry out a comprehensive visual appraisal of the site to understand fully its relationship with the village core and the wider landscape.

Initially, the site was considered for inclusion within the Local Development Framework but Sambrook was not then identified within the Core Strategy as one of the rural settlements suitable for additional development. Subsequently, the applicant has concentrated on bringing forward the development of the site as a genuine improvement to the village and an attempt to meet existing need within the parish for affordable housing. In doing so, the proposed scheme has evolved and has been amended to a reduced scale both in terms of the number of units and the correspondence of the site with the extent of the existing farmstead. The applicant has thus concentrated on bringing forward a proposal of excellent design quality in order to add value through appropriate built form.

THE PROPOSAL: This application seeks planning permission for the erection of nine dwellings following the demolition of existing utilitarian and relatively modern agricultural buildings. The scheme (as amended) now contains 5 of the 9 dwellings proposed for social/affordable tenure.

THE SITE AND SURROUNDINGS: The application site forms part of the historic farmstead of Sambrook Hall Farm, within the historic core of the village that centred on the road junction adjacent to Sambrook Hall, a former school and the church of St Lukes.

The site comprises a steel framed Dutch barn that has been used for the handling, grading and loading of potatoes and sugar beet and for general agricultural storage; a concrete portal framed building that has been used as a farm workshop; two open fronted buildings that have been used for storage; a small range of more traditional buildings previously used as a mess room and store all set around a concrete yard.

The site is directly adjacent to the road way and to the south is situated the church of St Lukes. To the north is Sambrook Hall, to the west existing residential properties and the majority of the settlement, including the primary school and pub and to the east is open agricultural land. This part of the settlement is characterised in part by historic stone walling which, together with built form, tightly encloses the narrow lane that forms the main approach to the site from the west. The approach from the east is characterised by open countryside with views/glimpses through gaps in the hedgerows of the site before the built form (particularly on the northern

side of the lane) provides tighter enclosure to the west of the church.

POLICY: National PPS1 - Delivering Sustainable Development PPS3 - Housing PPS7 - Sustainable Development in Rural Areas

Regional Spatial Strategy RR4: Rural Services CF2: Housing beyond the Major Urban Areas

Wrekin Local Plan (Saved Policies) H9 - Location of new housing in Rural Area H10 - Scale of Development H14 - Development in Rural Settlements H24 - Affordable Housing Rural Exceptions Policy UD2 - Design Criteria UD3 - Urban Design Assessments OL8 - Protection of High quality Agricultural Land

CONSULTATION RESPONSES: The Council's Highways Engineer does not object in principle but has raised some concern in respect of the access to unit 7. It is considered that this can be dealt with by condition if members are minded to approve the application.

The Council's Pollution Control Officer/Environmental Health Officer has no objections subject to the imposition of conditions.

The Council's Engineers have raised no objection to the proposal, subject to the imposition of conditions, including the requirement for soak away tests.

Chetwynd Parish Council raises no objection to the proposed development and has complimented the developer on the quality of the proposals.

14 letters of objection have been received from residents of the village, including three from one objector and two letters from another and one letter signed by 19 people. The grounds for objection/concern are summarised as follows:

Development would dominate the area and the ancient church, existing character and historic integrity would be ruined, it would not blend in with the unspoilt and attractive part of old Sambrook, road safety, increased volume of traffic, noise and air pollution, danger to pedestrians, poor road surface and lighting, intrusive buildings (three storey), detrimental to rural character, increased pressure on existing amenities and services, lack of private amenity space, high density, inappropriate design, loss of versatile agricultural land, no sequential test (re conversion), inadequate school transport to support increased numbers of pupils, lack of existing facilities within village, loss of hedgerows and trees, loss of open farmland, contrary to policy, not an infill site and increase of village by some 20%, overdevelopment.

2 letters of support have been received. The reasons given are as follows:

Proposed design in keeping with character of village unlike other additions to the village, provision of affordable housing for local people is an excellent idea, siting of development is good given existing redundant agricultural buildings, existing businesses would benefit from investment in village, removal of unsightly agricultural buildings and re-development would improve the appearance of the village.

PLANNING CONSIDERATIONS: The main issues for consideration are the departure from infill policy (H10); the provision of social/affordable housing to meet identified need; the physical improvement of the site (and thus the built form of this

part of the village) and whether the latter two issues can be afforded sufficient weight in order to justify an approval of the proposal as an exception to policy. It is also worth noting that whilst the LDF is in preparation, the Council is yet to receive the Inspector's decision on the Core Strategy following its examination in public earlier this year. The proposed land allocations are due to be considered by an inspector in the spring of next year thus a number of policies contained within the Wrekin Local Plan have been 'saved' and still carry most weight in the decision making process. The list of policies includes both H9 (location of additional residential development), H10 (scale of development),

Therefore, Sambrook remains for the time being one of the thirteen rural settlements identified as being suitable for additional residential development. The proposal, however, does not meet the requirements of H10 by virtue of the scale of development and the consideration of the site which does not fulfil the criteria as an infill site within a continuous built frontage, suitable for one or two dwellings. Secondly, the proposal cannot be considered as a true exception site under H24 (social/affordable housing) because not all of the dwellings proposed are for this tenure.

Members are required then to exercise an analysis of the proposal in order to identify whether it would result in overall benefit to the village and community of a scale sufficient to justify a departure from policy. Clearly, there are sometimes good reasons for such departures and in such cases the planning reasons for such a decision need to be clear and transparent.

One of the motivations for the scheme has been the lack of suitable infill sites for Sambrook over the plan period and whilst it remains a key settlement for such infill policy, very little development has been achieved over the plan period. Where infill has been introduced (within the rural area in general), it could be argued that this has allowed the ad-hoc introduction of new buildings that have merely occupied gap sites with little or no positive contribution to the structure and appearance of the village. In this case the proposed scheme makes a genuine attempt to provide a positive contribution to the structure and appearance of the village which has been backed up by a rigorous village assessment (part of which is based upon the council's own village assessment) and a local needs survey in respect of housing need. Thus, the proposal is considered to be an exemplar in respect of policy H14 and the need to reinforce local distinctiveness and diversity.

The proposal has been designed according to its overall composition (and not just a series of independent dwellings) and how such composition responds and contributes to the appearance of the village. This is, perhaps, the most appropriate way to consider development but often other approaches are taken. The scheme does not cause the loss of an important area of open space or valuable agricultural land nor does it cause an extension of the village into open countryside. It does, of course, involve more than two units normally considered acceptable under the infill policy.

Officers concur with the applicant that the design quality of the proposal is appropriate and would add value to this particular part of the village. There can be little argument that the proposed scheme would provide a more positive built form outcome than the modern utilitarian agricultural buildings that are on site at present.

Secondly, the site is not sufficiently large enough to be operated as a separate commercial enterprise so in this respect the existence of redundant agricultural buildings of no special architectural or historic merit is of little economic or physical value to the village. It is also true to say that the existing buildings are typical of their type and not in themselves unduly harmful to the integrity of the settlement or its amenity but at the same time they add little contribution to the built form qualities of the village.

Officers have requested the applicant to consider the proposal under policy H24 of the Wrekin Local plan as an exception site for the delivery of social/affordable housing to meet local need. In doing so, the applicant was requested to provide additional supporting information to demonstrate the existence of local need for such housing provision from the parish and if necessary adjoining parish. Subsequently, a parish survey was submitted that demonstrated at least 6 people in need of local affordable housing and the proposal was amended to include an increased number of social/affordable dwellings (increased from 3 to five in total). The applicant contends that to increase the number above five would make the scheme commercially unviable and not worthwhile.

CONCLUSION: The proposal accords with all of the criteria of policy H24 bar one that requires all the units to be available for rent, shared ownership or low cost tenure. Nevertheless, as set out above, five of the dwellings do now fall within this category and will meet the established need identified by the applicant. Officers consider on balance that the scheme is acceptable given the design quality of the scheme and the significant contribution the development would make to the appearance of the village, the provision of five dwellings to meet local need and a further financial contribution to enhance the parish hall/expenditure on local community. Thus in respect of all other relevant policy, as set out above, the proposal is acceptable.

RECOMMENDATION: Subject to delegated authority to Head of Planning for the completion of a S106 agreement for the provision of 5 social/affordable homes (2 for full rent, 3 shared equity) and £15000 for the future maintenance/provision of the village hall, GRANT PLANNING PERMISSION subject to the following conditions:
A3 - Timescale B15 - Materials B17 - Sample panel B18 - Details of windows and doors B19 - Details of enclosure (including retention of historic walling) B23 - Landscape Design B29 - New Access (Unit 7) B33 - On-site construction B34 - Mud on Road B44 - Contaminated Land B50 - Foul and Surface Water B65 - Soakaway test C85 - Access provision D125 Removal of permitted development rights D129 - Restriction on garage use