

Introduction

Members will recall that this application for outline planning permission for a single detached dwelling in the garden of Redgates came before the Planning Committee on the 3rd March 2015. Members resolved to permit the application but requested that a report was brought back to the next meeting to agree the conditions that should be imposed on the application

Members considered that the site, due to it being within an existing ribbon development of residential dwellings, would represent infill development and would allow an elderly relative to be cared for by the occupiers of Redgates and would outweigh the harm caused by the unsustainable location. Therefore it would be in accordance with the guidance and requirements of the National Planning Policy Framework.

The purpose of this report is to agree acceptable conditions and explore the possibility of a Section 106 agreement to ensure that the proposed development remains occupied in connection with the existing Redgates property.

Discussion

The application is for outline planning permission with all matters reserved for subsequent approval. Therefore all matters of detail – access, appearance, layout, scale and landscaping are required to be submitted as part of the reserved matters application. Standard conditions attached to outline planning permissions - standard time limit, reserved matters submissions and approved plans, are advised.

Additional conditions requiring certain specific details to be submitted as part of any reserved matters application are considered appropriate to ensure that the development is of a high quality design in this location.

The Highways Authority also recommended a number of conditions regarding access, parking and turning areas. Some of their requirements would be addressed in the standard reserved matters condition which requires the submission of details of the access. The other conditions could reasonably be imposed on this decision.

Your officers consider that in this particular circumstance a Section 106 agreement is appropriate.

The National Planning Policy Framework (paragraphs 203 and 204) and the Planning Practice Guidance both provide guidance on when planning obligations are appropriate. They both detail that planning obligations can mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

In this instance there are concerns about the unsustainable location but when permitting the application Members acknowledged that, as well as involving an acceptable form of development in this particular location, the proposed dwelling would allow an elderly relative (of the applicant) to occupy the existing property and the present occupiers of Redgates could then occupy the proposed dwelling. This would enable relative to continue to live an independent life whilst having the support of family members on hand when needed.

The S106 agreement would secure the long term retention of the proposed dwelling to the existing property (Redgates) and would avoid the proposed dwelling becoming an independent dwelling. The site is located in the open countryside and is wholly unsustainable. However it has to be acknowledged that there are sustainability benefits of an elderly relative being located next to other family members who can offer care. As detailed in the report

brought before the 3rd March committee all occupiers of an independent dwelling would be reliant on the use of a private motor vehicle to access all day to day services and amenities.

Therefore it is considered that a S106 agreement would meet the tests outlined in paragraph 204 of the NPPF.

Recommendations

Subject to the applicant entering into a planning obligation that ties the occupation of the dwelling permitted to Redgates, Haddon Lane, by 30 April 2015

PERMIT subject to conditions relating to:-

- 1. Plans / time limit**
- 2. Approval of reserved matters**
- 3. Full and precise details of the finished floor levels**
- 4. Details of vehicle and pedestrian visibility splays, and location and opening of any access gates to be provided in any reserved matters application**
- 5. Sample facing and roofing materials, sample hardstanding materials, and boundary treatments**
- 6. Submission of tree protection plan, Arboricultural Impact Assessment and Arboricultural Method Statement, and**
- 7. Waste recycling storage and collection arrangement**

2) That should the obligation not be secured within the above period, the Head of Planning and Development be given delegated authority to refuse the application on the grounds that without such matters being secured the special circumstances that are required to justify residential development in this location would not exist; unless he considers it appropriate to extend the period for completion of the obligation.

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

17th March 2015