



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Friday, 15 August 2014

Committee:
North Planning Committee

Date: Tuesday, 26 August 2014
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Arthur Walpole (Chairman)
Paul Wynn (Vice Chairman)
Joyce Barrow
Martin Bennett
Gerald Dakin
Steve Davenport
Pauline Dee
Vince Hunt
David Lloyd
David Minnery
Peggy Mullock

Substitute Members of the Committee

Nicholas Bardsley
John Cadwallader
Karen Calder
Steve Charmley
Peter Cherrington
Andrew Davies
Ann Hartley
Simon Jones
Brian Williams
Thomas Biggins
Roger Hughes

Your Committee Officer is:

Shelley Davies Committee Officer
Tel: 01743 252719
Email: shelley.davies@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes (Pages 1 - 4)

To confirm the Minutes of the meeting held on 29th July 2014, attached, marked 2.

Contact Shelley Davies on 01743 252719.

3 Public Question Time

To receive any questions, statements or petitions from the public, notice of which has been given in accordance with Procedure Rule 14.

4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 Land Between Twyford Lane and Holyhead Road West Felton (14/00734/OUT) (Pages 5 - 38)

Outline application (access for approval) for residential development.

6 Development Land At The Cross West Felton (14/00133/OUT) (Pages 39 - 70)

Outline application for mixed residential use; formation of new vehicular access and estate roads and creation of public open space.

7 Development Land Off Chapel Lane Trefonen, Oswestry (14/00426/OUT) (Pages 71 - 92)

Outline application (access for approval) for mixed residential development; alterations to existing vehicular access; works to existing highway.

8 Proposed Development Land South Of The Hawthorns Ellesmere (14/00822/OUT) (Pages 93 - 110)

Outline application for residential development to include access

9 Land North Of Milford Road Baschurch (14/01123/OUT) (Pages 111 - 132)

Outline application (access for approval) for mixed residential development and medical centre to include access.

10 Mount Farm Tarpoley Road Whitchurch (14/01264/FUL) (Pages 133 - 162)

Residential development of 100 dwellings; formation of vehicular access and estate roads; creation of public open space, wildflower area and balancing pond; associated landscaping; demolition of all existing agricultural buildings.

11 Development Land South Of Chester Road Whitchurch (14/02222/OUT) (Pages 163 - 182)

Outline application for residential development to include access.

12 Land South of Hermitage Farm Shrewsbury Road Hadnall (Pages 183 - 200)

Outline application (access for approval) for mixed residential development (30 dwellings)

13 1 Cae Onan Morda Oswestry (14/02507/FUL) (Pages 201 - 208)

Erection of single storey rear extension.

14 Appeals and Appeal Decisions (Pages 209 - 258)

15 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 23rd September 2014, in the Shrewsbury Room, Shirehall.

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Committee and Date

North Planning Committee

26 August 2014

NORTH PLANNING COMMITTEE

Minutes of the meeting held on 29 July 2014

In the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

2.00 - 2.38 pm

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 252726

Present

Councillor Arthur Walpole (Chairman)

Councillors Paul Wynn (Vice Chairman), Joyce Barrow, John Cadwallader, Steve Davenport, Pauline Dee, Roger Hughes, Vince Hunt, David Lloyd and Peggy Mullock.

28 Apologies for Absence

Apologies for absence were received from Councillor Martin Bennett (substitute: John Cadwallader), Councillor Gerald Dakin and Councillor David Minnery (substitute: Roger Hughes).

29 Minutes

That the Minutes of the meeting of the North Planning Committee held on 1st July 2014 be approved as a correct record and signed by the Chairman.

30 Public Question Time

There were no public questions, statements or petitions received.

31 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

Councillor David Lloyd declared that he was a Governor of the Derwen College, which he would refer to during his statement in relation to Planning Application 13/02217/OUT Land on North Side of Whittington Road, Gobowen, Oswestry.

32 Land On North Side Of Whittington Road, Gobowen, Oswestry

The Principal Planner introduced the outline application and confirmed that Members had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. With reference to the plan displayed, he drew Members' attention to the location of the site and explained that part of the site fell within flood zone 3, confirming that the access road would be designed to ensure safe access/egress through flood zone 3.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillor David Lloyd, as the local Ward Councillor, made a statement, took no part in the debate and did not vote. During his statement, the following points were raised:

- The Primary School was located at the other end of the village;
- A number of the letters of support were from outside the local area;
- The road received a number of complaints locally in relation to speeding traffic despite being quoted as being safe by some supporters of the application;
- The proposed application would increase traffic on an already busy road;
- The Parish Council object to the application and would like to keep Gobowen and Whittington separate;
- Flooding was an issue in Gobowen every five years or so; and
- He was concerned in relation to the safety of the students at the Derwen College, located opposite the site and engineered improvements to the highway would be required to mitigate these concerns.

In response to concerns from Members regarding highway safety, the Principal Planning Officer explained that as all matters including the access were reserved for later approval any necessary engineered improvements to the highway could not be imposed for this application and added that affordable housing numbers would also be set at the reserved matters stage. In response to concerns regarding school capacity, he confirmed that there were a significant number of unfilled places at the primary school and it had been indicated that there was scope within the site to accommodate a potential increase in the number of pupils.

Having considered the submitted plans for the proposal, Members unanimously expressed their support for the Officer's recommendation.

RESOLVED:

That subject to:

- The conditions set out in Appendix 1;
- The applicant entering into a S106 agreement to secure the provision of affordable housing; and
- All Matters reserved for later approval be determined by this Committee.

Outline Planning Permission be **granted** in accordance with the Officer's recommendation.

33 Appeals and Appeal Decisions

RESOLVED:

That the appeals and appeal decisions for the northern area be noted.

34 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee would take place on Tuesday, 26th August 2014 in the Shrewsbury Room, Shirehall.

Signed (Chairman)

Date:

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Committee and Date

North Planning Committee

26 August 2014

Item

5

Public

Development Management Report

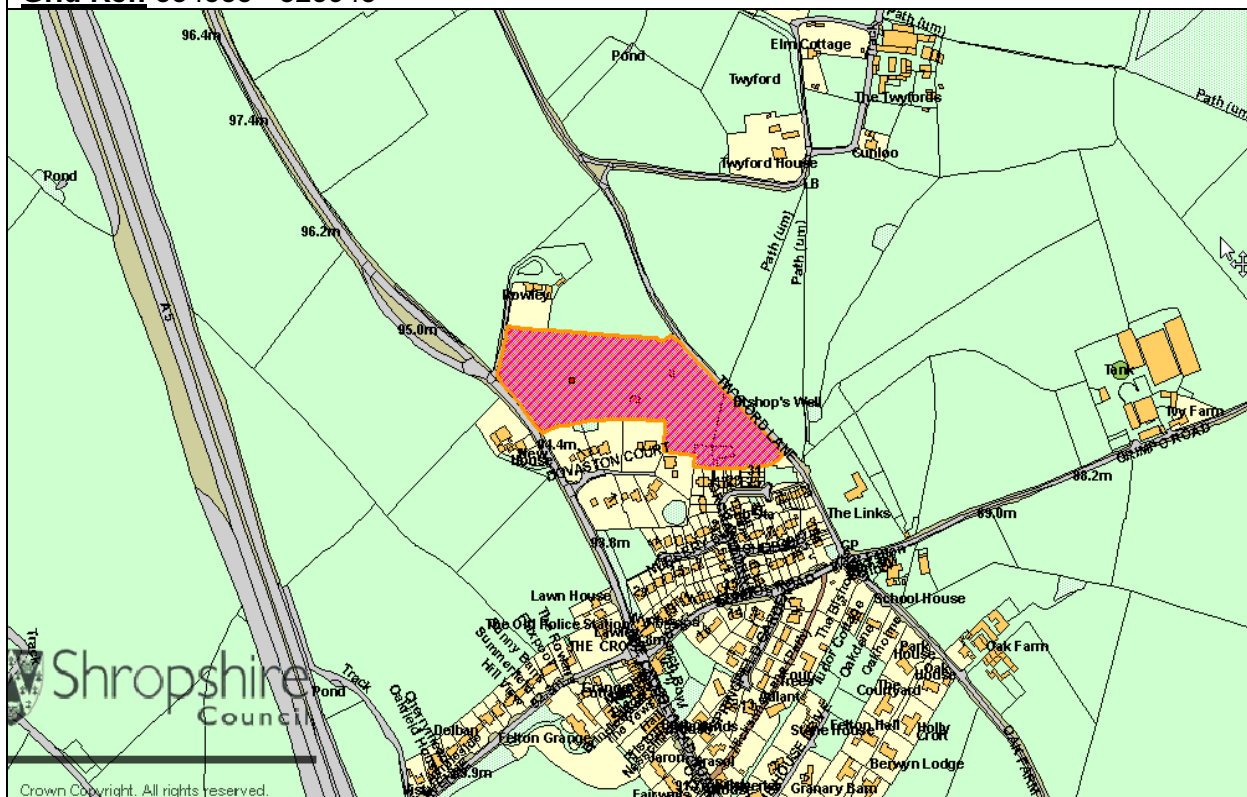
Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 14/00734/OUT	Parish: West Felton
Proposal: Outline application (access for approval) for residential development	
Site Address: Land Between Twyford Lane And Holyhead Road West Felton Shropshire SY11 4EQ	
Applicant: Mr T Humphreys And Mr G Davies	
Case Officer: Karen Townend	email: planningdmne@shropshire.gov.uk

Grid Ref: 334585 - 325943



Recommendation: That delegated power be granted to the Area Planning Manager to grant permission subject to no new material planning issues being raised as a result of

the re-consultation on amended plans, resolution of the Highway Agency objection, and subject to the applicants entering into a S106 agreement to secure affordable housing at the rate relevant at the time of the submission of reserved matters and a financial contribution towards the improvement of the existing highway footway and subject to the conditions as listed below.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks outline planning permission for residential development on the land between Holyhead Road and Twyford Lane, West Felton. Access is the only matter which is submitted for consideration at this time with the matters of layout, scale, appearance, and landscaping reserved for later approval. As such the application seeks consent for the principle of developing the site for housing and the access to the site. The planning statement submitted with the application suggests 32 dwellings but does not provide any indication on mix, tenure or layout.
- 1.2 In support of the proposal the application has been submitted with a planning statement, heritage statement, highways, drainage and flood risk assessment, ecological report and a block plan showing the area of land to be allocated as open space.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is 2.45 hectares in area and is currently used as grazing land for horses. It is located on the edge of the village between the low density, large detached, Dovaston Court development off a single cul-de-sac, the minor road, Twyford Lane, and the single detached dwelling, Rowley, which is itself set back from the main road. Opposite the site is agricultural land.
- 2.2 The field is enclosed on Holyhead Road with a stone wall which varies in height from 0.9m to 1.4m across the frontage of the site. Other boundaries are made up of hedges and trees. The site contains two grade 2 listed structures, the Cider Press and Dovaston Gate and two small agricultural buildings. Agricultural access is currently from two fields gates off Twyford Lane and a public footpath currently crosses part of the site. The land gently slopes up from Holyhead Road to the centre and then falls back to a low point in the eastern corner of the site.
- 2.3 West Felton is a village which was previously identified in the Oswestry Borough Local Plan as a Larger Settlement where new development would be concentrated. It currently has a school, shop, Chapel, hall and public house. The housing is a mix of the original village centred around The Cross and the small area on the opposite side of the new A5 and more recent developments. The housing does not follow any set form, design or appearance, however it is in the majority two storey.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Councillor Charmley has requested that the application be considered by the North Planning Committee to discuss the sustainability of the site and the concerns over traffic, infrastructure, school places, carbon emissions and loss of

agricultural land and ecological habitat. Furthermore the Parish Council has objected to the proposed development which is contrary to the officer recommendation.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 West Felton Parish Council – Following consultation on the amended plan and additional information advised:

Having studied the plans WFPC still **strongly OBJECTS** to this amended plan for the following reasons:

- a. Although the density of housing is now more sensible this application still represents 12 houses more than WFPC's SAMDev target of ZERO new houses in this village - which 89% of respondents to the updated West Felton Parish Plan state they wish to remain as Open Countryside with ZERO new market housing.
- b. The three new large housing estates in the village are: 35 at Tedsmore, 25 at The Cross and 12 on Twyford Lane so this total of 72 houses would create a significant adverse cumulative effect or "Housing Shock".
- c. This development would represent an undesirable extension of the village beyond the village boundary.
- d. Any reduction in the width of Holyhead Road or any introduction of other traffic calming measures on this road such as a chicane with lights or signs showing priority right of way would create problems at the best of times and chaos during the several times each year when traffic is diverted off the A5 through the village.
- e. WFPC fully agrees with SC's four reasons for REFUSAL namely: Visual harm to the character of a rural village by extending the built up area beyond its existing boundaries; Loss of Agricultural land; Harm to pedestrian safety; Cumulatively, with the 35 houses already granted off Tedsmore Road it would result in a significant increase in the number of dwellings with consent outside of a plan-led process with a detrimental effect on community cohesion.
- f. The amended plan only tries to address the harm to pedestrian safety and with a deeply flawed plan at that.
- g. Cllr Steve Charmley has agreed to see that if SC Officers seek to grant this plan it must go to committee.

Previous comments received are as follows:

Strongly objects to this third large housing scheme for the village on grounds similar to its objection to the 25 new houses proposed across the Holyhead Road from this site.

STRONGLY OBJECTS to this plan because it is unsustainable for these reasons: exacerbating existing traffic problems, insufficient infrastructure in the village, no places in the village school, insufficient professional jobs in the village creating extra travelling and increased carbon footprint also leading to a dormitory village scenario, adverse environmental effects upon this feeding ground for many wild species including endangered birds, loss of prime

agricultural land.

Additional reasons for WFPC'S STRONG OBJECTION are as follows: the volume impact of all these houses being built all at the same time would have an adverse effect upon the existing village community and village life, it would also be contrary to the expressed wishes of the vast majority of the local inhabitants, and it negates our SAMDev status of Open Countryside.

And the attached additional two WFPC letters of objection to the 25 new houses at The Cross also apply to this 32 houses scheme by Dovaston Court.

WFPC asks SC to ensure that this application goes to the SC North Planning Committee and that WFPC is informed of the time date and venue of the relevant Planning Committee Meeting so that WFPC can also make a spoken representation to the Committee.

West Felton Parish Council strongly objects to this proposal for speculative development on the grounds that this development would form yet another test case, where if permission were granted this development would cause demonstrable harm to the village as it would be contrary to the policies and principles of sustainable development as documented in the National Planning Policy Framework (NPPF), adopted Core strategy and SAMDev.

Over the last 25 years 270 houses have been built in the parish, a 75% increase from 1988 house numbers, 214 of these have been built in West Felton Village almost trebling its size. In 2005 parishioners were asked about the future direction housing should take within the parish as part of the consultations for the current Parish Plan. 73% of respondents stated they wanted to see no more development in the village for the next local plan period as the village should be given some 'breathing space'.

With this in view West Felton Parish council expressed the overwhelming feelings from the Parish to Shropshire Council that West Felton should become Open Countryside to the period to 2026. This has now been carried forward through at least three rounds of public consultation. A poll was carried out in March 2013 asking residents if they still wished West Felton to be carried forward as Open Countryside or to become a Hub or Cluster, out of 402 responses returned, 384 (95.5%) responses expressed the view to maintain Open Countryside. This is conclusive evidence of the wishes of villagers of this resilient community, who through localism and engagement in the parish planning process should be listened to and their wishes acted upon.

We believe that the National Planning Policy Framework does not change the statutory status of the development plan in Shropshire as the starting point for decision making. Proposed development that conflicts should be refused unless other material considerations indicate otherwise. The adopted core strategy is in full conformity with the NPPF, therefore the NPPF does not indicate otherwise, furthermore the Core Strategy is of recent adoption following all the necessary legal and policy steps – an up to date local plan.

Page 28/29 of the Core Strategy States that: "*In rural areas, new development of*

a scale and location appropriate to the size, role and function of each settlement will have delivered significant community benefit, helping places to be more sustainable”

Policy CS2 states “ *Develop the role of Shrewsbury as a sub regional centre, and Shropshire’s market Towns and key centres as more sustainable and self sufficient settlements, providing the main focus for new housing, employment and infrastructure development and the preferred location for a range of services and facilities to serve the wider needs of their respective hinterlands”*

Para 49 of the NPPF states that “*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”*.”

The Shropshire Site Allocations and Management of Development (SAMDev) Plan complements the core strategy by identifying the sites that will meet the agreed core strategy vision and housing requirements – the SAMDev plan is at an advanced stage, having undergone three stages of public consultation, and most importantly exists in the context of a recently adopted Core Strategy and a positive approach towards delivery.

Para 216 of the NPPF states that: “*Decision takers may also give weight to relevant policies in emerging plans according to: 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 the degree of consistency of the relevant policies in the emerging plan to the policies in the framework the greater weight may be given.

The Planning Minister, Nick Boles, has recently confirmed that emerging plans may be afforded some weight (Hansard 17th July 2013), stating that, “We will make it clear that once a plan has reached the point that, first it has become specific and secondly, it has gone through a fairly substantial level of public consultation it will be come something of real materiality – to use a lawyers phrase – as a consideration in decision making”

It is Shropshire Council view that the SAMDev plan has reached this point being settlement and site specific and having undergone very substantial public consultation, namely three months of Issues and Options consultations in spring 2012 and eight weeks of revised Preferred Options consultation in July / August 2013

In view of the above, West Felton Parish Council considers that there is a very clear case for refusal of this application even before sustainability factors are considered.

Sustainability - Para 14 of the NPPF states: “*The Policies in Paragraphs 18-219 of the NPPF taken as a whole constitute the Governments view of what sustainable*

Development in England means for the planning system”.

Presumption in favour of Sustainable Development or is the proposal “sustainable”? Sustainable means as defined by the UK Sustainable Development Strategy *Securing the Future* sets out five guiding principles of sustainable development.

- Living within the planets environmental limits;
- Ensuring a strong, healthy and just society;
- Achieving a sustainable economy;
- Promoting good governance;
- and using sound science responsibly

Para 14 of the NPPF states that *“at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking”*

For decision taking this means: Where the development plan is absent, silent or relevant policies are out of date, granting permission unless: - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

West Felton Parish Council feel that the adverse impacts of this scheme far outweigh the benefits (of which we struggle to find any for the community) and that demonstrable harm to the village will be caused if permission is granted.

They Include:

1. Promoting long distance commuting to work (dormitory villages) West Felton is not well placed for large scale housing development as there are few employment opportunities, (if any in the village) and few services / shops within the village, therefore the village will act as a dormitory village promoting car travel and increasing carbon dioxide emissions - this cannot be ignored as since sustainability is the golden thread it must be given significant weight. Dormitory villages are not sustainable and do not promote a sense of community spirit and were specifically excluded as an option for village development right at the start of the Core Strategy consultations.

2 Loss of the best and most versatile agricultural land - Para 112 states: *“Local Planning Authorities should take into account the economic and other benefits of the best and most versatile Agricultural land. Where significant development of agricultural land is demonstrated to be necessary local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.* The site forms part of the open countryside and is situated on some of the best quality agricultural land in the locality, (thought to be Grade 2) as demonstrated by the site been flat, level, with deep soil, fertile, very free draining and relatively stone free. It is able to be cultivated or grazed for 12 months of the year. There is also no evidence that land of this quality is essential and *demonstrated to be necessary* to be used for development, as other sites of much lower quality have already been put forward and accepted in the Oswestry Area through the SAMDev process

and will meet the projected housing growth to 2026

3. Capacity of School - West Felton School is over capacity – any further development in the village will increase out commuting to take / collect children from school promoting car travel and increasing carbon dioxide emissions - this cannot be ignored as since sustainability is the golden thread it must be given significant weight.

4. Congestion at A5 Junctions Weirbrook / Queenshead - Queenshead junction over the years has had a proven track record as an accident black spot with many fatalities since its construction. This development is at the North of the village and as such the use of the Queenshead Junction will be much increased by some 50 + additional cars. At peak times there are significant queues to get onto the A5 which lead to drivers taking chances and on some occasions causing accidents. This development will increase the problems of congestion at this junction.

5. Effect on the amenity and wellbeing of residents through the connection with the Countryside. - Throughout the Parish plan consultations, a major factor that has dominated public engagement sessions is resident's connection with the surrounding countryside. Building a large estate in this location will cause demonstrable harm to the village amenity and the wellbeing of nearby residents. We strongly feel that a massing of residential properties in this location will create Urban Sprawl and remove the intrinsic beauty of the connection with the countryside that can be viewed as you travel north out of the village. Para 109 states that: *"The planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscape, geological conservation interests and soils."*

6. Effect on Wildlife - Whilst it is accepted that this site is Agricultural land, local evidence suggests it is a valuable feeding ground for Lapwing (which have also nested previously) and has been for at least 30 years. Large flocks of Fieldfare, Redwing and Starlings are seen on a daily basis visiting the site as the farming methods employed have directly led to a good source of food. Barn Owls are also seen regularly during the evenings hunting along hedgerows around the site. We therefore consider this site to be valuable for the maintenance of species that have been shown to be in serious decline on a national basis.

West Felton Parish Council is concerned that we now have developers seeking piecemeal, green field sites, such as this application site which are not related to Shropshire's development plan which has established through much public consultation sustainable sites to meet the needs of Shropshire to 2026. This application is not based on any evidence of housing need for the village nor has it been consulted upon at a pre application stage in clear contravention of Para 66 of the NPPF *'Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of views of the community'*

The current situation relating to the 5 year housing land supply probably wont

increase the numbers of houses built but will give developers an opportunity to ignore identified sites in preference to more developer led, unplanned but profitable Greenfield sites in open countryside – this is what is now proposed for West Felton.

Wages are generally low, and employment opportunities limited in the former Oswestry Borough area. We believe that this proposal will attract people from outside Shropshire who will then commute considerable distances to their place of employment creating a dormitory village. This is not good planning in the 21st century when sustainability must be a material consideration, SAMdev has real 'materiality', to grant permission would harm the public perception of the planning system, which is harm to planning itself and peoples perception of a just society. We request that this application is refused so that the important planning principles involved can be tested at appeal if necessary.

This Parish Council has already objected strongly to Shropshire Council Planning application 14/00133/OUT. This additional notification is to evidence the reasons for those objections with reference to the National Planning Policy Framework (NPPF) and other relevant Planning related guidance.

Traffic - It is noted that the Highways Agency are not able to comment upon Planning applications of less than 50 houses. This means that the potential safety implications of cumulative applications for more than 50 houses can be hidden. Recently Planning application 13/01221/OUT has been approved for 35 houses and 4 commercial units. The additional 25 houses subject of this application means a potential addition of 60 houses and 4 commercial units. We therefore request that Highways Agency are informed of the combination of these 2 applications, in the sure knowledge that more potential applications of this type, from the same or other applicants are waiting in the wings. This is covered in NPPF para 32, bps 2 and 3. The additional weight of traffic, particularly on the dangerous Queens Head/A5 junction is drawn to the attention of planners and the Highways Agency. How many small applications will it take to have a proper assessment of traffic infrastructure needs?

There is also particular concern at the immediate environment of access from this site on and off Holyhead Road. The lack of proper pavement on the western side of Holyhead Road in this vicinity means that pedestrians using the site will be forced either to cross the road more frequently, merely to find access to a full pavement but with an intention to cross back to the western side of the road to access the current local village centre shop premises, or such future shop premises as may exist in that location.

Agricultural Land Grade - This Council is aware, from information from a national soil laboratory, that the agricultural land grade of the site is at least grade 3a and probably grade 1. Each of these grades is defined with Planning Policy Statement (PPS) 7 as being "The best and most versatile land." This is considered in NPPF paras 17, bp 7, 109,110 and 112. Such land is offered protection from development, in that the need to develop agricultural land should first be demonstrated and, if needed for development, then land of poorer quality should be used in preference to that of higher quality. This Council demands that the applicant, at their cost have the land surveyed to determine its proper agricultural

land classification and that the determination of this application awaits the results of the relevant survey.

This will serve to educate not just on this application, but also on potential other, cumulative applications in a similar location, such as those adjacent to this site. We owe it to our future generations to preserve our best quality agricultural land. On page 2 of NPPF is quoted “Resolution 42/187 of the United Nations General Assembly, (which) defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”

School - We are aware that West Felton CoE Primary School has recently had new extensions to cover the needs of the existing school role. CIL funds of £75,000 have been earmarked by SC’s education authority from application 13/01221/OUT to cover the additional school influx likely from that development. These additional 25 houses will put even more pressure on the school. This is covered by para 72 of NPPF.

CO2 emissions - NPPF devotes many paragraphs to the need to use Planning to reduce the nation’s carbon footprint; notably NPPF paragraph 7, bp 3 and in paragraphs 34, 37, 93 and 95. The village of West Felton is already a dormitory village, with people travelling long, unnecessary distances for work, secondary schools, shopping and most leisure. The creation of dormitory villages is against this NPPF guidance. The environmental role in development, with the economic role and social roles is equal are mutually dependant; para 8 NPPF.

Democratically expressed local wishes - West Felton’s 2005 Parish Plan is still extant and, up to date. Despite that a new parish Plan is being worked on. In the first Parish Plan 75% of people expressed their wish for no further large-scale development in the parish. The recent Parish Plan conducted a poll, which showed that 95.5% of the survey respondents (45% of Parish adults) were opined against further large-scale development. It is accepted that the lack of Shropshire Council’s ability to meet its 5 year housing land supply means, according to NPPF para 49 that, “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

However, NPPF para 17, bp 1 defines the need for, “...empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.”

West Felton’s plan is up to date. Paragraph 69 of NPPF requires local authorities to, “...involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning.” Bearing in mind the amount of work already undertaken by West Felton’s Parish Plan group, the determination of this application, against the clear majority wishes of residents, is a ‘slap in the face’ for this process and can only make it more difficult to encourage people to continue this vital work.

Biodiversity - The site is one locally renowned for wild birds which fill the old, well-

established and therefore good habitat hedgerows on this edge of village site. This is covered by para 109 of NPPFbp 3. Para 110 says, "Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework." Development here would go against this principle. This Council requests a wildlife survey of birds in the vicinity of this site to determine is worth to biodiversity and the need to protect species such as Lapwing, which are regularly seen in the vicinity, as guided by NPPF para 117 bp 3.

Edge of Village - Core Strategy 17 at para 7.8 refers to promoting and maintaining links between urban areas and the adjoining countryside. This application, if granted will have the reverse effect, severing the existing, edge of village link between the urban area and surrounding countryside.

Pre application engagement and front loading - This Council wishes to point out that there has been no community engagement about this application, as is advised in NPPF paras 188-190. This has already caused considerable resentment in the village and does not bode well for local views about the application.

WFPC further objection

The Planning Practice Guidance was published on 6th March 2014, giving greater clarity to a range of material planning considerations. West Felton Parish Council ask that in light of this new guidance that further assessments are now carried out for the two yet to be determined applications above, with particular reference to the impact of cumulative developments on a settlement.

Planning Practice Guidance 2014

This guidance gives additional information to inform para 32 of the NPPF, Under Transport Assessments (Para 13) Reference 42-013-20140306 bullet 6 and 7 it makes reference to specific situations where Transport assessments are needed which are very important to all the applications in West Felton because of the affect on the junctions with the A5.

Bullet point 6

Relates to the need for a TA where the cumulative impacts from multiple developments are situated in a particular area.

Bullet point 7

Relates to whether there are particular types of impacts around which to focus the TA or statement such as assessing the traffic at peak times.

Although the DOT have signed off the application at The Cross, in light of this new guidance, as the housing numbers at the Cross and Tedsmore Road exceed 50 dwellings, (not to mention Twyford Lane) cumulative impacts now need to be taken into consideration at the A5 Junctions, before a decision is reached.

We also believe that due to the presence of protected bird species on both Twyford Lane and The Cross application sites, there is a requirement under Habitats and Wild Bird Directives to ensure a proper survey is carried out.

We also reiterate that full Environmental and sustainability surveys are carried out

in respect of:

- The Best and Most Versatile agricultural land
- Climate Change
- Carbon reduction

We are aware that clearly the site for 13/01221/OUT had previously been identified in the SHLAA as appropriate for the full process of Environmental Impact Assessments by Shropshire Council under their adopted Planning and Local Plan procedures. The site has been through the stage 1 process and had been identified as ready for the stage 2 process. Obviously the stage 2 process did not happen.

Also it is now clear that Shropshire Council during the relevant stage 1 assessment referred to the parcel of land since subject to application 13/01221/OUT as “The Best and Most Versatile Agricultural Land” and was also aware that the ‘Twyford Lane’ application is on land of a similar quality.

- 4.1.2 **Learning and Skills Officer** – The school is more than full and any additional pupils from housing will exacerbate the overcrowding problem. If we were to provide a new classroom, which forecasts suggest we will need to, then we could be looking in the region of a £300k cost, particularly in the light of the difficulties of the site. In which case, it may be fairer on the proposers, but yet still feasible from an education viewpoint, to adapt/extend the current building in other ways. In order to generate funding for this, I have used our calculation formula that tells us how many school pupils we are likely to get from each development and multiplied that by the government’s per place figure. This is the regular way we work out a precise cost in these matters. For the two proposed developments above, the figures produced in this way are:

Twyford Lane (5-6 pupils): £67,213
 The Cross (4/5 pupils): £52,510

If these sums put the CIL premium from each development in difficulty, is there an S106 route?

- 4.1.3 **Affordable Housing Officer** – If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of Reserved Matters application.

The current prevailing target rate for affordable housing in this area is 10% and for a scheme of 32 new homes, this would mean a provision of 3 Affordable houses on site and a financial contribution. The assumed tenure split of the affordable homes would be 2 for affordable rent and 1 for low cost home ownership and these would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. However as this is an outline application the percentage contribution and number of affordable homes will not be set at this time, but will be reviewed at the time of the reserved matters application. The size, type and tenure of the

affordable housing needs to be agreed in writing with the Housing Enabling team before any further application is submitted.

- 4.1.4 **Conservation Officer** – No objection. The application is in outline therefore has no comment to make other than the cider press should remain and its setting respected and enhanced by any development that may be found acceptable on this site. Any scheme proposed for this site should be designed in line with the requirements of NPPF paras 131 and 132.

The area is not within a Conservation Area but within the site is a Grade II listed Cider Press approx. 40m north-east of the site of the now demolished property called The Nursery. The cider press has been disused for many years but is thought to be of late C18 date. Constructed of regularly coursed and dressed sandstone blocks with red brick to higher areas of the gable ends and the list description notes slate roof but it is noted that the Heritage Report found stone tiles in the building and it is thought that these probably may have been on the building. The stone press survives complete (although now out of position) with circular grooved base etc. The building survives in near complete state and therefore is a good example of a cider press of a small scale.

The stone archway on the edge of the site is also grade II listed. As it is adjacent to the proposed open space it will not be as affected by the development as the cider press could be, although there may be some development in close proximity to it. Does not consider that the proposed development will be any more detrimental than those already built adjacent to it on the existing development

- 4.1.5 **Archaeology Officer** – No comments.
- 4.1.6 **Highways Agency** – Will not require a full Transport Assessment. However, due to the potential cumulative impact of this development with other proposals the developer will need to assess the impact of the proposed development at the A5 Queen's Head junction in accordance with Circular 02/2013. The assessment should include consideration of the work currently being undertaken by the Highways Agency.
- 4.1.7 **Highways Officer** – Verbally confirmed that the amended plan resolves the concerns raised previously regarding pedestrian safety. Formal update to be provided at the meeting.

Access

Whilst the application seeks permission for residential development of the site, all matters are reserved for subsequent approval other than access. In this regard, the submitted plan indicates the provision of a centralised access position along the site road frontage. This is at a location just inside of the 30 mph speed limit extent. Satisfactory visibility is available from the point of access in both directions along Holyhead Road which both meets and exceeds 30 mph standards. However given the proximity and current extent of the 30 mph speed limit and site, the highway authority would generally wish to see the speed limit extended further out and/or introduce a 40 mph buffer speed limit. This is considered to be good practice in assisting the reduction of traffic speeds when entering the built up area and therefore providing, in effect, a traffic calming feature.

In order to facilitate the access bellmouth layout and construction, the sandstone wall would need to be removed and realigned together with the setting back or tapering of the wall either side of the junction to accommodate the appropriate visibility splays. It is not clear to what extent the wall would be effected although the alignment of Holyhead Road is such that it helps to minimise the impact upon the wall.

The highway authority conclude that the site provides a satisfactory means of access which meets acknowledged standards.

Traffic

As with the previous housing application on land adjacent to Tedsmore Lane, concern has again been raised regarding the impact of additional traffic on the highway network including the cumulative impact upon the Trunk Road junctions on to the A5. The latter is a matter solely for the highway agency and I note their consultation response dated 4 April.

Insofar as Shropshire Council as the local highway authority is concerned in relation to the local highway network, it is considered that the traffic likely to be generated by the development of the site can be accommodated without an adverse capacity or safety impact. This acknowledges the cumulative impact of the permitted site at Tedsmore Lane and further development being promoted in respect of current application 14/00133/OUT. The highway authority advise that any objection based upon highway safety or traffic impact would not be sustainable.

Accessibility and Sustainability

From a transport perspective, West Felton can be considered a sustainable location in terms of access to a school, church, local shop and recreational facilities. All these facilities are within reasonable walking distance of the proposed development site.

Public transport service 70 operates on a half hourly basis between Shrewsbury and Oswestry, stopping at the Punch Bowl PH within West Felton.

Based upon the above the highway authority do not fundamentally question the sustainable credentials of this site in terms of the availability of local services within reasonable walking distances and public transport provision to travel to Oswestry and Shrewsbury.

- 4.1.8 **Rights of Way Officer** – No objection. Public footpath UN1 runs within the southern boundary of the proposed open space. Provided it is protected during and after any development I would not raise any objection from a rights of way perspective.
- 4.1.9 **Ecology Officer** – No objection. Trees to be removed should be assessed for potential bat roosts and the results and any necessary mitigation submitted prior to determining the application. Recommends conditions relating to bats and nesting birds.

Great crested newts

Greenscape Environmental have confirmed that they searched for a pond at Bishops Well but none was found. No other ponds are deemed to require great crested newt surveys.

Bats

There are two buildings located on the site. A former stone and brick built cider press and another brick building with a partial corrugated roof were examined and no evidence of bats or barn owls was found. If the former cider press were to be removed or repaired, bat emergence/activity surveys are recommended by Greenscape Environmental (2014).

The report by Greenscape Environmental (2014) states that trees have potential to support bats. They have confirmed this is the case, particularly the lime tree numbered 23Ti. Trees to be removed should be assessed for potential bat roost habitat as described in The Bat Conservation Trust's *Bat Surveys – Good Practice Guidelines* (2nd Edition 2012).

The trees and hedgerows on site are likely to be used for bat foraging and commuting. A condition on lighting is recommended to avoid affecting bat behaviour and a further condition to require bat boxes to enhance biodiversity.

Nesting birds

The trees and hedgerows on the site are likely to be used by nesting birds.

- 4.1.10 **Tree Officer** – There are a number of significant trees present on and adjacent to this site. The development of this land has the potential to impact upon these trees, including the possibility of damaging them to a point that they cannot be safely retained and/or create a situation whereby the trees affect or exert an influence over the proposed development in the longer term. To properly assess these impacts and implications and the consequences for the landscape and public amenity of the area and the wider environment an Arboricultural Assessment, prepared in accordance with BS 5837: 2012 must be provided with the application.

It is expected that any proposed development would make provision to retain any trees identified as significant or potentially significant in the terms of public amenity or provide substantial justification and mitigation where their removal is proposed. As this is an outline application the information should demonstrate that there is adequate space to allow for the proposed numbers of structures and associated infrastructure and to provide the required protection / separation zones around retained trees.

If this information is not forthcoming it must be considered that the proposed development will have a substantial negative impact on the adjacent trees and the wider amenity and it would be recommended that the application be refused as it would be contrary to the principals of the Shropshire Local Development Framework; adopted core strategy policies CS6 & CS17.

- 4.1.11 **Severn Trent Water – No objection** subject to a condition requiring submission of drainage plans for the disposal of surface water and foul sewage to the Local

Planning Authority prior to commencement of development.

- 4.1.12 **Drainage** – The drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission is granted.

The SUDs applicability zone area that the site is classified under according to Shropshire Council's Surface Water Management: Interim Guidance for Developers is infiltration therefore the use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

A contoured plan of the finished road level will be required to ensure that the proposed gullies are located correctly. Confirmation is required that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

The layout of the proposed foul sewage system should be submitted for approval, along with details of any agreements with the local water authority. Due to the scale of the development the foul drainage should connect to a mains system and the use of septic tanks or package treatment plants are not deemed acceptable.

The applicant should consider employing measures to reduce surface water and consent is required from the service provider to connect into the foul main sewer.

4.2 **Public Comments**

- 4.2.1 24 letters of representation have been received raising the following concerns:

- Site is outside the development boundary
- Contrary to the wishes of the village to be open countryside
- Will extend beyond the current village
- Village has already grown enough
- No need for more housing
- Cumulative impact of the three sites proposed
- Loss of countryside

- No jobs in the area
- Would result in increased commuting and carbon emissions
- Increase pressure on the junctions onto the A5
- Increase traffic through the village
- Twyford Lane is too narrow to be used to serve any development and also passes the school
- A bus stop is needed on the road
- Village school is over subscribed
- Area identified as open space is close to Twyford Lane which is frequently used by large agricultural vehicles and as such raises safety issues
- Potential loss of, or adverse impact on, Cider House, grade II listed Doveston Archway and avenue of trees which include TPO'd trees
- Land is of excellent agricultural value – grade 3
- Impact on wildlife, noting bats, barn owls
- Loss of trees
- Connection to existing foul sewer will disrupt access to properties
- Existing storm drain regularly floods, is not maintained and inadequate for any additional use
- Existing foul drainage on a reed bed system and would not cope

5.0 THE MAIN ISSUES

- Policy & principle of development
- Is the site sustainable?
- Economic considerations
- Environmental considerations
- Social considerations
- Layout, scale and design
- Impact on residential amenity
- Highways, access, parking and rights of way
- Ecology and trees
- Drainage

6.0 OFFICER APPRAISAL

6.1 Policy & principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 The NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking (para. 14), so it applies, as a material planning consideration, in any event. The NPPF specifically

aims to 'boost significantly the supply of housing' therefore, the fact (and degree) that a proposed development helps to boost housing supply is a significant material consideration to which considerable weight must be attached. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply.

- 6.1.3 In September 2013 the housing land supply in Shropshire fell below the 5 year requirement. This has now been updated following the submission of the SAMDev Final Plan to the Planning Inspectorate. The Council is now in a position that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. However, in calculating the 5 years' supply the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies as there are significant unresolved objections which will not be resolved until the public examination and adoption of the SAMDev. It is not until adoption that full weight can be given to the SAMDev.
- 6.1.4 In the intervening period between submission and adoption sustainable sites for housing where the adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF. As such it remains officer's advice that it would be difficult to defend a refusal for a site which constitutes sustainable development and that the presumption in favour of sustainable development at paragraph 47 of the NPPF is given greater weight than either the adopted or forthcoming policies. The NPPF does not permit a housing development free-for-all, the principle issue for consideration is whether the development is sustainable or not when considered against the NPPF as a whole. As such a development which is not sustainable can be refused against the NPPF but officers advise that caution should always be taken when considering refusal against the NPPF. Paragraph 14 advises that the adverse impacts of granting consent would need to significantly and demonstrably outweigh the benefits.
- 6.1.5 It is acknowledged that the site is outside the development boundary previously set within the Oswestry Borough Local Plan. As such the application has been advertised as a departure from the adopted local plan and would not normally be supported for development. However, these policies are at risk of being considered "time expired" due to their age and the time which has lapsed since the end date of the plan. Officers therefore advise that it is appropriate to assess this site within the context of the 'presumption in favour of sustainable development'.
- 6.1.6 The Parish Council and local residents have commented that the site is contrary to their SAMDev allocation as open countryside. This is also acknowledged, however at this time the SAMDev still holds limited weight as although it now been submitted for examination by the planning inspectorate there remains outstanding objections to the SAMDev and the designation of hubs, clusters and open countryside. On this basis it would be difficult to attribute any significant weight to the designation of West Felton as open countryside until objections to that designation have been resolved. Officers are sympathetic with the local community and the work which has been done to get to the position of wanting to be open countryside and the work that the community plan to do in the future.

- 6.1.7 Policy CS6, amongst a range of considerations, requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Policy CS7 states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services. And policy CS9 states that development that provides additional dwellings or employment premises will help deliver more sustainable communities by making contributions to local infrastructure in proportion to its scale and the sustainability of its location.
- 6.1.8 Given the above, whether the site is appropriate for development rests on whether it is considered sustainable. The presumption is in favour of sustainable development as tested against the NPPF as a whole. The three dimensions of sustainable development; economic, social and environmental all need to be considered jointly and simultaneously in reaching a judgement about sustainability (NPPF paragraph 8).
- 6.2 **Is the site sustainable?**
- 6.2.1 The objections from West Felton Parish Council and local residents consider that the site is not sustainable on the grounds that it is distant from supermarkets, employment opportunities and other types of services and facilities and the associated increase in vehicle movements and emissions. Objectors consider that this would be contrary to National policies and adopted core strategy policies in relation to impact on climate change. Objectors consider that West Felton is a dormitory settlement for other employment centres and that the level of house building within the last 25 years has led to the settlement reaching its optimum size. In their opinion the capacity of the existing services and infrastructure have been met and the village does not need any more housing to help with its sustainability. Furthermore concerns are raised about the potential for further housing development pressure in the village.
- 6.2.2 Whether a site is sustainable is not judged purely on the distance from services, facilities or employment. The Council's adopted Core Strategy sets out the principle that new housing development will be supported in designated Hubs and Clusters and as such to say that a site is not sustainable because it is located within a small village or community with limited facilities would be contrary to this part of the Core Strategy and the approach taken in SAMDev of allocating housing in some rural settlements. Furthermore, the NPPF at paragraph 55 acknowledges that development in rural areas can support services and urges that it should be located where it can maintain and enhance the vitality of rural communities. The distance from services, facilities and employment is one of a number of factors to be taken into account when undertaking the planning balance. Alongside issues of impact on highway safety, ecology and development of agricultural land.
- 6.2.3 Paragraph 7 of the NPPF sets out the three dimensions to sustainable development and provides an overview of what is considered to be the economic, social and environmental roles of the planning system. The agent, within the planning statement suggests that the site is a natural extension to a sustainable village and that increase in footfall will reinforce the sustainability of existing amenities. The statement suggests that the development will meet the economic

dimension as it is well located, will contribute to the economy of the rural area and will bring new housing; meet the social dimension in providing new housing to meet needs and support community services and facilities; and meet the environmental dimension by not having a major adverse effect on ecology or historic environment.

- 6.2.4 It is acknowledged that the NPPF advises that local authorities should seek to approve applications for sustainable development and work with applicants to find solutions. However, the presumption in favour of sustainable development is also not a free for all. The cumulative impact of additional new housing is also a material consideration. Recent planning inspectors' decisions have taken into account the adverse impact of increasing the number of dwellings in an settlement, outside of the plan making process, as a material consideration. Substantial increases in residences could result in harm because of the need to allow time for proportionate increases in infrastructure and for the community to adapt, and the possible adverse impact on community cohesion. Developments such as this can be required to contribute to improvements in local infrastructure so far as they are needed to mitigate the effects of the specific development and it is acknowledged that CIL payments can address this. However the benefit of plan led development is that it can be brought forward with any necessary supporting infrastructure.
- 6.2.5 While West Felton may have some capacity to accommodate new housing the capacity is not limitless. The 2011 census for West Felton recorded 600 dwellings, including the area of West Felton on the opposite side of the A5. The recently approved scheme at Tedsmore Road approved 35 houses, which would equate to an increase of 5.83% and there are other consents which have been completed since 2011. The initially submitted application proposed a further 32 houses and therefore an increase on the 2011 census figure of 11.16%. Officers considered that an increase of 32 houses outside of the plan led system would result in an adverse impact. However, following notifying the agent of the recommendation to refuse the application, with this issue being one of the main concerns, the agent has submitted an amended plan which reduces the number of houses to 12. This reduction in the scale of the development will reduce the overall impact of the new housing outside of the plan led system and at the new proposed scale is not consider to be a significant or demonstrable harm. A re-consultation on this amendment has been sent to the Parish Council and local objectors and any comments received before the meeting will be reported in the update sheet. However, the expiry of the re-consultation will be after the committee date and as such the recommendation reflects the need to take into account comments received after the meeting.
- 6.2.6 It is also acknowledged that the application at Tedsmore Road, which has been approved, will increase housing numbers as detailed above. On their own any one of the three applications, Tedsmore Road (13/01221/OUT), The Cross (14/00133/OUT) or this application at Twyford Lane (14/00734/OUT), would increase housing numbers but not to an extent which officers consider would tip the balance of the material harm to the village. The amended scheme reducing the number of houses has also now reduced the potential cumulative impact of recommending consent for this development and the application at Tedsmore Road, which has been permitted.

6.3 **Economic considerations?**

- 6.3.1 As previously noted the agent considers that the development of the site would meet the economic dimension of sustainable development in contributing to the rural economy and providing new housing to support existing local services. It is accepted as the government has made clear that house building plays an important role in promoting economic growth to which significant weight must be given that weight should be given to the benefits of boosting housing supply and the economic gains from housing.
- 6.3.2 Given the concerns raised by the Parish Council and local residents about the reliance on the private car and as such the increases in traffic and CO2 emissions officers have considered the opportunities for non car based travel and can confirm that buses from Oswestry stop in West Felton adjacent to the Punchbowl Inn from 7:05 at least once an hour up to 18:35 and from Shrewsbury from 8:11 to 19:41. The journey from West Felton to Shrewsbury takes approximately 32 minutes and the journey from West Felton to Oswestry takes approximately 26 minutes and also stops outside Oswestry College. This provision is very good in comparison to large parts of the rural areas of Shropshire and officers consider that weight can be given to the opportunities for bus travel from and to West Felton. The residents of West Felton do not have to rely on the private car as many other areas of rural Shropshire do.
- 6.3.3 To require all development to be close to employment and all services and facilities would restrict the areas in which development could be provided to Shrewsbury and possibly Oswestry, though objectors have questioned whether Oswestry has sufficient employment. This restrictive approach would not be sustainable in itself and it would not promote rural rebalance or help with the sustainability of the remainder of Shropshire. The principles set in the Shropshire Core Strategy allow for development in Hubs and Clusters, some of which are much smaller areas with less services and facilities than West Felton and with no public transport links. As advised on the previous application at Tedsmore Road, and as noted by the agent, officers consider that West Felton is a village which could support additional housing and which with new development could enhance the existing services and facilities it has.
- 6.3.4 Although, as advised above, it is accepted that the capacity for new housing in West Felton is not limitless and the local community already consider that it has reached its limit in their request to be considered as countryside within the SAMDev, the reduced scale of development now put forward by the agent is considered to not result in significant development in the village.

6.4 **Social considerations?**

- 6.4.1 The agent considers that the social dimension is met as the site is on the edge of the village with good links to facilities which the development will support. The development will provide additional housing including affordable housing. The reduced number of housing would reduce the affordable housing contribution and given the indicative house sizes this would likely to be proposed as a financial contribution in lieu of the 10%. However, as an outline planning application the level of affordable housing to be provided would have to comply with the requirements set out in the SPD at the time of the reserved matters application.

This may increase or decrease but as an outline a S106 would require the affordable housing to comply with the SPD. The provision of housing is itself a material consideration and is a clear benefit which should be given significant weight in the determination of the application. The acceptance by the developer to provide affordable housing should also be taken into consideration. In addition to the affordable housing the proposal includes an area of open space, which can be considered a benefit of the scheme.

- 6.4.2 Concern has been raised by the Parish Council and local residents about the capacity of the village school. This concern is noted and if there is inadequate infrastructure to serve the development it could be a harm weighing against the development. However, the amended reduced scale of the development would have a limited impact on school places. The Council Education Officer advised that for a development of 35 houses the predicted new school place requirement would be 5/6 places. As such the amended scheme, which reduces the housing to 12 would have a proportionally lower requirement. As required by policy CS9, the development of this site would be required to contribute to infrastructure through the payment of the Community Infrastructure Levy (CIL). For West Felton the rate of CIL payment is £80 per sqm which could be used to contribute towards the enhancement of the existing school alongside other infrastructure projects in the local and wider area.
- 6.4.3 Currently the Oswestry and Surrounding Area Place Plan does not list improvements to West Felton School to increase pupil places as a priority, although the Learning and Skills Team is currently updating its priorities for the Place Plans. Any additional funding required would need to be identified as a priority infrastructure requirement in the Place Plan and CIL proceeds allocated for that purpose. If planning permission is granted for the development on the basis that it is necessary for the additional education funding to be provided, then this item and the associated financial contribution will be fed into the annual review of the Place Plan as a result of being identified through the development management process, and funding allocated accordingly. This approach was agreed by the Portfolio Holder's decision in the report dated 14th February 2014 (see Section 4 Governance arrangements for projects not included on the CIL List).
- 6.4.4 Given the scale of the amended development officers do not consider that the potential impact on the school places could be considered to be a harm and furthermore will be balanced out by the benefits gained from the CIL contribution. As such little weight can be given to this potential harm as there is no evidence that the CIL contribution would not overcome the harm. The provision of market and affordable housing and CIL contributions are social benefits which can be afforded positive weight in the determination of the application.
- 6.5 **Environmental considerations?**
- 6.5.1 Concerns have been raised about the development of this site which is on agricultural land; outside the existing village boundary, beyond existing housing; will impact on the amenities of the village as a whole and specifically on the amenities of the residents adjacent to the site; will be detrimental to highway safety, both locally and in the wider area due to increase in traffic at the junctions with the A5; and significantly impact on ecology through the loss of feeding ground

for bird species on the at risk register, the habitat of owls.

- 6.5.2 It is acknowledged that the development will be on agricultural land which is currently on the edge of the village and the Parish Council have, as with the application off Tedsmore Road, objected on the grounds of the loss of agricultural land quoting paragraph 112 of the NPPF. They have commented that the land may be grade 2 or 1 but the evidence which they have since submitted, which they received from Natural England, relates to a survey of some of the land around West Felton by MAFF in the 1980's. The information is acknowledged by the Natural England advisor who sent it to the Parish Council that it may not be accurately representative of the soil classification today. Furthermore at the time of this assessment part of this application site was not in agricultural use (as the curtilage of a dwelling) and the other part was not assessed. As such it is not clear what grade of agricultural land the application site lies within. It should also be taken into account that the land is currently in use for grazing of horses and not for productive agricultural use.
- 6.5.4 The current map provided on the Natural England website shows the land to be grade 3 but does not confirm whether it is 3a or 3b and without an up to date assessment it is not possible to confirm whether it is 3a or 3b. Although the Parish Council consider that an up to date survey should be undertaken the NPPF does not prevent development of agricultural land, or require a sequential approach to the development of agricultural land. It seeks to protect the "best and most versatile" land from significant development.
- 6.5.5 As with the application at Tedsmore Road there are three issues here, firstly recent planning inspectors decisions have established that the need for housing is considered to be demonstrating the need to develop on agricultural land and as such there is no requirement for each developer to demonstrate a need specific to a site. The fact that the Council has been under delivering on housing land supply demonstrates that development is required and the authority has accepted that some of this development will have to be on agricultural land. Secondly the scale of the development is not significant when considered against the overall need for housing or the amount of agricultural land available within Shropshire. It may seem significant, alongside the other applications in West Felton, in terms of the agricultural land around the village. However at 2 and half hectares it is not considered to be significant when considered against the above matters and the advice from Natural England which the Parish Council refers to. Within that advice it notes that Natural England should be consulted on all developments over 20 hectares. Even taking the other three sites into account the total development around West Felton would be around 6 hectares and approximately 72 houses. Thirdly, and finally, the NPPF suggests development of lower quality land should be preferred. The NPPF does not require development to only be on lower grade land but seeks to develop lower grade as a preference. In Shropshire the areas of lower grade identified on the Natural England map as grade 4 and 5 are predominately river valleys and high ground. There are no areas identified as 4 or 5 around Oswestry and, although it is accepted that the map does not define between grade 3a and 3b, the application site is not considered to be any higher quality than the majority of Shropshire.
- 6.5.6 On balance, although officers acknowledge that the loss of this parcel of

agricultural land is a harm resulting from the development, the loss of land is not significant and it is not currently in productive, economically beneficial agricultural use and therefore it is advised that some but limited weight should be given to this in the overall planning balance and it would not on its own outweigh the presumption in favour of sustainable development. The loss of the agricultural land itself does not make the development unsustainable as the NPPF requires the assessment of whether a development is sustainable or not to consider the whole of the NPPF and balance the harm against the benefits.

6.5.7 In considering the location of the site the Parish Council and local residents are concerned about extending the development beyond the village boundaries. The agent's opinion is that the site is a natural extension to the village and it is acknowledged that the application site is close to services and facilities in the village. However, this application would extend the built area of the village beyond its existing boundaries and beyond the existing main built up area of the village, with the exception of one dwelling and its outbuildings (Rowley). Officers consider that the development of this site for a small estate would alter the character of the area and would, as any development extending the edge of a settlement, result in harm. However, the reduced development scale would be more in keeping with the adjacent development at Dovaston Court and as such the harm would be reduced.

6.5.8 There would be some harm in developing this site and that is acknowledged but officers do not consider that the harm would outweigh the benefits gained from new house building in terms of providing housing and affordable housing, both of which are national requirements, providing a contribution towards infrastructure in the form of a CIL contribution and providing open space. However, developing beyond the existing village edge is an adverse impact in the overall planning balance but not one which officers would advise is significant.

6.6 **Layout, scale and design**

6.6.1 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. Section 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

6.6.2 Within the planning statement there is an indicative density referred to as circa 32 dwellings, designed to be sympathetic to the character of existing dwellings, however the recently submitted plan shows a indicative layout of 12 houses. This was submitted by the agent in response to the concerns raised by officers about the development of a housing estate beyond the existing settlement boundaries. The amended plan shows 12 properties spaciouly laid out in sizable gardens all accessed off a single estate road and an area of open space around the existing protected trees and the stone archway.

6.6.3 However, the current application is for outline planning permission with all matters of layout, scale and appearance reserved for later approval. A further application will be required for the approval of reserved matters which would then detail the

layout, scale, appearance and landscaping. At that time the development proposed would have to be considered to be acceptable in context with the existing village. However, officers consider that the indicative layout would be acceptable in principle, subject to approval of the final details.

6.7 **Impact on heritage**

- 6.7.1 The heritage statement submitted with the application considers the impact on the grade II listed Cider Press which is “a small later 18th century purpose-built structure built within the grounds of the now demolished house called ‘The Nursery’, home of John Dovaston. Built to house an apple crusher and cider press and for storage”. This structure is considered to be a heritage asset and as such the impact on the structure needs to be understood to establish whether the development will cause harm to the heritage asset.
- 6.7.2 The report notes that previous dwelling was abandoned in the 1960’s and fell into disrepair eventually being demolished in the 20th century and the adjacent housing estate (Dovaston Court) erected. The cider press is the only intact building surviving from The Nursery. It is built of red sandstone with arched stone headers, a number of existing openings but a replacement roof and the loss of the first floor. However, the remains of the press and the stone crushing wheel remain, though possibly not in their original position.
- 6.7.3 The applicant’s consultant considers that there is scope to restore the buildings close to its original form, reinstate the loft and stairs and reposition the wheel. The planning statement suggest that the building could either be sold with one of the plots as domestic storage space or be gifted to the parish council. However the agent notes that this would result in a maintenance responsibility for the parish council. At this outline stage it is not confirmed what the intention is for the building.
- 6.7.4 The Council Conservation Officer has confirmed the listed status of this structure, and also of the stone archway on the edge of the site. It is considered that the Cider Press will need to be carefully considered as part of the reserved matters to ensure that the importance of this building and its history is fully understood in the long term in order for the scheme to meet the national policy requirements. It is accepted that the development of this site has the potential to ensure that this listed building is retained and brought back into active use and that this is a material planning benefit. However, there is also the potential that the importance of the building could be lost amongst a modern residential development and therefore the benefit would be reduced. The amended plan showing the reduced layout shows this listed building within the curtilage of one of the dwellings, to the side of the dwelling and visible from the new estate road. In principle providing the building is still a prominent part of the finished development officers do not consider that the harm of developing around the listed building would be significantly harmful to the setting of the building.
- 6.7.5 The stone archway on the edge of the site is also grade II listed and is noted by local residents as important to the character of the area and the understanding of the link with John Dovaston. This structure is adjacent to the proposed open space and as such it will be retained within its current situation and the agent has advised that this structure is within the curtilage of the neighbouring properties.

Overall it is considered that the development of the site for housing has the potential for contributing to conserving the heritage assets in accordance with policy CS17 and the NPPF but also has the potential for harm although it is acknowledged this would be less than substantial harm (NPPF paragraph 132) this harm would also need to be considered in the overall planning balance.

6.8 Impact on residential amenity

6.8.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. As an outline application with all matters reserved for later approval it is not possible to fully consider the impact on the amenities of neighbouring residents.

6.8.2 The indicative layout plan does show that the land closest to the housing on Orchard Drive is to be used as open space and therefore only the properties on Dovaston Court have the potential to be affected. However, these properties have large gardens themselves and the site is of a sufficient size to enable a layout to be developed which would provide appropriate separation distances between the dwellings and facing windows to ensure that there is not an unacceptable loss of light or privacy. Although it is acknowledged that the development will result in a change of use from agricultural to residential this use is not considered to result in noise or any other pollution that would be significantly harmful as to adversely affect the amenities of existing residents. As noted above the development will change the outlook of the existing properties but this is not a material planning consideration. Officers consider that the development of the site could be achieved without substantial adverse impact on the amenities of the existing properties.

6.9 Highways, access, parking and rights of way

6.9.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. The development originally proposed at this site was for circa 32 dwellings and therefore does not, on its own, meet the trigger to require a transport assessment, however the concerns of the local community regarding the cumulative impact of the three sites proposed for new housing in West Felton is noted and so too are the concerns about the potential impact on the junctions onto the A5. The application has been submitted with a highways and drainage report and the Council Highway Officer and the Highways Agency have both been consulted. It is a matter for the local planning Authority to make a judgement as to whether a development would generate, on its own or cumulatively with other developments, significant amounts of traffic and therefore require a transport assessment as advised in the planning practice guidance. The authority has sought the advice of Highways Officers and the Highways Agency on this matter and this issue is discussed below.

6.9.2 A single vehicular access is proposed off Holyhead Road with visibility splays of 2.4m by 250m to the left and 220m to the right. The submitted highways and

drainage report notes that the access can be provided onto Holyhead Road and that the visibility is well in excess of the minimum required and will compensate for the approaching vehicle speeds observed. The site is within the 30mph speed limit and the applicant's highway consultant has noted that the road is approximately 6.3m wide with a footpath of 1.6m and a grassed verge opposite. Twyford Road, which currently serves as access to the site, is approximately 3.3m wide, however the application proposes closing off the existing accesses for vehicles and only retaining pedestrian access onto Twyford Lane.

- 6.9.3 The Council Highway Officer has confirmed that the single centralised access is acceptable and that satisfactory visibility is available, although given the proximity to the 30mph speed limit extent either an extension to the 30mph or a 40mph buffer zone would be preferred. The Highway Officer has also commented that it is not clear to what extent the wall would be affected by the provision of the access and visibility.
- 6.9.4 The development will result in an increase in traffic movements, however, the village is served by a bus service as detailed above, and any rural housing development will result in an increase in traffic movements. Although the concerns of the local community are noted, the traffic resulting from this development, even in combination with the other proposed developments in the village, would not result in a unacceptable or severe impact on highway safety or result in traffic movement levels that would warrant refusal of the scheme on its own. The increase in traffic is a harm although one which can only be given limited weight in the overall planning balance as the impact is not severe and the number of dwellings proposed has been significantly reduced.
- 6.9.5 At the time of writing the committee report the Highways Agency have placed a holding objection on the application advising that further information is required to assess the cumulative impact of this and the other applications in the village on the junction at the A5 Queen's Head. This additional information has been received and sent to the Highways Agency and we are awaiting further comments. An update will be provided to members if one is available, however the recommendation reflects this outstanding consultation.
- 6.9.6 Concern has also been raised locally about the width of the footway in the immediate area and this has also been noted by the Council Highway Officer in his response. The existing footway is on the same side of the development and along the frontage of the development is considered to be an appropriate width and continues beyond the application site to outside the village signs. However, it is noted that there are sections of the existing footway further towards the village shop which are narrow and which could not be widened without harming a locally important wall and trees. The Highway Officer has noted that the width is 0.65 metres at its narrowest point and for the whole of this reduced section is under 1 metre in width. This is well below acknowledged standards and forces pedestrian users to walk in the highway which raises pedestrian safety concerns which would be increased by the development of this site.
- 6.9.7 In response to this the applicant has suggested either the widening of the existing footway or the creation of a new section of footway within the open space south of Dovaston Court. The new footway could be provided within Council owned land

within the locally important wall and without adversely affecting the trees. This would need to be subject to separate design detailing and consultation, however this would be a solution to the issue raised locally and by the Highway Officer.

6.9.8 The Highway Officer has verbally confirmed that, in principle, the provision of this alternative footway would improve pedestrian access to the village. In addition the reduction in the scale of the development needs to be taken into account in that a development of 12 houses would result in less pressure and potential for risk of pedestrian safety issues than a development of 35 houses. In conclusion officers acknowledge that there is an existing issue with the width of the footway on the highway but consider that there is a possible solution to the issue which would make it unreasonable to refuse the application on this matter.

6.10 **Ecology and trees**

6.10.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. An ecological survey has been undertaken and submitted with the application and this has been considered by the Council's Ecologist and Tree Officer.

6.10.2 The ecology survey submitted suggests retaining the hedges and trees except where they need to be removed to provide access; notes that part of the site is a historic orchard but now only contains 3 trees which are in poor condition and is mainly grassland and used for grazing of horses; that there is one pond within 480m of the site but with barriers between and therefore not considered to be linked to the site; that the mature trees around the site have the potential to support commuting bats, possibly roosts and nesting birds. Overall the report concludes that the site can be developed without loss of habitat or significant value and without the loss of favourable conservation status of any protected species and recommends protecting trees, providing new trees, ensuring lighting is appropriate and nesting boxes.

6.10.3 However concerns have been raised by the Parish Council and residents about the impact on ecology especially Lapwing, bats and owls. The Council Ecologist has confirmed that the development of the site has the potential to affect nesting birds and bats but not great crested newts and as such has recommended conditions and informatives. The Council Ecologist has also advised that trees to be removed should be assessed for potential bat roosts and the results and any necessary mitigation submitted prior to determining the application. However, at this outline stage it is not clear whether any trees are to be removed and as such it is considered that it would not be reasonable to require this information. This is a matter which would be more appropriately done prior to submission of a reserved matters consent when it is clearer which trees are likely to be affected by the development.

6.10.4 The Council Tree Officer has advised that there are a number of significant trees present on and adjacent to this site which the development has the potential to impact upon, including the possibility of damaging them to a point that they cannot be safely retained and/or create a situation whereby the trees affect or exert an influence over the proposed development in the longer term. At the time of

determination of the application there is no information to show whether any of the important and significant trees are to be removed, but also no evidence to show that they are not. As such there is a potential harm which would result from the development in that the development of this site may have a substantial negative impact on the adjacent trees and the wider amenity and would therefore be contrary to policy CS17 with regard to trees. However, as with the potential impact on ecology this matter could be overcome with an appropriate layout and arboricultural impact assessment and as such this harm should not be given weight in the determination of the application.

6.10.5 It is officers opinion, taking into account all of the concerns raised and the professional advice from the Council Ecologist and Tree Officer that the site can be developed for housing without significant harm to protected species, their habitats or important trees. The development will alter the habitat from its existing condition but will also provide some opportunities for enhancements and as such complies with the requirements of policy CS17 and also the relevant sections of the NPPF.

6.11 **Drainage**

6.11.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. The highways and drainage report advises that the foul drainage from the development is proposed to be connected to the existing mains sewerage system and that there are a number of different connection options, either pump fed or gravity fed depending on which existing pipework is use for the connection. This would be a matter for the sewerage provider in dealing with the developers right to a connection. As no objection has been raised by the sewerage provider there is no evidence that a connection could not be made. The surface water from the development is suggested to be dealt with by soakaways or connection to the local surface water drain in Twyford Lane subject to attenuation.

6.11.2 Local representations have commented that connection to existing foul sewer will disrupt access to properties; that the existing storm drain regularly floods, is not maintained and inadequate for any additional use and; existing foul drainage on a reed bed system and would not cope. Although these concerns are noted the Council Drainage Engineer has confirmed that the drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission is granted. The scheme for drainage of the site for both foul drainage and surface water drainage would need to ensure that there is no greater adverse impact on the existing system. Surface water is not permitted to exceed existing greenfield run off rates and the foul drainage is dealt with by the sewerage provider.

6.11.3 The applicant's report has also considered the potential for flood risk and has concluded that this land will have no risk of flooding or pose any risk to areas outside of the site. As such there is no reason to consider, and no evidence to show, that the site could not be developed with an appropriate drainage system and would following development not result in any greater risk of flooding either to the application site or the wider area. As such the development of the site is

compliant with the requirements of CS18.

7.0 CONCLUSION

7.1 The site is located outside the current development boundary for West Felton as shown in the Oswestry Borough Local Plan and is therefore classed as a departure from the development plan. Although the Council has recently submitted the SAMDev Final Plan and therefore has identified a 5 year housing land supply limited weight can be attributed to the SAMDev as there are outstanding unresolved objections. Furthermore limited weight can be given to the saved Oswestry Borough Local Plan due to its age and greater weight given to the NPPF and the presumption in favour of sustainable development.

7.2 It is accepted that the site is on the edge of West Felton which is a sustainable settlement with a range of services and facilities and benefits from transport links. Furthermore the development will provide additional housing supply in accordance with national planning policy priorities and economic benefits to the village and surrounding area. The development will also provide affordable housing in accordance with Policy CS11 and infrastructure provision in accordance with policy CS9 and will not result in significant loss of agricultural land.

7.3 The amended layout reducing the number of dwellings, and the proposed financial contribution towards resolving the existing issue with the width of the footpath has overcome the concerns previously raised by officers regarding development beyond the natural boundary of the village, the cumulative impact of the current applications for new housing in the village and pedestrian safety. Although there are harms identified from developing agricultural land beyond the village and the potential impact on protected species and trees these harms are either not significant or could be overcome with appropriate details and survey work. As such it is officers recommendation that the harm does not outweigh the benefits of new housing and that, in considering the development against the NPPF as a whole, the proposal will be sustainable development and in accordance with the requirements of the NPPF.

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 three months after the grounds to make the

claim first arose 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. **BACKGROUND**

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

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
CS17 - Environmental Networks
CS18 - Sustainable Water Management

11. ADDITIONAL INFORMATION

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

Cabinet Member (Portfolio Holder)
Cllr M. Price

Local Member
Cllr Steve Charmley

Appendices
APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. Approval of the details of the siting design and external appearance of the development and the landscaping of the site (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 4 of the Development Management Procedure Order 2010 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 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.

4. This permission does not purport to grant consent for the layout shown on the deposited plan submitted with this application.

Reason: To enable the Local Planning Authority to consider the siting of the development when the reserved matters are submitted.

5. An Arboricultural Assessment, prepared in accordance with BS 5837: 2012 must be submitted with the first of the reserved matters. The layout of the proposed development would need to make provision to retain any trees identified as significant or potentially significant in the terms of public amenity or provide substantial justification and mitigation where their removal is proposed.

Reason: To ensure the protection of existing landscape and the provision of landscape enhancements.

6. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:

The number of units

The means of enclosure of the site

The levels of the site

The means of access for disabled people

The foul and surface water drainage of the site

The finished floor levels

Reason: To ensure the development is of an appropriate standard.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

7. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

Reason: To minimise disturbance to bats, a European Protected Species.

8. A total of 5 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species, which shall be erected on the site prior to first occupation of the dwellings hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species

9. A total of 10 woodcrete artificial nests, suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwellings hereby approved.

Reason: To ensure the provision of nesting opportunities for wild birds

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Committee and Date

North Planning Committee

26 August 2014

Item

6

Public

Development Management Report

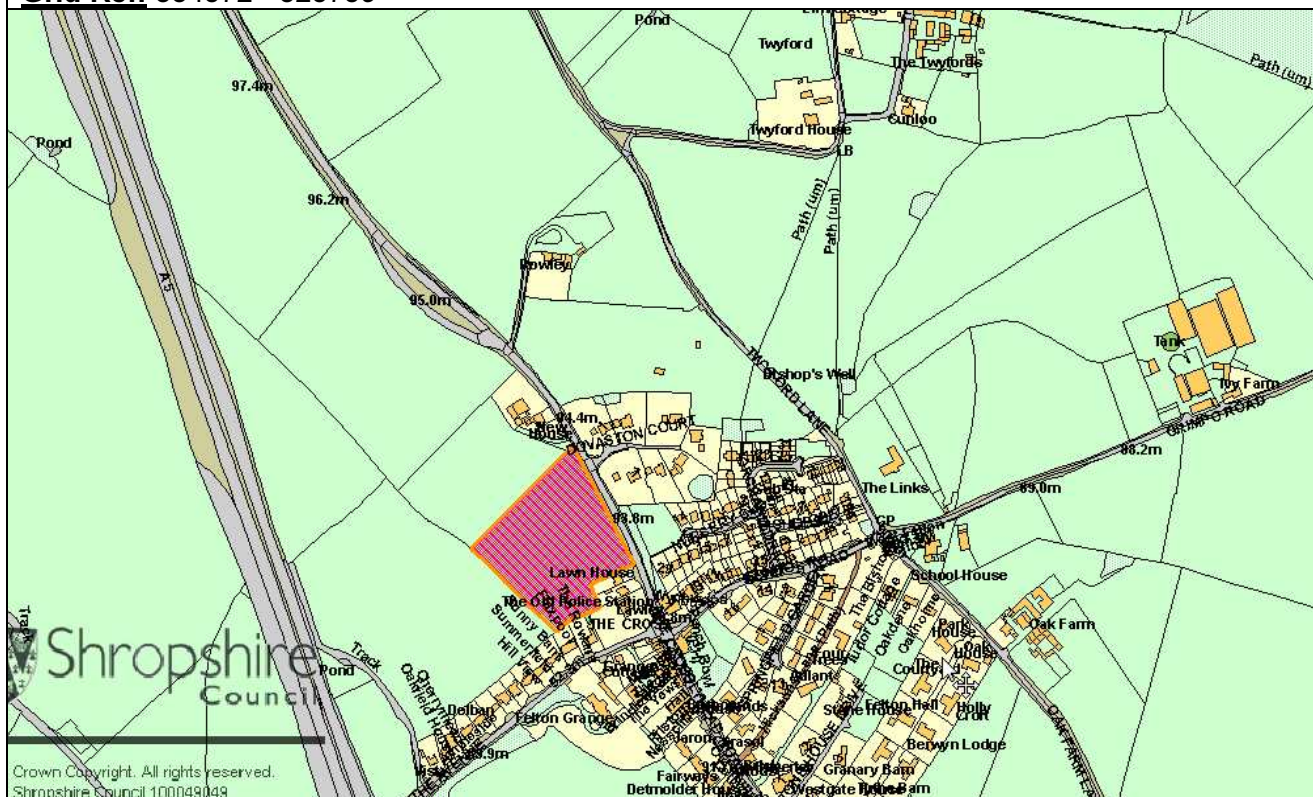
Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 14/00133/OUT	Parish: West Felton
Proposal: Outline application for mixed residential use; formation of new vehicular access and estate roads and creation of public open space	
Site Address: Development Land At The Cross West Felton Shropshire	
Applicant: Galliers Homes Limited	
Case Officer: Karen Townend	email: planningdmne@shropshire.gov.uk

Grid Ref: 334572 - 325759



Recommendation: That delegated power be granted to the Area Planning Manager to grant permission subject to no new material planning issues being raised as a result of the re-consultation on amended plans, and subject to the applicants entering into a S106 agreement to secure affordable housing at the rate relevant at the time of the submission of reserved matters and subject to the conditions as listed below.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks outline planning permission for residential development on the land off Holyhead Road, West Felton, opposite Dovaston Court and between New House and Lawn House. All matters of layout, scale, appearance, access and landscaping are reserved for later approval and as such the application seeks consent for the principle of developing the site for housing. The application form suggests 25 dwellings in a mix of 2, 3 and 4 bed properties, a new estate road and public open space. Of the 25 houses 2 are indicated as being affordable dwellings. An indicative layout has been submitted to show how 25 dwellings could be built on the site but is not for consideration at this time.
- 1.2 In support of the proposal the application has been submitted with a design and access statement, highways assessment, drainage and flood risk assessment and ecological report.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is 1.53 hectares in area and is currently in agricultural use. It is located on the edge of the existing village between the built up village and a single detached house and outbuildings. Opposite the site is the Dovaston Court development, which is a group of detached houses off a single cul-de-sac, and the open space between Nursery Close and Holyhead Road. Nursery Close is a cul-de-sac off Orchard Drive and is detached and semi detached houses in smaller plots than those on Dovaston Court.
- 2.2 The field is set at a lower ground level than the adjacent road and is enclosed with hedging. There is a grassed verge between the hedge and the road but no footpath on this side of the road.
- 2.3 West Felton is a village which was previously identified in the Oswestry Borough Local Plan as a Larger Settlement where new development would be concentrated. It currently has a school, shop, Chapel, hall and public house. The housing is a mix of the original village centred around The Cross and the small area on the opposite side of the new A5 and more recent developments. The housing does not follow any set form, design or appearance, however it is in the majority two storey.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Councillor Charmley has requested that the application be considered by the North Planning Committee to discuss the sustainability of the site and the concerns over traffic, infrastructure, school places, carbon emissions and loss of agricultural land and ecological habitat. Furthermore the Parish Council has objected to the proposed development which is contrary to the officer

recommendation.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 West Felton Parish Council – Following consultation on the amended plan and additional information commented:

WFPC has not yet had time to see the amended plans but WFPC still **strongly OBJECTS** to this amended plan for the following reasons:

- a. This application which WFPC has *repeatedly objected* to for many reasons represents 25 houses more than WFPC's SAMDev target of ZERO new houses in this village - which 89% of respondents to the updated West Felton Parish Plan state they wish to remain as *Open Countryside* with ZERO new market housing.
- b. The three new large housing estates in the village are: 35 at Tedsmore, 25 at The Cross and 12 on Twyford Lane so this *total of 72 houses* would create a significant adverse cumulative effect or "*Housing Shock*".
- c. This development would represent an undesirable extension of the village *beyond the village boundary*.
- d. *Any reduction in the width of Holyhead Road* or any introduction of other traffic calming measures on this road such as a chicane with lights or signs showing priority right of way would create problems at the best of times and *chaos* during the several times each year when traffic is diverted off the A5 through the village.
- e. WFPC fully agrees with SC's four reasons for REFUSAL namely: Visual harm to the character of a rural village by extending the built up area beyond its existing boundaries; Loss of Agricultural land; Harm to pedestrian safety; Cumulatively, with the 35 houses already granted off Tedsmore Road it would result in a significant increase in the number of dwellings with consent outside of a plan-led process with a detrimental effect on community cohesion.
- f. The amended plan only tries to address the harm to pedestrian safety and with a deeply flawed dangerous plan at that.
- g. Cllr Steve Charmley has agreed to see that if SC Officers seek to *grant* this plan it *must* go to committee.

Previous comments received:

STRONGLY OBJECTS to this plan because it is unsustainable for these reasons:

exacerbating existing traffic problems, insufficient infrastructure in the village, no places in the village school, insufficient professional jobs in the village creating extra travelling and increased carbon footprint also leading to a dormitory village scenario, adverse environmental effects upon this feeding ground for many wild species including endangered birds, loss of prime agricultural land.

Additional reasons for WFPC'S STRONG OBJECTION are as follows: the volume impact of all these houses being built all at the same time would have an adverse effect upon the existing village community and village life, it would also be contrary to the expressed wishes of the vast majority of the local inhabitants, and it negates our SAMDev status of Open Countryside.

West Felton Parish Council strongly objects to this proposal for speculative development on the grounds that this development would form yet another test case, where if permission were granted this development would cause demonstrable harm to the village as it would be contrary to the policies and principles of sustainable development as documented in the National Planning Policy Framework (NPPF), adopted Core strategy and SAMDev.

Over the last 25 years 270 houses have been built in the parish, a 75% increase from 1988 house numbers, 214 of these have been built in West Felton Village almost trebling its size. In 2005 parishioners were asked about the future direction housing should take within the parish as part of the consultations for the current Parish Plan. 73% of respondents stated they wanted to see no more development in the village for the next local plan period as the village should be given some 'breathing space'.

With this in view West Felton Parish council expressed the overwhelming feelings from the Parish to Shropshire Council that West Felton should become Open Countryside to the period to 2026. This has now been carried forward through at least three rounds of public consultation. A poll was carried out in March 2013 asking residents if they still wished West Felton to be carried forward as Open Countryside or to become a Hub or Cluster, out of 402 responses returned, 384 (95.5%) responses expressed the view to maintain Open Countryside. This is conclusive evidence of the wishes of villagers of this resilient community, who through localism and engagement in the parish planning process should be listened to and their wishes acted upon.

We believe that the National Planning Policy Framework does not change the statutory status of the development plan in Shropshire as the starting point for decision making. Proposed development that conflicts should be refused unless other material considerations indicate otherwise. The adopted core strategy is in full conformity with the NPPF, therefore the NPPF does not indicate otherwise, furthermore the Core Strategy is of recent adoption following all the necessary legal and policy steps – an up to date local plan.

Page 28/29 of the Core Strategy States that: *“ In rural areas, new development of a scale and location appropriate to the size, role and function of each settlement will have delivered significant community benefit, helping places to be more sustainable”*

Policy CS2 states *“ Develop the role of Shrewsbury as a sub regional centre, and Shropshire’s market Towns and key centres as more sustainable and self sufficient settlements, providing the main focus for new housing, employment and infrastructure development and the preferred location for a range of services and facilities to serve the wider needs of their respective hinterlands”*

Para 49 of the NPPF states that *“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”*.

The Shropshire Site Allocations and Management of Development (SAMDev) Plan

complements the core strategy by identifying the sites that will meet the agreed core strategy vision and housing requirements – the SAMDev plan is at an advanced stage, having undergone three stages of public consultation, and most importantly exists in the context of a recently adopted Core Strategy and a positive approach towards delivery.

Para 216 of the NPPF states that: *“Decision takers may also give weight to relevant policies in emerging plans according to: 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 the degree of consistency of the relevant policies in the emerging plan to the policies in the framework the greater weight may be given.

The Planning Minister, Nick Boles, has recently confirmed that emerging plans may be afforded some weight (Hansard 17th July 2013), stating that, “We will make it clear that once a plan has reached the point that, first it has become specific and secondly, it has gone through a fairly substantial level of public consultation it will be come something of real materiality – to use a lawyers phrase – as a consideration in decision making”

It is Shropshire Council view that the SAMDev plan has reached this point being settlement and site specific and having undergone very substantial public consultation, namely three months of Issues and Options consultations in spring 2012 and eight weeks of revised Preferred Options consultation in July / August 2013

In view of the above, West Felton Parish Council considers that there is a very clear case for refusal of this application even before sustainability factors are considered.

Sustainability

Para 14 of the NPPF states: *“The Policies in Paragraphs 18-219 of the NPPF taken as a whole constitute the Governments view of what sustainable Development in England means for the planning system”*.

Presumption in favour of Sustainable Development or is the proposal “sustainable”? Sustainable means as defined by the UK Sustainable Development Strategy *Securing the Future* sets out five guiding principles of sustainable development.

- Living within the planets environmental limits;
- Ensuring a strong, healthy and just society;
- Achieving a sustainable economy;
- Promoting good governance;
- and using sound science responsibly

Para 14 of the NPPF states that *“at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should*

be seen as a golden thread running through both plan-making and decision-taking”

For decision taking this means: Where the development plan is absent, silent or relevant policies are out of date, granting permission unless: - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

West Felton Parish Council feel that the adverse impacts of this scheme far outweigh the benefits (of which we struggle to find any for the community) and that demonstrable harm to the village will be caused if permission is granted.

They Include:

1. Promoting long distance commuting to work (dormitory villages) West Felton is not well placed for large scale housing development as there are few employment opportunities, (if any in the village) and few services / shops within the village, therefore the village will act as a dormitory village promoting car travel and increasing carbon dioxide emissions - this cannot be ignored as since sustainability is the golden thread it must be given significant weight. Dormitory villages are not sustainable and do not promote a sense of community spirit and were specifically excluded as an option for village development right at the start of the Core Strategy consultations.

- 2 Loss of the best and most versatile agricultural land - Para 112 states: *“Local Planning Authorities should take into account the economic and other benefits of the best and most versatile Agricultural land. Where significant development of agricultural land is demonstrated to be necessary local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.* The site forms part of the open countryside and is situated on some of the best quality agricultural land in the locality, (thought to be Grade 2) as demonstrated by the site been flat, level, with deep soil, fertile, very free draining and relatively stone free. It is able to be cultivated or grazed for 12 months of the year. There is also no evidence that land of this quality is essential and *demonstrated to be necessary* to be used for development, as other sites of much lower quality have already been put forward and accepted in the Oswestry Area through the SAMDev process and will meet the projected housing growth to 2026

3. Capacity of School - West Felton School is over capacity – any further development in the village will increase out commuting to take / collect children from school promoting car travel and increasing carbon dioxide emissions - this cannot be ignored as since sustainability is the golden thread it must be given significant weight.

4. Congestion at A5 Junctions Weirbrook / Queenshead - Queenshead junction over the years has had a proven track record as an accident black spot with many fatalities since its construction. This development is at the North of the village and as such the use of the Queenshead Junction will be much increased by some 50 + additional cars. At peak times there are significant queues to get onto the A5 which lead to drivers taking chances and on some occasions causing accidents. This development will increase the

problems of congestion at this junction.

5. Effect on the amenity and wellbeing of residents through the connection with the Countryside. - Throughout the Parish plan consultations, a major factor that has dominated public engagement sessions is resident's connection with the surrounding countryside. Building a large estate in this location will cause demonstrable harm to the village amenity and the wellbeing of nearby residents. We strongly feel that a massing of residential properties in this location will create Urban Sprawl and remove the intrinsic beauty of the connection with the countryside that can be viewed as you travel north out of the village. Para 109 states that: *"The planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscape, geological conservation interests and soils."*

6. Effect on Wildlife - Whilst it is accepted that this site is Agricultural land, local evidence suggests it is a valuable feeding ground for Lapwing (which have also nested previously) and has been for at least 30 years. Large flocks of Fieldfare, Redwing and Starlings are seen on a daily basis visiting the site as the farming methods employed have directly led to a good source of food. Barn Owls are also seen regularly during the evenings hunting along hedgerows around the site. We therefore consider this site to be valuable for the maintenance of species that have been shown to be in serious decline on a national basis.

West Felton Parish Council is concerned that we now have developers seeking piecemeal, green field sites, such as this application site which are not related to Shropshire's development plan which has established through much public consultation sustainable sites to meet the needs of Shropshire to 2026. This application is not based on any evidence of housing need for the village nor has it been consulted upon at a pre application stage in clear contravention of Para 66 of the NPPF *'Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of views of the community'*

The current situation relating to the 5 year housing land supply probably wont increase the numbers of houses built but will give developers an opportunity to ignore identified sites in preference to more developer led, unplanned but profitable Greenfield sites in open countryside – this is what is now proposed for West Felton.

Wages are generally low, and employment opportunities limited in the former Oswestry Borough area. We believe that this proposal will attract people from outside Shropshire who will then commute considerable distances to their place of employment creating a dormitory village. This is not good planning in the 21st century when sustainability must be a material consideration, SAMdev has real 'materiality', to grant permission would harm the public perception of the planning system, which is harm to planning itself and peoples perception of a just society. We request that this application is refused so that the important planning principles involved can be tested at appeal if necessary.

WFPC Additional Objection to Planning Application 14/00133/OUT

This Parish Council has already objected strongly to Shropshire Council Planning application 14/00133/OUT. This additional notification is to evidence the reasons for those objections with reference to the National Planning Policy Framework (NPPF) and other relevant Planning related guidance.

Traffic - It is noted that the Highways Agency are not able to comment upon Planning applications of less than 50 houses. This means that the potential safety implications of cumulative applications for more than 50 houses can be hidden. Recently Planning application 13/01221/OUT has been approved for 35 houses and 4 commercial units. The additional 25 houses subject of this application means a potential addition of 60 houses and 4 commercial units.

We therefore request that Highways Agency are informed of the combination of these 2 applications, in the sure knowledge that more potential applications of this type, from the same or other applicants are waiting in the wings. This is covered in NPPF para 32, bps 2 and 3. The additional weight of traffic, particularly on the dangerous Queens Head/A5 junction is drawn to the attention of planners and the Highways Agency. How many small applications will it take to have a proper assessment of traffic infrastructure needs?

There is also particular concern at the immediate environment of access from this site on and off Holyhead Road. The lack of proper pavement on the western side of Holyhead Road in this vicinity means that pedestrians using the site will be forced either to cross the road more frequently, merely to find access to a full pavement but with an intention to cross back to the western side of the road to access the current local village centre shop premises, or such future shop premises as may exist in that location.

Agricultural Land Grade - This Council is aware, from information from a national soil laboratory, that the agricultural land grade of the site is at least grade 3a and probably grade 1. Each of these grades is defined with Planning Policy Statement (PPS) 7 as being "The best and most versatile land." This is considered in NPPF paras 17, bp 7, 109, 110 and 112. Such land is offered protection from development, in that the need to develop agricultural land should first be demonstrated and, if needed for development, then land of poorer quality should be used in preference to that of higher quality. This Council demands that the applicant, at their cost have the land surveyed to determine its proper agricultural land classification and that the determination of this application awaits the results of the relevant survey.

This will serve to educate not just on this application, but also on potential other, cumulative applications in a similar location, such as those adjacent to this site. We owe it to our future generations to preserve our best quality agricultural land. On page 2 of NPPF is quoted "Resolution 42/187 of the United Nations General Assembly, (which) defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs."

School - We are aware that West Felton CoE Primary School has recently had new extensions to cover the needs of the existing school role. CIL funds of

£75,000 have been earmarked by SC's education authority from application 13/01221/OUT to cover the additional school influx likely from that development. These additional 25 houses will put even more pressure on the school. This is covered by para 72 of NPPF.

CO2 emissions - NPPF devotes many paragraphs to the need to use Planning to reduce the nation's carbon footprint; notably NPPF paragraph 7, bp 3 and in paragraphs 34, 37, 93 and 95. The village of West Felton is already a dormitory village, with people travelling long, unnecessary distances for work, secondary schools, shopping and most leisure. The creation of dormitory villages is against this NPPF guidance. The environmental role in development, with the economic role and social roles is equal are mutually dependant; para 8 NPPF.

Democratically expressed local wishes - West Felton's 2005 Parish Plan is still extant and, up to date. Despite that a new parish Plan is being worked on. In the first Parish Plan 75% of people expressed their wish for no further large-scale development in the parish. The recent Parish Plan conducted a poll, which showed that 95.5% of the survey respondents (45% of Parish adults) were opined against further large-scale development. It is accepted that the lack of Shropshire Council's ability to meet its 5 year housing land supply means, according to NPPF para 49 that, "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

However, NPPF para 17, bp 1 defines the need for, "...empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area." West Felton's plan is up to date. Paragraph 69 of NPPF requires local authorities to, "...involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning." Bearing in mind the amount of work already undertaken by West Felton's Parish Plan group, the determination of this application, against the clear majority wishes of residents, is a 'slap in the face' for this process and can only make it more difficult to encourage people to continue this vital work.

Biodiversity - The site is one locally renowned for wild birds which fill the old, well-established and therefore good habitat hedgerows on this edge of village site. This is covered by para 109 of NPPF bp 3. Para 110 says, "Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework." Development here would go against this principle. This Council requests a wildlife survey of birds in the vicinity of this site to determine is worth to biodiversity and the need to protect species such as Lapwing, which are regularly seen in the vicinity, as guided by NPPF para 117 bp 3.

Edge of Village - Core Strategy 17 at para 7.8 refers to promoting and maintaining links between urban areas and the adjoining countryside. This application, if granted will have the reverse effect, severing the existing, edge of village link between the urban area and surrounding countryside.

Pre application engagement and front loading - This Council wishes to point out

that there has been no community engagement about this application, as is advised in NPPF paras 188-190. This has already caused considerable resentment in the village and does not bode well for local views about the application.

WFPC further objection

The Planning Practice Guidance was published on 6th March 2014, giving greater clarity to a range of material planning considerations. West Felton Parish Council ask that in light of this new guidance that further assessments are now carried out for the two yet to be determined applications above, with particular reference to the impact of cumulative developments on a settlement.

Planning Practice Guidance 2014

This guidance gives additional information to inform para 32 of the NPPF, Under Transport Assessments (Para 13) Reference 42-013-20140306 bullet 6 and 7 it makes reference to specific situations where Transport assessments are needed which are very important to all the applications in West Felton because of the affect on the junctions with the A5.

Bullet point 6

Relates to the need for a TA where the cumulative impacts from multiple developments are situated in a particular area.

Bullet point 7

Relates to whether there are particular types of impacts around which to focus the TA or statement such as assessing the traffic at peak times.

Although the DOT have signed off the application at The Cross, in light of this new guidance, as the housing numbers at the Cross and Tedsmore Road exceed 50 dwellings, (not to mention Twyford Lane) cumulative impacts now need to be taken into consideration at the A5 Junctions, before a decision is reached.

We also believe that due to the presence of protected bird species on both Twyford Lane and The Cross application sites, there is a requirement under Habitats and Wild Bird Directives to ensure a proper survey is carried out.

We also reiterate that full Environmental and sustainability surveys are carried out in respect of:

- The Best and Most Versatile agricultural land
- Climate Change
- Carbon reduction

We are aware that clearly the site for 13/01221/OUT had previously been identified in the SHLAA as appropriate for the full process of Environmental Impact Assessments by Shropshire Council under their adopted Planning and Local Plan procedures. The site has been through the stage 1 process and had been identified as ready for the stage 2 process. Obviously the stage 2 process did not happen.

Also it is now clear that Shropshire Council during the relevant stage 1 assessment referred to the parcel of land since subject to application

13/01221/OUT as “The Best and Most Versatile Agricultural Land” and was also aware that the ‘Twyford Lane’ application is on land of a similar quality.

- 4.1.2 **Learning and Skills Officer** – The school is more than full and any additional pupils from housing will exacerbate the overcrowding problem. If we were to provide a new classroom, which forecasts suggest we will need to, then we could be looking in the region of a £300k cost, particularly in the light of the difficulties of the site. In which case, it may be fairer on the proposers, but yet still feasible from an education viewpoint, to adapt/extend the current building in other ways. In order to generate funding for this, I have used our calculation formula that tells us how many school pupils we are likely to get from each development and multiplied that by the government’s per place figure. This is the regular way we work out a precise cost in these matters. For the two proposed developments above, the figures produced in this way are:

Twyford Lane (5-6 pupils): £67,213
The Cross (4/5 pupils): £52,510

If these sums put the CIL premium from each development in difficulty, is there an S106 route?

- 4.1.3 **Conservation Officer** – Does not consider that the development will have an adverse impact on the setting of the heritage assets in the vicinity and therefore does not wish to comment any further on the application.
- 4.1.4 **Affordable Housing Officer** – 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.
- 4.1.5 **Highways Agency** – The supporting documentation with this application states that there will be 25-30 trips in the peak hour and approximately 175 movements per day. DfT circular 02/2013 states that “a development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe”. The impact of this development and the recent Tedsmore Road development, individually and cumulatively, is not considered severe.

In addition, the A5 Queens Head and Weir Brook junctions are not considered to be operating at capacity.

It should also be noted that Amey are undertaking detailed design for a safety improvement scheme at Queens Head junction. This is in response to a small number of previous incidents predominantly involving drivers turning right into Holyhead Road. Construction is currently due to take place in the summer.

As the impact of the development is not considered to be severe and the safety of

Queens Head is to be improved further by a scheme currently in the development, the Highways Agency offers no objection to this planning application.

- 4.1.6 **Highways Officer** – Verbally confirmed that the amended plan resolves the concerns raised previously regarding pedestrian safety. Formal update to be provided at the meeting.

Access

Whilst the application seeks permission for residential development of the site, all matters are reserved for subsequent approval. Nevertheless the application submission provides an indicative layout in order to demonstrate that a satisfactory access to the land can be achieved in accordance with acknowledged highway standards and to the appropriate criteria based upon the site being located within a 30 mph speed limit. Moreover, although the indicative plan indicates the potential provision of 2.4 x 43 metres visibility splays in both directions, appropriate to 30 mph traffic speeds, in reality splays well in excess of 43 metres would be available from a centrally positioned access point. The highway authority conclude therefore that a satisfactory means of access to the site can be achieved.

Traffic

As with the previous housing application on land adjacent to Tedsmore Lane, concern has again been raised regarding the impact of additional traffic on the highway network including the cumulative impact upon the Trunk Road junctions on to the A5. The latter is a matter solely for the highway agency and I note their consultation response dated 4 April.

Insofar as Shropshire Council as the local highway authority is concerned in relation to the local highway network, it is considered that the traffic likely to be generated by the development of the site can be accommodated without an adverse capacity or safety impact. This acknowledges the cumulative impact of the permitted site at Tedsmore Lane and further development being promoted in respect of current application 14/00734/OUT. The highway authority advise that any objection based upon highway safety or traffic impact would not be sustainable.

Accessibility and Sustainability

From a transport perspective, West Felton can be considered a sustainable location in terms of access to a school, church, local shop and recreational facilities. All these facilities are within reasonable walking distance of the proposed development site.

Public transport service 70 operates on a half hourly basis between Shrewsbury and Oswestry, stopping at the Punch Bowl PH within West Felton.

Based upon the above the highway authority do not fundamentally question the sustainable credentials of this site in terms of the availability of local services within reasonable walking distances and public transport provision to travel to Oswestry and Shrewsbury.

- 4.1.7 **Ecology Officer** – No objection subject to conditions and informatives.

The site has the potential to support nesting birds. The hedgerow boundaries to the north and west of the site are to be retained. The hedge to the east of the site, the frontage, is to be replaced. In order to enhance the site for biodiversity a landscape plan should be submitted. New hedgerow planting should be of species rich, native, local species variety and artificial nests should be provided.

The site has the potential to support foraging and commuting bats and as such bat boxes should be provided.

The pond at 180m west of the site was assessed as being dry in 2011 and 2014. No further GCN survey work is required to support this application.

4.1.8 **Shropshire Wildlife Trust** – Shropshire Wildlife Trust has a number of concerns relating to this development. However given the limited ecological value of the majority of the site we are not lodging an outright objection.

The ecological survey report accompanying the application is somewhat questionable and the Planning Authority should carefully consider whether it is adequate to fully inform the planning decision. Limitations of the report include:

- It was not undertaken at the most appropriate time of year and appears to have involved little survey effort.
- Desk study using limited NBN data, which requires written permission prior to use for commercial purposes. A more thorough search would have revealed an historical record of an Annex 2 bat species (Lesser Horseshoe Bat) in the immediate vicinity.
- There was no habitat suitability index assessment undertaken on the ephemeral pond for great crested newts.

We have also been alerted to:

- Lapwings, fieldfares, redwings, and starlings present on the field.
- A pair of barn owls regularly seen feeding along the hedgerows.
- Bat Roosts in adjacent properties.
- Potential impacts on mature oaks if access footpath to village requires upgrading – this does not appear to have been covered by the survey.

Should the application be granted permission we recommend that the following conditions are required:

- Hedgerows are retained (replacement of boundary hedge along the Holyhead Road frontage should be prior to the removal of the existing hedge) .
- Public Open Space provides biodiversity enhancements and is subject to an ecological management plan.
- Features for bird nesting / bat roosting are built into the properties.

4.1.9 **Drainage** – **The drainage details, plan and calculations could be conditioned** and submitted for approval at the reserved matters stage if outline planning permission is granted.

The Highways and Drainage Report outlines some of the sustainable drainage systems (SuDS) to be explored for use on the site. Full details, plan and calculations of the proposed SuDS should be submitted for approval. This should illustrate how the development will comply with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework for the particular flood zone / site area and Shropshire Council's Interim Guidance for Developer, and how SUDs will be incorporated into the scheme. As part of the SuDS, the applicant should consider employing measures to reduce surface water.

As stated in the Highway and Drainage Report, soakaways will be investigated in the first instance, which should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway

Confirmation is required that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

Consent is required from the service provider to connect into the foul main sewer. If the service provider is Welsh Water, Section 104 Agreement has to be in place before any physical work on the drainage system can start on site.

4.1.10 **Severn Trent** – No objection subject to a condition to require details of the drainage plans for surface and foul water to be submitted for approval.

4.2 **Public Comments**

4.2.1 54 letters of representation have been received raising the following concerns:

- Site is outside the development boundary
- Will extend beyond the current village
- Loss of countryside
- Layout suggests further development beyond the application site
- Proposed density out of keeping with nearby developments
- No need for more housing in the village
- No jobs in the area
- Would result in increased commuting and carbon emissions
- Increase pressure on the junctions onto the A5
- Increase traffic through the village
- Village is used as a diversion when there is an accident on the A5
- The road from the village hall to the Cross is regularly congested with parked cars
- Current traffic speeds
- Pedestrian access dangerous
- Footpath to shop and school is only 600mm wide in parts

- Village school is over subscribed and no medical facilities
- Adverse impact on neighbouring properties
- Loss of enjoyment of gardens
- Loss of privacy and views
- Land is of excellent agricultural value – grade 3a
- Impact on wildlife, noting barn owls and Lapwings
- Loss of historic hazel hedge and any replacement would take decades to mature yet may be removed or altered by future residents
- Pressure on sewerage system, water and electricity
- Risk of flooding

4.2.2 An objection has also been received from CPRE Oswestry stating similar issues to those above.

4.2.3 One letter of support has been received on the following grounds:

- The village is well located, not too far from a market town and on a bus line
- There is a school
- The village has space

5.0 THE MAIN ISSUES

- Policy & principle of development
- Is the site sustainable?
- Economic considerations
- Social considerations
- Environmental considerations
- Layout, scale and design
- Impact on residential amenity
- Highways, access, parking and rights of way
- Ecology and trees
- Drainage

6.0 OFFICER APPRAISAL

6.1 Policy & principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 The NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking (para. 14), so it applies, as a material planning consideration, in any event. The NPPF specifically aims to 'boost significantly the supply of housing' therefore, the fact (and degree)

that a proposed development helps to boost housing supply is a significant material consideration to which considerable weight must be attached. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply.

- 6.1.3 In September 2013 the housing land supply in Shropshire fell below the 5 year requirement. This has now been updated following the submission of the SAMDev Final Plan to the Planning Inspectorate. The Council is now in a position that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. However, in calculating the 5 years' supply the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies as there are significant unresolved objections which will not be resolved until the public examination and adoption of the SAMDev. It is not until adoption that full weight can be given to the SAMDev.
- 6.1.4 In the intervening period between submission and adoption sustainable sites for housing where the adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF. As such it remains officer's advice that it would be difficult to defend a refusal for a site which constitutes sustainable development and that the presumption in favour of sustainable development at paragraph 47 of the NPPF is given greater weight than either the adopted or forthcoming policies. The NPPF does not permit a housing development free-for-all, the principle issue for consideration is whether the development is sustainable or not when considered against the NPPF as a whole. As such a development which is not sustainable can be refused against the NPPF but officers advise that caution should always be taken when considering refusal against the NPPF. Paragraph 14 advises that the adverse impacts of granting consent would need to significantly and demonstrably outweigh the benefits.
- 6.1.5 It is acknowledged that the site is outside the development boundary previously set within the Oswestry Borough Local Plan. As such the application has been advertised as a departure from the adopted local plan and would not normally be supported for development. However, these policies are at risk of being considered "time expired" due to their age and the time which has lapsed since the end date of the plan. Officers therefore advise that it is appropriate to assess this site within the context of the 'presumption in favour of sustainable development'.
- 6.1.6 The Parish Council and local residents have commented that the site is contrary to their SAMDev allocation as open countryside. This is also acknowledged, however at this time the SAMDev still holds little weight as has not yet been submitted for examination by the planning inspectorate. Once submitted, the weight which can be accorded may increase but it may then be reduced as regards the policies or elements of the plan which have attracted objections and which need to be resolved at examination. On this basis it would be difficult to attribute any significant weight to the designation of West Felton as open countryside until objections to that designation have been resolved. Officers are sympathetic with the local community and the work which has been done to get to the position of wanting to be open countryside and the work that the community plan to do in the future.

- 6.1.7 Policy CS6, amongst a range of considerations, requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Policy CS7 states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services. And policy CS9 states that development that provides additional dwellings or employment premises will help deliver more sustainable communities by making contributions to local infrastructure in proportion to its scale and the sustainability of its location.
- 6.1.8 Given the above, whether the site is appropriate for development rests on whether it is considered sustainable. The presumption is in favour of sustainable development as tested against the NPPF as a whole. The three dimensions of sustainable development; economic, social and environmental all need to be considered jointly and simultaneously in reaching a judgement about sustainability (NPPF paragraph 8).
- 6.2 **Is the site sustainable?**
- 6.2.1 The objections from West Felton Parish Council and local residents consider that the site is not sustainable on the grounds that it is distant from supermarkets, employment opportunities and other types of services and facilities and the associated increase in vehicle movements and emissions. Objectors consider that this would be contrary to National policies and adopted core strategy policies in relation to impact on climate change. Objectors consider that West Felton is a dormitory settlement for other employment centres and that the level of house building within the last 25 years has led to the settlement reaching its optimum size. In their opinion the capacity of the existing services and infrastructure have been met and the village does not need any more housing to help with its sustainability. Furthermore concerns are raised about the potential for further housing development pressure in the village.
- 6.2.2 Whether a site is sustainable is not judged purely on the distance from services, facilities or employment. The Council's adopted Core Strategy sets out the principle that new housing development will be supported in designated Hubs and Clusters and as such to say that a site is not sustainable because it is located within a small village or community with limited facilities would be contrary to this part of the Core Strategy and the approach taken in SAMDev of allocating housing in some rural settlements. Furthermore, the NPPF at paragraph 55 acknowledges that development in rural areas can support services and urges that it should be located where it can maintain and enhance the vitality of rural communities. The distance from services, facilities and employment is one of a number of factors to be taken into account when undertaking the planning balance. Alongside issues of impact on highway safety, ecology and development of agricultural land.
- 6.2.3 The agent has submitted a statement in response to the concerns raised by the Parish Council, and local objectors, noting the presumption in favour of development within the NPPF and that limited weight can be placed on the SAMDev. They have also noted that there is no definition within either the Core Strategy or the SAMDev as to the level of services and facilities, population or any

other criteria to determine whether a settlement is sustainable or not and that the SAMDev has been formulated on the basis of the views expressed by Parish Councils rather than an assessment of sustainability. The agent has also noted within the submitted Design and Access Statement that, although West Felton Parish Council have indicated that they wish to be open countryside and not have any further development, West Felton is one of the larger villages in the Oswestry area and has a range of local services and facilities.

- 6.2.4 Paragraph 7 of the NPPF sets out the three dimensions to sustainable development and provides an overview of what is considered to be the economic, social and environmental roles of the planning system.
- 6.2.5 However, this is also not a free for all and the cumulative impact of additional new housing is also a material consideration. Recent planning inspectors' decisions have taken into account the adverse impact of increasing the number of dwellings in a settlement, outside of the plan making process, as a material consideration. Substantial increases in residences could result in harm because of the need to allow time for proportionate increases in infrastructure and for the community to adapt, and the possible adverse impact on community cohesion. Developments such as this can be required to contribute to improvements in local infrastructure so far as they are needed to mitigate the effects of the specific development and it is acknowledged that CIL payments can address this. However the benefit of plan led development is that it can be brought forward with any necessary supporting infrastructure.
- 6.2.6 While West Felton may have some capacity to accommodate new housing the capacity is not limitless. The 2011 census for West Felton recorded 600 dwellings, including the area of West Felton on the opposite side of the A5. The recently approved scheme at Tedsmore Road approved 35 houses, which would equate to an increase of 5.83% and there are other consents which have been completed since 2011. The current proposal would add a further 25 houses and therefore an increase on the 2011 census figure of 10%. The agent is seeking to argue that this is not a significant increase in the number of houses, however officers consider that this increase outside of the plan led process is an adverse impact of the development which is a material consideration to be weighed against the development in the overall planning balance albeit not a matter which on its own outweighs the need to provide additional housing.
- 6.2.7 In response to notifying the agent of the above concern the agent has commented that the development of the site, although within the control of a house builder, would be market led. The agent considers that it is unlikely that the 25 houses would be built all at once and that it is more likely that there would be a slower provision of new housing at approximately 6 dwellings per year. This may provide members with some assurance that the impact on the community cohesion is not likely to be severe. Although this is not a matter which would be reasonable to control by condition the identified harm resulting from this development may not be as severe as it could be and would need to be balanced against the benefits.
- 6.2.8 It is also acknowledged that the application at Tedsmore Road, which has now been approved, will increase housing numbers as detailed above. On their own any one of the three applications, Tedsmore Road (13/01221/OUT), The Cross

(14/00133/OUT) or this application at Twyford Lane (14/00734/OUT), would increase housing numbers but not to an extent which officers consider would tip the balance of the material harm to the village. The amended scheme reducing the number of houses has also now reduced the potential cumulative impact of recommending consent for this development and the application at Tedsmore Road, which has been permitted.

6.3 **Economic considerations?**

- 6.3.1 Within the design and access statement the agent has noted that, as the developer has an option on the site, that early commencement of the development can be assured. The agent also notes that the new housing will support the village shop and that the village is served by Arriva Bus 70 which connects the village to Oswestry and Shrewsbury and other surrounding villages regularly through the day. It is accepted as the government has made clear that house building plays an important role in promoting economic growth to which significant weight must be given and as such weight should be given to the benefits of boosting housing supply and the economic gains from housing.
- 6.3.2 Given the concerns raised by the Parish Council and local residents about the reliance on the private car and as such the increases in traffic and CO2 emissions officers have considered the opportunities for non car based travel and can confirm that buses from Oswestry stop in West Felton adjacent to the Punchbowl Inn from 7:05 at least once an hour up to 18:35 and from Shrewsbury from 8:11 to 19:41. The journey from West Felton to Shrewsbury takes approximately 32 minutes and the journey from West Felton to Oswestry takes approximately 26 minutes and also stops outside Oswestry College. This provision is very good in comparison to large parts of the rural areas of Shropshire and officers consider that weight can be given to the opportunities for bus travel from and to West Felton. The residents of West Felton do not have to rely on the private car as many other areas of rural Shropshire do.
- 6.3.3 To require all development to be close to employment and all services and facilities would restrict the areas in which development could be provided to Shrewsbury and possibly Oswestry, though objectors have questioned whether Oswestry has sufficient employment. This restrictive approach would not be sustainable in itself and it would not promote rural rebalance or help with the sustainability of the remainder of Shropshire. The principles set in the Shropshire Core Strategy allow for development in Hubs and Clusters, some of which are much smaller areas with less services and facilities than West Felton and with no public transport links. As advised on the previous application at Tedsmore Road, officers consider that West Felton is a village which could support additional housing and which with new development could enhance the existing services and facilities it has.
- 6.3.4 Although, as advised above, it is accepted that the capacity for new housing in West Felton is not limitless and the local community already consider that it has reached its limit in their request to be considered as countryside within the SAMDev, the scale of development proposed is not considered to be substantial, either on its own or cumulatively with the other proposals, and is not considered to not result in significant development in the village.

6.4 **Social considerations?**

- 6.4.1 The development will provide additional housing including affordable housing. Of the 25 houses indicated, two would be affordable units and there would also be a requirement to pay a financial contribution to provide the 10% affordable housing as required by the current supplementary planning document. However, as an outline planning application the level of affordable housing to be provided would have to comply with the requirements set out in the SPD at the time of the reserved matters application. This may increase or decrease but as an outline the S106 would require the affordable housing to comply with the SPD. The provision of housing is itself a material consideration and is a clear benefit which should be given significant weight in the determination of the application. The acceptance by the developer to provide affordable housing should also be taken into consideration. In addition to the affordable housing the proposal includes an area of open space, which can be provided with a local area for play (LAP).
- 6.4.2 Concern has been raised by the Parish Council and local residents about the capacity of the village school. This concern is noted and if there is inadequate infrastructure to serve the development it could be a harm weighing against the development. However, the development proposed would provide a mix of house sizes and types and may also be occupied by families whose children are either already at West Felton School or do not wish to move from the school they are attending. The Council Education Officer advised that for a development of 35 houses the predicted new school place requirement would be 4/5 places. As required by policy CS9, the development of this site would be required to contribute to infrastructure through the payment of the Community Infrastructure Levy (CIL). The agent has estimated that for 25 houses the floor space would be around 2531sqm and therefore a CIL payment of £80 per sqm would be £202,480 which could be used to contribute towards the enhancement of the existing school alongside other infrastructure projects in the local and wider area.
- 6.4.3 Currently the Oswestry and Surrounding Area Place Plan does not list improvements to West Felton School to increase pupil places as a priority, although the Learning and Skills Team is currently updating its priorities for the Place Plans. Any additional funding required would need to be identified as a priority infrastructure requirement in the Place Plan and CIL proceeds allocated for that purpose. If planning permission is granted for the development on the basis that it is necessary for the additional education funding to be provided, then this item and the associated financial contribution will be fed into the annual review of the Place Plan as a result of being identified through the development management process, and funding allocated accordingly. This approach was agreed by the Portfolio Holder's decision in the report dated 14th February 2014 (see Section 4 Governance arrangements for projects not included on the CIL List).
- 6.4.4 The potential impact on the school places could be a harm which would weigh against the development, but may be balanced out by the benefits gained from the CIL contribution. As such little weight can be given to this potential harm as there is no evidence that the CIL contribution would not overcome the harm. The provision of market and affordable housing and CIL contributions are social benefits which can be afforded positive weight in the determination of the application.

6.5 Environmental considerations?

- 6.5.1 Concerns have been raised about the development of this site which is on agricultural land; outside the existing village boundary, beyond existing housing; will impact on the amenities of the village as a whole and specifically on the amenities of the residents adjacent to the site; will be detrimental to highway safety, both locally and in the wider area due to increase in traffic at the junctions with the A5; and significantly impact on ecology through the loss of feeding ground for bird species on the at risk register, the habitat of owls.
- 6.5.2 It is acknowledged that the development will be on agricultural land which is currently on the edge of the village however the agent has commented that, in his opinion, this would not prevent views of the countryside from the village, the development will extend the village but it will still be surrounded by open countryside and the agent considers that it would still retain strong visual links with the countryside.
- 6.5.3 The Parish Council have, as with the application off Tedsmore Road, objected on the grounds of the loss of agricultural land quoting paragraph 112 of the NPPF and noting that this application site is very good land which is flat, free draining and has been seen to be used for crops and grazing all year round, including during times of high rainwater. They have commented that the land may be grade 2 or 1 but the evidence which they have since submitted, which they received from Natural England, relates to a survey of some of the land around West Felton by MAFF in the 1980's. The information is acknowledged by the Natural England advisor who sent it to the Parish Council that it may not be accurately representative of the soil classification today. Furthermore the application site was not specifically assessed at that time. As such it is not clear what grade of agricultural land the application site lies within.
- 6.5.4 The current map provided on the Natural England website shows the land to be grade 3 but does not confirm whether it is 3a or 3b and without an up to date assessment it is not possible to confirm whether it is 3a or 3b. Although the Parish Council consider that an up to date survey should be undertaken the NPPF does not prevent development of agricultural land, or require a sequential approach to the development of agricultural land. It seeks to protect the "best and most versatile" land from significant development.
- 6.5.5 As with the application at Tedsmore Road there are three issues here, firstly planning inspectors decisions has established that the need for housing is considered to be demonstrating the need to develop on agricultural land and as such there is no requirement for each developer to demonstrate a need specific to a site. The fact that the Council has been under delivering on housing land supply demonstrates that development is required and the authority has accepted that some of this development will have to be on agricultural land. Secondly the scale of the development is not significant when considered against the overall need for housing or the amount of agricultural land available within Shropshire. It may seem significant, alongside the other applications in West Felton, in terms of the agricultural land around the village. However at 2 and half hectares it is not considered to be significant when considered against the above matters and the advice from Natural England which the Parish Council refers to. Within that

advice it notes that Natural England should be consulted on all developments over 20 hectares. Even taking the other three sites into account the total development around West Felton would be around 6 hectares and approximately 92 houses. Thirdly, and finally, the NPPF suggests development of lower quality land should be preferred. The NPPF does not require development to only be on lower grade land but seeks to develop lower grade as a preference. In Shropshire the areas of lower grade identified on the Natural England map as grade 4 and 5 are predominately river valleys and high ground. There are no areas identified as 4 or 5 around Oswestry and, although it is accepted that the map does not define between grade 3a and 3b, the application site is not considered to be any higher quality than the majority of Shropshire.

- 6.5.6 On balance, although officers acknowledge that the loss of this parcel of agricultural land is a harm resulting from the development, the loss of land is not significant and therefore it is advised that some, but limited weight should be given to this in the overall planning balance and it would not on its own outweigh the presumption in favour of sustainable development. The loss of the agricultural land itself does not make the development unsustainable as the NPPF requires the assessment of whether a development is sustainable or not to consider the whole of the NPPF and balance the harm against the benefits.
- 6.5.7 In considering the location of the site the Parish Council and local residents are concerned about extending the development beyond the village boundaries. The agent's opinion is noted above and it is acknowledged that the application site is close to services and facilities in the village and would still be bounded by agricultural land. However, this application would extend the built area of the village on this side of the main road, with the exception of one dwelling and its outbuildings (New House). Furthermore, the dwellings on this side of Holyhead Road and the minor road leading from The Cross are road frontage dwellings, and although the overall village does have a mix of road frontage and small estates the immediate area around the application site is road frontage properties with open countryside beyond. Officers consider that the development of this site for a small estate would alter the character of the area and would, as any development extending the edge of a settlement, result in harm.
- 6.5.8 However, this harm has to be quantified in the overall planning balance. Any housing development on the edge of a village will result in harm, but there also needs to be acknowledgement that there is not sufficient land within settlements to provide for the housing supply required in Shropshire. There will be a need for some developments on the edge of settlements to support overall growth. What needs to be considered is whether the harm is significant and demonstrable. The agent notes that the site is not classified as visually, historically or environmentally important in that it is not a designated site. Furthermore, it is on the edge of the existing built development and would be read with the backdrop of the existing village. Although the immediate surrounding built form is of roadside development this is not a character of the wider village and the proposed development will harmonize with the village over time.
- 6.5.9 There would be some harm in developing this site and that is acknowledged but officers do not consider that the harm would outweigh the benefits gained from new house building in terms of providing housing and affordable housing, both of

which are national requirements, providing a contribution towards infrastructure in the form of a CIL contribution and providing open space. Officers advise that developing beyond the existing village edge is an adverse impact in the overall planning balance but not one which officers would consider as significant.

6.6 **Layout, scale and design**

6.6.1 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. Section 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

6.6.2 Within the design and access statement the agent has commented on the indicative layout and principles of the future development of the site. It is suggested that the development would reflect the general character of West Felton and provide a range of house types, sizes and appearances including bungalows. Laid out in an informal layout to reflect the nature of the settlement with short cul-de-sacs the density is at 16.4 dwellings per hectare. It is suggested that two storey development would be along Holyhead Road and the bungalows would back onto the existing bungalows on The Avenue. Each property would have defensible private amenity space and there would be a separate area of open space of 0.24 hectares which is in line with the requirements of the Interim Planning Guidance.

6.6.3 However, the current application is for outline planning permission with all matters of layout, scale and appearance reserved for later approval. Although the principles suggested by the agent would be appropriate for the site the indicative layout is for indicative purposes only and has not been submitted for consideration or approval. Officers have some concern with the position of the terrace houses along the road frontage but this is not a matter for consideration at this time. A further application will be required for the approval of reserved matters which would then detail the layout, scale, appearance and landscaping. At that time the development proposed would have to be considered to be acceptable in context with the existing village and the indicative layout now provided would not set any precedent for what could be developed on the site.

6.7 **Impact on residential amenity**

6.7.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. As an outline application with all matters reserved for later approval it is not possible to fully consider the impact on the amenities of neighbouring residents. Objections have raised concern about the loss of privacy, amenity and the loss of views. This latter point is not a material planning consideration, private views are not protected in planning, whether the development has an adverse impact on the character of the area is considered elsewhere in the report but a private view of an open field is not protected.

6.7.2 The indicative layout plan does show that the site could be developed providing separation distances of over the suggested minimum of 21 metres between facing

elevations of existing and proposed properties or providing blank gables to existing elevations with windows or proposed elevations with windows facing towards existing blank gables. Although it is acknowledged that the development will result in a change of use from agricultural to residential this use is not considered to result in noise or any other pollution that would be significantly harmful as to adversely affect the amenities of existing residents. As noted above the development will change the outlook of the existing properties but this is not a material planning consideration. Officers consider that the development of the site could be achieved without substantial adverse impact on the amenities of the existing properties and would not result in overlooking or loss of light.

6.8 **Highways, access, parking and rights of way**

- 6.8.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. The development proposed at this site is for 25 dwellings and therefore does not meet the trigger to require a transport assessment, however the concerns of the local community regarding the cumulative impact of the three sites proposed for new housing in West Felton is noted and so too are the concerns about the potential impact on the junctions onto the A5. The application has been submitted with a highways and drainage report and the Council Highway Officer and the Highways Agency have both been consulted.
- 6.8.2 A single vehicular access is proposed off Holyhead Road with visibility splays of 2.4m by 43m in both directions and internal estate roads of between 4.5m and 5.5m with 1.8m footpaths. The submitted highways and drainage report notes that the access can be provided onto Holyhead Road with sufficient visibility in line with the requirements for a 30mph area. Within the response to the local objections the agent has advised that it is their opinion that the traffic conditions in the village are not significant and there has not been any major traffic congestion or serious accidents in the recent past. It is the agents opinion that the traffic problems referred to are more perceived than actual and it is unlikely that 25 dwellings would make a significant difference to the highway situation.
- 6.8.3 The Council Highway Officer has confirmed that the indicative layout for a single point of access would provide a satisfactory access to the site in accordance with national standards for a site within a 30mph speed limit and that visibility splays well in excess of the 43 metres required would be available.
- 6.8.4 Furthermore the Highways Agency have not raised any objection noting the cumulative impact of the proposed development and the application at Tedsmore Road; the potential traffic movement levels and the capacity of the A5 junctions. It is the advice of the Highway Agency that the impact of this development and the recent Tedsmore Road development, individually and cumulatively, is not considered severe.
- 6.8.5 The development will result in an increase in traffic movements, however, the

village is served by a bus service as detailed above, and any rural housing development will result in an increase in traffic movements. Although the concerns of the local community are noted, the traffic resulting from this development, even in combination with the other proposed developments in the village, would not result in a unacceptable or severe impact on highway safety or result in traffic movement levels that would warrant refusal of the scheme on its own. The increase in traffic is a harm although one which can only be given limited weight in the overall planning balance as the impact is not severe.

6.9.6 Concern has also been raised locally about the width of the footway in the immediate area and this has also been noted by the Council Highway Officer in his response. The existing footway is on the opposite side to the development and along the frontage of the development is considered to be an appropriate width and continues beyond the application site to outside the village signs. However, it is noted that there are sections of the existing footway further towards the village shop which are narrow and which could not be widened without harming a locally important wall and trees. The Highway Officer has noted that the width is 0.65 metres at its narrowest point and for the whole of this reduced section is under 1 metre in width. This is well below acknowledged standards and forces pedestrian users to walk in the highway which raises pedestrian safety concerns which would be increased by the development of this site.

6.9.7 In response to this concern the agent has submitted a plan proposing a new footway along the edge of the application site, passed the three existing houses and to the junction of The Avenue. The plan proposes the reduction of the width of the public highway from the edge of the application site along the front of the adjacent properties and moving the give way lines of The Avenue into the main road. This would reduce the width of the highway from 6.2m to 5.5m which would still be within the requirements of Manual for Streets. A re-consultation has been undertaken on this amended plan and updates will be provided at the committee meeting, however the recommendation reflects the potential that further comments may need to be taken into account after the meeting.

6.9 Ecology and trees

6.9.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. An ecological survey has been undertaken and submitted with the application and this has been considered by the Council's Ecologist and Tree Officer.

6.9.2 The ecology survey submitted considered potential species and habitats within 2km through record research and field surveys. The research identified bats within 3km, otter within 2km and great crested newts within 3 miles. The field surveys note the condition and species of the field boundary hedges; the oak tree in the adjacent field, which the author considers may be a summer roost for bats, and redwings were noted amongst more common species garden birds. The survey found no evidence of badgers, herpetiles or barn owls but did note birds overwintering. The report does not recommend any further survey work or licences or any mitigation beyond retaining the hedges.

- 6.9.3 However concerns have been raised by the Parish Council and residents about the impact on ecology especially Lapwing, Fieldfare, Redwing, Starlings and Barn Owls. The site is currently bounded by established hedges on all sides and as such has the potential to support nesting birds and as an agricultural field may attract birds feeding after sowing or ploughing. The indicative layout suggests that the hedge fronting Holyhead Road will be replanted and this has raised concerns locally. The design and access statement advises that the existing boundary hedgerows will be retained and strengthened but that the roadside hedge might need to be replaced to provide adequate visibility. The agent has since confirmed that this hedge will be removed and replanted behind the visibility splays.
- 6.9.4 Shropshire Wildlife Trust have also raised concerns about the ecology report and its detail but, as noted above, have not objected to the development and have suggested matters which could be conditioned to mitigate against any impact. The Council Ecologist has considered all of the information submitted and confirmed that the site has the potential to support nesting birds within the hedgerows which surround the site. The retention of the hedges along the north and west of the site is positive. The hedge to the east of the site, the frontage, is to be replaced, however the Council Ecologist has not objected to this and has recommended that it can be dealt with through the submission of landscaping details. In order to enhance the site for biodiversity a landscape plan should be submitted. New hedgerow planting should be of species rich, native, local species variety and artificial nests should be provided.
- 6.9.4 Bat boxes are also recommended as the site has the potential to be used by foraging and commuting bats. The pond 180m west of the site was assessed as being dry in 2011 and 2014 and as such the Council Ecologist has confirmed that no further surveys are required in relation to Great Crested Newts.
- 6.9.5 The agent has also responded to the concerns raised regarding ecology and confirmed that the ecological assessment submitted with the application confirms that there is no adverse impact on wildlife. The site is currently a field which is ploughed and as such there is no ecological value within the site, the hedgerows around the site are to be retained except along the edge of Holyhead Road and this will be replanted behind the visibility splays. Furthermore the development of the site will provide additional planting within the site and the amenity area.
- 6.9.6 It is officers opinion, taking into account all of the concerns raised and the professional advice from the Council Ecologist and Shropshire Wildlife Trust, that the site can be developed for housing without significant harm to protected species or their habitats. The development will alter the habitat from its existing condition but will also provide some opportunities for enhancements and as such complies with the requirements of policy CS17 and also the relevant sections of the NPPF.
- 6.10 **Drainage**
- 6.10.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. The highways and drainage report advises that the foul drainage from the development is proposed to be connected to the existing mains

sewerage system, the surface water from buildings to be discharged via soakaways in gardens and the road drainage discharged, via attenuation, into the existing highway drainage system in Holyhead Road.

- 6.10.2 The Council Drainage Engineer has confirmed that the drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission is granted. No objections have been received which raise any contrary opinions.
- 6.10.3 Local representations have noted that the land is free draining but objections have also been received raising concerns about flooding and sewerage capacity. The applicant's report has considered the potential for flood risk and has concluded that this land will have no risk of flooding or pose any risk to areas outside of the site. Furthermore, there have been no objections received from the sewerage provider to the principle of connecting to the existing mains drainage system for disposal of foul waste. As such there is no reason to consider, and no evidence to show, that the site could not be developed with an appropriate drainage system and would following development not result in any greater risk of flooding either to the application site or the wider area. As such the development of the site is compliant with the requirements of CS18.

7.0 CONCLUSION

- 7.1 The site is located outside the current development boundary for West Felton as shown in the Oswestry Borough Local Plan and is therefore classed as a departure from the development plan. Although the Council has recently submitted the SAMDev Final Plan and therefore has identified a 5 year housing land supply limited weight can be attributed to the SAMDev as there are outstanding unresolved objections. Furthermore limited weight can be given to the saved Oswestry Borough Local Plan due to its age and greater weight given to the NPPF and the presumption in favour of sustainable development.
- 7.2 It is accepted that the site is on the edge of West Felton which is a sustainable settlement with a range of services and facilities and benefits from transport links. Furthermore the development will provide additional housing supply in accordance with national planning policy priorities and economic benefits to the village and surrounding area. The development will also provide affordable housing in accordance with Policy CS11 and infrastructure provision in accordance with policy CS9 and will not result in significant loss of agricultural land.
- 7.3 The amended layout reducing the number of dwellings, and the proposed financial contribution towards resolving the existing issue with the width of the footpath has overcome the concerns previously raised by officers regarding development beyond the natural boundary of the village, the cumulative impact of the current applications for new housing in the village and pedestrian safety. Although there are harms identified from developing agricultural land beyond the village and the potential impact on protected species and trees these harms are either not significant or could be overcome with appropriate details and survey work. As such it is officers recommendation that the harm does not outweigh the benefits of new housing and that, in considering the development against the NPPF as a whole, the proposal will be sustainable development and in accordance with the requirements of the NPPF.

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 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 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. BACKGROUNDRelevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

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
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management

11. ADDITIONAL INFORMATION

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr Steve Charmley

Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. Approval of the details of the siting design and external appearance of the development, the means of access to the site and the landscaping of the site (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 4 of the Development Management Procedure Order 2010 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 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.

4. This permission does not purport to grant consent for the layout shown on the deposited plan submitted with this application.

Reason: To enable the Local Planning Authority to consider the siting of the development when the reserved matters are submitted.

5. An Arboricultural Assessment, prepared in accordance with BS 5837: 2012 must be submitted with the first of the reserved matters. The layout of the proposed development would need to make provision to retain any trees identified as significant or potentially significant in the terms of public amenity or provide substantial justification and mitigation where their removal is proposed.

Reason: To ensure the protection of existing landscape and the provision of landscape enhancements.

6. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:

The number of units

The means of enclosure of the site

The levels of the site

The means of access for disabled people

The foul and surface water drainage of the site

The finished floor levels

Reason: To ensure the development is of an appropriate standard.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

7. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

Reason: To minimise disturbance to bats, a European Protected Species.

8. A total of 6 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species, which shall be erected on the site prior to first occupation of the dwellings hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species

9. A total of 6 woodcrete artificial nests, suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwellings hereby approved.

Reason: To ensure the provision of nesting opportunities for wild birds

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Committee and Date

North Planning Committee

26 August 2014

Item

7

Public

Development Management Report

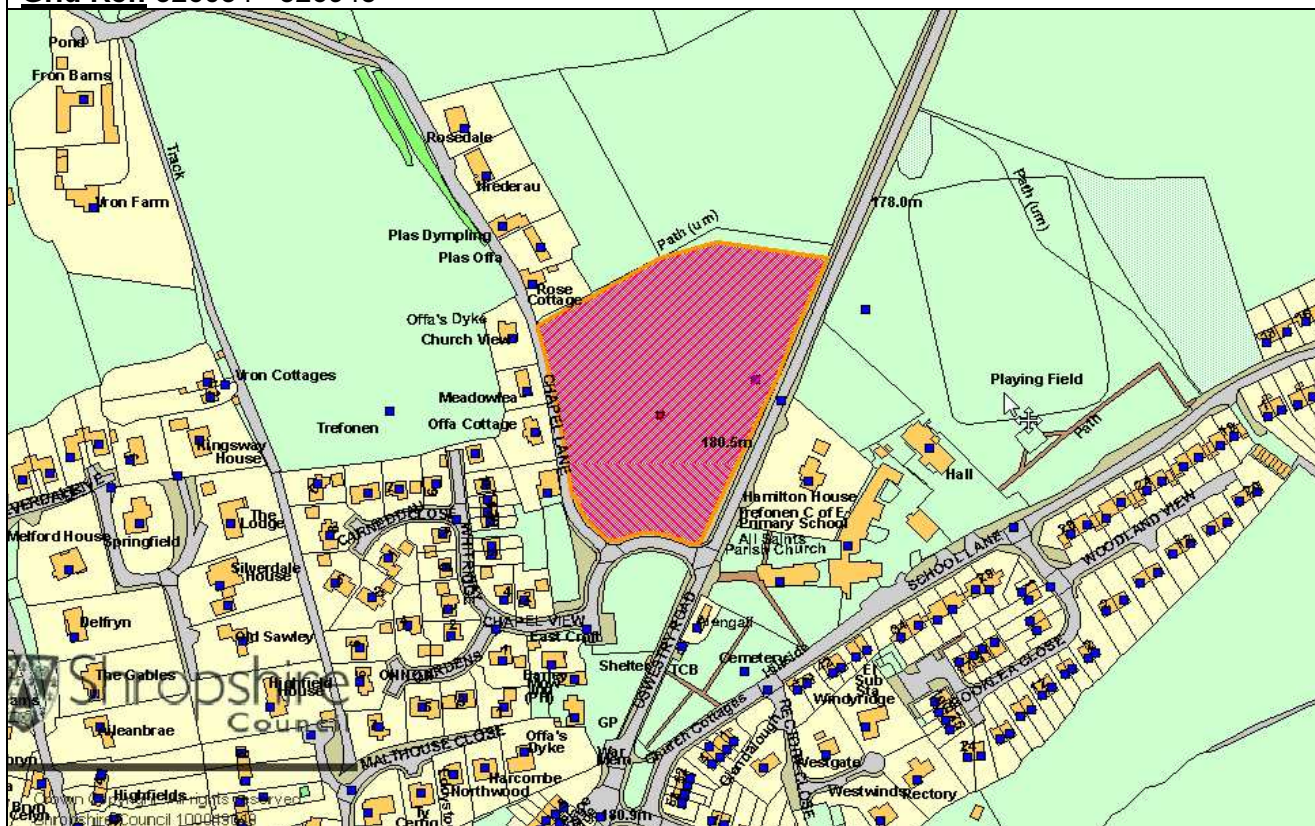
Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 14/00426/OUT	Parish: Oswestry Rural
Proposal: Outline application (access for approval) for mixed residential development; alterations to existing vehicular access; works to existing highway	
Site Address: Development Land Off Chapel Lane Trefonen Oswestry Shropshire	
Applicant: Mr H Martin	
Case Officer: Mark Perry	email: planningdmnw@shropshire.gov.uk

Grid Ref: 326034 - 326948



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Recommendation:- subject to the *conditions* set out in Appendix 1 and the applicant entering into a S106 to secure an affordable housing contribution.

REPORT

1.0 THE PROPOSAL

1.1 The submitted application seeks outline planning for a residential development. The appearance, landscaping, layout and scale are all reserved for later approval. The applicant has indicated that the site would be suitable for accommodating the erection of 22 dwellings.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site covers an area of 1.4 hectares and is located in between Oswestry Road which runs along the eastern boundary and Chapel Lane along its west. To the south of the site there is a public house and church yard and to the east there is the primary school and village hall and to the north east there are the playing fields.

2.2 The site is currently well screened along its eastern boundary and along its western side there is a stone wall which is in need of repair at various points. The site is mainly level and contains one mature tree within the site close to the eastern boundary.

2.2 The entire application site falls outside of Trefonen's development boundary as defined in the Oswestry Local Plan.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

3.1 The chair of the planning committee is of the opinion that the application raises issues that need to be considered by the planning committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.2 Parish Council-

Meeting on 2nd June 2014 (following the submission of further supporting/ background information)

After discussion and a vote at the last Parish Council meeting the Council **supports** this application.

Meeting on 25th March 2014

Oswestry Rural Parish Council do not support either of these applications [14/00536/OUT and 14/00426/OUT]. The two applications should be considered in tandem as they potentially will have a major impact on Trefonen village. ORPC held a public meeting on 1st March 2014 with nearly 200 people attending. Trefonen is a small rural village but the response from the community against these applications for 34 houses has been extraordinary and the planners should take

into consideration the total of 191 objections and 3 with no objections, lodged with ORPC and numerous other respondents who registered their objections directly with Shropshire Councils planning portal. With the emerging SAMDev and ORPC Parish Plan Survey at an advanced stage of production would it not be sensible to delay any planning decisions where the local community are so against them until the SAMDev and Parish Plan are completed. Both of these will help identify areas for development which the local community would support. Highlighted are some of the concerns raised by local people, in italics are the relevant paragraphs of the National Planning Policy Framework.

Local affordable housing, to allow young people to remain in the village Paragraph 7 a social role in supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations. Paragraph 14 sustainable development.

Paragraph 54 plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Negative impact on open aspect of the village Paragraph 7 an environmental role contributing to protecting and enhancing our natural environment.

Development and style of houses not in keeping with the already established rural character. Paragraph 86 the character of the village needs to be protected.

There is no demand for this type of housing in the village. Currently there are Paragraph 24 houses for sale in the Trefonen area, last year 9 were sold. There are P 82 , 3 or 4 bed roomed houses within a 3 mile radius of Trefonen. Paragraph 14 there is a presumption in favour of sustainable development , which should be seen as a golden thread running through both plan making and decision-taking. High unemployment in the Oswestry area and no jobs in Trefonen. People will need to travel away to work and the village will become a dormitory with very few of the residents contributing to the local community. Paragraph 37 people should be encouraged to minimise journey lengths for employment There will be a pinch point at the proposed new roundabout where 4 roads will meet and the cars generated by the proposals will exceed 68. Heavy construction traffic will be a hazard and as there is no mains gas delivery of bottled gas, oil, refuse collection and deliveries from internet purchases will all add to this congestion. A narrow country lane will be the access, there are already problems with parking at the Church for funerals and farms further up Chapel Lane report problems with access for farm machinery and milk tankers etc. Paragraph 32 All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

The opportunities for sustainable transport modes have been taken up Safe and suitable access to the site can be achieved for all people; and Improvements can be undertaken within the transport network that cost effectively limit the impacts of the development Offas Dyke a very important tourist attraction will be compromised Paragraph 109. The planning system should contribute to and enhance the natural and local environment by:

Protecting and enhancing valued landscapes. Paragraph 130 where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated

state of the heritage asset should not be taken into account. Paragraph 133 Where a proposed development will lead to substantial harm to or total loss of significance, local planning authorities should refuse consent.

There is no shop or post office, necessitating a 3 mile drive to Oswestry for shopping. This will increase the potential for added pollution. Paragraph 28 promote the retention and developments of local services and community facilities in villages, such as local shops .

The developments go against the Village Design Statement. Paragraph 47 local planning authorities should set out their own approach to housing density to reflect local circumstances.

There is a very poor bus service with 1 bus into Oswestry at 10.26am returning at 1.35pm to Trefonen. Paragraphs 29 , 30, 31, 32, 34 Plans and decision should ensure developments that generate significant travel will be minimised and the use of sustainable transport modes can be maximised.

Childrens safety is a risk. There has already been an accident on the zebra crossing where a child at the primary school sustained fractured zygoma. The increase in traffic on the main road will increase the potential for road safety incidents.

Trefonen is already overdeveloped.

There is a flooding risk especially with 14/00426/OUT. This field is flooded now and results in the flooding progressing to the main road. Paragraph 100 Inappropriate development in areas at risk from flooding should be avoided.

Both sites are on Greenfield. There will be loss of countryside and loss of agricultural land.

Paragraph 77 The Local Green Space designation will not be appropriate for most green areas or open spaces. 80 Green Belt serves five purposes:

To check the unrestricted sprawl of large built up areas;

To prevent neighbouring towns merging into one another;

To assist in safeguarding the countryside from encroachment; to preserve the setting and character of historic sites;

To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The Primary School Governors are worried about the increased pressure on the School. Over 1/3 of pre-school and school children are out of the catchment area which will leave a large shortfall for the actual village. Paragraph 72 The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.

4.1.3 **Highways – no objection** subject to conditions.

The application seeks outline consent for residential development with all matters reserved other than access. In this regard the Illustrative layout plan shows access via a mini-roundabout arrangement encompassing Chapel Lane and Chapel View. This clearly therefore would alter the current road layout where changes were previously affected by the relatively new residential development served via

Chapel View. From a highway aspect the principle of a new mini-roundabout is acceptable subject to the further submission of a detailed design including alterations to the initial length of Chapel Lane and street lighting. The highway authority is satisfied that the proposed junction works could be incorporated into a Grampian style planning condition. The implementation of such works would be via a Section 278 highways agreement which would include Safety Auditing of a scheme.

This application has raised a significant number of representations of objection from local residents regarding highway safety and access matters. It is noted however that Oswestry Rural Parish Council raise no objection to the current planning application.

Representations have cited the current speed limit of Chapel Lane and 'Design Manual for Roads and Bridges' (DMRB) guidance regarding mini-roundabout junctions being located outside of 30mph speed limits. This guidance however primarily relates to Trunk Roads but can equally be applied to county roads. The strict guidance in DMRB however would normally be applied to major traffic routes but would not be applied slavishly on lower status roads. Where it is appropriate, the local highway authority would generally apply guidance contained in DfT document 'Mini-roundabout – Good Practice Guidance'. In this particular location traffic speeds are likely to be low and within 30 mph levels. In addition whilst the signing at the Class III/Chapel Lane junction signifies Chapel Lane as the national speed limit, the presence of highway standard street lighting should define Chapel Lane and including Chapel View as a 30 mph zone area. It appears therefore that when the junction alterations were carried out the correct speed limit changes were not implemented.

It is considered therefore that a mini-roundabout junction would be appropriate in terms of providing access into the site. The highway authority however recognise the rural character and context of the site location and therefore would be seeking an appropriate design and use of materials as opposed to the more harsher mini-roundabout designs implemented in urban locations.

Further representations have been made regarding the parking of vehicles within Chapel Lane associated with the activities at the Church opposite the Church Lane junction. Whilst the highway authority acknowledge this concern it should be noted that the parking of vehicles on the highway is a privilege and not a right. The fundamental function of any highway is to allow the passage of traffic and parking within the highway is therefore an obstruction. Clearly parking takes place on many highways and is tolerated by the highway authority and Police providing it does not cause an unwarranted interference or raise highway safety implications. Parking enforcement measures can be introduced where parking problems persist. In short, the highway authority would not be able to sustain a highway objection due to parking issues associated with activities of the Church

Whilst the current application does not provide for scale or layout, the illustrative plan indicates a scale and potential adoptable housing layout with the inevitability that parking from the Church activities would migrate to additional and available road space. The applicant/developer should consider this aspect as part of an reserved matters application, should outline permission be granted. This could

include specific parking being made available for the benefit of the Church within the site, which is not developable due to land issue and constraints.

Representations have cited also the traffic impact of this and other housing development granted consent on the surrounding highway network. In this regard the highway authority does acknowledge the issues raised and the local constraints. Nevertheless the highway authority area required to balance the impact of new development and traffic impact set against the NPPF and other guidance. In this regard the highway authority is satisfied that this development and consented schemes can be adequately catered for within the local highway network. Moreover, and objection to this application on highway grounds in respect of the wider highway traffic impact would neither be warranted or sustainable.

4.1.4 **Drainage – no objection** subject to conditions

4.1.5 **Tree Officer – no objection** subject to condition requiring an arboricultural method statement and impact assessment

4.1.6 **English Heritage-** The proposed development site is located on the northern edge of Trefonen, between Chapel Lane and Oswestry Road. It is located c.100m south-east of the Scheduled Monument of Offa's Dyke: sections 100yds (90m) and 350yds (320m) long, NE of Fron (National Heritage List Ref. 1006262). To the west of the proposed development site the Dyke previously ran to the west of Chapel Lane but was built over in the 19th and 20th centuries (the properties south of Church View), although below ground remains may survive beneath. The Shropshire Historic Environment Record contains a record for coal workings and Howell's brickworks (HER PRN 28315) which covers the whole of the proposed development. The Heritage Assessment indicates that archaeological earthwork remains, including probable coal shafts, are present on the proposed development site. The proposed development site is therefore deemed to have high archaeological potential. does not consider the impact upon the setting of Offa's Dyke to be a significant concern.

4.1.7 **Ecology – No comments** received at the time of writing report following the submission of additional Ecological information.

6.1.8 **Public Protection-** No evidence is held of any historic land use on the parcel of land specified for development that is likely to have contaminated the land. We are aware that there may be features off site but do not consider them likely to have any impact on the site specified for development. However, on the evidence presented by local residents there may be the possibility that the land is contaminated by past historical use. As a result contaminated land conditions are recommended.

6.1.9 **Coal Authority- no objection subject to conditions**

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that further intrusive site investigation works should be undertaken prior to development to establish ground conditions and identify the location and condition of the mine entry.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to the commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the mine entry or any shallow mine workings; to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that the details of any proposed remedial works identified by the site investigation are undertaken prior to commencement of development.

The Coal Authority considers that the content and conclusions of Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development

4.1.10 **Archaeology - no objection** subject to conditions requiring a phased programme of archaeological work comprising and initial field evaluation followed by further mitigation as necessary. The stone wall adjacent to Chapel Lane on the western boundary of the proposed development does make a contribution to the character of this part of the village and, on balance, as much as possible should be retained and, ideally, sympathetically repaired as part of any development scheme for this site.

4.1.11 **Affordable Housing** - 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 the Reserved Matters.

4.2 - Public Comments

A large number of representations have been received. However, an exact figure cannot be given as it has become apparent some objection letters have been written and signed in the name of individuals unaware of the planning application. Objections received relate to the following:

Objections

- The proposal contradicts SAMDev
- Increase in traffic which will cause congestion
- Inadequate access / highway safety
- Impact on Offa's Dyke footpath a national amenity
- Over development for the site which will affect the character of the village
- Drainage / flooding concerns / surface water
- Visual impact on the village – 'urbanise' the countryside
- Effects residential amenity
- No proven need for housing in the village, properties are up for sale and have been for some time
- Lack of public amenities (infrastructure) to support such a development
- School children safety at risk due to the narrow junction and increase of traffic at pedestrian crossing
- Public rights of way will be affected

- Loss of rural land and character of the village. Approach into Trefonen will be destroyed
- Poor bus service currently in place (3 busses a day) to local amenities
- Lack on employment opportunities / High unemployment rate
- Previous refusals should be taken into account
- No sustainable gain from the proposed
- Primary school is unable to expand to cope with the potential increase in population
- Unsustainable expansion to the village
- Traffic, light and CO2 pollution
- Historical mine shafts under the field
- Maintenance of the proposed pool.
- Endanger great crested newts and other wildlife
- Deter tourists from visiting the village
- Loss of oak trees on the site
- Over looking of existing properties resulting in loss of privacy
- Cause potential sink holes
- Lack of affordable housing
- Will turn a village into a town
- Increase financial strain on local school
- Land is needed for agricultural purposes
- Contradicts village design statement
- No gas supply all properties are heated by oil – new development will increase carbon emissions
- Proposal will create a dormitory estate
- 3/4/5 bed dwelling to large wont sell, locals cannot afford them low wage and job opportunities
- Inward facing plots will destroy the view when approaching the village
- Not enough affordable housing proposed
- Broadband service is none existent to cater for all the possible new tenants to the village
- Ecology survey not up to date
- Roundabout would be dangerous
- Stone wall should be retained
- A full contamination assessment should be undertaken prior to a decision being taken on the application and it should not be carried over as a condition of a possible consent.
- Once outline is approved there is a chance the development will increase in size
- There is a village shop and post office
- States no ROW will be affect, there are two within the site
- Position of public right of way is not accurately shown
- The information about buses is misleading; some are term-time only and the T82 service runs just once a week, on Wednesdays. Is it not disingenuous to mention what is in fact very limited bus provision while submitting an application which assumes 44 vehicles for 22 properties?

Support

- New homes should be affordable allowing young families to live in the village

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Impact on Neighbours
Highway Safety
Impact on Ecology
Impact on archaeology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Council's Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 The NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking (para. 14), so it applies, as a material planning consideration, in any event. The NPPF specifically aims to 'boost significantly the supply of housing' therefore, the fact (and degree) that a proposed development helps to boost housing supply is a significant material consideration to which considerable weight must be attached. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply.

6.1.3 In September 2013 the housing land supply in Shropshire fell below the 5 year requirement. This has now been updated following the submission of the SAMDev Final Plan to the Planning Inspectorate. The Council is now in a position that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. However, in calculating the 5 years' supply the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies as there are significant unresolved objections which will not be resolved until the public examination and adoption of the SAMDev.

6.1.4 In the intervening period between submission and adoption, sustainable sites for housing where the adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF. As such it remains officer's advice that it would be

difficult to defend a refusal for a site which constitutes sustainable development and that the presumption in favour of sustainable development at paragraph 47 of the NPPF is given greater weight than either the adopted or forthcoming policies. The NPPF does not permit a housing development free-for-all, the principle issue for consideration is whether the development is sustainable or not when considered against the NPPF as a whole. As such a development which is not sustainable can be refused against the NPPF but officers advise that caution should always be taken when considering refusal against the NPPF. Paragraph 14 advises that the adverse impacts of granting consent would need to significantly and demonstrably outweigh the benefits.

6.1.5 It is acknowledged that the site is outside the development boundary previously set within the Oswestry Borough Local Plan. As such the application has been advertised as a departure from the adopted local plan and would not normally be supported for development. However, these policies are at risk of being considered “time expired” due to their age and the time which has lapsed since the end date of the plan. Officers therefore advise that it is appropriate to assess this site within the context of the ‘presumption in favour of sustainable development’.

6.1.6 Trefonen has not been put forward as either a hub or a cluster and as such the Parish wishes to be considered as countryside for the purposes of SAMDev. In such locations there would typically be a presumption against new residential development. It is acknowledged that local residents feel that proposal is contrary to their SAMDev allocation as open countryside. However at this time the SAMDev still only holds limited weight until its formal adoption. Officers are sympathetic with the local community who want to be considered as open countryside. As such the application must still be considered in light of the presumption in favour of sustainable development as required by the NPPF.

6.1.7 Policy CS6, amongst a range of considerations, requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Policy CS7 states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services. Policy CS9 states that development that provides additional dwellings or employment premises will help deliver more sustainable communities by making contributions to local infrastructure in proportion to its scale and the sustainability of its location.

6.2 Is the site sustainable?

6.2.1 Whether a site is sustainable is not judged purely on the distance from services, facilities or employment. The Council’s adopted Core Strategy sets out the principle that new housing development will be supported in designated Hubs and Clusters. The effect of this is that the Core Strategy encourages rural communities to be more sustainable by allowing development that helps to rebalance rural communities. This can be achieved by providing facilities, economic development or housing for local needs that is of a scale that is appropriate to the settlement. Whilst it is recognised that the Parish Council have not wanted Trefonen to be either a hub or a cluster it is still a rural community and therefore the principles of the Core Strategy which encourages sustainable development away from the main

market towns should apply. Trefonen does have a quantity of services that are typical of a medium sized village which includes a public house, primary school, church, village hall, sports pitch and play ground and until fairly recently it did have a village shop. The village also benefits from a bus service to Oswestry.

6.2.2 It has been raised in representations received that Trefonen is an unsustainable location because it has very limited services. The distance from services, facilities and employment is one of a number of factors to be taken into account when undertaking the planning balance. Alongside issues of impact on highway safety, ecology and development of agricultural land.

6.2.3 The strands of sustainability referred to in paragraph 7 of the NPPF are economic, social and environmental, further consideration of how the proposed development impacts upon these elements is set out below.

6.3 **Economic Consideration**

6.3.1 In economic terms the proposed development will provide employment during the constructions process and support suppliers, Community Infrastructure Levy contributions, New Homes Bonus and additional community charge receipts; although it is acknowledged that these benefits would be achieved by any new housing development and in any location. The most important economic benefit would be the spending power of new residents who would have the potential to support local services such as the pub and possibly increase the likelihood of the village shop reopening (although the precise reasons for its original closure are not known). The site is also well connected to Oswestry, the centre of which is 2.6 miles away and there is a bus service, although it recognised that it is an infrequent service with two buses a day. As the site is close to Oswestry and there is a public transport link it is likely that residents will also help to support the services that Oswestry has to offer as well as those in Trefonen itself.

6.3.2 Concerns have been raised that there are no job opportunities available in Trefonen and that residents would need to travel out of the village to work. It is however a relatively short distance to Oswestry by a good quality and well used road, where there are employment opportunities and through SAMDev further employment opportunities are likely to be available in the future with significant land allocated for employment to the east of the town. Officers do not consider that this matter is one which results in significant and demonstrable harm which would outweigh the benefits of new housing.

6.4 **Social Considerations**

6.4.1 Socially the scheme will provide both affordable and open market housing of which there is a proven need across Shropshire as set out in policy CS11 of the Core Strategy. More people living in the village would also provide support local services such as the school and sports/ social clubs. Currently, the school is only around 75-80% full, as of January 2014 there were 77 children of primary school age living in the Trefonen catchment with a capacity of 157 at the school. The school had 120 pupils on roll for the last academic year which was heavily supplemented by out-of-catchment children. The proposed development would also provide infrastructure improvements through the payment of the Community Infrastructure Levy under policy CS9. The contribution is dealt with outside of the planning process and after

development commences and is used to pay for infrastructure identified as local priorities. However, it is a material consideration in the determination of the application and the acknowledgement of the requirement to pay the CIL ensures that this matter will be dealt with after the consent. The CIL contribution would provide for the infrastructure enhancements which would include contribution towards school places as referred to later in the report.

- 6.4.2 It is recognised that increasing the number of residences in a settlement without proportionate increases in the provision of local shops, infrastructure, employment opportunities and other local services risks eroding community cohesion. It is also recognised that Trefonen is currently the subject of a number of other planning applications (12 dwellings at Whitridge Way 14/00536/OUT, 6 dwelling off Little London Lane 14/01510/OUT) which should they all be approved would result in a reasonable expansion of the village, this application is currently the largest of those under consideration and it would be in the most prominent and most central part of the village. The site is recognised as being of value to the community in Trefonen, Treflach & Nantmawr Village Design Statement 2007 where it says that should it ever become available it should be considered for development as a public open space for community use. However whilst the document was formally recognised by Oswestry Borough Council as a material planning consideration the document is now 7 years old and can only be awarded limited weight in the planning balance with a greater weight to the more up to date planning policy framework.
- 6.4.3 The layout of Trefonen is varied with a wide mix of dwelling types and sizes. The development to the east of Oswestry Road and adjacent to the School and Church has the densest form of development and consisting primarily of semi detached properties. Further to the west of Oswestry Road the lower the density as the typical modern housing estate of Whitridge Way and Onnen Close gives way to large detached properties on large plots as the village gradually spreads up the hillside. Over a significant period of time in-fill development has occurred around the scattering of traditional hillside cottages. A significant percentage of the built development in the village is relatively modern with the occasional stone or brick cottage. The village does not have much in the way of a historic core other than the area around the public house and the former village shop. It is considered that the proposed development of 22 dwellings would not be of such a scale to overwhelm the rest of the settlement where it would significantly impact upon the existing local community. The appearance of Trefonen would change, especially when viewed from Oswestry Road. This would be because of the partial loss of an agricultural field close to the village centre. The village has already experienced the loss of part of the same field as the southern section of the field was needed to provide the access to the Whitridge Way/ Onnan Gardens estate. It is considered that by ensuring an appropriate form of development the village would continue to be characterised by its semi-rural character.
- 6.4.4 Overall it is considered that the proposed addition of 22 dwellings would not result in such a large amount of pressure being placed on local infrastructure to justify refusing the application. The site is within walking distance of a bus stop, school, and community facilities and there is quick access to Oswestry by either bus or car. Oswestry has a good range of service and facilities, shopping and employment opportunities and land being allocated for further employment uses and the development provides new housing, including affordable housing, and a financial

contribution towards infrastructure.

6.5 **Environmental Considerations**

- 6.5.1 Environmentally it is recognised that the scheme would result in the loss of an agricultural field which is clearly valued locally as it contributes towards the rural feel and the setting of the village. The field also provides an outlook across the rolling agricultural land to the north. It is acknowledged that in 1990 as part of the Local Plan Inquiry the Planning Inspector recommended the deletion of the site from the development boundary. This is likely to have been because there were other more appropriate and less locally sensitive areas of land available for development at that time. The more favourable land has since been developed. The planning application must be considered against current planning policy and although the site was not considered suitable for development 24 years ago this is not a valid planning reason to dismiss the current policies contained within the NPPF.
- 6.5.2 There is recognition that the proposed development is on a parcel of Grade 3 agricultural land that sits outside of the built environment of Trefonen. Building houses on undeveloped parts of the countryside would conflict with the core planning principles, set out in paragraph 17 of the NPPF which aims to conserve and enhance the natural environment and encouraging the effective use of land by reusing land that has been previously developed. To meet Shropshire's current and future housing needs it will necessitate the development of agricultural land. The key issue is only to develop agricultural land that is not of significant landscape, ecological or historic importance. In this instance the land is agricultural land which is grade 3 so of good/ moderate quality and has a semi-rural appearance.
- 6.5.3 There is recognition that the proposed development is on a parcel of agricultural land that sits outside of the built environment of Trefonen, it however sits adjacent to the dwellings on Chapel Lane and a short distance from the modern properties on Whitridge Way. It is considered that the proposed development would represent a logical expansion to the village.
- ## 6.6 **Siting, scale and design of structure**
- 6.6.1 The appearance, landscaping, layout and scale of the site are all reserved for later approval. Initially, the applicant provided an indicative plan showing the 22 dwellings in positions where they would face into the site, the result being that along the existing roadsides there would be a typical arrangement of boundary treatments and visible garden paraphernalia which would be very likely to have a detrimental impact on the visual amenity of the area. The applicant has since provided a revised indicative layout which creates a more active street scene onto both Chapel Lane and Oswestry Road. The indicative layout also tries to show how the views towards the existing village and the pub would still be available for people travelling south along Oswestry Road. The indicative layout also shows how the presence of a mature tree is respected, public right of way maintained and the existence of a former mineshaft avoided. It also shows how areas of public open space could be provided within the development. Further thought does need to be given to the proposed layout as by ensuring that the development addresses the existing roads there is a risk that the new estate road becomes dominated by boundary fences; a balance will need to be struck between the development contributing towards the character of existing streets and ensuring that the is also

attractive from the new estate road and creates a sense of place. However, the submitted plans are only indicative at this stage and the layout of the development would still be subject to full consideration at the reserved matters stage.

6.7 **Visual impact and landscaping**

6.7.1 The area of land is predominantly level although it does slope slightly down towards its southern corner where according to residents it can be wet and boggy. The existing field is well screened from view from Oswestry Road although it is recognised that this is because of the tall hedgerow. The hedgerow would inevitably be reduced in height or removed in parts to provide a reasonable standard of residential amenity to the occupants of the proposed dwellings. The indicative layout has shown a commitment to retain the hedges other than where it is necessary to remove sections to provide pedestrian accesses.

6.7.2 When the hedgerow is thin during the winter months or where it is reduced in height it does currently provide views across the open field towards the Chapel with the modern housing development and the rest of the hillside village beyond. Whilst the Oswestry Road provides a good view of the village, the view is not of any significant merit and it does not include views towards any listed building or any area of special designation. As such limited weight can be attached to the value of the view.

6.7.3 The views of the site from the south are already very open as only a post and wire fence separates the field from the pavement. The views beyond the site are of the gently rolling hills and the scattered trees and dwellings. The applicant has indicated that the view could be maintained through the development although the indicative layout shows the view would be greatly narrowed as it would be in between dwellings. In any case the views are not considered to be of any significant merit and it is not a landscape that would be sensitive to new development. It is acknowledged that the area around the application site is valued by local people but it does not have any designation and is not any greater than of local importance. The exception to this is the schedule section of Offa's Dyke which is 73 metres from the north western corner of the site which is of national importance. However, the application site and the scheduled ancient monument would not be seen within the same context because of the intervening dwellings, hedges and boundary walls and the distance of separation. It is acknowledged that the Offa's Dyke trail which approximately 140 metres to the west of the site would provide views of the Dyke with the proposed dwellings in the back ground. This is no different to the current situation where the existing dwellings on Chapel Lane sit directly adjacent to the Dyke. English Heritage have not raised any objection to the proposal with regards to the impact on the ancient monument.

6.7.4 The view from Chapel Lane and the dwellings that front onto it face across the application site and towards the church. The church is already heavily screened by trees causing it not to be a prominent feature in the backdrop to the site. The boundary of the site to Chapel Lane is bound by a stone wall in various states of disrepair. It is considered that the wall is an historic feature of Trefonen and should be an integral part of the development and retained wherever possible. The revised indicative layout has shown this feature retained with a roadside footpath positioned behind it.

6.7.5 As this application is only seeking an outline permission the layout, scale and form of the development would be subject to reserved matters approval. However, it is considered that subject to an appropriate design and layout there is an opportunity to create an attractive approach into Trefonen and a development that integrates with the existing fabric and character of the settlement without detrimentally harming the surrounding landscape.

6.8 **Impact on Neighbours**

6.8.1 The introduction of an extension to a housing estate will inevitably increase the number of vehicle movements and increase the amount of activity on a site that is currently used for agricultural purposes. The proposed residential scheme would effectively be self-contained with vehicles accessing the site by the access created as part of the modern housing estate to the west. As such neighbouring occupiers would be unlikely to experience additional vehicle movements past their properties which could ordinarily lead to increased disturbance. The properties most affected by the proposed development are those on Chapel Lane directly to the west of the application site and the property to the north which is positioned perpendicular to Chapel Lane with its front windows facing directly at the site. It is considered that given the number of dwellings proposed and the size of the site it would allow the site to be developed whilst still allowing adequate distances of separation between properties to avoid any detrimental loss of privacy.

6.8.2 The existing properties on Chapel Lane currently have an outlook across an open agricultural field which would be lost by the development of the site for dwellings. Whilst the outlook would change it is considered that the site could be developed without resulting in the proposed dwellings being harmfully dominant or overbearing on neighbours. This will be fully considered at the reserved matters stage where the distance and relationship between existing and proposed dwellings would be fully considered.

6.8.3 At this outline stage it is considered that it is possible to develop the site without there being any detrimental harm to the amenities of neighbouring occupiers in terms of privacy and loss of light.

6.9 **Highway Safety**

6.9.1 The means of access to the site is not one of the reserved matters and therefore needs to be fully considered as part of the outline planning application. The applicant is proposing that a new mini-roundabout would be created which would have 4 arms leading to Whitridge Way, Chapel Lane, the development proposed and towards Oswestry Road. Representations have been made regarding the appropriateness of a mini-roundabout in this particular location. The Council's Highways section have considered the proposal and are satisfied that a mini-roundabout junction would be appropriate for providing access into the development as traffic speeds are typically low.

6.9.2 The village is rural in its character and it is acknowledged by the Highways Section that a mini-roundabout design typically found in urban areas may not be appropriate as it could appear harsh. As such an appropriate design would be sought that is more in keeping with its surroundings.

6.9.3 Representations received have highlighted the fact that Chapel Lane is often used

to provide on-street parking normally in connection with events at the church opposite. As the highway network's primary role is to allow the passage of traffic the loss of on-street parking could not be sustained as a reason to refuse the development. In the event that on street parking and the proposed junction arrangements combine to impact upon the safe passage of vehicles parking enforcement measures could be introduced.

6.9.4 Objections have been received about how the proposed development in conjunction with other proposed schemes could have an impact upon traffic flows and the wider highway network. The proposed development will inevitably result in more vehicle movements to and from Trefonen and towards Oswestry. It is acknowledged that on some of the approach roads there are constraints such as narrow sections of road and one way priority traffic junctions. However, the planning process is required to balance all of the material planning considerations against current planning policies. In this instance the limited harm that may be caused to the highway network as a result of extra traffic from the proposed development is not considered sufficient to outweigh the wider benefits of the scheme.

6.10 **Affordable Housing**

6.10.1 In accordance with the adopted Core Strategy all new open market development must make a contribution towards the provision of affordable housing, unless there are other material planning considerations. Based on the number of dwellings shown on the indicative layout and the current target rate for the area this would equate to two on site affordable dwellings and a small financial contribution. However, the exact amount will depend upon the target rate at the time the reserved matters application is submitted. The affordable housing contribution would be secured by a S106 in accordance with the Shropshire Viability Index as set out in the adopted SPD.

6.11 **Open Space Provision**

6.11.1 In accordance with Council's Open Space Interim Planning Guidance (IPG) the developer will be required to provide land for play area and recreational uses, this will need to be provided as part of the overall design which would form part of any subsequent reserved matters application. The indicative plans show that the applicant is prepared to provide the open space at this would need to be in line with the adopted IPG. The indicative layout has shown that open space could be provided around to the one mature tree on the site and also at the front of the site adjacent to the public right of way and adjacent to the access into the site.

6.12 **Ecology**

6.12.1 In support of the application the applicant has provided a Phase 1 habitat survey. The report has identified that there may be an impact on great crested newts because of a known breeding pond which is 110m outside of the application site. The submitted report has stated that it will be necessary to obtain a license from Natural England in order for the development to progress

6.12.2 The submitted ecological report has identified that the Oak tress on the site has the potential to be used by bats. The applicant has detailed in the submitted indicative plan that it is currently the intention that this tree will be retained on the site. #

6.13 Public Right of Way

6.13.1 The site has two public rights of way which have the potential to be affected by the development. A footpath to the north of the site provides a route between Chapel Lane and Oswestry Road. This path would pass outside of the application site and therefore access to it would not be affected by the proposed development. The second public right of way is a short length of path which runs diagonally across the front of the site. The applicant has acknowledged the presence of the path and is shown that on the indicative layout demonstrating that there would not be any development along its route. Representations from neighbours have commented on the accuracy of the position that the path is shown on the submitted plans. It is considered that it has been adequately demonstrated that the site can be developed without impacting on the access to the public rights of way. The precise position of the right of way will need to be established prior to the determination of any subsequent reserved matters application to ensure that the layout does not affect the rights of way.

6.14 Drainage

6.14.1 To accompany the application the applicant has provided a drainage and flood risk assessment. The reports suggests that all surface water would be collected and stored in an attenuation and balancing pond before being discharged by a controlled flow mechanism at 5 litres per second, equivalent to greenfield run-off, to a watercourse that is culveted below Oswestry Road.

6.14.2 Residents have commented that the existing field is already wet and boggy at certain time of the year. The applicant will be required to provide drainage details to ensure that the proposed development does not exacerbate any existing problem and that surface water is suitably managed on the site by the use of appropriate infiltration and attenuation.

6.14.3 Foul water would be directed from the development to a public sewer and Severn Trent Water have confirmed that a connection would be acceptable.

6.15 Contamination

6.15.1 It has been brought to the attention of the Planning Authority that the site has been historically used as a brick works and that the site may suffer from contamination. The Council's Public Protection team do not hold any specific evidence of any historic land uses which may have led it to becoming contaminated. However, because of the information provided by local residents it is deemed appropriate to impose planning conditions which require a site investigation report to be submitted and details of any remediation where appropriate.

6.16 Impact on Former Mine

6.16.1 The application site falls within an area that is defined as a 'Development High Risk Area' because both within and surrounding the site there are coal mining features and hazards. The applicant has provided a Coal Mining Risk Assessment Report which states that there are indications of a shallow coal mine and mine entry within the site. The submitted report has been considered by the Coal Authority and have recommended that a planning condition should be imposed requiring further investigations and the details of any remedial work to treat the mine entry and workings to ensure the safety and stability of the proposed development.

7.0 CONCLUSION

- 7.1 The site is located outside of the current Trefonen development boundary and is therefore classed as a departure from the development plan. Significant weight must be awarded to paragraphs 7 and 8 of the NPPF where there is a presumption in favour of sustainable development.
- 7.2 It is considered that the site is of a sufficient size to accommodate the proposed number of dwellings and would not result in an unacceptable form of development adjacent to the village. The proposal would have no adverse environmental or ecological implications, affect any designated areas, buildings or monuments and would not impact upon the safety of highway users. The detailed, appearance, landscaping, and scale designs would be considered at the reserved matters stage.
- 7.3 Whilst Trefonen does not have a large number of services and facilities it is a sizeable settlement and has a number of facilities which help meet the day to day needs of residents such as the school, church, village hall and a public house. The existing infrastructure is sufficient to support the proposed development and the proposal will provide affordable housing and will be liable for the required CIL payment. It is considered that Trefonen is a sustainable location for new dwellings with good access to all essential services such as the school which is currently occupied significantly below full capacity. It is considered that the proposal represents sustainable development that will contribute to providing a balance of available housing and would help support facilities and services in this and neighbouring towns and villages and therefore promote 'strong, vibrant and healthy communities'. It is therefore recommended that members approve the application in line with guidance within the NPPF. Permission, if granted, should be subject to the completion of a S106 Agreement to secure the provision of affordable housing in accordance with the Councils adopted policy.

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
Planning Practice Guidance

Core Strategy and Saved Policies:
CS3- Market Towns and Other Key Centres
CS5- Countryside and Greenbelt
CS6- Sustainable Design and Development Principles
CS9- Infrastructure Contributions
CS11- Type and Affordability of Housing

11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr Joyce Barrow

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Details of the appearance, landscaping, layout and 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 2(1) of the Town and Country Planning (Development Management Procedure) Order 2010 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 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.

4. 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.

5. This permission does not purport to grant consent for the layout shown on the deposited plan Number 03 Rev B submitted with this application.

Reason: To enable the Local Planning Authority to consider the siting of the development when the reserved matters are submitted.

6. The reserved matters submission shall provide details showing the retention of the stone walling along the boundary of the site with Chapel Lane as practicably possible and repaired/ rebuilt where appropriate.

Reason: The wall is considered to be a heritage asset which makes a positive contribution to the character of the area

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Committee and Date
 North Planning Committee
 26 August 2014

Item
8
 Public

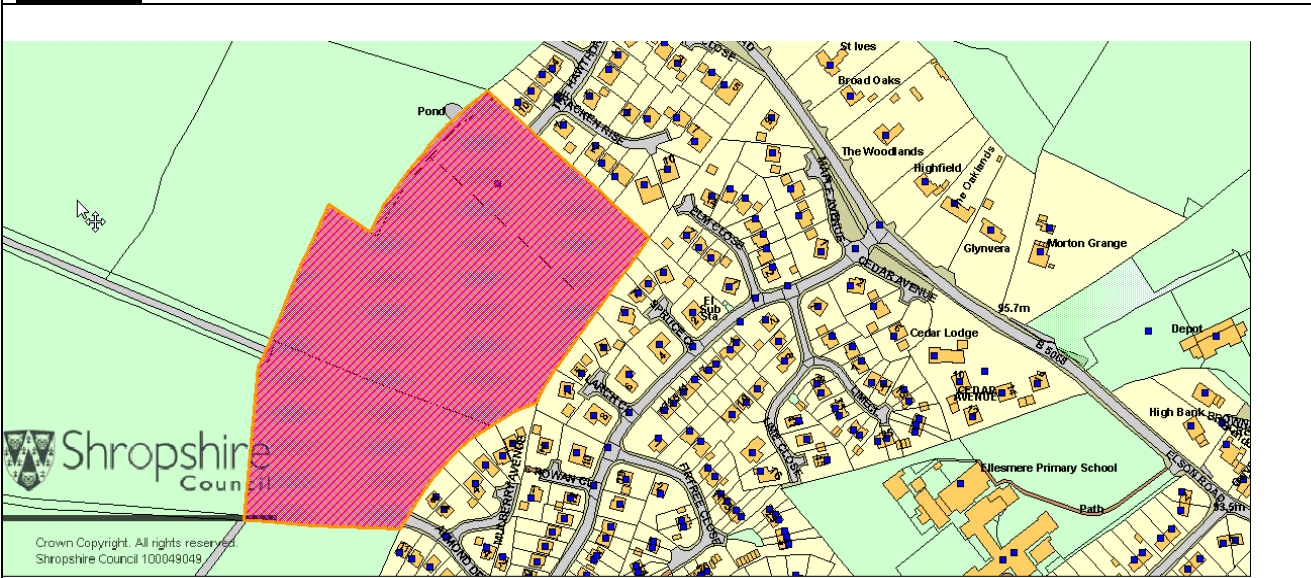
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 14/00822/OUT	Parish:	Ellesmere Urban
Proposal: Outline application for residential development to include access		
Site Address: Proposed Development Land South Of The Hawthorns Ellesmere Shropshire		
Applicant: R.J Pearce, Mr. J. Edwards & Fletcher Homes		
Case Officer: Mark Perry	email: planningdmnw@shropshire.gov.uk	

Grid Ref: 339128 - 335127



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and the applicant entering into a S106 to secure affordable housing and contribution towards highway improvements.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks outline planning permission for the creation of a residential development on a 4.10 hectare site to south of the existing housing estate called The Hawthorns. The outline application also seeks permission for the principle of the development and its means of access.
- 1.2 The access into the site would be from the end of two existing modern housing estate roads, named The Hawthorns and Almond Drive, the indicative layout shows that the two new cul-de-sacs would be created with a cycle/ pedestrian route between the hammer-head turning areas. The scheme also includes the provision on on-site affordable dwellings and also an area of public open space.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is a 4.10 hectare area of land used for agricultural grazing. A modern housing development abuts the north eastern and south eastern boundaries of the site with the other boundaries adjoining agricultural land. The edge of the site is 730 metres (as the crow flies) from the centre of Ellesmere. As such the site has a semi-rural appearance being located on the edge of Ellesmere.
- 2.2 In terms of current development plan policies the site sits within an area defined as open countryside. In terms of emerging policy the site is not included as a draft allocation in the Site Allocations and Management of Development (SAMDev) Plan which has now been submitted to the Planning Inspectorate. The application site was considered as part of the SAMDev process and The Hawthorns/ Almond Drive site was numbered ELL017a/b, the site(s) were a potential option for new residential development in the SAMDev Revised Preferred (July 2013). However the site was removed from the submitted SAMdev plan in favour of site ELL003 which is to the southern side of Ellesmere.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application is a both a major application and an application where the Parish Council have submitted a view contrary to officers based on material planning reasons and where the Principle Planning Officer and the Committee Chair agree that the application should be determined by the relevant Planning Committee

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 **Ellesmere Town Council- objects** this application for the following reasons:

1) The bottleneck at the top of Trimpley street although this does as the application states prove to be a traffic calming facility it already has to cope with an enormous volume of traffic and this development will increase that level of traffic dramatically.

2) Access problems were identified initially when this application was looked at which is the main reason that members looked to withdraw it from SAMDev.

3) This application would be outside the development boundary already agreed in the SAMDev which is about to go to cabinet.

4) Members have concerns that with the SAMDev already including site ELL003 which had full Town Council support in providing 250 dwellings in on area as opposed to having housing in three separate locations. Member have concerns that an additional 130 dwellings would be over development to the town and would be beyond the capabilities of the current infrastructure

4.1.2 **Highways- No objection** subject to a Section 106 Contribution towards traffic management measures along Trimpley Street and standard outline highway access conditions.

4.1.3 **Affordable Housing-** The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full application or a Reserved Matters application.

4.1.4 **Drainage-** Drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.

4.1.5 **Archaeology- No objection** subject to conditions. The proposed development site comprises an approximately 4.05ha area on the north-western edge of Ellesmere. The Tithe Award map indicates that the northern half of the site was previously known as Brick Kiln Field, suggesting that archaeological remains of brick kilns of 19th century or earlier date may exist in this area. This map also indicates that the far northern corner of the site was occupied by a fold yard and historic editions of the Ordnance Survey map that small field barn was present by the later 19th century. The southern half of the site was crossed by both the Ellesmere to Wrexham (HER PRN 08459) and Ellesmere to Oswestry (HER PRN 05892) branches of the Cambrian Railway, although the track beds appear to have been removed after the lines closed in the 1960s. The proposed development site is also located c.400m north-east of two cropmark enclosures of likely prehistoric date (HER PRNs 04219 & 04220), and there is therefore a possibility that archaeological features and deposits of an earlier date will be present on the proposed development site. On this basis the proposed development site is deemed to have moderate archaeological potential.

Ecology- No objection subject to at least the minimum open space requirement being provided in line with Policy CS6 and emerging MD2.

Natural England- no objection

4.1.6 **Trees- No objections** following the submission of the Arboricultural Impact Assessment

4.1.7 - Public Comments

52 letters of objection received commenting on the following issues:

4.1.8

- Impact on tourism
- Increased traffic generation

4.2

- Impact on highway safety
- Primary School is full to capacity
- Doctors surgery is at capacity
- Existing bottle neck on Trimpley Street
- Impact on wildlife
- Impact on Trees
- No jobs in Ellesmere
- Site would compete with the mixed use Wharf development which is the preferred SAMDev allocation which includes 250 dwelling, leisure and tourism uses.
- Not a brownfield site
- Over development of the site
- Increased risk of flooding
- Increased traffic pollution
- Already substantial development in Ellesmere
- Inadequate roads and pavement for volumes of traffic.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structure

Visual impact and landscaping

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 The NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking (para. 14), so it applies, as a material planning consideration, in any event. The NPPF specifically aims to 'boost significantly the supply of housing' therefore, the fact (and degree) that a proposed development helps to boost housing supply is a significant material consideration to which considerable weight must be attached. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply.
- 6.1.3 In September 2013 the housing land supply in Shropshire fell below the 5 year requirement. This has now been updated following the submission of the SAMDev Final Plan to the Planning Inspectorate. The Council is now in a position that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. However, in calculating the 5 years' supply the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies as there are significant unresolved objections which will not be resolved until the public examination and adoption of the SAMDev.
- 6.1.4 In the intervening period between submission and adoption, sustainable sites for housing where the adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF. As such it remains officer's advice that it would be difficult to defend a refusal for a site which constitutes sustainable development and that the presumption in favour of sustainable development at paragraph 47 of the NPPF is given greater weight than either the adopted or forthcoming policies. The NPPF does not permit a housing development free-for-all, the principle issue for consideration is whether the development is sustainable or not when considered against the NPPF as a whole. As such a development which is not sustainable can be refused against the NPPF but officers advise that caution should always be taken when considering refusal against the NPPF. Paragraph 14 advises that the adverse impacts of granting consent would need to significantly and demonstrably outweigh the benefits.
- 6.1.5 It is acknowledged that the site is outside the development boundary previously set within the North Shropshire Local Plan. As such the application has been advertised as a departure from the adopted local plan and would not normally be supported for development. However, these policies are at risk of being considered

“time expired” due to their age and the time which has lapsed since the end date of the plan. Officers therefore advise that it is appropriate to assess this site within the context of the ‘presumption in favour of sustainable development’.

6.1.6 Policy CS6, amongst a range of considerations, requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Policy CS7 states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services. Policy CS9 states that development that provides additional dwellings or employment premises will help deliver more sustainable communities by making contributions to local infrastructure in proportion to its scale and the sustainability of its location.

6.2 Is the site Sustainable?

6.2.1 The site is located on the outer edge of one of the larger settlements in North Shropshire. Policy CS3 of the Core Strategy states that Market Towns will provide “Balanced housing and employment development, of an appropriate scale and design that respects the towns’ distinctive character”. By its very nature a market town such as Ellesmere has a range of services, facilities, transport links and employment opportunities which are not only used by residents in Ellesmere but also to its rural hinterland.

6.2.2 When assessing the sustainability of a site its distance from services, facilities and employment is one of a number of factors to be taken into account when undertaking the planning balance. Alongside issues of impact on highway safety, ecology, social impact and development and the loss of agricultural land.

6.2.3 The strands of sustainability referred to in paragraph 7 of the NPPF are economic, social and environmental, further consideration of how the proposed development impacts upon these elements is set out below.

6.3 Economic Consideration

6.3.1 In economic terms the proposed development will provide employment during the constructions process and support suppliers, Community Infrastructure Levy contributions, New Homes Bonus and additional community charge receipts; although these benefits would be achieved by any new housing development and in any location. An increase in the number of people living within the town would provide an increased amount of spending power who would help to support and maintain the wide range of services that the town has to offer. As an important settlement it is well connected by public transport with bus services to Oswestry, Wem and Shrewsbury.

6.4 Social Consideration

6.4.1 Socially the scheme will provide both affordable and open market housing of which there is a proven need across Shropshire as set out in policy CS11 of the Core

Strategy. The number of affordable dwellings would be based on the target rate at the time of the reserved matters submission; currently set at 10%. The scheme would provide infrastructure improvements through the payment of the Community Infrastructure Levy under policy CS9. The contribution is dealt with outside of the planning process and after development commences and is used to pay for infrastructure identified as local priorities. However, it is a material consideration in the determination of the application and the acknowledgement of the requirement to pay the CIL ensures that this matter will be dealt with after the consent. The CIL contribution would provide for infrastructure enhancements as required.

- 6.4.2 It is recognised that increasing the number of residences in a settlement without a proportionate increases in the provision of local services risks impacting upon the social integrity the settlement. One example that has been cited by residents is the local medical surgery which is said by residents to be at capacity with a long wait to a have an appointment with a doctor. It is also acknowledged that Ellesmere is subject to a number of other current planning applications for large residential schemes, the application for the site allocated in SAMDev has yet to be submitted to the planning authority. The provision of a replacement GP surgery in the town is listed as a 'Priority' in the Place Plan where it advised that the Primary Care Trust has the replacement of the existing surgery is its list of premises for development but no additional PCT funding has been identified for new premises. Options for use of developer contributions should be explored in consultation with the PCT. Land has already been earmarked for a new building as part of the Wharf development.
- 6.4.3 Concerns have also been expressed about the number of school placements available in the town. The Learning and Skills section of the Council have confirmed that there is pressure on the primary school places and a new classroom will be provided this summer and that there will be a need to provide a 3 new classrooms over the plan period. Additional classroom accommodation would be funded by payment received through the community infrastructure levy.
- 6.4.4 The layout and form of the western side of Ellesmere consists primarily of large residential estates of either post war local authority housing or modern housing estates with the Primary School located at its heart. Modern residential development has expanded along Elson Road which historically consisted of just a long row of linear development on the northern side. The application site could be described as being semi-rural in its character given the proximity to other existing built development and the open fields. It is considered that although the proposed development is large, potentially 130 dwellings, it is not considered to be so excessively large to overwhelm the sizable settlement of Ellesmere or significantly impact upon the existing local community.
- 6.4.5 The site would have good access for pedestrians as there is a footway leading all the way to Primary School and the Town Centre. It is also well located to promote cycling within the built up part of Ellemere.
- 6.4.6 The site benefits from bus services 53, 501 and 208, the latter being the town centre service. Service 501 is a commercial route and 53 and 208 are subsidised

routes. The site is well located to benefit from these public transport services, which could lead to increased patronage using the subsidised routes.

6.4.7 Overall it is considered that the proposed addition of potentially up to 130 dwellings on the site would not result in a level of pressure on local infrastructure which would justify refusing the application, where necessary identified improvements could be carried out by CIL which is generated by new development. The site is within walking distance of the town centre where there is a significant range of services, facilities, shopping and employment opportunities as well as primary and senior schools. The scheme would also provide new housing, including affordable housing.

6.4.8 The sustainability appraisal carried out as part of SAMDev scored the site positively for access to public transport, access to a primary school, access to a local park or garden, access to amenity greenspace, access to a children's play area and for flood risk. It scored negatively for access to open space and a young people's recreation facility.

6.5 Environmental Considerations

6.5.1 The North Shropshire Landscape Sensitivity and Capacity Study records this site as having a medium/low landscape sensitivity. It is described as being "set back from the B5068 behind recent housing development and screened from wider view on the approach to the town by local topography and hedging, although part of the site is fenced to the roadside.

6.5.2 The site is part of the wider farmed landscape and is well screened from wider view because of the vegetation along the edge of the disused railway which from the southern section of the site in a north westerly direction. Views are available from the agricultural fields to the west and from the existing houses on the eastern edge of Ellesmere. A combination of topography and vegetation screens the site from wider views on the approach into the town, and it is only visible from adjacent housing and access points within the recent housing development adjacent to the northern and eastern edges of the site.

6.5.3 Within the site there are three mature trees and also further mature trees within the boundary hedgerows some of which are subject to tree preservation orders. In support of the application the applicant has provided an arboricultural impact assessment to demonstrate the impact of the development on the existing trees and hedges. It is considered that the report and the revised site plan has adequately demonstrated that the significant trees can be retained on the site and can be incorporated into the development. The scheme and accompanying reports have been assessed by the Council's Tree Officer who raises no objection subject to appropriate conditions.

6.6 Siting, scale and design of structure

6.6.1 The application and indicative layout of the site to show the possible position of the access roads which is shown as two cul-de-sacs with a pedestrian/ cycle route between The Hawthorns and Almond Drive. The plan also shows four distinct

areas of the site which would have low, medium and high density development and an areas for self building housing. The indicative layout also identifies the hedges, trees and their appropriate exclusion zones. The indicative layout does not go into the specific detail to show the potential position of dwellings. This will allow the number of dwellings, density and layout of the development to be considered as part of any subsequent reserved matters application. As such the indicative layout and are not for consideration at this stage.

6.6.2 The applicant has adequately demonstrated that the site is capable of being developed for a sizeable number of dwellings. The applicant originally included “up to 130 dwellings” in the description of development but has now agreed to remove this figure so that only the principle of a residential development on the site and its means of access is being considered. Following the additional requirements regarding ecology areas and tree protection areas the number of dwellings are likely to be lower than 130 and given its edge of village, semi-rural location. The exact number of dwellings that are appropriate for the site would only be fully considered at the reserved matters stage. The development would significantly alter the appearance of the site by introducing built development onto an open field, however the new dwellings would be seen against the existing housing estates and represent a logical extension.

6.6.3 The application site could be described as being semi-rural in its character given the proximity to other existing built development. It is considered that although the proposed development is large, it is not considered to be so excessively large to overwhelm a settlement the size of Ellesmere but would still significantly contribute meeting the housing targets.

6.6.4 The appearance, layout and scale of the development are all reserved for later approval as such full consideration would be given to these aspects of the scheme which includes the number of dwellings once an application is made for reserved matters approval.

6.6.5 Officers consider that the use of the land for housing would represent a logical extension to the village. The development of the land for residential purposes would not result in the site being in an isolated or detached location as it would be bound on two of its sides by existing residential curtilages; only the north-west and southern boundaries of the site would be against open fields although it is recognised that the view from the open field could be changed by the loss of an existing area of open land. However, in the planning balance this is not considered to be of sufficient harm to outweigh the presumption in favour of sustainable development.

6.7 Visual impact and landscaping

6.7.1 The application site is mainly screened from the B5068 because of existing hedgerows and the topography of the land and by the existing housing development. Whilst the existing site appears to be regularly used by dog walkers and for recreation there are no public rights of way across or near to the site. The existing boundaries of the site are formed by the unattractive rear boundary fences

and walls of the dwellings on the adjacent estate. Whilst the proposed development would be likely to create a new defining edge to the settlement there is scope for it to have a softer appearance as there is an existing mature hedge line with intermittent trees that would help screen the development.

6.7.2 The main view of the site would be either from within the development or from the rear gardens of the neighbouring properties. The applicant has indicated that they would be willing to retain existing features such as hedgerows and mature trees. This has a benefit both for ecological reasons and for the site's visual amenity. How the proposed development incorporates and responds to these existing features would be considered as part of the reserved matters submission.

6.7.3 It is considered by Officers that the site can be developed for housing without there being any detrimental impact on the visual amenity of the area.

6.8 Impact on Neighbours

6.8.1 The introduction of an extension to a housing estate will inevitably increase the number vehicle movements and increase the amount of activity on a site that is currently used for agricultural purposes. The proposed residential scheme would be accessible from the two access routes splitting traffic between The Hawthorns and Almond Drive/ Cherry Drive both access have good visibility onto the main highway network. Concerns have been expressed by residents about the increasing vehicle movements and this would detrimentally affect the amenities of existing residents because of noise and disturbance from passing cars. It is considered that the number of likely vehicle movements and the likely speed of vehicles would not generate a level of disturbance that would be detrimental to the living conditions of neighbouring occupiers or the occupiers of dwellings located along the two access roads.

6.9 Highway Safety

6.9.1 The indicative road layout indicates the site being served off 2 existing cul-de-sac roads known as 'The Hawthorns' and 'Almond Drive'. There is the potential to provide a road through link between The Hawthorns and Almond Drive however the indicative plan shows 2 separate cul-de-sac routes with an cycleway/pedestrian plus emergency vehicle access to link the new 2 roads.

6.9.2 The Hawthorns is laid out to a carriageway width of 6.0 metres with 1.8 metre wide footways and forms a standard 'T' junction arrangement with the B5068 Elson Road, which meets acknowledged highway layout and visibility standards. It is considered that The Hawthorns has been designed with potential future development in mind into the adjoining field off the end of the access road. The application suggests that this would serve the major part of the site.

6.9.3 The second portion of land is proposed via an extension of Almond Drive, currently a short cul-de-sac access road which exists onto Cherry Drive which functions as the spine road serving the housing stock within the housing estate. Again, as with The Hawthorns, Almond Drive provides a carriageway width of 6.0 metres with 1.8 metre wide footways and forms a 'T' junction arrangement with Cherry Drive which

meets acknowledged highway and visibility standards. Again the termination of Almond Drive suggests that potential future development was considered at the time the development was built.

- 6.9.4 It is considered that both The Hawthorns and Almond Drive are suitable to serve further development and have been laid out as such. The highway authority have stated that they are satisfied that suitable access can be achieved.
- 6.9.5 A significant number of objections have been received where they comment on the narrowing of Trimpley Street; between the site and the town centre. The narrowing allows only single vehicle flow, currently controlled via a priority traffic management arrangement whereby the outbound traffic flow has priority over the inbound (town centre) traffic flow.
- 6.9.6 Without the acquisition of third party land it is difficult to see an alternative traffic management arrangement than is currently in place. Whilst traffic signals would be a potential option but the highway authority would question its effectiveness which may in fact lead to an adverse impact upon the movement of traffic along Trimpley Street.
- 6.9.7 Inevitably any increase in residential to the north of the narrowed section of Trimpley Street can only have a negative impact upon traffic flow as referred to by objectors. The highway authority do share this view and therefore the weight it carries as part of the decision making process is key. The fundamental issue that the highway authority have to consider is whether that impact is 'severe' in itself to warrant an objection that would stand up to scrutiny. The Highways authority have commented that notwithstanding the deficiencies of Trimpley Street, it would be difficult to justify that the road narrowing would result in such adverse highway conditions as to warrant a highway objection. At the reserved matters stage the exact numbers of dwellings will be known which would be the determining factor in terms of the impact of traffic flow through the narrowed section.
- 6.9.8 In the submitted design and access statement the applicant has confirmed that they would be willing to offer a financial contribution towards the traffic management via a Section 106 Agreement. At this stage no financial figure has been put forward and it is recommended that this be agreed by officers with the applicant/agent.

6.10 Ecology

- 6.10.1 In support of the application and in response by comments made by the Council's Ecologist and Tree Officer the applicant has provided further protected species survey and an arboricultural impact assessment.
- 6.10.2 The application site is within a relatively short distance of Colemere and Whixall Ramsar sites and as such there is the potential for the development in conjunction with other new residential developments in Ellesmere to increase visitor numbers. If this is the case then it is necessary to mitigate against this by providing adequate public open space within the proposed development. The amount of open space is

not known at this outline stage although the applicant has confirmed that the open space provision would be in accordance with minimum amounts set out in adopted policies. The Council's Ecologist has confirmed that because the site would provide adequate public open space there would be no likely significant effect on the European protected sites.

- 6.10.3 The submitted report includes details of protected species including details of evidence of badger foraging throughout the site and two active badger setts found nearby. The Shropshire Badger Group have objected to the development on the ground that it would destroy a large part of the foraging area. However, the foraging areas are not legally protected. Instead it is considered that no development should be carried out within 30m of either of the badger setts. This can be dealt with by an appropriate planning condition.
- 6.10.4 There are a number of matures Oak trees on the site with the potential to provide a bat roosting habitat and the other trees and hedges are likely to be used for bat foraging and commuting, the trees are shown as being retained and with the addition of suitable conditions the Council's Ecologist and Tree Officer have raised no objection to the proposal.

6.11 Affordable Housing

- 6.11.1 In accordance with the adopted Core Strategy all new open market development must make a contribution towards the provision of affordable housing, unless there are other material planning considerations. The number of dwellings is not yet known as this is an outline planning application. Therefore a S106 will secure either on site and a financial contribution which will be used for the provision of affordable housing in accordance with the Shropshire Viability Index as set out in the adopted SPD.

7.0 CONCLUSION

- 7.1 The site is located outside of the current Ellesmere development boundary and is therefore classed as a departure from the development plan, significant weight must be awarded to paragraphs 7 and 8 of the NPPF where is a presumption in favour of sustainable development.
- 7.2 The proposed scheme will create a significant expansion to the northern side of Ellesmere. The location of the development is not considered to be out of keeping with the form and layout of the adjacent existing housing development. The development of the site would follow the form of the immediately adjacent housing development whilst maintaining the character and appearance of the settlement and not impacting upon the character and appearance of Ellesmere when approaching from the north. The proposed scheme would link in at either end with the existing housing estate road provide a natural link and a logical extension to the estate.
- 7.3 It is considered that the application site is appropriately located where visually it would have limited visual impact because of the topography of the land and the high levels of existing mature tree and hedge planting. There would be the loss of

an open field but it has been demonstrated that the mature trees and hedges could be retained within the development.

- 7.4 The proposal will be of significant benefit in terms of boosting the local housing supply including the provision of affordable housing in what is a sustainable location where there is good access to services in a sizeable market town. Accordingly, it is considered on balance that the benefits of the scheme is not demonstrably outweighed by the harm caused and that the proposal complies with policies CS6 and CS11 of the Core Strategy and the requirements of 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, 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
Planning Practice Guidance

Core Strategy and Saved Policies:

CS3- Market Towns and Other Key Centres

CS5- Countryside and Greenbelt

CS6- Sustainable Design and Development Principles

CS9- Infrastructure Contributions

CS11- Type and Affordability of Housing

11. Additional Information

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

Cllr M. Price

Local Member
Cllr Ann Hartley

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Details of the appearance, landscaping, layout and 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 2(1) of the Town and Country Planning (Development Management Procedure) Order 2010 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 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.

4. The design of the detailed site layout must take account of the tree constraints identified in the Arboricultural Impact Assessment submitted and an updated version of this report, taking account of the detailed site layout, along with a tree protection plan and arboricultural method statement shall be provided with the first reserved matters submission.

Reason: To enable the impact of the development on the trees to be fully considered.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

8. No building and construction work shall be commenced unless evidence has been provided to the Local Planning Authority that no badger setts are present within 30 metres of the development to which this consent applies immediately prior to work commencing. The site should be inspected within 3 months prior to the commencement of works by an experienced ecologist and a report submitted to the Local Planning Authority.

Reason: To ensure the protection of badgers

9. No development approved by this permission shall commence until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This

written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

10. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

6. Prior to the first occupation of the dwellings details of ten woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

Reason: To ensure the provision of roosting opportunities for bats, which are European Protected Species

7. Prior to the first occupation of the dwellings details of ten woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

Reason: To ensure the provision of nesting opportunities for wild birds

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

5. Work shall be carried out strictly in accordance with the Ecological Assessment by Star Ecology dated February 2014 and as shown on Wildlife Mitigation Plan/Tree Survey Drawing numbered 04A.

Reason: To ensure the protection of badgers, a Protected Species

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Committee and Date
 North Planning Committee
 26 August 2014

Item
9
 Public

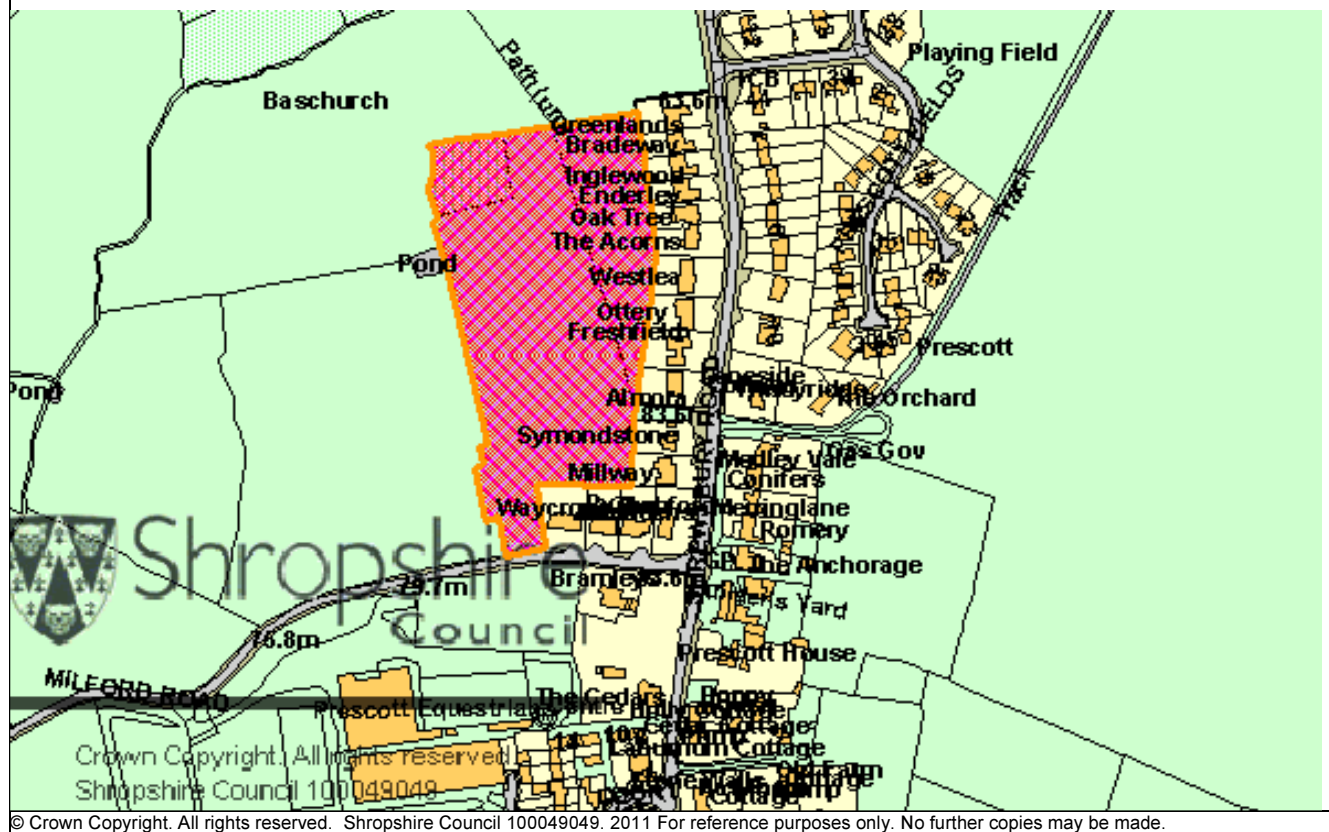
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 14/01123/OUT	Parish: Baschurch
Proposal: Outline application (access for approval) for mixed residential development and medical centre to include access	
Site Address: Land North Of Milford Road Baschurch Shropshire	
Applicant: Mr & Mrs JV and F Davies	
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk

Grid Ref: 342476 - 321364



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a S106 to secure the relevant AHC at the time of the reserved matters and the gift of land for a medical centre.

REPORT

1.0	THE PROPOSAL
1.1	This application relates to outline permission, to include access, for residential development of the site in addition to a medical centre and associated car parking with all matters reserved for later approval. Although an indicative layout has been submitted the exact layout is one of the matters reserved for later approval.
2.0	SITE LOCATION/DESCRIPTION
2.1	The application site is part of an agricultural field on the East side of the village of Baschurch. The site is situated behind a row of houses that face Shrewsbury Road which runs through the centre of the village. There is an existing access to the site off Shrewsbury Road that will serve the residential part of the proposal shown on the indicative layout. This access was approved under a planning permission approved in 1961 but it appears that only part of that permission was implemented and only the houses facing Shrewsbury and Milford Road were built (Ref: 60/1691). This proposal also includes a new access off Milford Road to serve the proposed medical centre indicated on the indicative layout plan. There is a footpath which runs through the site known as 'The Coffin Path' and a wooded area to the North West of the site and trees along the Northern boundary.
3.0	REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION
3.1	The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as it is a major application which in the view of the service manager with responsibility for Development Management, in consultation with the committee chairman should be determined by the relevant planning committee.
4.0	Community Representations
4.1	Consultee Comments
4.1.1	<p>SC Highways DC - The application is seeking the approval for the formation of a new estate road access onto the Class II road B5067, known as Shrewsbury Road and a new access to the proposed doctor's surgery onto the Class III road, known as Milford Road to the south of the site. The Class II road forms a link between the B4397 to the north and Shrewsbury to the south whilst the Class III road links Baschurch to the villages to the west and ultimately the A5 by a more 'rural localised' route.</p> <p>At both of the proposed access points there is a local speed limit of 30 mph in force. The proposal shows the provision of 2.4metres by 43 metres visibility splays</p>

	<p>at both of these access points to the nearside carriageway edge in both directions from the access point which fully accords with acknowledged standards. The proposed new access onto Shrewsbury road utilises a parcel of land between existing properties which appears to have been retained for this purpose to enable the land to be developed to the rear of the existing properties fronting Shrewsbury Road.</p> <p>There is no footway provision along Milford Road but it is anticipated given the location of the site in relation to the village that the preferred pedestrian route will be by the main pedestrian access to the new houses and doctors' practice via Shrewsbury road which has footway facilities linking the site directly to the village. The footway facility directly adjoining the new access junction onto Shrewsbury Road should however be improved and regularised to 1.8 metres in connection with the development.</p> <p>The proposed car park access onto Milford Road will however generate additional traffic movements between this access and the junction with the B5067, with the anticipated main direction of travel being along this section of the Class III road. Milford Road is currently varying in width and has tight radii with the B5067 and show overrunning evidencing this. Whilst it is considered that a highway objection to the use of this route in connection with the proposal would be difficult to sustain it is nonetheless going to serve as the main access to the car park which is proposing a number of spaces. In connection with the development therefore it is considered that the carriageway of Milford Road between the new access and its junction with the B5067 should be formalised to a standardised width of 5.5 metres and the junction radii increased to help with the respective turning movements of vehicles into and out of the junction at this point.</p> <p>The Highway Authority raises no objection to the granting of outline consent subject to the imposition of conditions.</p>
4.1.2	<p>SC Affordable Houses - If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full application or a Reserved Matters application. The current prevailing target rate for affordable housing came into force on the 1st September 2013 and in this area is 15%. The profoma attached shows the correct percentage but an incorrect calculation, but as this is outline only this will be determined at the reserved matters or full planning permission stage so should just show the formula for now. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. The size, type and tenure of the affordable homes will need to be agreed with the Housing Enabling Team before any further application is submitted.</p>
4.1.3	<p>SC Rights Of Way - I note that the intention is to retain the route of the footpath on its current alignment and that this was something that was specifically highlighted in the SAMDev as referred to in section 1.3 of the Planning Statement. I am pleased</p>

	<p>to see that the intention is not to coincide the path with an estate road but I do still feel that the potential amenity value of the path will be significantly reduced once enclosed, for much of its length, by property boundaries. I would ask whether relocating the path in the field around the outside of the development boundary would better retain its character.</p> <p>Whilst the path itself is probably an historic one with local significance, the section through the development site has only been on that particular alignment since it was diverted to allow for residential development along Shrewsbury Road in 1961. Ultimately the principal of incorporating a path into the layout of a development is acceptable and it will be a matter for the local community to decide whether they would rather the path be retained on its present alignment or moved beyond the perimeter. If the path is primarily used as a short cut the former will probably be preferable but if used more for amenity (such as dog walking) the feasibility of the latter may be something worthy of consideration; I would be happy to discuss the options with the applicant. If the path is to be retained on its current line we would wish to ensure that the boundary treatments do not lead to a narrow enclosed 'corridor' without natural surveillance from adjoining properties as such routes are generally unappealing, particularly at night, and are recognised to have the potential to attract anti-social behaviour.</p> <p>In any event, even with the path remaining on its current alignment, should permission be granted it is likely that a temporary closure (ideally with an alternative route) will be required during construction and the developer should maintain a dialogue with Outdoor Recreation prior to any works taking place.</p> <p>This team has been contacted by at least one member of the public concerned that the alignment of the path indicated on the block plan did not coincide with that shown on the Council's online mapping system. Having referred to the 1961 diversion order I am able to confirm that the line shown on the application block plan is broadly accurate and that whilst I have corrected the digital working copy of the definitive map to better reflect the changes made by the order there may be a short delay before this amendment takes effect on the Council's online mapping system.</p>
4.1.4	<p>SC Public Protection – In order to make the residential properties ready for EV charging point installation isolation switches must be connected so that a vehicle may be charged in the garage or driveway. With regard to the medical centre recommends that infrastructure required to put electric charging facilities into 10% of parking spaces is provided and that at the time the centre opens at least one charging point is connected up and available for use to staff and/or customers.</p>
4.1.5	<p>SC Drainage – Suggests drainage details, plan and calculations that could be conditioned and submitted for approval at the reserved matters stage.</p>
4.1.6	<p>SC Ecologist</p> <p>Great crested newts – The Great Crested Newt Survey report by Turnstone (June 2014) gives the result of surveys of 'Pond 1', which were carried out between March and May 2014. The Habitat Suitability Index score was 0.58 'below average'. No great crested newts were recorded, although smooth newts were.</p>

Of the other four ponds within 500m of the application site, Pond 2 no longer exists, Pond 3 was considered unsuitable for Great Crested Newt (size, fish and wildfowl) and Ponds 4 and 5 are separated from site by distances of over 250 m and barriers to dispersal.

Turnstone (June 2014) conclude from the survey results that GCN are very unlikely to be present within the site boundaries. They do however recommend protecting Pond 1 from negative impacts from the development in terms of changes in water levels or pollution. They also recommend enhancing this pond for wildlife.

It is recommended that a habitat management plan is required for the retained woodland and extended to include Pond 1 (the site boundary would need to be extended to include this). A condition to this effect is given.

Badgers

Turnstone (2014) found a well-used badger hole adjacent to the woodland in the north-west corner of the site. A large active sett was found over 50m from the site therefore the single hole is an outlier to this main sett. The proposals will destroy the single badger hole and a licence will be needed from Natural England to close it. Turnstone (2014) provides an outline of the method statement that will need to be followed.

Bats

The mature trees on the northern boundary of the site and the woodland have potential to support roosting bats provide foraging and commuting routes for bats. The submitted Block Plan indicates retention of these features and therefore the development is unlikely to have any direct impact on bats.

Reptiles

Turnstone Ecology (2014) report that habitats around the boundaries of the proposed development are considered suitable for reptiles and where proposed works are to affect hedgerows and/or field margins it is recommended appropriate safe working methods are put in place to ensure no reptiles are harmed.

Nesting birds

The trees and hedgerows on the site are likely to be used by nesting birds.

4.1.7

Trees – There are a number of significant trees present on the boundaries of this site. The development of this land has the potential to impact upon these trees, including the possibility of damaging them to a point that they cannot be safely retained and/or create a situation whereby the trees affect or exert an influence over the proposed development in the longer term.

To properly assess these impacts and implications and the consequences for the landscape and public amenity of the area and the wider environment an Arboricultural Assessment, prepared in accordance with BS 5837: 2012 must be provided with the application.

It is expected that any proposed development would make provision to retain any trees identified as significant or potentially significant in the terms of public amenity

	<p>or provide substantial justification and mitigation where their removal is proposed. As this is an outline application the information should demonstrate that there is adequate space to allow for the proposed numbers of structures and associated infrastructure and to provide the required protection / separation zones around retained trees.</p> <p>If this information is not forthcoming it must be considered that the proposed development will have a substantial negative impact on the adjacent trees and the wider amenity and it would be recommended that the application be refused as it would be contrary to the principals of the Shropshire Local Development Framework; adopted core strategy policies CS6 & CS17.</p>
4.2	Public Comments
4.2.1	<p>Objection comments from seven residents have been received and summarised as follows and are available in full on the file:</p> <p>Highways/Traffic</p> <ul style="list-style-type: none"> - Limited visibility on the Milford Road junction - Proposed development will increase the amount of traffic on local roads resulting in more congestion on roads that are already overloaded especially at peak times - The traffic report does not refer to horses and this is relevant due to the proximity of Prescott riding stable and illustrates how weak and flawed the report is. - The traffic report is based on opinion and not substance - The volume and type of traffic on Milford Road should be reassessed - Is alarmed that Highways have no objection to the proposal <p>Residential amenity</p> <ul style="list-style-type: none"> - Loss of privacy, light and air to existing properties - Loss of views and impact on the rural countryside character - Increased noise, activity, smells and disturbance to existing residents due to proximity of houses, garages and gardens in place of open fields - Hours of site working and site deliveries should be restricted (preferably 9am to 4pm on Monday to Friday only) <p>Layout/Landscaping/Scale and Design</p> <ul style="list-style-type: none"> - No indication as to the types of houses being built - Proposed high density housing is not in keeping with the village and rural aspect of the village - The landscaped 'buffer zone' is actually garden and provides no buffer. - Ownership of the landscaped 'buffer zone' needs clarification for maintenance and responsibility purposes and should be larger - If the size of the gardens on the new plots nearest the existing housing were increased to encompass this buffer zone or it was transferred to existing residents, ownership and maintenance issues would be resolved - A buffer strip of 15 metres should be provided

Infrastructure

- No infrastructure to support the proposed development in addition to the other housing proposed in Baschurch.
- Concerned the sewage system cannot support additional houses
- The school is over subscribed and there is no employment, no bank, limited post office, no fuel station and insufficient services and facilities for the proposed increased population
- It is unlikely that the train station will re-open
- The bus service is infrequent

Medical Centre

- The benefits of a new surgery are a 'red herring' and 'bogus' and officers and members should be aware that the applicants have not demonstrated that there is a need or funding available and that no application for NHS funding has been made and the current surgery is accepting new patients and there is no need for a new surgery
- Locals do not need a new doctors surgery, they need more parking spaces at the current surgery
- To benefit the community the surgery must be funded and delivered within agreed timescales before the houses are built and secured by S106
- Until the surgery is built, clear ownership, usage and maintenance of this area should be established
- Concerns that the land will be left to wasteland while waiting for development to go ahead

Policy Considerations

- Proposed development is outside the existing development area
- Allocating this land for housing development within SAMDev should have been considered on its own merits, without any consideration being given to the offer of land for a surgery
- The PC support this application and this allocated site within SAMDev but against the wishes of the vast majority of the people of Baschurch, as voiced in the Parish Plan of 2008
 - This plan at page 24 indicates that there was an overwhelming consensus that any new housing development should not include large estates as 427 responses supported groups of five or fewer houses, conversion of redundant buildings, and single dwelling plots.
 - The PC have made a U turn in that they originally opposed the site, preferring sites to the North East of the village but now support its allocation with no consultation or explanation
 - A joint owner of the land is a co-opted member of the PC
 - The SAMDev indicates a figure of 100-150 for Baschurch to cover the period up to 2026 but based on applications in the last six months and current permissions there is now almost double this amount
 - The number of dwellings vastly exceeds the projected number in SAMDev which is not approved yet by the Secretary of State and therefore the Council should be rejecting applications beyond these numbers.
 - Additional dwellings are not required and once the 5 year land supply figure is

	<p>known any more houses above the 100-150 outlined in policy should be rejected</p> <p>Determination</p> <ul style="list-style-type: none"> - This application should be determined by committee and not a delegated decision. - Determination of this application should be deferred until Shropshire Council has confirmed whether they have a 5 year land supply when they produce their next annual statement - To approve this application based on a lack of 5 year land supply would be an adverse decision based on an incorrect statutory framework of consideration and would be Wednesbury unreasonable <p>Other issues</p> <ul style="list-style-type: none"> - Potential to extend the development at a later date - Loss of Grade 2 agricultural land - Potential impact on wildlife including bats and newts - There are many unimplemented housing schemes waiting to be developed - The 'Coffin Path' should be re-instated once development completed - Suggests a programme of works and an alternative proposal
4.2.2	<p>One letter of support has been received summarised as followed:</p> <ul style="list-style-type: none"> - Excellent opportunity for the village to grow - The village has a wealth of amenities which will benefit from additional houses and are easily accessible by footpaths - Would help Shropshire Council to meet its supply of housing land including affordable housing
4.2.3	<p>Baschurch Parish Council - Support the application with the conditions that:</p> <ol style="list-style-type: none"> 1. The coffin path must remain at its present location and must not be diverted other than whilst work on the site is being undertaken. 2 The dwellings built behind the houses on Shrewsbury Road must only be bungalows. 3. Should the Drs Surgery be built and then at a later date not required its alternative community use must be determined in consultation with the Parish Council and added to the 106 agreement
5.0	THE MAIN ISSUES
	<p>Principle of development Highways/Access Scale, appearance and layout / Visual and residential amenity Trees, Landscaping and Open Space Ecology Footpath Drainage</p>

	Developer contributions / AHC / CIL / Infrastructure
6.0	OFFICER APPRAISAL
6.1	Principle of provision of a medical centre
6.1.1	<p>Policy CS8 (Facilities, Services and Infrastructure provision) supports <i>'the provision of additional facilities, services and infrastructure to meet identified needs, as outlined in the LDF Implementation Plan whether arising from new developments or existing community need, in locations that are appropriate and accessible'</i>. This proposal includes the provision of land to provide a new medical centre which accords with the identification of the site within the emerging SAMDev DPD as an allocated housing site to include the provision of land for a medical centre. Health care provision for Baschurch is also referred to in the LDF Implementation plan and the Place Plan for Baschurch. The site would be reasonably accessible on foot from most parts of the village given its central location and this aspect of the outline proposal is therefore considered acceptable in principle.</p>
6.2	Principle of residential development
6.2.1	<p>The site is situated within Baschurch and is outside the development boundary on the proposals map of the NSDC adopted Local Plan. The site is currently classed as 'Open Countryside' under CS5 and therefore open market residential development of the site would be contrary to current adopted policy. However paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:</p> <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 • 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).
6.2.2	<p>The emerging 'Site Allocations and Management of Development' DPD (SAMDev) is at the 'pre-submission draft' stage and has recently been submitted for examination. Within the SAMDev policy MD1 identifies Baschurch as a 'Community Hub' within the Shrewsbury area and policy S6.2 (i) indicates the following:</p> <p><i>Baschurch is a Community Hub with a housing guideline of around 150-200 additional dwellings over the period to 2026. This will be delivered through the development of the allocated housing sites together with development by infilling, groups of houses and conversion of buildings which may be acceptable on suitable sites within the development boundary identified on the Policies Map.</i></p> <p>The application site is one of the allocated sites for up to 30 houses under reference BAS017 (Land to the west of Shrewsbury Road) and states the following:</p> <p><i>Development subject to satisfactory access, layout and design and the provision of</i></p>

	<p><i>land adjoining Milford Road for a new Medical Centre and associated parking, protection of the integrity of the coffin path crossing the site, and high quality landscape design to minimise the visual impact of the development on the surrounding area and existing adjoining residential properties.</i></p> <p>The proposed development of this site for residential use and medical centre therefore accords with this emerging policy. However as set out in paragraph 216 of the NPPF, the ‘weight’ that can be attached to relevant policies in emerging plans such as the SAMDev depends on the stage of preparation, extent of unresolved objections, and degree of consistency with the NPPF. The Council’s view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone very substantial public consultation, where significant weight can be attached but, pending examination and adoption, this needs to be considered with care alongside the other material considerations.</p>
6.2.3	<p>Paragraph 14 of the NPPF states that:</p> <p><i>‘At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.....For decision-taking this means that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:</i></p> <p><i>— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the]Framework taken as a whole; or</i></p> <p><i>— specific policies in [the] Framework indicate development should be restricted.’</i></p> <p>With regards to housing development paragraph 49 of the NPPF states that:</p> <p><i>‘Housing applications should be considered in the context of the presumption in favour of sustainable development’.</i></p> <p>and that</p> <p><i>‘Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.’</i></p>
6.2.4	<p>In September 2013 the housing land supply in Shropshire fell below the 5 year requirement. This has now been updated following the submission of the SAMDev Final Plan to the Planning Inspectorate. The Council is now in a position that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. However, in calculating the 5 year supply the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies as there are significant unresolved objections which will not be resolved until the public examination of the SAMDev.</p>
6.2.5	<p>In this period prior to examination sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the</p>

	development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. Officers consider that it would be difficult to defend a refusal for a site which is considered to constitute sustainable development unless the adverse impacts of granting consent would significantly and demonstrably outweigh the benefits (as outlined in paragraph 14 of the NPPF).
6.2.6	It is acknowledged that the site is outside the development boundary within the adopted North Shropshire Local Plan and would not normally be supported for development. The application has therefore been advertised as a departure from the adopted local plan. However adopted local plan policies are at risk of being considered “time expired” due to their age and the time which has lapsed since the end date of the plan. Officers therefore advise that it is appropriate to assess this site within the context of the ‘presumption in favour of sustainable development’.
6.2.7	The principle issue for consideration is whether the development is sustainable or not when considered against the NPPF as a whole. The balance of material considerations is still in favour of boosting housing supply in locations that are considered to be sustainable. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether there would be any significant impact or harm as a result of the proposed development that would outweigh the benefits. This will be considered in the paragraphs below.
6.3	Sustainable development
6.3.1	Baschurch is a large village with a wealth of services and facilities within the village and surrounding area and a bus service to Shrewsbury and Oswestry. These services and facilities include a primary and secondary school within the village and Walford college and the private Adcote school just outside the village, an Indian restaurant, Chinese takeaway, fish and chip shop, hairdressers and beauticians, doctors, post office, village shop, farm shop, two pubs, hardware store, a new supermarket, a village hall, church and riding stables. The main facilities within the village can be accessed on foot by footpath along both sides of Shrewsbury Road. In addition there are numerous employment opportunities within in and close to the village including three vehicle repair garages, builders, PGL holiday centre, a care home, holiday cottages, a large equine vets practice, livery yard and vehicle driver agency. Office space is available to let at Walford Business Centre. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services and a range of facilities and employment opportunities without over reliance on the private motor car.
6.3.2	However ‘sustainable development’ isn’t solely about accessibility and proximity to essential services but the NPPF states that it is ‘about positive growth – making economic, environmental and social progress for this and future generations’. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles: <ul style="list-style-type: none"> • <i>an economic role - contributing to building a strong, responsive and</i>

	<p><i>competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;</i></p> <ul style="list-style-type: none"> • <i>a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and</i> • <i>an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.</i>
6.3.3	<p>Economic role – The proposal will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The provision of additional houses will also support local businesses as future occupiers are likely to access and use local services and facilities helping them to remain viable. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable for a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.</p>
6.3.4	<p>Social role – The proposal will provide up to 30 houses which will help meet the housing shortage Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in settlements where it will support facilities helping to retain services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. In addition to boosting the supply of open market housing the proposal will provide affordable housing on site at the prevailing rate at the time of the reserved matters application.</p>
6.3.5	<p>Environmental role – The site is grade 2 agricultural land (as is all land in Baschurch) and has no heritage, cultural or ecological designation. It is considered that the loss of this piece of agricultural land is not significant and the proposal would not result in any adverse ecological or environmental implications (ecology will be considered more fully below). The proposal would provide ecological enhancements of the site that will be secured by condition. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible on foot or by cycle to local services and facilities and by public transport to the array of services, facilities and employment opportunities in Shrewsbury and Oswestry.</p>
6.3.6	<p>It is therefore considered that the proposed residential development is acceptable in principle having regard to the three dimensions of sustainable development. This is also supported by the allocation of the site for up to 30 dwellings within the</p>

	<p>emerging SAMDev plan. This also refers to <i>'the provision of land adjoining Milford Road for a new Medical Centre and associated parking'</i> and some residents have commented that the residential development should not be commenced until the new medical centre shown on the indicative layout plan is built. However the allocation within SAMDev only refers to the provision of land and not the provision of the medical centre itself. It is considered that the proposed residential development is acceptable in principle and in accordance with the NPPFs 'presumption in favour of sustainable development' without requiring the medical centre to be built and it would be unreasonable for this proposal to make provision for this when other developments have not. The proposal will in any case make contributions to infrastructure through the required CIL payment and the provision of the land is being secured by a S106 agreement.</p>
6.3.7	<p>It has been suggested that determination of the application is deferred until the 5 year land supply figures have been reassessed and published. However determination of planning applications cannot be deferred until a new 5 year supply statement is produced or until SAMDev is adopted policy, and development proposals have to be considered with regard to all material planning considerations and relevant planning policy and information available at the time of submission. Planning applications should be determined expediently as part of <i>'approaching decision-taking in a positive way to foster the delivery of sustainable development'</i> (paragraph 186 of the NPPF) and <i>'issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs'</i> (NPPF para 190). The 'presumption in favour of sustainable development' prevails and as outlined above the proposal is considered to represent sustainable development and is considered to accord with the principles of the NPPF. In addition the site is allocated for housing to include the provision of land for a medical centre and some weight should be given to its allocation within the SAMDev DPD which the Council considers to form part of a sound Plan. The allocation of this site and any challenge to it is however a matter for the SAMDev Plan examination.</p>
6.4	<p>Highways/Access</p>
6.4.1	<p>The application is seeking approval for the formation of a new estate road access onto the Shrewsbury Road to serve the new dwellings and a new access to the proposed doctor's surgery onto Milford Road to the south of the site. The Highways officer has commented that the majority of pedestrians will access the site via the Shrewsbury Road access and that the footway facility should be improved and regularised to 1.8 metres. Highways have also commented that the visibility splays are adequate at both of the accesses but as vehicle movements using the new access will generate additional vehicle movements at the junction of Milford Rd with Shrewsbury Rd recommends that the carriageway off Milford Road between the new access and the junction with the Shrewsbury Rd should be formalised to a standardised width of 5.5 metres and the junction radii increased to help with the respective turning movements of vehicles into and out of the junction at this point. A condition will be imposed regarding this and it has been confirmed that the land required for these improvements are within the ownership of the applicant or is highway land. Whilst it is recognised that the proposal will result in an increase in traffic this would not be significant and subject to the imposition of conditions it is considered that the proposal would not have any highway safety implications that would justify refusal of this application.</p>

6.5	Scale, appearance and layout / Visual and residential amenity
6.5.1	<p>This proposal is Outline with all matters other than access reserved for later approval but the Design and Access statement indicates a mix of bungalows and two storey houses and an indicative layout plan has been submitted. This is only indicative to illustrate how the site might accommodate the number of dwellings indicated in addition to a medical centre and associated parking. There is local concern that this layout and number of dwellings is high density and not in keeping with the rural setting and that there is no indication of whether they will be houses or bungalows. However this application is only outline with siting, scale and appearance reserved for later approval. The number (and density) of dwellings is therefore not part of the proposal and would not be fixed by approval of this application. The number of dwellings and the layout could change completely and will be considered fully (along with scale and appearance) at the Reserved Matters stage as will the impact on existing residents and residential amenity. However it is considered that a development of an appropriate scale and design could be achieved that would not significantly and adversely affect the character and appearance of the locality and without any significant adverse impact on residential amenity. Whilst it is accepted that development of this field behind existing properties will change the view of open countryside enjoyed by existing residents there is no right to a view and this land was in any case designated for housing in a permission granted in 1961. The built development will obviously change the view and outlook from the rear of properties in Shrewsbury and Milford Road but a satisfactory separation distance could be achieved to ensure that the built development would not appear obtrusive and overbearing or result in unacceptable overlooking and loss of privacy. In addition whilst the enjoyment of the gardens by future residents might result in noise and activity this would be no different to that expected in a residential area and in existing neighbouring gardens.</p>
6.6	Trees , landscape and open space
6.6.1	<p>The tree officer has requested that an Arboricultural Assessment is submitted to demonstrate that there is adequate space to allow for the proposed numbers of structures and associated infrastructure and to provide the required protection / separation zones around retained trees. However as this is outline only and does not give permission for a set number of dwellings the layout and density of the proposal will be considered at the reserved matters stage to ensure that the buildings, driveways and construction works do not encroach the RPAs. However there are only trees to the Northern boundary and a wooded area in the North West corner and the indicative plan shows that the area around these trees would be open space. Therefore it is considered that an arboricultural report and tree protection measures are not required at this stage but will be fully considered at the Reserved matters stage. Landscaping will also be considered at the Reserved Matters stage but it is noted on the indicative layout that a 10m wide landscaping buffer is indicated. It is assumed that this buffer is actually the rear gardens of the proposed dwellings and any future submitted landscaping scheme should clearly indicate that these areas are private gardens if that is what they are intended to be. Without these areas becoming private garden it is not considered that the dwellings on the indicative layout have sufficient private amenity space. Open space</p>

	provision will also need to be provided on the layout and landscaping plan to be considered at the reserved matters stage and if sufficient private residential amenity space in addition to the required open space cannot be provided at the level of housing indicated then the number of houses may have to be reduced to the number shown on the indicative layout plan.
6.7	Ecology
6.7.1	The existing site is an agricultural field that is farmed and therefore is considered to be of low ecological value. However there are ponds near to the site and trees and a wooded area to the North West. The ponds closest to the site were surveyed for Great Crested Newts and none were recorded. The proposal includes enhancing the pond for wildlife and creating an area of open space near to the woodland area. This will provide for biodiversity enhancement of the site and a condition will ensure that a habitat management plan is in place. A single badger hole was found in the North West corner of the site but this is an outlier to the main sett and can be closed under licence from Natural England. There is potential for nesting birds in the mature trees and woodland which also have potential to support roosting bats and provide foraging and commuting routes for bats. However as these are proposed to be retained and provided the conditions and informatives suggested by the Councils Ecologist are imposed the proposal would have no adverse ecological implications.
6.8	Footpath
6.8.1	There is a footpath that runs across the site referred to as the 'Coffin Path' and the Parish Council have requested that it must remain in its present location and must not be diverted other than whilst work on the site is being undertaken. However the Councils Rights of Way officer has commented that relocating the path in the field around the outside of the development boundary would better retain its character but that the principal of incorporating the path into the layout of the development is acceptable and it will be a matter for the local community to decide whether they would rather the path be retained on its present alignment or moved beyond the perimeter. The route of the path will be included within the layout of any reserved matters application and is something that can be negotiated at that time.
6.9	Drainage
6.9.1	A Highways and Drainage report has been submitted that includes a flood risk assessment and details about foul and surface water drainage. The site is within Flood Zone 1 (land with the lowest probability of flooding). Foul water will drain to the existing foul sewer and surface water drainage to soakaways with attenuation to ensure that the Greenfield run-off rate is not exceeded but reduced. Local residents have commented that the existing sewerage system cannot support additional houses however Severn Trent are obliged to provide and maintain the public sewer for existing and new development that applies to connect to it,. Consent will be required to connect to the main sewer and an informative can be imposed advising of this. The Councils drainage officer has commented that detailed surface water drainage information can be submitted at the Reserved matters stage and recommends appropriate conditions to be imposed. Full

	drainage details will in any case be considered as part of an application for Building Regulation approval.
6.10	Developer contributions / AHC / CIL/ Infrastructure
6.10.1	The proposal is outline only but due to the likely number of dwellings affordable housing will be provided on site and the amount will be determined by the target rate at the time of the submission of an application for Reserved matters. This will be secured by a S106 in accordance with CS11 and the Housing SPD. At the current rate of 15% a development of 30 houses would include 4 affordable homes on site. The proposal will also be liable for a CIL payment. Some residents have raised concern about the capacity of the local infrastructure (including school places) to support the additional dwellings. However CIL replaces the need to seek additional developer contributions via a S106 for Education, Highway improvements or other infrastructure improvements for example and can also be used to target community improvements identified in the LDF Implementation plan and Place plans.
6.10.2	The application includes a draft S106 agreement to secure the required affordable housing and also the 'gift' of land to the owners and/or operators of the Prescott Surgery of the part of the site allocated on the indicative layout plan for a medical centre and associated parking. As referred to previously within the report some residents have commented that the residential development should not be commenced until the new medical centre shown on the indicative layout plan is built. However the proposed residential development is acceptable in principle on its own merits and in accordance with the NPPFs 'presumption in favour of sustainable development' without requiring the medical centre to be built. It is therefore not considered necessary for the S106 to secure the building of the medical centre. If the land is not used to provide a medical centre the submitted draft S106 is clear that it can only be used for agricultural purposes. If a different use is proposed at any time in the future an application to vary the S106 would need to be made.in addition to an application for planning permission.
7.0	CONCLUSION
7.1	The proposal is supported by the Parish Council and the site is an allocated site within the SAMDev plan and the proposed development is considered to represent sustainable development in a sustainable location having regard to the three dimensions of sustainable development and is therefore acceptable in principle. Layout, scale, appearance and landscaping of the scheme are reserved for later approval but it is considered that an acceptable and appropriately designed scheme could be achieved that would have no significant adverse impact on residential amenity and would not result in significant or demonstrable harm to the character and appearance of the locality. The proposal would have no adverse highway or ecological implications subject to conditions being imposed and the route of the existing footpath and open space provision will be determined as part of an application for reserved matters. The gift of land for a medical centre and the on site affordable housing provision will be secured by a S106 agreement. It is therefore considered that the proposal accords with Shropshire LDF policies CS4, CS6, CS11, and CS17 and the aims and provisions of the NPPF.

8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <p>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.</p> <p>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 it's 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.</p> <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 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.</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 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.</p>
9.0	Financial Implications
	<p>There are likely financial implications if the decision and / or imposition of conditions are 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</p>

the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies: CS4, CS5, CS6, CS11 and CS17

RELEVANT PLANNING HISTORY:

17/60/61 – Erection of dwelling houses and construction of estate road – Approved
01.03.1961

11. Additional Information

List of Background Papers: File 14/01123/OUT

Cabinet Member (Portfolio Holder): Cllr M. Price

Local Member: Cllr Nick Bardsley

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Details of the siting, scale, appearance 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. 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 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.

4. This permission does not purport to grant consent for the layout or the number of dwellings shown on the deposited plan Number SA1277/02 submitted with this application.

Reason: To enable the Local Planning Authority to consider the siting and density of the development when the reserved matters are submitted.

5. As part of the first submission of an application for reserved matters and prior to the commencement of development a drainage and flood risk assessment shall be completed and submitted for approval and should include as a minimum:
 - o Assessment of the Fluvial flooding (from watercourses)
 - o Surface water flooding (from overland flows originating from both inside and outside the development site)
 - o Groundwater flooding
 - o Flooding from artificial drainage systems (from a public sewerage system, for example)
 - o Flooding due to infrastructure failure (from a blocked culvert, for example)

The potential impact of flood water from the new site on adjacent properties should be considered, and mitigation proposals described.

Reason: To ensure that the proposal complies with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework and to minimise the risk of flooding of both the application site and adjacent land.

6. As part of the first application for reserved matters and prior to the commencement of development full engineering details of the means of access, including the layout, construction and sight lines shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the dwellings are occupied.

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

7. As part of the first application for reserved matters and prior to the commencement of development details of a scheme for the localised widening/regularisation of the Milford Road carriageway to a width of 5.5 metres between the new access and its junction with the B5067 and improvement to junction radii shall be submitted to and approved in writing by the Local Planning Authority. The proposed improvements shall be fully implemented in accordance with the approved details prior to the dwellings being first occupied.

Reason: In the interests of highway safety.

8. As part of the first application for reserved matters and prior to the commencement of development full details of the design and construction of any new roads, footways, accesses together with the disposal of surface water shall be submitted to, and

approved in writing by the Local Planning Authority. The agreed details shall be fully implemented prior to the dwellings are occupied.

Reason: To ensure an adequate standard of highway and access for the proposed development.

9. As part of the first application for reserved matters and prior to the commencement of development a contoured plan of the finished road levels should be provided together with confirmation that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

Reason: To ensure that any such flows are managed on site.

10. As part of the first application for reserved matters and prior to the commencement of development a scheme of landscaping shall be submitted to and approved by the local planning authority and these works shall be carried out as approved. The submitted scheme shall include:

Means of enclosure

Hard surfacing materials

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)

Planting plans

Written specifications (including cultivation and other operations associated with plant and grass establishment)

Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate

Implementation timetables

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

11. All existing trees, shrubs and hedgerows within and bordering the site shall be protected, retained and maintained to the satisfaction of the local planning authority for the duration of any development works and for 5 years thereafter. The plans and particulars submitted in accordance with condition 10 above shall include:
 - (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;
 - (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
 - (c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, [within the crown spread of any retained tree or of any tree on land

- adjacent to the site] [within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree];
- (e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason: To safeguard the visual amenities of the area.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

12. All development or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Ecological Survey Report by Turnstone Ecology dated February 2014.

Reason: To ensure the protection of reptiles and other wildlife

13. No site clearance works shall commence until the badger sett on site has been closed under licence in accordance with details given in the Ecological Survey Report by Turnstone Ecology dated February 2014.

Reason: To ensure the protection of badgers, under the Badgers Act (1992)

Informative

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

14. A habitat management plan shall be submitted to and approved by the local planning authority prior to the occupation of the development. The plan shall include:
- a) Description and evaluation of the features to be managed;
 - b) Ecological trends and constraints on site that may influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
 - g) Personnel responsible for implementation of the plan;
 - h) Monitoring and remedial/contingencies measures triggered by monitoring.

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

15. If non permeable surfacing is used on the private driveways and parking areas and/or these slope towards the existing and proposed highway prior to the commencement of

works the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway. The agreed details shall be fully implemented prior to the dwellings being occupied.

Reason: To ensure that no surface water runoff from the new access road runs onto the highway.

16. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

Reason: To minimise disturbance to bats, a European Protected Species.

17. Prior to the first occupation of the dwellings details of ten woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

Reason: To ensure the provision of roosting opportunities for bats, which are European Protected Species

18. Prior to the first occupation of the dwellings details of ten woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

Reason: To ensure the provision of nesting opportunities for wild birds



Committee and Date
 North Planning Committee
 26 August 2014

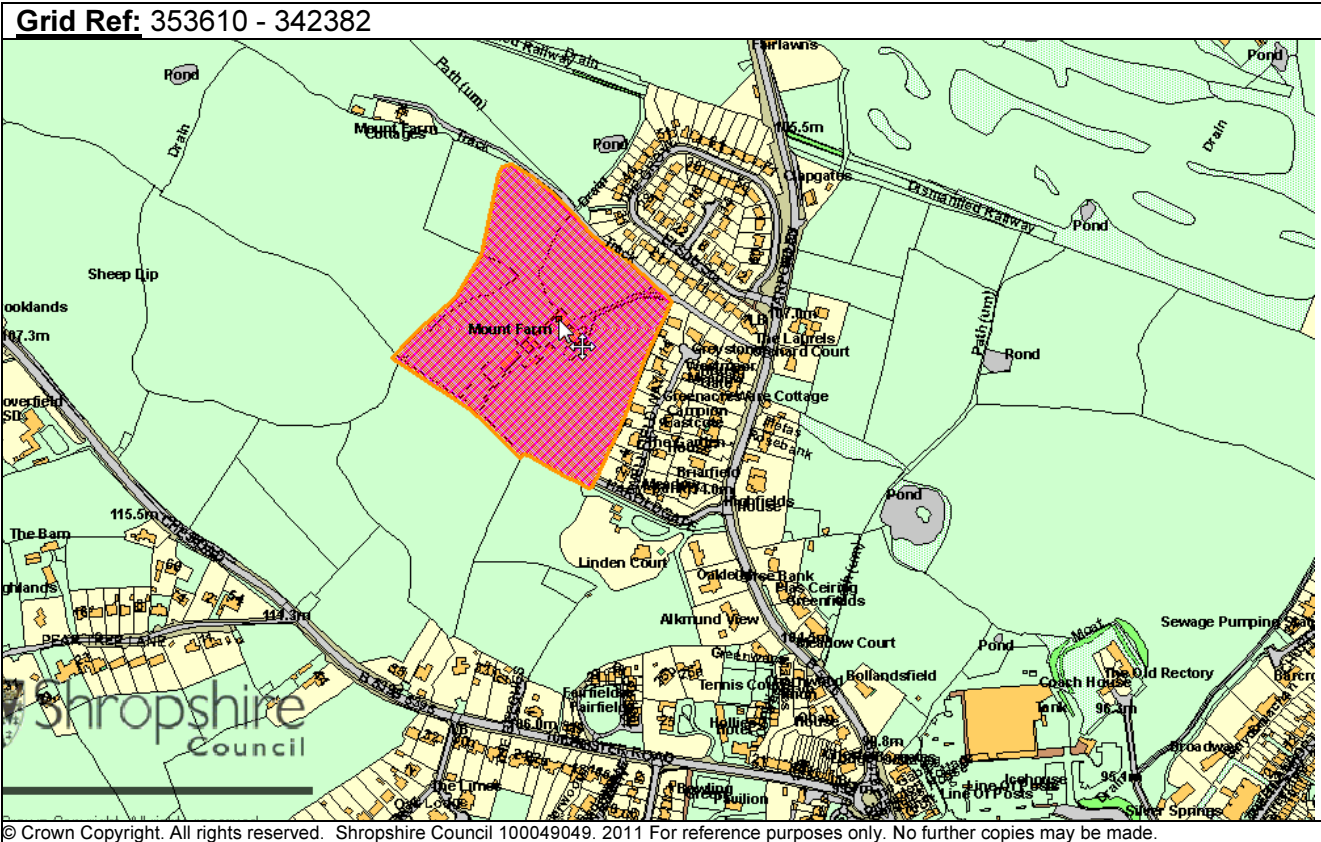
Item
10
 Public

Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 14/01264/FUL	Parish:	Whitchurch Urban
Proposal: Residential development of 100 dwellings; formation of vehicular access and estate roads; creation of public open space, wildflower area and balancing pond; associated landscaping; demolition of all existing agricultural buildings		
Site Address: Mount Farm Tarporley Road Whitchurch Shropshire SY13 1LS		
Applicant: David Wilson Homes And Landowners		
Case Officer: Karen Townend	email: planningdmne@shropshire.gov.uk	



Recommendation:- That planning permission be granted subject to the conditions listed at appendix 1 and subject to the applicants entering into a S106 agreement to secure the provision of affordable housing.

REPORT

1.0 THE PROPOSAL

1.1 This application seeks full planning permission for the erection of 100 dwellings; formation of vehicular access and estate roads; creation of public open space, wildflower area and balancing pond; associated landscaping; demolition of all existing agricultural buildings on land at Mount Farm, Whitchurch. The housing proposed is a mix of 10 five bed, 59 four bed, 25 three bed and 7 two bed properties with 39 of these provided in two and a half storey properties.

1.2 In addition to the full detailed plans and design and access statement the application is supported by a statement of community involvement, planning and affordable housing statement, building for life assessment archaeological desk based assessment, geo-environmental assessment, transport assessment, ecology survey, arboricultural survey and flood risk assessment.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site area totals 4.92 hectares and is currently in agricultural use with Mount Farm, a detached farmhouse and outbuildings, set within the centre of the site surrounded by agricultural land enclosed with field hedge boundaries. It lies between Tarporley Road and Chester Road and is currently accessed from a track leading off Tarporley Road. The site is bounded on the north and east by the housing on Wellfield Way and The Grove and agricultural land on the other two sides.

2.2 Within the planning statement the agent notes that the land is undulating with few trees and no water bodies or ponds. The site is approximately 640 metres from the edge of the town centre shopping area. It is closer to the recently completed Sainsbury store and with good links to the A49.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

3.1 The scheme complies with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution. Although the local member had requested that the application be determined by the Planning Committee this matter was discussed with the Committee Chair and Vice Chair who both agreed that there were not material planning reasons to determine this application at committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Whitchurch Town Council** – Retracted previous comments with regards to this application on the grounds of the infrastructure report from Welsh Water. The existing drainage on the site is not sufficient to cope with the number of proposed new houses for this site and Welsh Water have condemned the system on these grounds. Whitchurch Town Council **objects** to this application.

4.1.2 **Affordable housing – No objection** The number, type, size and tenure of the

affordable dwellings has been agreed with the Housing Enabling team and the units provided will meet the identified need in the area.

- 4.1.3 **Archaeology – No objection.** The proposed development site comprises 4.92ha area over four agricultural fields adjacent to Mount Farm, on the north-western edge of Whitchurch. The Shropshire Historic Environment Record indicates that there are currently no known heritage assets with archaeological interest within the site or its immediate environs.

The Archaeological Desk Based Assessment by CGMS Consulting dated January 2014 that has been submitted as part of the application provides a satisfactory level of information about the archaeological interest of the site in relation to Paragraph 128 of the NPPF.

The Assessment concludes that the proposed development will have no impact on the settings or significance of any designated heritage assets. Further, the proposed development site is assessed as having "low potential for archaeological evidence from all other periods."

As such agrees with the conclusions of the Archaeological Desk Based Assessment and no further comments to make on this application.

- 4.1.4 **Policy Architectural Liaison Officer** – Does not wish to formally object to the proposal at this time. However there are opportunities to design out crime and /or the fear of crime and to promote community safety.

Therefore should this proposal gain planning approval, request that the following planning condition be placed upon the said approval.

The applicant should aim to achieve the Secured by Design (SBD) award status for this development. SBD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment, the scheme has a proven track record in crime prevention and reduction. The opportunity for crime to occur can be reduced by up to 75% if Secured By Design is implemented.

The principles and standards of the initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Details can be at www.securedbydesign.com

Finally may I draw your attention to Section 17 of the Crime and Disorder Act 1998 which clearly states.

"It shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions of, and the need to do all that it reasonably can to prevent crime and disorder in its area".

Please do not hesitate to contact me if you would like clarification of any of my comments.

4.1.5 **Highways – No objection.** The highway authority does not wish to raise a highway objection to the granting of outline consent subject to the following conditions being imposed:-

No development shall take place until full engineering details of the means of access, construction and sight lines have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the dwellings are occupied.

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

Access:

The proposal seeks planning permission for residential development of some 100 units to be served via an extension of Haroldgate, which currently serves 15 large detached residential dwellings. The existing dwellings however access directly onto Wellfield Way which is a block paved shared surface access road which exits onto Haroldgate. It would appear therefore that the road layout was implemented in a manner to develop land to the rear of properties fronting onto Tarporley Road but with a view also to Haroldgate potentially serving further development. This is supported by the fact that Haroldgate measures approximately 5.5 metres in width bounded by footways on either side with 7.5 metre radii at its junction with Tarporley Road.

The highway authority is aware that representations have been submitted in objection to the development on highway grounds which include issues surrounding the width, horizontal and vertical alignment of Haroldgate. With specific regard to the vertical alignment i.e. the slope gradient of Haroldgate, the offer of anti-skid surfacing has been put forward within the Transport Statement. This is a matter that could be dealt within a Section 38 (road adoption agreement) submission. In other respects, the highway authority consider that Haroldgate is suitable to cater for the scale of development proposed.

Layout:

In general the highway authority consider the road layout satisfactory, however, there are a few issues to raise in respect of some of the individual drives to properties. Although not in themselves highway safety issues I would question some of the layout planning rationale:-

- Length of driveways requiring excess reversing at plots 47 and 53 – these are the larger housing types.
- Whilst plot 27's drive is located adjacent to the likely adoptable road it would necessitate reversing either in or out over an excessive length – again this is one of the larger house types.

The above are the particular ones highlighted. There are other plots in which we would highlight in terms of drive length however they potentially provide benefit in terms of additional parking space within the plots 30, 31, 32 and 33 as examples.

Sustainability:

The site is within reasonable walking and cycling distance of the town centre and Sainsbury's supermarket located on London Road. The Transport Statement further highlights the accessibility to various education, food retail, doctor's

surgery which set out walking and cycling distances and times of travel.

Bus services potentially serving the development are limited to the 205 which provides 5 services a day on Tuesdays and Fridays only, to the centre of Whitchurch. There is no real prospect of extending this service and therefore bus travel as an alternative transport mode, particularly in accessing the town centre is limited.

Based upon the above, there are short comings of the site in terms of public transport provision. However overall it would be difficult to argue that the site is not sustainable when considering accessibility via walking and cycling.

- 4.1.6 **Rights of Way** – Footpath 62 Whitchurch runs along the northern boundary of the development site but does not appear to be affected by the proposal.

The access statement seems to indicate the route will have reduced vehicular traffic as it will only serve some existing cottages rather than Mount Farm as well. This is a benefit to pedestrian users, therefore we have no objection. Could not find mention of emergency vehicle access but assumes it is physically capable of being used for this purpose therefore don't feel there is any reason to object.

- 4.1.7 **Ecology** – Following submission of additional information recommends that additional hedgerows are retained; a finalised great crested newt mitigation strategy be submitted and conditioned; EPS 3 test matrices must be completed for bats and great crested newts; a HRA must be available and conditions and infomatives are recommended.

Bats

Middlemarch (July 2014) have carried out inspections of buildings and trees for bats and activity surveys. Two emergence and one re-entry bat surveys were carried out on the 11th June, 26th June and 2nd July 2014.

The findings were

- Day roost locations for common pipistrelle bats (< 5 individuals) in Buildings 1, 2/3 (at the join of Buildings 2 and 3), 3/4 (within the walkway between Buildings 3 and 4). Individual pipistrelles were also noted entering and exiting Building 5 for foraging.
- Day roost location for brown long-eared bats (< 5 individuals) in Building 3/4.
- Day roost location for Natterer's bats (< 5 individuals) in Building 5.
- Day roost for common pipistrelle in tree T1 (a mature sycamore tree on the southern boundary)

Building 1 (the farmhouse) is to be retained. Works proposed to building 1 are unknown at this stage. Tree 1 is shown for retention on the Proposed Site Layout (Rev E).

Without mitigation, any bats using roosting features associated with Buildings 2, 3, 4 and 5 will come to harm if they are not safely excluded before works commence or subject to appropriate timing of the works. Middlemarch (2014) advise that a

European Protected Species licence is required for the operations described in the planning application i.e. demolition of buildings except for farmhouse.

Middlemarch (2014) set out mitigation and compensation measures. These include the method for exclusion of bats from buildings 2 – 5. New roost creation is proposed prior to the bat exclusion works (12 Schwegler bat boxes). As part of the construction phase six roof crevice units will be installed in the roof area of three properties.

Due to Building 2 being linked to Building 1 there will be short-term disturbance to the roost location when demolition activities occur. Middlemarch (2014) state that demolition of building 2 will have to be undertaken without creating vibrations to avoid effects on bats roosting in building 1.

Site clearance has potential to modify connectivity between this roost and adjacent habitats. Middlemarch (2014) recommend that a protection strategy for bat commuting features (mainly hedgerows) is provided.

In order to retain the long term value of building 1 for roosting bats, it is recommended that there is retention or replanting of hedgerows linking the retained farmhouse to other open space/hedgerows. Recommends that the layout is amended to retain hedgerow 6 between the farmhouse and the proposed open space to the west. In addition it would be desirable to retain or replant hedgerow 4 along to proposed footpath link to the north east.

I have provided a European Protected Species 3 tests matrix. The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/ minuted at any committee at which the application is considered. The form provides guidance on completing sections 1 and 2 but please get in touch if additional assistance is required.

Recommends conditions requiring an EPS licence, works in accordance with the survey, lighting details and bat boxes and informatives.

Great crested newt

Middlemarch (June 2014) have now carried out GCN surveys of two ponds of eight within 500m radius of the site. Pond 4, sited 70m from the site was surveyed on six occasions between April and June 2014. This was found to contain a medium population of great crested newts (GCN), with a peak count of 16 adults. Pond 2 sited 430m distance had no GCN recorded during two survey visits. Other ponds (all over 250m from the site) were either unsuitable for GCN or permission to survey was denied.

A survey carried out for TEP in 2013 found a small GCN population at Pond 6. This is sited 325m to the east of the site on the far side of Tarporley Road. Due to the distance and barriers to newt movement, this information would not affect the conclusions drawn but demonstrates that there are GCN in the wider area.

Middlemarch (June 2014) advise that a European Protected Species (EPS)

licence will be necessary before the development can proceed. Middlemarch have submitted Outline Mitigation Procedures which set out the principles of fencing, trapping and relocating GCN to a suitable receptor area. The area surrounding Pond 4 is suggested for a receptor area however this has yet to be agreed with the landowner.

Long term mitigation suggested by Middlemarch includes:

- Creation of tussocky grassland and areas of wildlife planting (possibly within the area to the west of the public open space area, or around balancing pond);
- The installation of artificial hibernacula; and,
- The retention of hedgerows, trees and vegetation.

Other measures are likely to be necessary, such as installing 'newt-friendly' highway drainage features.

It is considered that sufficient survey work has been carried out for GCN. The mitigation strategy will need to be finalised before it can be conditioned.

Has provided a European Protected Species 3 tests matrix. The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered. The form provides guidance on completing sections 1 and 2 but please get in touch if additional assistance is required.

Recommends conditions to require an EPS licence and newt mitigation strategy.

Water vole

Records of water voles have been recorded 130m from the site. Middlemarch (by email 5th June 2014) have assessed the watercourses/bodies on site for water voles. They consider these present low suitability for water voles for the following reasons:

- There were several ditches on site however these were dry for the exception of heavy periods of rain. These were also colonised with scattered scrub and vegetation. These contained no aquatic vegetation.
- The Brook which flows towards the north east is highly vegetated and no holes or evidence of water voles were noted during investigations of this brook. Furthermore, this Brook contains little max 20-30 cm to no water for the exception of heavy periods of rain. Furthermore, there is limited connectivity with other channels within the surrounding landscape and the Brook contain no aquatic vegetation for water voles.

In the Extended Phase 1 Habitat Survey Middlemarch (2014) conclude that water vole are not a notable consideration in relation to the proposed development and as such recommends an informative.

Badger

Middlemarch (June 214) carried a survey for badgers but no signs were found. An

informative is recommended and it is also recommended that the site is resurveyed immediately prior to development.

Reptiles

Middlemarch (2014) carried out a reptile presence/absence survey in April and May. No reptiles were found during the survey. No further survey or recommendations are made in relation to reptiles.

Barn owl

Middlemarch (2014) carried out a barn owl survey of buildings and trees in January 2014. No evidence of barn owls was found in the buildings or a mature sycamore and during the evening GCN and bat surveys no barn owls were recorded.

Nesting birds

During the bat surveys, it was noted that several pairs of swallows were nesting within a number of buildings on site. Due to this Middlemarch (2014) recommend that building demolition or alteration is conducted outside of the bird nesting season. Recommends provision of artificial nests and an informative.

Designated sites

Due to the presence of internationally designated sites forming part of the Midland Meres and Mosses Ramsar Sites and SAC's the Council has carried out a Habitats Regulation Assessment (HRA) for this planning application.

The following European sites have been considered:

- Oss Mere SSSI and Ramsar site, which is 2.6km away and closed to general public access.
- Quoisley Mere SSSI and Ramsar is 3km to the north and closed to general public access
- Brown Moss Ramsar site is 3.4km distance from the application site
- Fenn's, Whixall, Bettisfields, Wem and Cadney Mosses SAC and Ramsar is 6km away.

The application site is well outside of the surface water catchment for any Ramsar site. There are no pathways for an impact on the hydrology or water quality of any European site.

The Proposed Site Layout shows 1.35 hectare area of public open space, including a balancing pond. In addition a 0.5 hectare wildflower belt is proposed. This is above the 30 square metres per person open space standard, which would require 0.7 hectares. The Council considers the on-site provision of usable informal open space to be sufficient not to result in a significant increase in recreational visit to Brown Moss or Fenn's, Whixall, Bettisfields, Wem and Cadney Mosses.

Is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the European sites have been notified.

A Habitat Regulation Assessment matrix is attached with this response. The HRA matrix must be included in the Planning Officer's report for the application and must be discussed and minuted at any committee at which the planning application is presented. Natural England has been formally consulted on this planning application has responded 'no objection'. Planning permission can only legally be granted where it can be concluded that the application will not have any likely significant effects on the integrity of any European Designated site.

- 4.1.8 **Welsh Water** – The proposed development would overload the existing public sewerage system. No improvements are planned within Dwr Cymru Welsh Water's (DCWW) capital investment programme. Consider any development prior to improvements being undertaken to be premature and therefore **object** to the development. Object to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

The development will be served by an existing pumping station (The Grove asset ref 1249), a 75mm rising main and 150mm soul only sewer prior to discharging in to the main combined network which serves Whitchurch at approximately 750m away from the development site.

GIS indicates there may be a pollution incidence linked to the pumping station. Additionally there is historical evidence of external flooding within the housing estate draining to the pumping station and downstream of the rising main discharge location, however the cause of this flooding is unknown. Downstream of the pumping station are 2 no. Combined Sewer Overflows (CSO's).

The applicant has recently commissioned DCWW to undertake a Hydraulic Modelling Assessment to assess network capacity and to investigate potential solutions in order to remove the objection. The modelling is required to determine the impact that the development will have on the existing network, in the form of a detriment on level of service our customers receive, level of flooding expected, and detriment that may be seen in the local watercourses as a result of increase discharges into discharges into the watercourse through the CSO's.

However, this modelling assessment will not be finished until October 2014 and the assessment and upgrade works (should they be identified) need to be conditioned to be undertaken by the developer prior to occupation of the development. In order for the objection to be removed either the report needs to be completed and solutions determined, or a suitably worded Grampian condition imposed on the decision.

Also recommended other conditions regarding controlling land drainage, surface water and separate discharges for foul and surface water and no problems are envisaged with the waste water treatment works for the treatment of domestic discharges from this site.

- 4.1.10 **Drainage – No objection** the drainage details, plan and calculations could be conditioned if planning permission were to be granted.

The FRA and drainage strategy is acceptable in principle. A detail drainage design

should be submitted once the development layout has been confirmed to ensure that the proposed surface water drainage systems for the site are fully compliant with regulations, is to a robust design and undertaken in a sustainable manner.

If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway to ensure that no surface water runoff from the new driveway runs onto the highway.

A contoured plan of the finished ground and carriageway levels should be provided to ensure that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site to ensure that any such flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.

Recommended informatives to advise regarding consent from the service provider to connect into the foul main sewer, as the service provider is Welsh Water, a Section 104 agreement has to be in place before any physical work on the drainage system can start on site; and measures to reduce surface water.

4.2 **Public Comments**

- 4.2.1 25 letters of representation have been received raising the following concerns:
- Contrary to the Planning Inspectors advice for the 2000-2011 NSLP
 - Existing site is open and greenfield
 - Should develop brownfield sites first
 - Density too high, tightly packed and not related to surrounding area
 - Three storey (although labelled as 2 ½ storey) are not acceptable
 - Lack of bungalows contrary to recent advice from Nick Boles for Councils to plan homes for the elderly
 - Elevated site viewed from wider area and concerns over potential for altering the ground levels
 - Will alter the character of Whitchurch detrimentally and current numbers applied for will swamp the town
 - Layout of site with pond adjacent to play area is not safe
 - Insufficient primary school places and space at the doctors
 - Lack of employment opportunities or facilities for youth in Whitchurch
 - Too close to existing dwellings
 - Will result in overlooking and loss of light
 - Access is dangerous and Haroldgate is steep and dangerous when icy
 - Would not want to see agricultural access remaining off Haroldgate
 - Agricultural access off Chester Road would be dangerous
 - Should be provided with a mini roundabout at the junction
 - Construction traffic will affect amenity
 - Impact on ecology
 - Increase in surface water and sewerage

- Welsh Water have advised connection to the foul drainage can not be made until the system is upgraded at the developers cost
- Pressure on electricity and gas supply
- Neighbouring properties suffered from subsidence which could be worsened by the proposed development
- No information on whether piling will be required

4.2.2 7 letters of support have also been received on the following grounds:

- Whitchurch needs more houses
- Best site for development
- Good mix of house sizes and designs
- Site has good access to the town and amenities by car and foot
- Safe access and limited traffic on Tarporley Road

4.2.3 Following submission of amended plans and additional information from the agent a further 9 letters of representation were received repeating many of the above issues and adding the following comments:

- Whitchurch Town Plan advises infrastructure needs to be available for new homes
- The Town plan also seeks to retain open green space and wildlife habitats by retaining green space between housing and bypass
- The SAMDev does not comply with Whitchurch Town Plan and therefore does not comply with the Localism Act
- The site may be deleted from the SAMDev
- The site should be moved so access and drainage can be from Chester Road
- Developer has not taken any action regarding the placement of the 2.5 storey properties

5.0 THE MAIN ISSUES

- Policy & principle of development
- Is the site sustainable?
- Economic considerations
- Environmental considerations
- Social considerations
- Layout, scale and design
- Impact on residential amenity
- Highways, access, parking and rights of way
- Ecology and trees
- Drainage

6.0 OFFICER APPRAISAL

6.1 Policy & principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that

proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

- 6.1.2 The NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking (para. 14), so it applies, as a material planning consideration, in any event. The NPPF specifically aims to 'boost significantly the supply of housing', with the requirement for authorities to have a housing land supply of 5 years to achieve this. Therefore, the fact (and degree) that a proposed development helps to boost housing supply is a significant material consideration. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply.
- 6.1.3 In September 2013 the housing land supply in Shropshire fell below the 5 year requirement. This has now been updated following the submission of the SAMDev Final Plan to the Planning Inspectorate. The Council is now in a position that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. However, in calculating the 5 years' supply the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies as there are significant unresolved objections which will not be resolved until the public examination and adoption of the SAMDev.
- 6.1.4 In the intervening period between submission and adoption, sustainable sites for housing where the adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF. As such it remains officer's advice that it would be difficult to defend a refusal for a site which constitutes sustainable development and that the presumption in favour of sustainable development at paragraph 47 of the NPPF is given greater weight than either the adopted or forthcoming policies. The NPPF does not permit a housing development free-for-all, the principle issue for consideration is whether the development is sustainable or not when considered against the NPPF as a whole. As such a development which is not sustainable can be refused against the NPPF but officers advise that caution should always be taken when considering refusal against the NPPF. Paragraph 14 advises that the adverse impacts of granting consent would need to significantly and demonstrably outweigh the benefits.
- 6.1.5 It is acknowledged that the site is outside the development boundary for Whitchurch as shown in the North Shropshire Local Plan and as this remains the adopted policy the application has been advertised as a departure from the adopted local plan. However, the site being promoted as a recommended allocated site for up to 100 dwellings in the SAMDev pre-submission final version. Whitchurch is proposed to be a focus for significant development to deliver around 1,200 dwellings and 26 hectares of employment land. The background information notes that around 300 dwellings have either been built or have consent and as such the remaining 900 dwellings are proposed over 5 allocated sites, including the application site, and windfall sites. Development of this site is, as detailed in the SAMDev, subject to a primary vehicular access off Haroldgate,

secondary cycle and pedestrian access onto Tarporley Road, on-site environmental mitigation and enhancements and landscape mitigation. In principle the current proposals comply with these guidelines.

- 6.1.7 Local objections have been received questioning the need for the development and also the allocation in the SAMDev. These are matters for the plan led process and as the application site has made it through a number of stages of public consultation and consideration it can be considered to be likely to remain in the SAMDev following examination in public. Notwithstanding that issue the presumption in favour of sustainable development should be given significant weight along with the ability for a site to boost housing supply. With regard to the comment about developing brownfield land first, this is a Government aim but not an adopted policy requirement. Neither the NPPF or local policy require a sequential test to development of housing land and it is also noted that there is limited brownfield land within Whitchurch that is not still in active commercial use.
- 6.1.8 Policy CS6, amongst a range of considerations, requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. Policy CS7 states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services. Policy CS9 states that development that provides additional dwellings or employment premises will help deliver more sustainable communities by making contributions to local infrastructure in proportion to its scale and the sustainability of its location.
- 6.1.9 Given the above, whether the site is appropriate for development rests on whether it is considered sustainable. Paragraph 14 of the NPPF advises that where policies are out of date permission should be granted for sustainable developments unless any adverse impacts would significantly and demonstrably outweigh the benefits or where specific policies within the NPPF indicate development should be restricted. These restrictions relate to specifically designated sites, heritage assets and locations at risk of flooding. The presumption is in favour of sustainable development as tested against the NPPF as a whole. A site needs to be compliant with all three dimensions of sustainable development; economic, social and environmental.
- 6.2 **Is the site sustainable?**
- 6.2.1 Local objections have questioned the capacity of local services and facilities such as the schools and doctors and the lack of employment opportunities and facilities for youth. However, letters of support have also been received commenting that Whitchurch needs more housing. All of these matters are considered below but members should also take into account the basic principle that Whitchurch is one of the key market towns and is being promoted for around 1,200 houses. It would not be appropriate to object to the principle of new housing in Whitchurch, however technical matters of access, drainage, impact on neighbours or subjective matters such as impact on character can be considered.
- 6.2.2 Paragraph 7 of the NPPF sets out the three dimensions to sustainable development and provides an overview of what is considered to be the economic,

social and environmental roles of the planning system. For a site to be considered to be sustainable development the three dimensions need to all be provided and the presumption in favour of sustainable development advises that, unless there are material considerations which significantly and demonstrably outweigh the benefits, consent should be granted. It is not a case of having to prove the benefits outweigh the harm but to prove that any harm substantially and demonstrably outweighs the benefits.

- 6.2.3 The assessment of the site undertaken by Shropshire Council Policy Officers in determining whether to promote the site within the SAMDev scores the site positively for access to bus service and open space but negatively for access to primary school and being on grade 3 agricultural land. It was considered to be of low landscape sensitivity and capable of providing new housing and the conclusion of the assessment was that the site has average sustainability. It was also noted in the stage 2 assessment that the land was being promoted by a developer and planning agent and is considered to be available and deliverable. As with other similar recent full applications there is an element of certainty as the application has been submitted by the housing developer. As such it is considered likely that this site would come forward and the development commence within 5 years if permission were to be granted.
- 6.2.4 The stage 2 assessment also notes that the current promoted development of 100 dwellings is significantly reduced from the scale of the development previously promoted. It is acknowledged by officers that the layout includes an access up to the edge of the site, which the agent has confirmed would allow for future development. However, at this time the application is for 100 houses on the proposed allocated site. Any future development would need to be considered against the policies in force at the time and be considered against all material considerations including highway safety and capacity and capacity of infrastructure.
- 6.3 **Economic considerations?**
- 6.3.1 It is acknowledged that the site is not adjoining the town centre, employment area or the train station, however it does adjoin existing residential areas, is within the Whitchurch by-pass and is within walking distance of the above facilities. The construction of new housing in, or on the edge of, Whitchurch would support the businesses within the town and residential areas. The new residents would also be likely to support community and leisure facilities in and around the town and furthermore the construction of the housing provides employment for the construction period and potential new employees into the town.
- 6.3.2 The agent's planning statement comments that new housing will encourage greater activity and support the local economy. They have also noted the services and facilities within walking distance, which they consider are the town centre, Sainsbury store and primary school that there is a bus service within a short walk and the town railway station is 1.8km from the site.
- 6.3.3 Concerns have been raised about the lack of jobs available in the town however this is not a site specific objection to the development proposed and if the availability of jobs was a determinative factor this would apply to all housing proposals in the town, including the large allocated site off Tilstock Road. Officers

do not have any evidence that there are not job opportunities in the town and new opportunities being made available. The new Sainsbury store has provided new jobs; there are employment sites being developed around the town and additional land being put forward for employment use allocation in the SAMDev. Officers do not consider that this matter is one which results in significant and demonstrable harm which would outweigh the benefits of new housing.

6.3.4 However, officers also acknowledge that neither the benefits or the harm is site specific. New housing will provide economic benefits and these are given weight in the determination of the application and the concerns raised by residents is not specifically a harm resulting from the development. Officers consider that the economic benefits of new housing needs to be part of the balance of determining the application.

6.4 **Social considerations?**

6.4.1 Policy CS11 of the Shropshire Core Strategy requires all new housing to contribute towards affordable housing. The development includes 10% affordable housing in a mix of 3 three bed units and 7 two bed units. At 10% of 100 this equates to a rounded number of dwellings on site and as such there is no financial contribution required. The provision of affordable housing is a social benefit in addition to the general benefit of boosting housing supply. The Council Affordable Housing Officer has confirmed that the affordable housing contribution is the correct level of on site affordable housing provision and therefore satisfies the provisions of the SPD Type and Affordability of Housing. These units will need to be secured as affordable in perpetuity through a S106.

6.4.2 The agent's planning statement suggests that new housing can assist in encouraging social inclusion by ensuring that there is provision to meet the varied needs of the community; a choice of house types, sizes and affordability and within reach of local amenities, facilities and transport links. This is accepted as a fact but could be said of any development of a scale appropriate to the settlement in which it is to be provided. The number of dwellings proposed for the application site is considered to be acceptable scale of development for the town taking into account the SAMDev proposed housing figure for Whitchurch. Whether the scale and density is appropriate for the site and surroundings is considered later in this report.

6.4.3 Policy CS9 also requires all new housing to financially contribute to the provision of infrastructure. This is done through the Community Infrastructure Levy which is a levy charged on new housing and in the case of the application site would be £40 per square metre of new housing. The contribution is dealt with outside of the planning process and after development commences and is used to pay for infrastructure identified as local priorities. However, it is a material consideration in the determination of the application and the acknowledgement of the requirement to pay the CIL ensures that this matter will be dealt with after the consent. The CIL contribution could provide for the infrastructure enhancements identified as missing by the local objectors and could also be used to contribute towards school places.

6.5 **Environmental considerations?**

6.5.1 It is acknowledged that the development of the site from agricultural land to built

development will have an environmental and visual impact, as considered in greater detail below. However there are also environmental benefits gained from the development. The development includes the provision of a wildflower belt as required in the SAMDev allocation to enhance environmental network and an area of open space. The site is currently private land and the proposal will provide public access to the new open space and as such provide additional recreation land for residents of the proposed and existing developments. This is an environmental gain which should be taken into consideration in the balance of harm against benefit.

- 6.5.2 It is acknowledged within the SAMDev assessment and also by the agent that the land proposed for development is grade 3 agricultural land. As such it is not the best and most versatile land but it also is not one of the lower grades. However, it has also been accepted in considering the site for allocation, and in determining other applications around Whitchurch, that development of agricultural land around Whitchurch is unavoidable to deliver the housing required. The loss of grade 3 best and most versatile agricultural land is an impact of the development proposed, however officers consider that the loss of the area proposed for the 100 houses would not constitute significant loss of agricultural land and as such that this harm is not so significant and demonstrable as to outweigh the benefits of new housing.
- 6.5.3 Objectors have commented that the development of this site is contrary to the planning inspector's previous determination on allocation of the site for the North Shropshire Local Plan. At that time the inspector noted that it was prominent in the landscape. This has been questioned by the agent for the current application who has commented that the site is relatively low lying in relation to the surrounding landscape and is therefore not visually prominent. The case officer would agree with this conclusion and has checked during the site visit and other recent visits to Whitchurch. This is a matter of opinion but officers do not agree that the site is highly visible or prominent from any public vantage points and furthermore the development of the site will be read with the backdrop of other housing and not isolated or intrusive.
- 6.5.4 The main consideration of environmental impact is dependent on the layout, scale and design and the impacts on highways, trees, ecology and drainage. These matters are considered in detail in the following sections.
- 6.6 **Layout, scale and design**
- 6.6.1 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 and ensure sustainable design and construction principles are incorporated within the new development. Local concerns have been raised about the number of dwellings proposed, the density, layout, design and scale of the development, the proposed use of two and a half storey properties and that there is a lack of bungalows in the proposal.
- 6.6.2 The proposed layout provides 100 houses within 3.38 hectares and a 1.18 hectare area of public open space, including a wildflower belt. The agent notes that this

provides a density of 30 dwellings per hectare which he considers responds to the context of the adjacent developments. The planning statement submitted in support of the application suggests that the proposed development seeks to meet the current demands in terms of housing mix whilst providing high quality traditional architectural development responding to local context. Some adjustments were made to the layout and house types following the public consultation exercise undertaken by the applicant before submitting the application and a further amendment has been submitted during the consideration of the application.

- 6.6.3 The agent notes that the existing dwellings are predominantly two storey with single storey elements. Although the proposal has a number of houses with rooms in the roof the applicant has suggested that the height of these properties is not substantially greater than the height of the two storey dwellings proposed and as such the scale of the development proposed is considered to relate to the surrounding context. A set of cross sections showing the proposed housing in relation to the existing housing has been provided in support of this argument.
- 6.6.4 A single point of access is proposed for vehicular access to the site, served off Haroldgate. Whether this is an appropriate access in terms of highway safety and capacity is dealt with later in the report. The layout shows an extension to the existing road extending into the application site and leading to a main circular route around the site with smaller roads leading off the main route including a new access to the farmhouse, which is to be retained. The proposed layout provides houses facing the new estate roads, facing south and west over the agricultural land, houses backing onto the houses to the north and east and also side on to the existing housing. The impact on the neighbouring properties is considered later in the report.
- 6.6.5 It is acknowledged that the density and layout is greater than the properties along Wellfield Way, however officers consider that it is close to the character of the residential development to the north, The Grove, and would not be significantly detrimental to the character of the wider area. The proposal for 100 dwellings is in line with the guideline housing numbers for the site in the SAMDev. The layout provides groups of houses within the estate roads and the area of open space to the west of the housing, on the opposite side of the drain. Officers have considered this layout as appropriate as it enables an appropriate level of open space and an appropriate density of housing.
- 6.6.6 In terms of scale, as noted above, concern has been raised about the lack of bungalows and the number and position of the houses with rooms in the roof. These properties are not fully three storey, where the third floor windows would be in the walls, the windows for these properties are wholly within the roof space with the eaves of the roof being at the top of the first floor windows. As such the houses with rooms in the roof are no higher than the houses without rooms in the roof. The provision of rooms in the roof is not altering the scale of the development or making these units are more prominent. Accordingly, although the concerns of the local residents are noted, and were initially also concerns raised by officers, these concerns have been overcome by the submission of the additional information regarding heights. The off-set will be that the properties with habitable rooms in the roof will not have any loft storage space. The

developer has confirmed that this does not affect the sales of these properties and neither does the cost of construction.

- 6.6.7 The objectors are correct in noting that there are not any bungalows proposed on the development, however this is not a requirement of any local or national planning policy. The proposal provides a mix of house sizes, types and tenures which will provide for a range of housing needs and complies with adopted policy requirements.
- 6.6.8 With regard to design the proposed house types show features such as eaves dentiling, porches, bay windows, header and cill features across the range of house types proposed on the site. The development will provide variety across the site but with some elements of consistency. The application form and a materials schedule detail the proposed finished building materials for the houses as a range of three Istock bricks (Mercia Antique, Karisma Multi and Oakham Blend), a white rough cast render, interlocking concrete tiles (Russell Lothian Slate Grey, Rustic Peat and Cottage Red and Forticrete Gemini Jacobean and Autumn) and Cottage Red hanging tiles and white Upvc windows and doors and a range of fence types including close boarded fences, brick screen walls and iron posts and railings. All of these materials will need to be checked on site to ensure that they relate well to the surrounding area.
- 6.6.9 The proposal has also been considered against the 12 questions set in Building for Life 2012 with the aim of making the development attractive, functional and sustainable. The agent considers that the development will integrate with the surroundings, reinforce existing connections and create new ones whilst also respecting existing buildings and boundaries. Furthermore the agent considers that the site is close to services, facilities and public transport; will provide a mix of house types and tenures; makes use of the topography and landscape features; respects local design; is accessible and easy to use, designed for low speeds with sufficient parking, external storage space and clearly defined public and private spaces.
- 6.6.10 Overall, the agent considers that the proposed development scores well against all 12 questions and therefore should be eligible for Building for Live Diamond status. This isn't a material consideration in itself but does seek to show that the development has been well thought out and the aim of the developers to work towards diamond status should be commended. However, it is also noted that these matters are all subjective. It is officers opinion that the site is well designed and is of an appropriate scale and density.
- 6.6.11 The area of open space proposed exceeds the requirements of the Shropshire Council Open Space Interim Guidance. The open space includes the wildflower buffer around part of the perimeter of the site and the balancing pond. With the exception of these two areas the remaining open space is to be grassed and provided with paths. Under the Shropshire Council CIL policy it is thereafter a matter for the town council to determine whether the site should be equipped with any play equipment and use CIL funding for this provision. Local objectors have requested the wildflower buffer to be provided on all sides of the development, however this is not necessary and would not serve any useful purpose. The stage 2 assessment for the SAMDev suggest a wildflower belt on the western edge to

enhance environmental networks and providing the same around all four sides of the site would not provide the same benefit. The issue of whether this would benefit neighbouring amenity is considered in the following section.

6.7 **Impact on residential amenity**

- 6.7.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. Objectors have raised concern that the development is too close to existing properties and will result in overlooking and loss of light. Concerns have been raised about the scale of the properties and that these will have a greater impact than two storey dwellings or bungalows would. This is a fact which can not be argued against, however, the issue is not whether there is any impact on the neighbouring properties but whether the impact results in significant harm. To assess whether the harm is significant Officers take into account the distance between existing and proposed dwellings, the orientation of the proposed dwellings, the scale of the development and the layout.
- 6.7.2 Within a letter responding to the concerns raised by the objectors the agent notes that the layout has been designed so that there is at least 21 metres between windows of existing properties and windows in new properties. The agent has also noted that the ground level of the site is lower than the dwellings on Wellfield Way. Both of these are factors in the consideration of the impact. 21 metres is used as an industry standard as the minimum distance which should be provided between facing windows to ensure that the possibility of viewing occupants through windows is reduced. This is not to say that neighbours will not be able to see windows and into gardens, or will not notice if there is something in a window, but the distance is accepted as protecting privacy.
- 6.7.3 To the south and west of the application site is agricultural land, as such the houses that are proposed along the southern and western edges of the site will face over agricultural land and as such not impact on any existing properties. The proposed properties in the northwest corner will also face over the proposed public open space.
- 6.7.4 The Grove lies to the north of the application site and is an existing housing estate made up of detached and semi detached houses and bungalows laid out around and within one circular estate road. The houses which back onto the application site are on the opposite side of a public footpath which serves the existing farmhouse in the centre of the application site and two cottages further along the track. The Grove is accessed off Tarporley Road. The houses are red brick with cladding on the ground floor and concrete tile pitched roofs and the estate drops away from Tarporley Road to a lower point along the western edge. At the closest point the rear elevations of the proposed new dwellings will be over 29 metres from the rear elevations of the existing dwellings and although there will be some with rooms in the roof, as noted above, this separation distance will ensure that the loss of privacy between properties is not unacceptable.
- 6.7.5 Wellfield Way lies to the east of the proposed application site and is modern housing development, made up of large detached houses, with integral or detached garages, of orange/red brick and concrete tile roofs, some of which are hipped. Wellfield Way is a shared surface road of brick pavements with grassed

verges and no pavements but does have street lighting. It is served off Haroldgate which is a surfaced estate road with footways either side, street lighting and a grit bin and ends abruptly at the edge of the application site. The houses on Wellfield Way which adjoin the application site are also at a higher level with gabion supporting walls along the rear of the gardens. There are 6 dwellings on Wellfield Way backing onto the application site with rear elevations facing towards the site and two dwellings which sit with a side elevation facing over the site.

- 6.7.6 Plot 1 of the proposed site is 19 metres from the existing property on Wellfield Way but is laid out so that it has a gable elevation facing the existing house with only WC and landing windows in this elevation. Plot 3 is approximately 25 metres from the existing dwelling and plots 4 and 5 are further apart. Plot 7 is only 7 metres from the existing dwelling, however both plot 7 and the existing dwelling will be gable to gable and the proposed dwelling has only WC and landing windows in this elevation. Plot 11 is 24 metres from the existing dwelling and plots 14 and 15 are set further into the site. The closest proposed dwellings to existing dwellings are the proposed pair of semi detached units with rooms in the roof on plots 12 and 13. Plot 18 is just over 11 metres from the existing dwelling and is also laid out gable to gable. These are 21 metres from the original dwelling built on Wellfield Way. As such the agent is correct in that the site has been laid out so that there is the recommended 21 metres between facing windows.
- 6.7.7 A couple of objections have noted that their properties have conservatories on the rear elevations which they consider reduces this distance. However, the ground floor and conservatories on the existing dwellings will be protected from significant adverse impact by the existing fencing on top of the gabion walls which lies along the boundary of the site. Due to change in ground level the existing boundary treatments will also ensure that the existing properties are protected where the proposed properties have living rooms at the first floor.
- 6.7.8 This is indicated on the cross section submitted by the agent, which was submitted with the aim of reducing the concern of the existing residents. It is acknowledged that these properties currently have an outlook over an agricultural field, which with their higher position also includes views of the wider landscape. However, the private view of a property is not a right to be protected under planning. The impact on the privacy of these properties has been assessed and it would be difficult to argue that the existing privacy is affected to an unacceptable level, it will alter and there will also be a perception of loss of privacy, however this would not be a matter which could be defended on appeal.
- 6.7.9 Some of the objectors have also suggested that the site should provide bungalows along the boundary with the existing properties or include a wildlife buffer or strip of land to provide access to the gabion walls. Given the above assessment that the impact on amenity would not be unacceptable it would not be reasonable to insist on a change to the layout or scale of the properties proposed. This is also the officers view on removing the rooms in the roof. The cross sections have clearly shown that the properties proposed on the application site will be no higher than the existing properties on Wellfield Way and that the development has therefore been designed to take full advantage of the site levels. The proposal by objectors to provide a gap between the existing properties and the proposed

dwellings would also not be reasonable for the same reasons but also would result in an area of land which would be difficult to manage and maintain and would likely, in the long term, to be taken into the gardens of the adjoining properties. The issue of future maintenance of the gabion walls is a civil matter between property owners.

6.8 Highways, access, parking and rights of way

- 6.8.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced.
- 6.8.2 A single point of access is proposed off Haroldgate and the existing track which serves the farm will not be used as vehicular access to any of the proposed houses or the farmhouse. It will continue to be available to other properties that currently have an access onto the track, retain its public footpath status and also be available for emergency vehicle access. Haroldgate is accessed off Tarporley Road (the B5476) and is 5.5m wide with a footway on one side. It currently serves approximately 15 dwellings.
- 6.8.3 The Haroldgate junction is within the 30mph speed limit on Tarporley Road which itself connections to the A49 at a roundabout north of the site, the town centre lies to the south of the site. The report submitted with the application details the results of traffic surveys undertaken and the potential trip generation from the proposed development. The report concludes that the local road network would operate well within capacity after the development.
- 6.8.4 The concerns raised by local residents about the safety of Haroldgate and the use of this road in icy conditions are noted within the applicants statement of community involvement and the highway report. However, the report also notes that the gradient of Haroldgate is 1:17 and therefore within the acceptable design standard of 1:10. Furthermore there are no record of incidents on Haroldgate or the junction with Tarporley Road.
- 6.8.5 The response from the Council Highway Officer, detailed at 4.1.5 above, notes that the local concerns have been taken into consideration prior to reporting on the proposal. The Highway Officer has confirmed that he has no objection to the development subject to the submission of engineering details. Haroldgate is of an appropriate width to deal with the potential traffic from the development and the applicant has offered anti-skid surfacing on the existing highway. As such, although the concerns of the residents are noted the road layout is acceptable and a refusal on this matter would not be defensible. The Highway Officer has raised some comments on the length of some of the driveways off the estate roads but does not consider that this is a significant issue and could be resolved through minor amendments.
- 6.8.6 The application form notes that the proposal includes 208 parking spaces, therefore providing at least two spaces per dwelling. The existing footway on

Haroldgate joins with footways and on-road cycle lanes on Tarporley Road providing opportunities for walking and cycling to access services and facilities. The transport report submitted with the application calculates the walking and cycling times to services as 19mins walk to the primary school, 30min walk to the high school, 9min to the supermarket and 19min to the doctors.

- 6.8.7 It is noted that the nearest bus stop is on The Grove but the bus only provides 5 services a day on a Tuesday and Friday only and the Highway Officer has commented that there is no prospect of extending this service. As such bus travel as an alternative to the private car is not considered to be reasonable for access from the site to the town centre. However, the town centre is within walking distance and there are opportunities for the use of bus travel or train travel to access towns in the wider area.
- 6.8.8 With regard to the public right of way the Council Rights of Way Officer has noted the existing vehicular access to the farmhouse, and other properties, is a designated footpath, but does not appear to be affected by the proposal. The officer has noted that the removal of the access to the farmhouse is a benefit to pedestrian users and has no objection to the use of this footpath for emergency vehicles given that the route is capable of accommodating vehicles.
- 6.9 **Ecology and trees**
- 6.9.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. An ecological survey and an arboricultural assessment have been undertaken and submitted with the application and these have been considered by the Council's Ecologist.
- 6.9.2 The ecology survey has identified the presence of bats and day roosts and the presence of Great Crested Newts (GCN) within 500m of the site. Water voles and badgers are noted within the wider area but are not considered to be affected by the development and can be protected by other legislation. Nesting birds may also be present depending on the time of the works and as such conditions are recommended to protect nesting period and provide artificial nests.
- 6.9.3 The Council Ecologist has recommended that some of the existing hedges are retained during the construction to provide linkages to the bat roosts though accepts that these hedges will be replaced by gardens once the dwellings have been built. The ecologist also recommends a European Protected Species licence in relation to the bat roosts, mitigation and compensation in the form of new roosts and bat boxes and the need for the EPS 3 test matrix. With regard to GCN the Ecologist has confirmed the applicants recommendations for habitat enhancements and hibernacula are acceptable but also recommended newt friendly highway drainage features and a further EPS 3 test matrix and licence.
- 6.9.4 As noted above the proposal includes an area designated as a wildflower belt and an area of open space with the surface water attenuation basin. The wildflower belt is approximately 10m wide and will be planted with species rich mix of wildflowers and it is intended that a maintenance company will be set up to maintain this area under a management agreement and levy on owners of the

properties. The Council Ecologist has noted that both of these features will provide a good level of usable open space which will reduce the pressure on the nearby protected sites of Brown Moss, Fenn's. Whiall, Bettisfield, Wem and Cadney Mosses.

- 6.9.5 The applicant has acknowledged that there are trees and hedges on the proposed site and that there may be some impact on this landscaping. An arboricultural survey has been undertaken and submitted with the application. This survey assessed the quality, condition and value of trees within and adjacent to the site. There are no trees with Tree Protection Orders (TPO's), 18 trees, 2 groups of trees and 8 hedges. 2 trees were considered to be of high quality and value, 7 moderate and 4 of low quality and value. Both groups and 5 of the hedges were considered to be low quality and value and 4 of the trees were assessed as unsuitable for retention due to structural defects.
- 6.9.6 The arboricultural survey recommends the retention of all except those 5 unsuitable trees; tree protection fencing; works outside of root protection areas or undertaken by specific methods; planting of new native and wildlife attracting species and works to trees either outside of nesting season or following further checks for active nests.
- 6.9.7 Overall the proposed development will not adversely affect statutorily protected species or the interest of the European protected sites in the area and as such the development is considered to comply with policy CS17 in this regard.
- 6.10 **Drainage**
- 6.10.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. Foul drainage is proposed to be connected to the existing mains sewer system and surface water disposed of via a sustainable drainage system.
- 6.10.2 Foul drainage has been raised as one of the main concerns of the local community and the Town Council. Concerns have been raised about the capacity of the foul drainage system in the locality. There are existing surface water and foul water drainage passing under the site on the northern boundary leading to the pumping station in The Grove. It is proposed to divert these drains and connect the foul drainage from the site to the mains system. However Welsh Water have also raised concerns, initially objecting to the development being premature before the upgrading of the system.
- 6.10.3 This matter has been the subject of negotiation between the case officer, with advice from the Area Planning Manager, and the agent, developer and Welsh Water. It is advised that it is unlikely that the objection could be sustained at an appeal. Although Welsh Water have objected this objection requires upgrading of an existing foul drainage system to be undertaken by the developer which without the certainty of a planning application which officers consider would be unreasonable for the developer to be expected to undertake. Furthermore the condition initially proposed by Welsh Water to overcome their objection required the same, that the works to upgrade the foul drainage system was completed before any work commenced on the development.

6.10.4 Welsh Water did not provide any detail of when this upgrade work would be likely to be undertaken and as such the condition was considered by officers to be too open and not within the control of the applicant or local authority. As such the condition initially recommended by Welsh Water may not have met the tests which conditions must meet. Following exchange of information and advice from Welsh Water and the applicant's legal advisor officers have recommended the following condition to both parties:

"No dwelling hereby approved shall be occupied until:

- 1) A detailed and permanent scheme for the disposal of foul drainage (together with details of any temporary foul drainage solution and phasing of occupation as required) has been agreed in writing with the local planning authority: and
- 2) The appropriate permanent or temporary foul drainage scheme approved under part 1 above for the relevant phase of the development has been completed strictly in accordance with the approved details

Reason: To ensure satisfactory foul drainage of the development and ensure that the drainage of the site does not result in environmental consequences in the wider area."

6.10.5 The above condition is considered by officers to be necessary due to the issues raised by Welsh Water and the potential that a connection to the existing system without an upgrade may result in environmental consequences. Relevant to planning and the development proposed in that the environmental consequences would be as a result of the additional housing connecting to the system. Enforceable as the wording of the condition requires the details to be approved by the Council and occupation of the dwellings would not be possible until either the upgrade is undertaken and a connection made to the network or a temporary system is installed. Precise in that the wording details what is required of the developer at what stage of the development and also the condition is considered to be reasonable. As such officers consider that the condition meets the six tests set out in paragraph 206 of the NPPF and also that the condition will provide the protection to Welsh Water, the local community and wider environment whilst not preventing the commencement of the development or the occupation of the properties at an appropriate stage.

6.10.6 The agent has confirmed that they and the developer are happy with the proposed wording of the condition. Officers consider that the condition is in accordance with the recent advice from Welsh Water which notes that the upgrade should be done before occupation of the dwellings but also allows for a temporary system to be provided if the works are not completed. However, at the time of writing the report formal confirmation from Welsh Water of their opinion of the condition has not been received. An update will be provided to members at the meeting and the condition may be amended further to take into account any comments received.

6.10.7 With regard to the surface water drainage the application has been submitted with a Flood Risk Assessment (FRA) which notes that the site is within flood zone 1 and identifies the watercourse on the western boundary of the site which is at a lower level to the site so is not considered to be a flood risk. The report accepts that the northern and eastern corners of the site are at risk from surface water flooding but proposes mitigation measures and the installation of land drainage to

deal with ground water. The report notes that the site is not suitable for soakaways due to the ground conditions and as such the surface water is proposed to be discharged to a attenuation basin in the public open space. Calculations have been submitted to show that the attenuation basin would have a water depth of up to 1.082m during the 1 in 100 flood event and this feature is to be maintained by a management company paid for by the residents of the future development.

6.10.7 The FRA concludes that the site and future development will not be at risk of flooding, rainwater butts are recommended to reduce surface water and the attenuation basin is considered to be an appropriate method of controlling the outflow and ensure no increase in run-off. The Council Drainage Engineer has commented on the surface water proposals and advised that, in principle, the proposals are acceptable and that the details can be dealt with by condition. As such it is considered that the surface water drainage of the site can be provided in compliance with the requirements of policy CS18.

6.11 **Other matters**

6.11.1 The application has also been submitted with a Geo-environmental Assessment which has identified a water well and filled in fuel tank in the grounds of the farm. The report also comments that the majority of the site is suitable for traditional spread footings for most of the site but that there are small areas that may need to use piling, this is around plots 42-45, 80-82 and 90-93. Though this may cause some concern locally these plots are in the western corner and around the existing farmhouse, as such the use of piling on these plots should not adversely affect the stability of any of the existing properties. The report concludes that there is a short term risk to human health from dust during the construction period but no long term risk to human health.

6.11.2 The Council Archaeologist has also noted that the submitted Archaeological Desk Based Assessment by CGMS Consulting dated January 2014 provides a satisfactory level of information about the archaeological interest of the site in relation to Paragraph 128 of the NPPF and concludes that the proposed development will have no impact on the settings or significance of any designated heritage assets and low potential for archaeological evidence.

7.0 **CONCLUSION**

7.1 The site is located outside the current Whitchurch development boundary and is therefore classed as a departure from the development plan. However, it is accepted that the site is in a sustainable location, on the edge of the existing built development, where it benefits from transport links and the facilities, services and infrastructure offered by the market town and will provide additional housing supply in accord with national planning policy priorities. Furthermore, the development is being promoted in the forthcoming Site Allocations and Management of Development Plan (SAMDev) and will provide for open market and affordable housing in accordance with Policy CS11 and infrastructure provision in accordance with policy CS9 and will not result in significant loss of agricultural land.

7.2 The proposed layout, scale and design are considered to be appropriate and take into account the differences in the site level and layout of the surrounding housing

and will not result in unacceptable harm to the amenities of the neighbouring residents.

7.3 The development can be provided with appropriate vehicular accesses, internal layout and pedestrian access and will provide connections to the existing public transport, footways and cycle lanes. Furthermore, the site can be provided with satisfactory foul and surface water drainage arrangements, will not be harmful to local habitats or biodiversity and public open space will be provided.

7.4 Accordingly, it is considered that the proposal meets with the housing policies and general requirements of the NPPF and otherwise complies with Shropshire Core Strategies CS6, CS9, CS11, CS17 and CS18 of the Shropshire Core Strategy. 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.

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 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 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. BACKGROUNDRelevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS3 - The Market Towns and Other Key Centres
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS9 - Infrastructure Contributions
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management

11. ADDITIONAL INFORMATION

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Thomas Biggins Cllr Peggy Mullock
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 deposited plans and drawings as amended by the revised plans detailed below.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. Work shall be carried out strictly in accordance with the Nocturnal Emergence and Dawn Re-entry bat surveys RT-MME-116498 dated July 2014 by Middlemarch Environmental and the Great Crested Newt Mitigation Strategy dated *** and as shown on plan ***.

Reason: To ensure the protection of bats and great crested newts European Protected Species.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No dwelling hereby approved shall be occupied until:
 - 1) A detailed and permanent scheme for the disposal of foul drainage (together with details of any temporary foul drainage solution and phasing of occupation as required) has been agreed in writing with the local planning authority; and
 - 2) The appropriate permanent or temporary foul drainage scheme approved under part 1 above for the relevant phase of the development has been completed strictly in accordance with the approved details

Reason: To ensure satisfactory foul drainage of the development and ensure that the drainage of the site does not result in environmental consequences in the wider area.

5. No demolition or renovation work shall commence on building containing bat roosts until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

Reason: To ensure the protection of bats, a European Protected Species

6. No development, demolition or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained and submitted to the local planning authority for the proposed

work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

Reason: To ensure the protection of great crested newts, a European Protected Species

7. No built development shall commence until samples of all external materials including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The samples required shall include the erection of a sample panel of brickwork, including mortar, of at least 1 metre square, on site for the approval of the Local Planning Authority. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the external appearance of the development is satisfactory.

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

9. No development shall take place until full construction details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved buildings occupied.

Reason: To ensure a satisfactory means of access to the highway.

10. No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of surface water have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is occupied.

Reason: To ensure a satisfactory access to the site.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

11. Prior to the first occupation of the dwellings details of 10 either internal or external artificial nests for swifts shall be submitted to and approved in writing by the

local planning authority. The approved details shall be implemented in full prior to the occupation of the dwellings.

Reason: To ensure the provision of nesting opportunities for swifts

12. A total of 12 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to demolition of existing farm buildings hereby permitted as described in the Nocturnal Emergence and Dawn Re-entry bat surveys RT-MME-116498 dated July 2014 by Middlemarch Environmental. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species

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

13. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

Reason: To minimise disturbance to bats, a European Protected Species.

14. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system.

Reason: to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

15. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.



Committee and Date

North Planning Committee

26 August 2014

Item

11

Public

Development Management Report

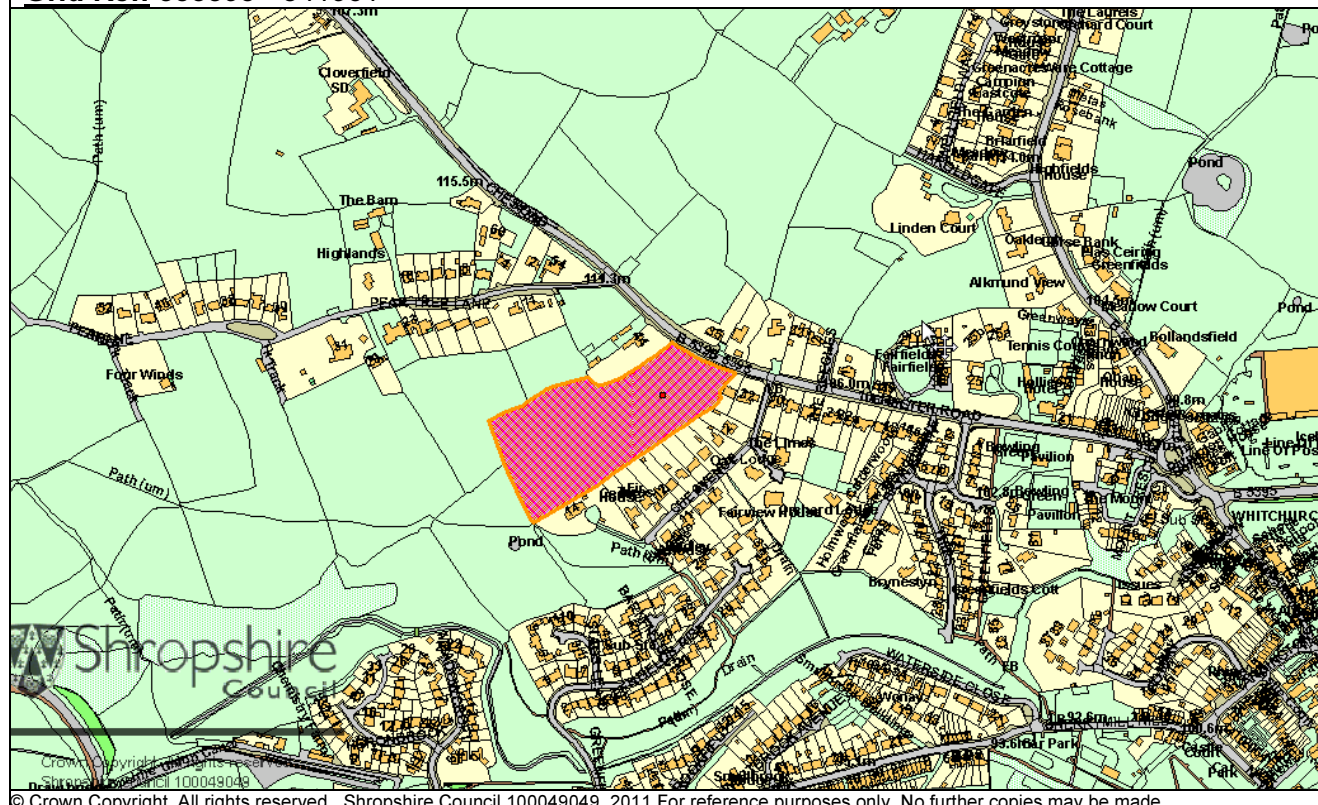
Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 14/02222/OUT	Parish: Whitchurch Urban
Proposal: Outline application for residential development to include access	
Site Address: Development Land South Of Chester Road Whitchurch Shropshire	
Applicant: Hollins Strategic Land LLP	
Case Officer: Karen Townend	email: planningdmne@shropshire.gov.uk

Grid Ref: 353395 - 341961



Recommendation:- That delegated powers be granted to the Area Planning Manager to grant planning permission subject to no objections being received from Shropshire Wildlife Trust; subject to the applicants entering into a S106 agreement to secure the provision of affordable housing; and subject to the conditions listed in appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application is for outline planning permission for residential development on 2.25 hectares of land off Chester Road with only the access submitted for consideration at this stage. The layout, scale, appearance and landscaping are all reserved for later approval. However, the application form suggests a development of up to 57 dwellings. The proposed means of access is from a single point off Chester Road (the B5395).
- 1.2 In support of the outline planning application a detailed topography survey has been submitted along with a location plan and indicative masterplan and site sections. In addition a design and access statement, transport assessment, tree survey, biodiversity report, foul sewage and utilities assessment and flood risk assessment have been provided.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site lies between the existing dwellings on Chester Avenue, the large detached dwelling at 44 Chester Road and the recently approved land to the south of the housing on Pear Tree Lane and the area of land identified as open space associated with that consent (13/04268/OUT). The site is approximately 2.2 hectares and is currently made up of two agricultural fields with established hedge boundaries. The design and access statement advises that the site frontage onto Chester Road is 70 metres.
- 2.2 The houses on Chester Avenue and Pear Tree Lane are predominately large detached houses and bungalows in large plots built of red brick and pitched tile roofs with some render introduced in the newer dwellings.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council comments are contrary to the officer recommendation and the Chair of the planning committee has confirmed that the issues raised are material planning considerations which should be considered by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Whitchurch Town Council – Objects** to this application for outline development because it is outside of the SAMDev and not in keeping with the area.
- 4.1.2 **Conservation Officer – No objection.** The design of any proposed dwellings, in the event of permission being granted, should reflect the local vernacular in terms of scale, details and materials and the development should be in accordance with policies CS6 Sustainable Design and Development and CS17 Environmental Networks, and with national policies and guidance, including PPS5 Historic Environment Planning Practice Guide published by English Heritage in March 2010 and National Planning Policy Framework (NPPF) published March 2012.
- 4.1.3 **Archaeologist – No comments** to make with respect to archaeological matters.

- 4.1.4 **Affordable Housing** – If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of Reserved Matters application.

The current prevailing target rate for affordable housing in this area is 10% this would mean a provision of 5 Affordable houses on site plus a financial contribution for the remaining 0.7. ($57 \times 0.1 = 5.7$). The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and these would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. However as this is an outline application the percentage contribution and number of affordable homes will not be set at this time, but will be reviewed at the time of the reserved matters application. The size, type and tenure of the affordable housing needs to be agreed in writing with the Housing Enabling team before any application is submitted.

- 4.1.5 **Highways – No objection.** The highway authority does not wish to raise a highway objection to the granting of outline consent subject to a condition requiring submission of full engineering details.

On a further note, the highway authority will update Members regarding a 'hale and ride' opportunity in relation to the bus services 41/41A operated by the neighbouring Council authority, and the requirement for footway to be provided on the northern side of Chester Road for the benefit of inbound bus passengers.

Access:

The application seeks outline consent for residential development with only access being considered at this stage. In addition whilst the application submission indicates an indicative scale of 57 dwellings the highway authority's comments are based upon the potential for this number of units to be realised.

The site accesses onto the B5395 Chester Road which is lit and subject to a 30 mph speed limit. Chester Road measures some 7 metres in width bounded on the southern site side by a footway and narrow verge margin adjacent to the frontage boundary hedge along the site road frontage. From the central position access shown, visibility at a setback distance of 2.4 metres both meets and exceeds the acknowledged standards set out in 'Manual for Streets'

The highway authority conclude that the proposed access to serve the site is satisfactory.

Sustainability:

The application is supported by a Transport Statement (TS) which seeks to demonstrate the accessibility of the site by non-car modes. The TS sets out the potential walking distances to the local facilities and services together with acknowledging that the site is located with 800 metres of the town centre. It is considered therefore that the location of the site provides realistic opportunities to promote walking.

In view of the above, clearly cycling provides a more than realistic alternative transport mode to access the town centre and whole of Whitchurch.

Whilst the TS states concludes that the development is accessible by bus the highway authority would question this assertion. Service 41/41A Chester – Whitchurch is the only bus service operating along Chester Road. This is a service not operated by Shropshire Council and is not at the frequency set out in the TS. There is the potential to 'hale and ride' the service although on the inbound town centre journey there is not footway available. A footway facility therefore would need to be provided on the northern side of Chester Road in close proximity to the site.

The TS highlights the availability of other bus services in the locality which however require greater walking distances than is recommended i.e. in excess of 400 metres to a bus stop.

The site is within 2 kms walking distance of the Railway Station and therefore the distance is likely to dissuade but not prevent walking between the site and Railway Station, however the site is well within cycling distance of the Railway Station.

Overall, the highway authority consider that the site is sustainable having regard to non-car travel mode opportunities although there are short comings in terms of public transport provision.

- 4.1.6 **Trees** – The large field Oak tree - T28 on the submitted tree survey is not shown as retained on the indicative masterplan. We would expect category A trees to be retained - in the case of large spreading Oaks in areas of public open space and not in gardens where proximity issues become a burden on the occupier.
- 4.1.6 **Ecology** – Recommends further information is required at the reserved matters stage regarding the protection and enhancement of the environmental network (to include public open space) and a great crested new reasonable avoidance method statement. Also recommends conditions and informatives regarding bats and nesting birds.

Bats

From further correspondence with Karen Townend the applicant now wishes to retain the Oak tree within the proposed development site.

I have liaised with Andrea Cordon from REC Ltd, (telephone conversation 12th August 2014), who has confirmed that further bat activity surveys are not required providing that the oak tree in H7 is retained and lighting is controlled on site. As such recommends conditions to provide 10 bat boxes and details of lighting to reduce impact on bats.

Great Crested Newts

5 water bodies have been located within 250m of the proposed development site.

The ecologist has assessed the ponds as follows;

- 1.35m south west – ephemeral - HSI 0.52.
- 2.70m north east – no longer present

3. 165m west – no longer present
4. 220m east – fish stocked – HSI 0.65, within a garden and with limited terrestrial connectivity between the pond and the site.
5. 245m west – no longer exist

The proposed development site was surveyed during the beginning of April, and the ecologist is of the opinion that further survey work is not required to support this application.

Due to the close proximity of the ponds, and the size of the proposed development, a Reasonable Avoidance Method Statement for Great Crested Newts is required to be submitted and agreed with the local planning.

Environmental Networks

The Shropshire Core Strategy contains in Policy CS17: Environmental Network provision for mapping and subsequently protecting, maintaining, enhancing and restoring Environmental Networks in the county in line with the recommendations of both The Lawton Review and the National Planning Policy Framework.

Over half of the proposed development site is within the Environmental Network and as such the proposed scheme must clearly demonstrate how the development will 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by paragraph 117 of the National Planning Policy Framework.

There is a ditch, and a dry ditch running across the middle of the site and parallel to a section of the north boundary (please see phase 1 survey map in ecological report (2014)). From the proposed site layout this has not be protected or enhanced.

The proposed site layout does not currently provide open space. Would recommend incorporating the existing landscape features into areas of open space and would recommend at least 5m buffer around the ditch habitats, potentially including this feature in a SUDs scheme and that this should not be included in garden curtilage.

Appreciates that the existing boundary hedgerows are to be retained. These will be managed by the occupant of the property and would expect an appropriate planning condition which protects these hedgerow habitats post development.

Following further correspondence from Karen Townend, regarding the practicality of a 5m buffer to the existing boundary hedgerows not including gardens, I have reviewed my comments dated 11th August. I would welcome public open space to be positioned at the west, and north-west corner of the site in order to enhance this area which is within close proximity to a Local Wildlife Site for biodiversity.

Recommends an informative to advise the developer of the site of the ecological value of the ditch and hedges and the need for the development of the site to protect and enhance these features.

Badger

During the ecological survey no mammalian tracks were recorded. The ecological value of the site for badgers is assessed as negligible. There is a badger record within close proximity therefore I would recommend a pre-commencement walk over by an experience ecologist to check for badger signs.

Further Consultations

This site is in close proximity to a Local Wildlife Site, Greenfields, designated by Shropshire Wildlife Trust for its meadows and hedgerows. Shropshire Wildlife Trust should be consulted on this application, by contacting Robin Mager, and their comments should be received prior to a planning decision being made.

Nesting Birds

The site has the potential to support nesting birds and as such recommends the provision of 10 artificial nests.

- 4.1.7 **Drainage** – The drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.

As stated in the FRA, the use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

The use of large diameter pipes and crate storage together with a large number of chambers is likely to prove to be an expensive solution in terms of both construction and maintenance. The site's topography lends itself well to the use of true SuDS. Opportunities for permeable paving, attenuation basins and filter strips exist within the development site which could be explored to make the drainage system more sustainable

The 'Management Train Approach' should be central to the surface water drainage strategy of the proposed site. The main objective is treatment and control of runoff as near to the source as possible protecting downstream habitats and further enhancing the amenity value of the site aiming to incrementally reduce pollution, flow rates and volumes of storm water discharging from the site. SuDS should link with the individuals plot structure, planting, public open space requirements and amenity areas, gaining multiple benefits from a limited area of land to ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise

the risk of surface water flooding.

A contoured plan of the finished ground levels should be provided to ensure that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site to ensure that any such flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.

If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway to ensure that no surface water runoff from the new driveway runs onto the highway.

Also advised the use of water reducing measures and that consent is required for connection to the main sewer.

4.1.8 **Welsh Water** – No comments received at the time of writing the report.

4.2 **Public Comments**

4.2.1 5 letters of representation have been received raising the following concerns:

- Site outside the development boundary
- Shortage of jobs and electricity
- Loss of agricultural land and green space
- Overdevelopment of the site and should be bungalows
- Chester Road has defined character and features in the housing which the proposed development is not in keeping with
- Access will not be safe
- There is a pond and ditches on site which are used for surface water
- Concern over capacity of sewer system, ground water and subsidence
- Impact on wildlife, specifically water voles, newts, frogs, birds
- Affect on trees by building too close
- Increase in traffic flow onto Chester road.
- Proposed access is an regimented lay-out and will impinge on the accesses

5.0 **THE MAIN ISSUES**

- Policy & principle of development
- Is the site sustainable?
- Economic considerations
- Environmental considerations
- Social considerations
- Layout, scale and design
- Impact on residential amenity
- Highways, access, parking and rights of way
- Ecology and trees
- Drainage

6.0 OFFICER APPRAISAL

6.1 Policy & principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 The NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking (para. 14), so it applies, as a material planning consideration, in any event. The NPPF specifically aims to 'boost significantly the supply of housing', with the requirement for authorities to have a housing land supply of 5 years to achieve this. Therefore, the fact (and degree) that a proposed development helps to boost housing supply is a significant material consideration. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply.
- 6.1.3 In September 2013 the housing land supply in Shropshire fell below the 5 year requirement. This has now been updated following the submission of the SAMDev Final Plan to the Planning Inspectorate. The Council is now in a position that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. However, in calculating the 5 years' supply the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies as there are significant unresolved objections which will not be resolved until the public examination and adoption of the SAMDev.
- 6.1.4 In the intervening period between submission and adoption, sustainable sites for housing where the adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF. As such it remains officer's advice that it would be difficult to defend a refusal for a site which constitutes sustainable development and that the presumption in favour of sustainable development at paragraph 47 of the NPPF is given greater weight than either the adopted or forthcoming policies. The NPPF does not permit a housing development free-for-all, the principle issue for consideration is whether the development is sustainable or not when considered against the NPPF as a whole. As such a development which is not sustainable can be refused against the NPPF but officers advise that caution should always be taken when considering refusal against the NPPF. Paragraph 14 advises that the adverse impacts of granting consent would need to significantly and demonstrably outweigh the benefits.
- 6.1.5 It is acknowledged that the site lies outside the development boundary previously set within the North Shropshire Local Plan and as such the application has been

advertised as a departure from the adopted local plan and would not normally be supported for development. Furthermore, the site is outside the development boundary proposed within the forthcoming Site Allocations and Management of Development Plan (SAMDev). However, these policies are at risk of being considered “time expired” due to their age and the time which has lapsed since the end date of the plan. Officers therefore advise that it is appropriate to assess this site within the context of the ‘presumption in favour of sustainable development’.

- 6.1.6 Policy CS6, amongst a range of considerations, requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Policy CS7 states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services. And policy CS9 states that development that provides additional dwellings or employment premises will help deliver more sustainable communities by making contributions to local infrastructure in proportion to its scale and the sustainability of its location.
- 6.1.7 It is also appropriate to consider the NPPF as a whole in assessing the sustainability of this proposal. Paragraph 14 of the NPPF states that within the context of the ‘presumption in favour’ development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweighs the benefits.
- 6.1.8 The applicant has also noted in the design and access statement that they have submitted an objection to the soundness of the SAMDev questioning whether the SAMDev proposes enough housing in Whitchurch and the other market towns in the North of Shropshire to meet the targets set within the Shropshire Core Strategy. The agent recommends increasing housing numbers for Whitchurch which they consider is capable of accepting additional housing and thereby also reducing the land requirements in rural areas. This is not a material planning consideration but does provide an indication of the outstanding objections to the submitted SAMDev which officers advise establishes that limited weight can be given to this forthcoming document.
- 6.2 **Is the site sustainable?**
- 6.2.1 Paragraph 7 of the NPPF sets out the three dimensions to sustainable development and provides an overview of what is considered to be the economic, social and environmental roles of the planning system. For a site to be considered to be sustainable development the three dimensions need to all be provided and the presumption in favour of sustainable development advises that, unless there are material considerations which significantly and demonstrably outweigh the benefits, consent should be granted. It is not a case of having to prove the benefits outweigh the harm but to prove that any harm substantially and demonstrably outweighs the benefits.
- 6.2.2 The agent has noted in the design and access statement that the application site is immediately adjacent to the site considered by the North Planning Committee in February 2014 (land off Pear Tree Lane) where officer’s conclusion was that the

site is sustainable.

6.2.3 It is acknowledged that a site within or on the edge of Whitchurch would be in a sustainable location given the proximity to the wide range of services and facilities in the market town. However, whether the development is considered sustainable needs to be assessed against all three threads of sustainable development set out in the NPPF not purely on location.

6.3 **Economic considerations?**

6.3.1 It is acknowledged that the site is not adjoining the town centre, employment area or the train station, however it does adjoin existing residential areas and is within the Whitchurch by-pass.

6.3.2 The agent has noted the economic benefits of employment and supply chain opportunities during construction and also post completion in the additional household expenditure and demand for services and facilities. The construction of new housing in, or on the edge of, Whitchurch would support the businesses within the town and residential areas. The new residents would also be likely to support community and leisure facilities in and around the town and furthermore the construction of the housing provides employment for the construction period and potential new employees into the town.

6.3.3 Concerns have been raised about the lack of jobs available in the town and the electricity supply however this is not a site specific objection to the development proposed and if the availability of jobs was a determinative factor this would apply to all housing proposals in the town, including the large allocated site off Tilstock Road. Officers do not have any evidence that there are not job opportunities in the town and new opportunities being made available. The new Sainsbury store has provided new jobs; there are employment sites being developed around the town and additional land being put forward for employment use allocation in the SAMDev. Officers do not consider that this matter is one which results in significant and demonstrable harm which would outweigh the benefits of new housing.

6.3.4 The issue of electricity provision is a matter for the supplier, and may require funding and improvements provided for by the developer of sites. This is not a matter which could hold up a planning application without an objection from the supplier. New housing will provide economic benefits and these are given weight in the determination of the application and the concerns raised by residents are not specifically harms resulting from the development proposed. Officers consider that the economic benefits of new housing needs to be part of the balance of determining the application.

6.4 **Social considerations?**

6.4.1 Policy CS11 of the Shropshire Core Strategy requires all new housing to contribute towards affordable housing. The provision of up to 57 new dwellings will provide new housing for Whitchurch, which will include an element of affordable housing and new households will support existing services and facilities. As an outline application the level of affordable housing would be set at the time of the submission of a reserved matters application which would need to be ensured through the signing of a S106 agreement on the outline.

- 6.4.2 Policy CS9 also requires all new housing to financially contribute to the provision of infrastructure. This is done through the Community Infrastructure Levy which is a levy charged on new housing and in the case of the application site would be £40 per square metre of new housing. The contribution is dealt with outside of the planning process and after development commences and is used to pay for infrastructure identified as local priorities. However, it is a material consideration in the determination of the application and the acknowledgement of the requirement to pay the CIL ensures that this matter will be dealt with after the consent.
- 6.4.3 The agent notes that Chester Road is one of the main link roads into the town from the bypass. There is an existing footway along the outside of the site, along Chester Road, which provides pedestrian access towards the town centre. The identified town centre retail area is within walking distance at approximately 800 metres from the site and therefore around 10 minutes walk. However the agent has also noted the presence of other local amenities including open space, recreational facilities and shopping in closer proximity than the town centre. Furthermore the site is close to on-road cycle routes which serve the town and wider area. With regard to bus travel it is noted that the site is some way from the closest bus stop (approximately 730m east).
- 6.4.4 As noted above the site is considered to be on the edge of the existing market town of Whitchurch and within walking and cycling distance of a number of services and facilities. Overall it is not considered that the proposed addition of up to 57 new dwellings on the application site, taking into account the significance of Whitchurch as a market town and as a priority for new development, would not result in a level of pressure on local infrastructure which would justify refusing the application.
- 6.5 **Environmental considerations?**
- 6.5.1 It is acknowledged that the development of the site from agricultural land to built development will have an environmental and visual impact. The scale of the development proposed will not result in significant loss of agricultural land, the case officer during a site visit noted that the land is not in active agricultural use and is a parcel of land which is nearly surrounded by residential development and the open space associated with the recently approved scheme to the north. The loss of best and most versatile agricultural land is an impact of the development proposed, however officers consider that the loss of the area proposed for the up to 57 houses would not constitute significant loss of agricultural land and as such that this harm is not so significant and demonstrable as to outweigh the benefits of new housing.
- 6.5.2 The main consideration of environmental impact is dependent on the layout, scale and design and the impacts on highways, trees, ecology and drainage. These matters are considered in detail in the following sections. However it should also be noted that the application site has a short road frontage and projects back from the road the same length as the adjacent housing development. This surrounding context and character should be taken into account when considering the severity of any visual harm.

6.6 **Layout, scale and design**

6.6.1 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. Local concerns have been raised about the density, scale of development and character and features of the development.

6.6.2 The indicative masterplan is not submitted for determination at this outline stage but is intended to indicate that the principle of developing the site for housing is achievable. The layout shows a single point of access serving the whole development from an estate road; the retention of roadside hedging either side of the access; housing facing towards Chester Road, set behind private driveways and gardens; the remainder of the site developed as small groups of houses off cul de sacs and private drives and gable end onto the existing properties to the south. The cross sections show two storey dwellings, some with rooms in the roof space served by windows in the gable ends, some chimneys, garages and gable features. Although the scale and design are reserved for later approval officers consider that the indicative sections show some positive features, however the indicative layout does not appear to take into account the dip noted from the topography plan and as such this plan will need to be revised. Furthermore there are parts of the indicative layout where the amenities of the future residents would not be appropriate, areas where the houses are shown too close together or with domestic curtilages which are too small or with limited parking provisions shown on this plan and no open space provision within the application site.

6.6.3 The submitted topography survey shows the existing levels of the site and of the adjacent public highway, Chester Road. The levels range from 109.5 AOD at the rear of the site, dropping to a low level of 106.5 along a dip running parallel to the road, 107.35 on the northern edge of the site and 102.5 on the southern edge of the site. Between the dip and the road the level varies to a lesser extent from 109.46 to 107 from north to south. The road level is shown as an average of 108AOD. As such the levels of the site are small fluctuations which should be able to be used in any future development of the site. This matter will need to be considered at a later date under an application for approval of reserved matters and this will need to take into account the dip as an existing feature.

6.6.4 Overall officers consider that the site can be developed for housing with an appropriate layout, scale and design but do not consider that the indicative layout plan should be accepted. This plan does show some positive principles, including housing fronting Chester Road, but also shows some areas for improvement. These matters will need to be resolved before an application is submitted for approval of reserved matters but are not matters which need to be dealt with at this outline application stage as the only matter for consideration is the access.

6.7 **Impact on residential amenity**

6.7.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

- 6.7.2 As noted above the application is currently for outline planning consent with only the access details submitted for approval. Officers have raised concerns with the indicative layout submitted and as such this plan has not been part of a detailed assessment for its impact on the amenities of existing properties. Any future development of the application site would need to take into account the location of the surrounding development and ensure that the amenities of the existing properties are not unacceptably affected.
- 6.8 **Highways, access, parking and rights of way**
- 6.8.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Concerns have been raised locally that the access is not safe and that the development will increase traffic on Chester Road.
- 6.8.2 As noted above the proposal includes access for consideration at this outline stage. This is to be provided by a single point of access off Chester Road providing a junction of 5.5m wide with footways of 2m wide and a radii of 6m. The visibility from the access is noted in the design and access statement as being at least 2.4m by 40m and the agent considers that this is in line with Manual for Streets. The proposed junction is within the existing 30mph speed limit zone on Chester Road and the agent also notes that it is over 100m from the proposed alterations to the junction of Pear Tree Lane approved in February. The Council Highway Officer has confirmed that the access exceeds the acknowledged standards set out in 'Manual for Streets' and as such provides a satisfactory means of access to serve the site.
- 6.8.3 A transport statement has been submitted with the application which has assessed the potential impact on the local highway network. The report suggests that the trip generation from the development will be 30 movements at the peak times and therefore a net impact of one additional vehicle every 2 minutes. As such the consultant considers that this would be a minimal increase in traffic. Furthermore the report also notes that the site is within 10 minutes walk of the town centre, that there are other facilities closer than the town centre and that all the town facilities and services, including the schools and train station are within acceptable walking distances of up to 2km. The Highway Officer has agreed that the location of the site provides realistic opportunities to promote walking.
- 6.8.4 The report also notes the nearest bus stop is approximately 730m from the application site. Officers consider that this is some distance and the town is not far beyond the bus stop and as such the opportunities for using this service to access the town is limited. The Highway Officer has noted that the service that passes the site is operated by the adjoining authority but may be a 'hale and ride' service. This would, subject to the provision of a footway on the opposite side of Chester Road, provide residents with the ability to stop the bus and alight without the need for a formalised bus stop. The Highway Officer is investigating this further and will confirm for the committee meeting whether a condition is required

to enable the provision of a section of footway.

6.8.5 The report also provides an assessment of potential traffic movements to and from the site for the proposed 57 dwellings. It is concluded that the development will result in a minimal increase in traffic on the local highway network with a maximum of 30 trips in the peak hours. The Highway Officer has not commented specifically on traffic movements, however as members have been previously advised a reason for refusal on increase in traffic has to be based on a the cumulative impacts being severe. In the case of this application it is officers opinion that the level of traffic movements from up to 57 dwellings could not be considered to be severe. Accordingly, as the access is considered to be appropriate and the internal layout and parking standards reserved for later approval the current outline application is considered to meet the requirements of policy in relation to highway safety and traffic.

6.9 Ecology and trees

6.9.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. A phase 1 ecology survey was undertaken in 2011 and updated to be submitted with the current application and this has been considered by the Council's Ecologist and Tree Officer. Local concerns have been raised about impact on wildlife and existing trees.

6.9.2 The submitted ecology survey identifies five ponds within 250m of the site, the proximity of the Greenfields Local Nature Reserve and the Shropshire Union Canal. It also assesses the hedges and trees within and around the site and the ditches which cross the site. With regard to protected species the report notes that there is no evidence of amphibians or Great Crested Newts in the 2 of the 5 ponds which remain in the immediate area; that the site is not suitable habitat for GCN but that nesting birds may be present in the boundary hedges and trees; no evidence was found of badgers or water voles and the author considers the site is not suitable habitat; however the site may be commuting and foraging habitat for bats and the trees may provide transitional roosts. Overall the report concludes that providing the boundary hedges are retained the development will not adversely affect on pathways to the Local Nature Reserve, the existing hedges should be filled in and selectively thinned to enhance the species variety, new oaks should be planted to replace one which is to be removed, hedges and trees should be checked for nesting birds and artificial nests provided, artificial bat boxes and an artificial roost be provided to mitigate the potential loss of habitat from the removal of the one oak and that lighting be appropriate so as not to disturb bat commuting. The report also notes that the planting of new species within domestic gardens will provide additional habitat and also facilitate the movement of small animals between gardens and the surrounding area.

6.9.3 The Council Ecologist had initially raised concerns about the loss of the tree and the potential impact that would have on bats and also the need for further information regarding great crested newts. Following confirmation from the agent that the tree would be retained and further consideration of the information submitted the Council Ecologist has confirmed that the development of the site

may be possible without adversely affecting protected species. At this time the tree is to be retained and the Council Ecologist would also require the retention of the hedges within and around the site to ensure the protection and enhancement of the environmental network and the biodiversity habitat. As with the other concerns raised previously in this report these concerns relate to the layout shown on the indicative plan. As layout is not submitted for approval at this time it is officer's opinion that a revision to the layout could provide for retention of these features and as such ensure that the statutorily protected species are not adversely affected.

- 6.9.4 However, the Council Ecologist has recommended that Shropshire Wildlife Trust are consulted on the application and this consultation has been done but at the time of writing the report no comments have been received and an update will be provided to members if a response is received before the meeting.
- 6.9.5 The design and access statement suggests that the existing natural boundaries to the site will be retained and reinforced, with the exception of the roadside boundary hedge opening to provide the new vehicular access. The tree survey submitted identifies one Oak tree to be removed which it advises has significant deadwood and is at risk of being structurally unsound. The Council Tree Officer has advised that the large field Oak tree - T28 on the submitted tree survey is not shown as retained on the indicative masterplan and that this should be retained within an area of public open space. This matter can be dealt with at the time of the submission of reserved matters along with the other issues with the master plan identified previously.
- 6.10 **Drainage**
- 6.10.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. The application form notes that foul drainage is proposed to be disposed to the existing mains sewerage system and surface water also discharged to the mains however this is in conflict with the advice in the design and access statement which notes that the site can be drained using infiltration such as soakaways and by limiting the run off rate to greenfield run off to avoid increasing flooding or surface water impacts.
- 6.10.2 Concerns have been raised by local residents that there is an existing pond and ditch on site which are used for surface water and also that the capacity of the sewer system is not sufficient. The utilities statement submitted with the application notes that there are foul sewers under Chester Road and combined sewers in Chester Avenue and Pear Tree Lane, it notes that consultation will be required with the Local Authority and Welsh Water to establish capacity and connection however does not detail whether any discussions have been undertaken prior to submitting the application.
- 6.10.3 Welsh Water have not commented on the current application although they were consulted. Although this is not a guarantee that there is not an issue with the foul drainage it would not be reasonable to hold up making a decision on the planning application for a consultee to respond when they have been given the statutory time in which to respond and no extension of time has been requested. However,

a condition is proposed that requires the details of the drainage system to be submitted at the time of the submission of the first of the reserved matters which would enable further consideration of this issue at the reserved matters stage.

6.10.4 A Flood Risk Assessment (FRA) has also been submitted with the application given the size of the site. This assessment identifies the features in the area including the Shropshire Union Canal Llangollen Branch, Grindley Brook and a number of un-named ponds and watercourses. The report advises that the risk of flooding is negligible to low from off-site sources and that the main risk is from surface water from the development of the site. However it also notes that the pluvial (surface water) flooding risk is low and that there are no recorded incidences of surface water flooding.

6.10.5 The FRA also sets principles for the surface water drainage of the site which the Council Drainage Engineer has commented on and advised that, in principle, the surface water from the site can be drained to ensure that there is no additional run off and ensure that there is no greater risk of flooding. The details of the scheme can be conditioned for later approval. The precise details of the surface water drainage system for the site are not known at this time, however the FRA does propose the use of soakaways but also recommends alternatives for on-site storage and controlled discharge of surface water to ensure that the surface water does not increase.

7.0 CONCLUSION

7.1 The application site is not within the Whitchurch development boundary as shown either in the North Shropshire Local Plan or the forthcoming Site Allocations and Management of Development Final Plan and is therefore classed as a departure from the development plan. However, significant weight must be awarded to paragraphs 7 and 8 of the NPPF where is a presumption in favour of sustainable development.

7.2 It is considered that the site, in principle, is an appropriate site within the existing and approved built development of Whitchurch and could be designed with an appropriate layout which would be in keeping with the form and layout of the surrounding housing development and without adversely affecting the amenities of the existing properties or the character of the wider area. A safe means of access is available and the site is within a sustainable location close to the services and facilities within the town. Furthermore the layout of the site could take into account the existing landscape and ecology features and ensure that it protects and enhances the environmental network.

7.3 The proposal will be of significant benefit in terms of boosting the local housing supply including the provision of affordable housing in what is a sustainable location where there is good access to services in a sizeable market town. Accordingly, it is considered on balance that the benefits of the scheme is not demonstrably outweighed by the harm caused and that the proposal complies with policies CS6 and CS11 of the Core Strategy and the requirements of 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 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 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. BACKGROUNDRelevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
 CS3 - The Market Towns and Other Key Centres
 CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS9 - Infrastructure Contributions
 CS11 - Type and Affordability of housing
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management

11. ADDITIONAL INFORMATION

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr Thomas Biggins Cllr Peggy Mullock

Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. Approval of the details of the siting, design and external appearance of the development and the landscaping of the site (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 4 of the Development Management Procedure Order 2010 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 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.

4. This permission does not purport to grant consent for the layout shown on the deposited plan submitted with this application.

Reason: To enable the Local Planning Authority to consider the siting of the development when the reserved matters are submitted.

5. An Arboricultural Assessment, prepared in accordance with BS 5837: 2012 must be submitted with the first of the reserved matters. The layout of the proposed development would need to make provision to retain any trees identified as significant or potentially significant in the terms of public amenity or provide substantial justification and mitigation where their removal is proposed.

Reason: To ensure the protection of existing landscape and the provision of landscape enhancements.

6. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:

The number of units

The means of enclosure of the site

The levels of the site

The means of access for disabled people

The foul and surface water drainage of the site

The finished floor levels

Reason: To ensure the development is of an appropriate standard.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. No development shall take place until full engineering details of the means of access, internal road layout, construction and sight lines have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the dwellings are occupied.

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

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

8. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

Reason: To minimise disturbance to bats, a European Protected Species.

9. A total of 10 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species, which shall be erected on the site prior to first occupation of the dwellings hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species

10. A total of 10 woodcrete artificial nests, suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwellings hereby approved.

Reason: To ensure the provision of nesting opportunities for wild birds

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

11. Except where detailed to be removed as part of the design of the reserved matters application all existing trees, shrubs and hedgerows within and bordering the site shall be protected, retained and maintained to the satisfaction of the local planning authority for the duration of any development works and for 5 years thereafter.

Reason: To safeguard the visual amenities of the area.

Recommendation: Grant Permission subject to the conditions sets out in Appendix 1 and a s106 to secure the relevant affordable housing.

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to outline permission, to include access, for residential development of the site for up to 30 dwellings. Although an indicative layout has been submitted the exact layout to include the total number of dwellings is one of the matters reserved for later approval.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is an agricultural field to the East of the A49 within Hadnall that is associated with Hermitage Farm. To the South of the site are residential properties on Pool Road and Pool Farm Lane, to the West of the site is the rear of properties that front the A49, to the East is open fields and to the North are the rear gardens of properties that front Hall Drive including Hadnall Hall. There is a large Oak tree in the centre of the site and mature trees to the Northern boundary and a pond in the North West corner.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers and the Principal Planning Officer in consultation with the Committee Chairman and Local Member agrees that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SC Ecologist:

Great crested newts

Pond 1 is sited partly on the application site. Worsfold and Bowen (July 2014) have now completed six presence/absence surveys, which found a maximum adult great crested newt (GCN) count of 5. This is a small population size class. A European Protected Species licence will be required for the development. Mitigation will include installation of amphibian fencing and removal of GCN from the site. Compensation will be needed, probably in the form of a hibernaculum for GCN. The revised proposed block plan shows no development in the immediate vicinity of Pond 1.

Pond 2 has served as a fishing amenity pond and had an HSI score of 0.53 'below average' GCN suitability. On further inspection large carp were found in Pond 2

and 'bucket traps' used in April caught no newts. A ditch on the southern boundary was also examined but found to be unsuitable for GCN.

A European Protected Species 3 tests matrix is provide and the planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered.

Bats

A pollarded oak in the middle of the field was considered by Worsfold and Bowen to be a suitable place for a bat roost. An activity survey at the tree was undertaken on the 26th May 2014 but no bats were seem to emerge from the tree.

As bats are likely to use the hedgerows, trees and pond on site and a condition on lighting is recommended.

Nesting birds

The Proposed Block Plan indicates removal of a hedgerow but replanting of a species-rich hedge along the new proposed eastern site boundary. This is likely to be an improvement in biodiversity value in the longer term.

- 4.1.2 **SC Trees:** The veteran Oak tree has been retained in public open space. In order to protect the Oak tree during construction a Tree Protection Plan will be required with a full application.
- 4.1.3 **SC Highways DC:** The application is seeking the approval for the formation of a new estate road access onto the principal road A49. The A49 at this point is subject to a local speed limit of 30 mph and the available measure of visibility from the site access is in line with current guidelines. The site is located more or less in the centre of the village with good links to the local facilities. The proposed footpath link between the site and Pool Road is welcomed providing a direct footpath link towards the school. The Highway Authority raises no objection to the granting of outline consent subject to the imposition of conditions.
- 4.1.4 **SC Drainage:** Suggests drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage.
- 4.1.5 **SC Affordable Houses:** 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. The proforma shows the correct calculation at the current prevailing target rate, but this may change if the prevailing target rate changes before the reserved matters application is submitted. The size, type and tenure of

the affordable homes on site must be discussed with the Housing Enabling team before any further application is submitted.

4.2 - Public Comments

4.2.1 **Hadnall Parish Council:** Following the current Parish Plan which designates Hadnall as 'countryside', the majority of councillors have voted to object to this development.

4.2.2 9 letters of objection have been received summarised as follows and are available in full on the file:

Policy/Principle

Hadnall is not designated as a 'Hub' or 'Cluster', but as 'Countryside'; there should be no building other than small building works or essential Low Cost housing

The SAMDev accurately informs local need and it would be inappropriate to pre-empt its findings at examination.

There are other sites designated for future development in Hadnall where access is considerably safer which should be considered before this site.

Development on the opposite of the A49 would be more appropriate

Hadnall is already losing its village status due to previous development and another 30 dwellings will change the village character for the worse.

Hadnall does not need more houses especially as there are still houses unsold on the Chapel estate and bungalows for sale in the village.

Hadnall will become a suburb of Shrewsbury

On 13th June 2014 Eric Pickles, Communities Secretary announced that "Britain must remain a green and pleasant land" with new housing to be concentrated on brown field sites. Councils will be required to create LDO's and it will be easier to construct on brown field sites and this application should be considered against this backdrop of it not being a brownfield site.

Highways/Traffic

Traffic passing through the village is excessive and dangerous and this will make it worse.

Increased vehicles will impact on road and pedestrian safety.

Visibility and safety is impeded by parking outside the shop and the proposed site access will be unsafe.

Traffic calming measures should be considered.

Due to there being no access to Hermitage Farm and their fields if this site is developed, is concerned about the increased traffic down Hall Drive. This is a private drive and Hermitage Farm has refused to contribute to its maintenance.

The proposed pedestrian access is via the turning head of Pool Drive a quiet cul-de-sac.

Residential amenity

Increased noise and light (street lighting) levels for existing residents around the proposed development.

Loss of privacy and overlooking of nearby properties particularly during the winter months due to reduced foliage.

The visual amenity from Hadnall Hall will be restricted.

Layout, scale and design

The picturesque view of an 'English Village field' will be lost

Bungalows would be visually more aesthetically acceptable than 2 or 3 storey houses and would not be so intrusive to existing properties of which many are bungalows.

The proposed development has a higher density of buildings than the surrounding area, and would not be in keeping with the rest of Hadnall Village.

There are no recreational facilities indicated.

Infrastructure

Local services and infrastructure (including foul drainage, power and roads) are stretched to full capacity and the school is over subscribed.

Drainage

Concern over soakaways being used in the construction as the proposed site suffers from areas of ponding.

The roads surrounding the site and the site itself have experienced flooding and photos provided as evidence.

A detailed flood assessment and Environment Agency surface and subsurface water survey should be conducted to better understand the impact this development could have on water levels and flooding

Environment and Ecology

Water voles and bats inhabit this site and the increased noise, light and human presents could impact on the extensive wildlife and ecosystem in existence around and on the proposed development site.

The removal of hedgerows will result in the loss of habitat for a variety of wildlife

The site is home to a veteran Oak Tree and possibly the site of the original village church.

The trees around the ponds are inhabited by bats and should not be removed

Newts have inhabited the ponds in the past.

There should be a buffer zone to protect trees on the boundary to the site

The land is grade two or three (a) agricultural land.

Other issues

Properties values have and will decrease

Requests that if approved that it should be for fewer properties, include improvements to boundaries and access and that a larger buffer area of grassland is created between existing properties.

This application cannot be dealt with under delegated powers and should be considered at committee.

5.0 THE MAIN ISSUES

Principle of development

Highways/Access

Scale, appearance and layout / visual and residential amenity

Trees, Landscaping and Open Space

Ecology

Drainage

Developer contributions - AHC and CIL

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The site is situated within Hadnall and is outside the development boundary on the proposals map of the NSDC adopted Local Plan and is also not coming forward as a hub or cluster settlement within the emerging SAMDev. The site is currently classed as 'Open Countryside' under CS5 and therefore open market residential development of the site would be contrary to current adopted and emerging policy

and the application has been advertised as a departure. However paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:

- *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*
- *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).*

6.1.2 The emerging 'Site Allocations and Management of Development' DPD (SAMDev) is at the 'pre-submission draft' stage and has recently been submitted for examination. Paragraph 216 of the NPPF indicates that the 'weight' that can be attached to relevant policies in emerging plans such as the SAMDev depends on the stage of preparation, extent of unresolved objections, and degree of consistency with the NPPF. The Council's view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone very substantial public consultation, where significant weight can be attached but, pending examination and adoption, this needs to be considered with care alongside the other material considerations.

6.1.3 Paragraph 14 of the NPPF states that:

'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.....For decision-taking this means that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the]Framework taken as a whole; or

— specific policies in [the] Framework indicate development should be restricted.'

With regards to housing development paragraph 49 of the NPPF states that:

'Housing applications should be considered in the context of the presumption in favour of sustainable development'.

and that

'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'

6.1.4 In September 2013 the housing land supply in Shropshire fell below the 5 year requirement. This has now been updated following the submission of the SAMDev

Final Plan to the Planning Inspectorate. The Council is now in a position that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. However, in calculating the 5 year supply the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies as there are significant unresolved objections which will not be resolved until the public examination of the SAMDev.

6.1.5 In this period prior to examination sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. Officers consider that it would be difficult to defend a refusal for a site which is considered to constitute sustainable development unless the adverse impacts of granting consent would significantly and demonstrably outweigh the benefits (as outlined in paragraph 14 of the NPPF).

6.1.6 It is acknowledged that the site is outside the development boundary within the adopted North Shropshire Local Plan and would not normally be supported for development. However adopted local plan policies are at risk of being considered “time expired” due to their age and the time which has lapsed since the end date of the plan. Officers therefore advise that it is appropriate to assess this site within the context of the ‘presumption in favour of sustainable development’.

6.1.7 The principle issue for consideration therefore is whether the development is sustainable or not when considered against the NPPF as a whole. The balance of material considerations is still in favour of boosting housing supply in locations that are considered to be sustainable. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether there would be any significant impact or harm as a result of the proposed development that would outweigh the benefits. This will be considered in the paragraphs below.

6.2 Sustainable development

6.2.1 Policy CS6, amongst a range of considerations, requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Policy CS7 states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services. Policy CS9 states that development that provides additional dwellings or employment premises will help deliver more sustainable communities by making contributions to local infrastructure in proportion to its scale and the sustainability of its location.

6.2.2 Hadnall is a large village of approximately 300 dwellings and with a range of services and facilities within the village including a primary school, post office, shop, public house, restaurant, village hall and church and the Sansaw business Park is nearby. These facilities within the village can be accessed on foot by footpath along both sides of the A49 and the proposal also indicates a footpath link

to Pool Road which provides a safe means of pedestrian access to the primary school. There is also an hourly bus service (511) between Whitchurch, Wem and Shrewsbury that stops in Hadnall. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services and a range of facilities and employment opportunities without over reliance on the private motor car.

6.2.3 However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is 'about positive growth – making economic, environmental and social progress for this and future generations'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

- *an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

6.2.4 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The provision of additional houses will also support local businesses as future occupiers are likely to access and use local services and facilities helping them to remain viable. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable for a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

6.2.5 Social role – The proposal will provide up to 30 houses which will help meet the housing shortage in Shropshire. In addition to boosting the supply of open market housing the proposal will provide affordable housing on site at the prevailing rate at the time of the reserved matters application. The current rate of 15% would provide 4 affordable houses on site. Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in settlements where it will support facilities helping to retain services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. It is recognised that increasing the number of dwellings in a settlement without a

proportionate increase in the provision of local services risks impacting upon the social integrity of the settlement. Residents are concerned that the infrastructure is not capable of accommodating the new development and that the school is already over subscribed. However infrastructure and education are in part funded by CIL contributions. There are approximately 300 dwellings in Hadnall and up to 30 additional houses is not considered to be a disproportionate number that would adversely change the structure and character of the community.

6.2.6 Environmental role – The site is grade 2/3 agricultural land and has no heritage, cultural or ecological designation. It is considered that the loss of this piece of agricultural land is not significant and the proposal would not result in any adverse ecological or environmental implications and the proposal would provide some ecological enhancements of the site (ecology will be considered more fully below). In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible on foot or by cycle to local services and facilities and by public transport to the array of services, facilities and employment opportunities in Wem, Whitchurch and Shrewsbury.

6.2.7 It is therefore considered that the proposed residential development is acceptable in principle having regard to the three dimensions of sustainable development and is in accordance with the NPPFs 'presumption in favour of sustainable development'.

6.3 Highways/access

6.3.1 The vehicular access to the proposed development will be via improvements to an existing farm access which highways have confirmed has good visibility in both directions and has no objection to the proposal subject to a condition regarding the formation of the access. Residents are concerned about vehicular and pedestrian safety due to the speed of traffic on this busy road and that cars parked outside the shop will obstruct the visibility. However the shop is on the same side of the road and vehicles approaching from the direction of the shop will be on the opposite side of the access. The provision of up to 30 dwellings will result in some increase in traffic but will not increase the number of vehicles that are travelling through the village. The introduction of a road junction onto the highway and increased use of the junction should have the effect of slowing traffic and would improve highway safety. It is therefore considered that the proposal would have no highway safety implications. In addition the proposal includes a pedestrian access to the quiet cul-de-sac providing safe pedestrian access to the school. Access to Hermitage farm and the field behind the proposed site will be retained without the need to access the private Hall Drive.

6.4 Scale, appearance and layout / visual and residential amenity

6.4.1 This proposal is Outline with all matters other than access reserved for later approval. The Design and Access statement and indicative layout indicates an estate of predominantly family sized detached houses and four semi-detached affordable homes. This is only indicative to illustrate how the site might accommodate the number of dwellings indicated. Some residents have commented that it is high density and not in keeping with the existing character of the village, and that bungalows would be more appropriate than houses. However this

application is only outline with siting, scale and appearance reserved for later approval. The number (and density) of dwellings is therefore not part of the proposal and would not be fixed by approval of this application. The number of dwellings and the layout could change completely and will be considered fully (along with scale and appearance) at the Reserved Matters stage as will the impact on existing residents and residential amenity.

6.4.2 There are a variety of housing types, scale and plot sizes within Hadnall, some directly facing the main road and some off side roads and mini estates and it is considered that a development of an appropriate scale and design could be achieved that would not significantly and adversely affect the character and appearance of the locality and without any significant adverse impact on residential amenity. The public view of the majority of the site is screened by existing housing and the development of this field would be virtually unnoticeable when travelling along the A49 apart from the gap at the entrance at the site. This gap will however be undeveloped as the land adjacent to the road is outside of the site boundary and the land immediately behind this next to the pond is indicated to be landscaped open space.

6.4.3 Whilst it is accepted that development of this field behind existing properties will change the view of open countryside enjoyed by existing residents there is no right to a view. The built development will obviously change the view and outlook from the rear of properties in Hall Drive to the North and in particular Hadnall Hall and from the rear of the bungalows in Pool Farm Lane to the South but a satisfactory separation distance could be achieved to ensure that the built development would not appear obtrusive and overbearing or result in unacceptable overlooking and loss of privacy. It is accepted that the construction phase of the development will result in some noise and disturbance but this can be controlled by condition. However it is not considered that the use of this field for residential development once complete and occupied would result in unacceptable levels of noise and disturbance to existing residents. Impact on property values is not a material consideration.

6.5 **Trees, landscape and open space**

6.5.1 There is a large Oak tree within the site and an arboricultural report has been submitted to assist in determining the potential layout of the site and that it can be developed without impacting on this and trees near the boundary to the site. The tree officer is satisfied that the revised indicative layout indicates that this tree can be retained in public open space but that in order to protect the Oak tree during construction a Tree Protection Plan will be required with a full application. This tree protection plan will also ensure that all existing trees along and adjacent the boundary of the site will be retained and protected. Whilst the layout and landscaping is reserved for later approval the revised indicative layout does now indicate a satisfactory level of open space provision and the landscape detail will be more fully considered at the reserved matters stage.

6.6 **Ecology**

6.6.1 An ecological survey has been submitted and as there is a small population of Great crested newts in Pond 1 although the revised indicative layout plan shows no

development in the immediate vicinity of this pond a European Protected Species licence will be required for the development. Mitigation will include installation of amphibian fencing and removal of GCN from the site and compensation will be needed in the form of a hibernaculum for GCN. No evidence of newts were found in other nearby ponds and in the ditch on the Southern boundary and are unsuitable for GNC. The Councils ecologist has confirmed that the proposed development will not be detrimental to the maintenance of the populations of great crested newts at a favourable conservation status within their natural range, provided that the suggested conditions and informatives are imposed. Work will need to be conducted under licence from Natural England and an EPS three tests matrix has been completed and is attached as appendix 2 to this report. A pollarded oak in the middle of the field has potential as a bat roost but a activity survey has been undertaken and bats were seen to emerge from the tree. However as bats are likely to use the hedgerows, trees and pond on site the lighting condition recommended by the Ecologist can be imposed. The indicative layout indicates removal of a hedgerow but replanting of a species-rich hedge along the new proposed eastern site boundary will provide longer term biodiversity value and enhancement.

6.7 Drainage

6.7.1 The Design and Access statement indicates that foul drainage will be to the public sewer or alternatively to a separate package treatment plant. The surface water will be to soakaways at greenfield rates or discharged to the watercourse along the Southern boundary. Although the site is in Flood Zone 1 which is an area of low risk of flooding, on the Pluvial Flood Map the site is at risk of surface water flooding. The Councils drainage engineer has commented that the detailed surface and foul water drainage proposals including full details on how the surface water runoff will be managed can be submitted at the reserved matters stage and recommends appropriate conditions to be imposed. Full drainage details will in any case be considered as part of an application for Building Regulation approval.

6.8 Developer contributions - AHC and CIL

6.8.1 The proposal is outline only but due to the likely number of dwellings affordable housing will be provided on site and the amount will be determined by the target rate at the time of the submission of an application for Reserved matters. This will be secured by a S106 in accordance with CS11 and the Housing SPD. At the current rate of 15% a development of 30 houses would include 4 affordable homes on site. The proposal will also be liable for a CIL payment. Some residents have raised concern about the capacity of the local infrastructure (including school places) to support the additional dwellings. However CIL replaces the need to seek additional developer contributions via a S106 for Education, Highway improvements or other infrastructure improvements for example and can also be used to target community improvements identified in the LDF Implementation plan and Place plans.

7.0 CONCLUSION

7.1 The proposed development is considered to represent sustainable development in a sustainable location having regard to the three dimensions of sustainable

development and is therefore acceptable in principle. It is not considered that there would be any significant adverse impacts of the proposal that would outweigh the benefits. Layout, scale, appearance and landscaping of the scheme are reserved for later approval but it is considered that an acceptable and appropriately designed scheme could be achieved that would have no significant adverse impact on residential amenity and would not result in significant or demonstrable harm to the character and appearance of the locality. The proposal would not result in the loss of any significant trees, and have no adverse highway or ecological implications subject to conditions being imposed and landscape details and open space provision will be determined as part of an application for reserved matters. The on site affordable housing provision and any balance of AHC will be secured by a S106 agreement. It is therefore considered that the proposal accords with Shropshire LDF policies CS6, CS11, and CS17 and the aims and provisions of the NPPF.

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 1990.

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: NPPF

Core Strategy and Saved Policies: CS5, CS6, CS11 and CS17

11. Additional Information

List of Background Papers: File 14/01872/OUT
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Simon Jones
Appendices APPENDIX 1 – Conditions APPENDIX 2 – EPS 3 tests matrix

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Details of the scale, appearance, layout 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. 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 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.

4. This permission does not purport to grant consent for the layout or number of dwellings shown on the deposited plan Number SA15364-02 REV B received 24 07 14.

Reason: To enable the Local Planning Authority to consider the layout and siting of the development when the reserved matters are submitted.

5. 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.

6. All trees and hedges which are to be retained shall be protected in accordance with the BS 5837: 2012 'Trees in relation to Design, Demolition and Construction recommendations for tree protection'. This shall include establishing a Root Protection Area (RPA) around each tree enclosed by suitable fencing, as specified by BS 5837: 2012 or as agreed in writing with the local authority or, where specifically approved, protected using ground protection measures to the satisfaction of the local planning authority. A tree protection plan shall be submitted with the first application for approval of reserved matters.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important in the appearance of the development.

7. As part of the first application for approval of reserved matters full engineering details of the means of access, including the layout, construction and sight lines shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the dwellings are occupied.

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

8. As part of the first application for approval of reserved matters details of the design and construction of any new roads, footways, accesses together with the disposal of surface water shall be submitted to, and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented prior to the dwellings being occupied.

Reason: To ensure an adequate standard of highway and access for the proposed development.

9. As part of the first application for approval of reserved matters a Flood Risk Assessment (FRA) should be produced and submitted using Shropshire Council's Strategic Flood Risk Assessment (SFRA) documents for guidance.

Reason: To ensure that all potential flood risk to the development has been addressed.

10. As part of the first application for approval of reserved matters details on how the surface water runoff will be managed including full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted for approval

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

11. As part of the first application for approval of reserved matters a contoured plan of the finished ground levels should be provided to ensure that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

Reason: To ensure that any such flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

12. No development, demolition or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

Reason: To ensure the protection of great crested newts, a European Protected Species

13. Work shall be carried out strictly in accordance with the Great Crested Newt and Bat Activity Survey by Worsfold and Bowen dated July 2013.

Reason: To ensure the protection of great crested newts, a European Protected Species

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

14. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK.

Reason: To minimise disturbance to bats, a European Protected Species.

APPENDIX 2: EUROPEAN PROTECTED SPECIES – Consideration of the three tests

Application name and reference number:

14/01872/OUT

Date of consideration of three tests:

3rd August 2014

Consideration of three tests carried out by:

Alison Slade
 Planning Ecologist (01743 252578)
Alison.Slade@Shropshire.gov.uk

1 Is the development ‘in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?

The proposal will provide up to 30 new homes of which 4 would be affordable which will boost the housing supply in a sustainable location and as a result provide social and economic benefits for both present and future generations and will also provide bio-diversity enhancements of the site with no adverse environmental impacts.

2 Is there ‘no satisfactory alternative’?

The alternative is not to develop the site but this would not provide the much needed boost to housing supply numbers in Shropshire and would not provide the social and

economic benefits of the proposal and the ecological enhancements of the site.

3 Is the proposed activity 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'?

Pond 1 is sited partly on the application site. Worsfold and Bowen (July 2014) have completed six presence/absence surveys, which found a maximum adult great crested newt (GCN) count of 5. This is a small population size class. Mitigation will include installation of amphibian fencing and removal of GCN from the site. Compensation will be needed, probably in the form of a hibernaculum for GCN. The revised proposed block plan shows no development in the immediate vicinity of Pond 1.

Pond 2 has served as a fishing amenity pond and had an HSI score of 0.53 'below average' GCN suitability. On further inspection large carp were found in Pond 2 and 'bucket traps' used in April caught no newts. A ditch on the southern boundary was also examined but found to be unsuitable for GCN.

The proposed development will not be detrimental to the maintenance of the populations of great crested newts at a favourable conservation status within their natural range, provided that the conditions and informatives detailed in the response from Alison Slade to Jane Raymond dated 3rd August 2014 are attached to any consent and thereafter implemented.

Conditions

1. No development, demolition or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

Reason: To ensure the protection of great crested newts, a European Protected Species

2. Work shall be carried out strictly in accordance with the Great Crested Newt and Bat Activity Survey by Worsfold and Bowen dated July 2013.

Reason: To ensure the protection of great crested newts, a European Protected Species



Committee and Date

North Planning Committee

26 August 2014

Item

13

Public

Development Management Report

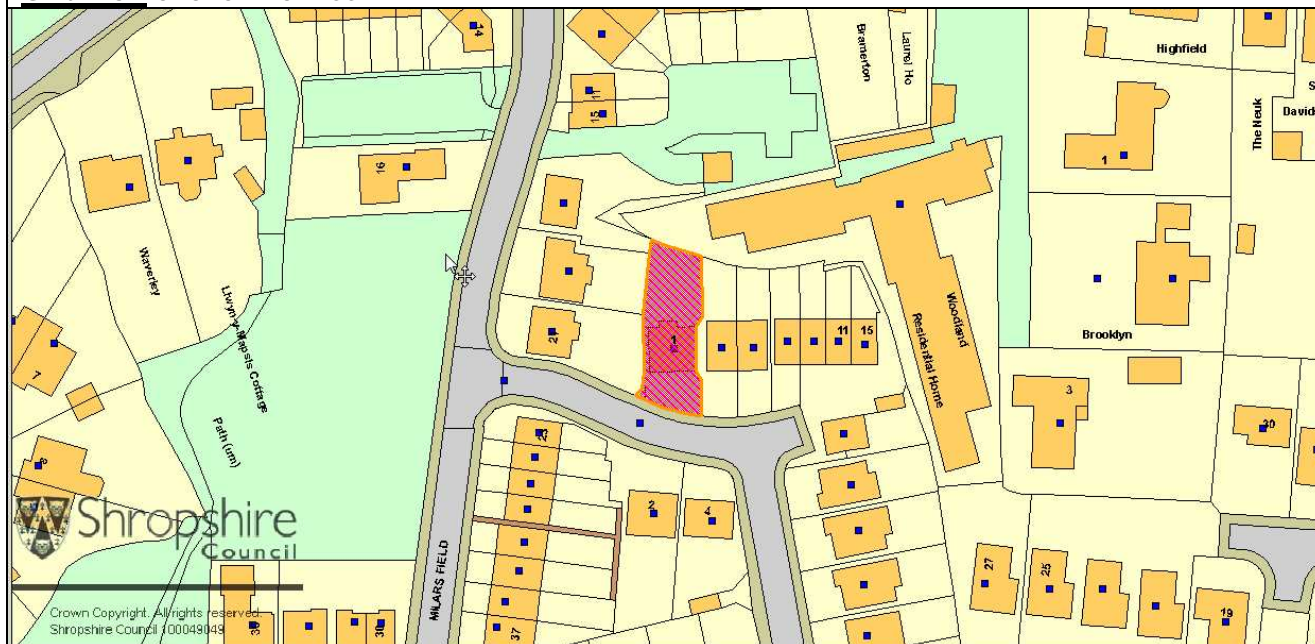
Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 14/02507/FUL	Parish: Oswestry Rural
Proposal: Erection of single storey rear extension	
Site Address: 1 Cae Onan Morda Oswestry SY10 9PX	
Applicant: Mr M Phelan	
Case Officer: Melanie Durant	email: planningdmnw@shropshire.gov.uk

Grid Ref: 328454 - 327692



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 The proposal is for the erection of a single storey rear extension.

2.0 SITE LOCATION/DESCRIPTION

2.1 The property is a 5 bedroomed detached house on a new estate in Morda. The property is constructed using red brick and tile.

2.2 There are neighbours on either side of the property, the immediate neighbour no 3 is set at a lower level to this property resulting in the first floor of the neighbouring property being level with the ground floor to the applicants' property. The neighbours to the west are situated at right angles to the development site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers and the application has been requested to be referred by the Local Member.

4.0 Community Representations

- Consultee Comments

None received

- Public Comments

Oswestry Rural Parish Council objects to the application due to the loss of amenity and privacy by the neighbouring property.

A neighbouring property has objected due to loss of privacy when considering the difference in levels between properties in this location

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design of structure
- Impact on neighbouring amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The proposed scheme is judged in the light of saved Policy H 23 (Extensions to dwellings) of the Oswestry Borough Local Plan and Policy CS6 (Sustainable Design and Development) of the adopted Shropshire Core Strategy.

6.1.2 Policy H 23 generally permits new extensions provided there is no significant impact to an existing dwelling or its neighbouring properties, and the development respects the scale, design and materials of the existing dwelling and its surroundings.

6.1.3 Policy CS6 of the Core Strategy seeks to ensure that new development is appropriate in scale, density, pattern and design taking into account the local context and character.

6.2 Siting, scale and design of structure

6.2.1 The proposal is for a single storey rear extension measuring approx. 4 m outwards from the rear of the property with a width which almost equals the original dwelling. The proposal will provide a new larger kitchen area and dining room it will also include a new family room with patio doors leading to decking at the rear.

6.2.2 The materials proposed for the new development are facing brick and render to match the existing dwelling with matching roof tiles.

6.3 Impact on neighbouring amenity

6.3.1 There is a considerable height difference between properties in this location resulting in the first floor level of the adjacent property being at the same level as the ground floor of the applicants' property. This has resulted in an objection being received from a neighbouring residents and the local Parish Council regarding loss of amenity and loss of light.

6.3.2 The impact of the development has been assessed regarding the neighbouring property. Although the development will be at a higher level than the neighbouring property it is felt that this does not warrant a reason for refusal of this application. Firstly the extension is very near being considered permitted development except for the addition of a decking area to the rear.

6.3.3 The objectors also felt that the development would cause a loss of light for the neighbouring property. Therefore the path of sunlight throughout the day was assessed. The rear gardens of the properties face a northerly direction therefore would receive the sunlight in the hours of the morning. In the afternoon and evening the sunlight would fall from a westerly direction and any shadowing of both gardens would occur due to the position of the dwellings and only partially from the proposed development. It is therefore felt that any loss of light would be minimal due to the position of the dwelling itself.

6.3.4 Lastly the issue of loss of privacy was considered. The single storey extension has a single letterbox style window on the western elevation which would face the neighbouring property. On this elevation the only window facing the applicants' property is a first floor landing window, this is not considered a habitable room and therefore there would be no impact from the development on this window. The rear patio opening would provide views including the neighbouring rear garden. However the property itself is a 3 storey dwelling with numerous openings facing

this direction which would already overlook the rear gardens of neighbouring properties. Again officers consider that these objections would not constitute a reason to refuse this application.

7.0 CONCLUSION

The proposal is acceptable in terms of its siting, scale, design and materials and would not result in any significant loss of residential amenity. Therefore the application is considered to accord with the relevant local plan policy set out by Policy CS6 of the adopted Core Strategy and saved Policy H 23 of the Oswestry Borough Local Plan and 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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

CS6 - Sustainable Design and Development Principles

H23 - Extensions to Dwellings

RELEVANT PLANNING HISTORY:

14/02507/FUL Erection of single storey rear extension PDE

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items

containing exempt or confidential information)

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Joyce Barrow

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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

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

3. The external materials shall match those of the existing building and there shall be no variation without the prior consent in writing of the Local Planning Authority.

Reason: To ensure that the works harmonise with the existing development.

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<u>Committee and Date</u>
North Planning Committee
26 August 2014

<u>Item</u>
14
Public

SCHEDULE OF APPEALS AS AT COMMITTEE 26TH AUGUST 2014

Appeals Lodged

LPA reference	13/01735/OUT
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr Albert Hughes
Proposal	Proposed residential development
Location	Site at East of Gyrn Road, Selattyn
Date of appeal	13.08.2014
Appeal method	Written
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

Appeals determined

LPA reference	13/01418/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Shropshire Towns and Rural Housing
Proposal	Construction of 3 no. new 2 bed homes
Location	Land West of Birch Close, Ruyton XI Towns
Date of appeal	28.02.2014
Appeal method	Written
Date site visit	18.06.2014
Date of appeal decision	22.07.2014
Costs awarded	
Appeal decision	Dismissed

LPA reference	13/03184/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr R Hill
Proposal	Formation of new access
Location	Plas Wilmot, Weston Lane, Oswestry
Date of appeal	28.04.2014
Appeal method	Written
Date site visit	18.06.2014
Date of appeal decision	21.07.2014
Costs awarded	
Appeal decision	Dismissed

LPA reference	12/01367/EIA
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Harrison Farms
Proposal	Agricultural sheds, ancillary buildings, new access, road improvements, and a landscape scheme
Location	Field East of Vantage Farm, Bletchley, Bletchley
Date of appeal	26.09.2013
Appeal method	Inquiry
Date site visit	11.02.2014 and 26.03.2014
Date of appeal decision	29.07.2014
Costs awarded	Approved for applicant, refused for Council
Appeal decision	Allowed

LPA reference	14/00239/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs E Burton
Proposal	Erection of one bungalow
Location	Land at the bottom of Old Mapsis Way, Trefonen
Date of appeal	12.05.2014
Appeal method	Written
Date site visit	16.07.2014
Date of appeal decision	6.08.2014
Costs awarded	
Appeal decision	Dismissed



Appeal Decision

Site visit made on 18 June 2014

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 July 2014

Appeal Ref: APP/L3245/A/14/2214151

Land West of Birch Close, Ruyton XI Towns, Oswestry, Shropshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Shropshire Towns and Rural Housing against the decision of Shropshire Council.
 - The application Ref 13/01418/FUL, dated 11 April 2013 was refused by notice dated 22 August 2013.
 - The development proposed is the construction of 3 no. new 2-bed homes to Site 1 (currently a parking area and garages).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of the appeal application the Planning Practice Guidance has been published. Although regard has been had to this guidance it does not materially alter the matters which have been identified by the parties.
3. The planning application submitted to the Council included the residential development of 2 separate sites at Birch Grove. The Council separately assessed both schemes and this appeal for Site 1 concerns the site referred to in the Council's decision notice and on the appeal form as land west of Birch Close. I am aware that the other site at Birch Grove (Site 2) is the subject of a separate appeal but I have not been provided with full details of this scheme.

Main Issue

4. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring properties by reason of parking provision and highway safety.

Reasons

5. The appeal site is a privately owned a parking area with some single storey garages situated within a predominantly residential area comprising a mix of semi-detached houses, maisonettes and bungalows. The appellant claims that there has been some anti-social behaviour occurring on the site but these claims are contested by local residents. With the exception of a small area
-

- adjacent to the garages, the site does not appear to be in a particularly poor condition.
6. From the photographs provided by the appellant and local residents it is evident that the site is used for parking purposes with the number of vehicles varying throughout the day. The appellant has indicated that 3 of the 5 garages are in use albeit not necessarily for parking purposes. Local residents claim that there is a demand for the garages but the evidence for this is limited.
 7. The proposed development includes the erection of a short terrace of 3 affordable dwellings with off-street parking within their front gardens. By reason of the off-street parking provision there would not be a material change to the demand for on-street parking from the future occupiers of the appeal scheme. Although the comments of local residents have been noted, the width and siting of the proposed parking spaces would enable parked vehicles manoeuvre without precluding on-street parking which occurs on the opposite site of Birch Close.
 8. Based on the site visit, there are limited opportunities for off-street parking within the curtilages of the dwellings within the surrounding area and local residents claim that such parking provision is precluded by the occupiers' leases. Rather than being a detailed parking survey the photographs only give an indication of the parking situation at a particular moment in time. Further, although the photographs are of some assistance, the full details are not provided about the potential number and location of any available on-street spaces.
 9. The photographs give conflicting impressions of the parking occurring both on-site and along the roads, including that more than the average of 3.3 vehicles claimed by the appellant are parked on-site. However, photographs indicate that there is extensive on-street parking at certain times of the day, particularly at weekends and evenings. By reason of the carriageway width, on-street parking is only possible along one side of Birch Grove and Birch Close otherwise the flow of traffic would be prejudiced.
 10. Accordingly, based upon the photographic evidence provided and in the absence of a full parking survey, I am not satisfied that the drivers of vehicles displaced by the appeal scheme would find alternative parking spaces within a convenient distance of their properties. In reaching this judgement I note the Highway Authority's comments that there appears to be some space along Birch Grove particularly towards the junction with Little Ness Road. However, this location would not be particularly convenient for the occupiers of properties neighbouring the site.
 11. As previously noted, the available evidence does not enable me to fully assess the potential number and location of any available on-street spaces for displaced vehicles to park without causing a danger to the safety of other highway users. I am mindful about the limited width of the carriageways and the need to retain adequate space within the turning heads for larger vehicles to safely manoeuvre, including refuse and emergency vehicles.
 12. Based on the comments of local residents and the photographs, the garages and the parking area provide a service and amenity that contributes to the

neighbouring occupiers' quality of life. On its own this matter could be outweighed by other consideration but adverse harm has also been identified associated with the potential additional demand for on-street parking caused by displaced vehicles.

13. Accordingly, it is concluded that the proposed development would cause adverse harm to the living conditions of the occupiers of neighbouring properties by reason of parking provision and highway safety and, as such, it would conflict with Policies CS6 and CS8 of the Shropshire Local Development Framework: Adopted Core Strategy. Amongst other matters these policies require development to create sustainable places, to protect and enhance existing facilities and to protect local amenity, including by the provision of appropriate parking. These policies are consistent with the National Planning Policy Framework's (the Framework) core principle of a good standard of amenity for all existing and future occupants of land and buildings and also creating safe and secure layouts which minimise the conflict between traffic and pedestrians.

Other Matters

14. I concur with the appellant's claims that the appeal scheme would accord with the Framework because the proposed housing would be erected on a previously developed site within the urban area. The proposed dwellings would be constructed to achieve level 3 of the Code for Sustainable Homes and there would be no adverse harm caused to the occupiers of neighbouring properties by reason of loss of either privacy or levels of sunlight. When taken together with the proposed dwelling being for affordable housing purposes, these matter are given significant weight in the determination of this appeal.
15. The appellant's comments concerning the potential for access to the site being extinguished have been noted but this is a matter for other legislation and is given only limited weight.
16. When all the other matters are considered together they are still demonstrably and significantly outweighed by the adverse harm which has been identified. Accordingly, and taking into account all other matters including the Framework's presumption in favour of sustainable development, it is concluded that this appeal should fail.

D J Barnes

INSPECTOR

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Appeal Decision

Site visit made on 18 June 2014

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 July 2014

Appeal Ref: APP/L3245/A/14/2216970

Plas Wilmot, Weston Lane, Oswestry, Shropshire SY11 2BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Hill against the decision of Shropshire Council.
 - The application Ref 13/03184/FUL, dated 8 August 2013, was refused by notice dated 18 March 2014.
 - The development proposed is the formation of a new access.
-

Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the safety of other users of the access road.

Reasons

3. The proposed development is to provide an access to a scheme of 7 dwellings within the curtilage of Plas Wilmot which the Council has approved with an access from Weston Lane (Ref 11/04122/OUT). Accordingly, the concerns expressed by local residents regarding the planning merits of the approved scheme are not matters for me to address as part of this appeal.
4. The appeal scheme comprises access road which has substantially been constructed except for a length across a residential plot which is being developed by the appellant (Ref 14/00123/FUL). Part of the road is subject of an adoption agreement with the Highway Authority and the remainder is a private drive. Local residents have identified a previous limit on the number of dwellings served from a private drive but I am not aware that such a limitation currently applies. This approach is reflected in *Manual for Streets* and there is no objection from the Highway Authority to 13 dwellings being accessed from the road.
5. I have noted the comments of local residents about the possible removal or lopping of a hedge fronting Modra Road close to the junction with the access road. This hedge is not controlled by the appellant. However, my observations during the site visit were that the drivers exiting the access road would be able

- to see vehicles travelling along Modra Road. Similarly, vehicles exiting the road would be seen by other highway users travelling along Modra Road.
6. The available visibility splay at the junction would be adequate and this would not prejudice the safety of other highway users. This judgement reflects the views of the Highway Authority and there would be no conflict with the National Planning Policy Framework (the Framework) which refers to development only be prevented or refused where the residual cumulative impacts of development are severe.
 7. However, the width of the access road varies, including being below the 4.1 metres identified in *Manual for Streets* for 2 cars to pass each other. There are also abrupt changes in the horizontal alignment of the road adjacent to Meadow View. These changes of alignment and the adjacent vegetation materially restricts forward visibility along this part of the road. The road is a shared surface and its reduced width would provide limited scope for vehicles travelling in opposite directions to safely pass.
 8. When compared to the existing properties and the dwelling under construction, the potential conflict between vehicles and other highway users would increase if additional traffic utilised the access road. Because of the width and alignment of the road and the increase in traffic there would be a severe and detrimental effect on the highway safety of other users of the road. The potential speed of traffic, the absence of street lighting along this part of the road does not affect the judgement which has been reached.
 9. There is a lack of detail about the collection point for refuse containers, the ongoing maintenance of the road and the potential creation of a vehicular link between Modra Road and Weston Lane which might result in more vehicles using the road. However, as noted by the Highway Authority, these matters could be the subject of an appropriate condition and a Planning Obligation. No Planning Obligation has been provided for me to consider.
 10. Although careful regard has been had to the comments of the Highway Authority, it is concluded that the proposed development would cause adverse harm to the safety of other users of the access road and, as such, it would conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy. Amongst other matters this policy requires development to be safe and accessible and is consistent with the Framework's policy of creating safe and secure layouts which minimise the conflict between traffic and pedestrians.

Other Matters

11. Since the planning permission was granted for the adjoining residential development Plas Wilmot is now included on the statutory list of buildings of special architectural or historic interest. There is a requirement that special regard is had to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.
12. The proposed development would not adversely affect the setting of this Listed Building. However, the approved access would involve the demolition and rebuilding of a boundary wall fronting Weston Lane and alterations to the carriage turning circle. However, the Council has not indicated that the extant

planning permission would be incapable of being implemented because the approved access would fail to persevere the setting of Plas Wilmot.

13. On the basis of what was observed during the site visit the existing properties are set back sufficiently from the access road to avoid any material harm to the occupiers by reason of the noise and disturbance associated with the potential increase in vehicle movements. The comments concerning the potential for damaged to be caused to vehicles by cricket balls and the parking of visitors to the cricket club on the road have been noted. Similarly, the favourable comments of residents living along Weston Lane have been noted. However, none of these other matters alters the main issue which has been identified as the basis for the determination of this appeal.
14. Whether there is a covenant which limits the number of properties which could be accessed from the road and whether a management company should have been established are matters for other legislation and are given limited weight in the determination of this appeal. Accordingly, and taking into account all other matters including the Framework's presumption in favour of sustainable development, it is concluded that this appeal should fail.

D J Barnes

INSPECTOR

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Appeal Decision

Inquiry opened on 11 February 2014

Site visits made on 11 February and 26 March 2014

by Richard Clegg BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 July 2014

Appeal Ref: APP/L3245/A/13/2203327

Field east of Vantage Farm, Bletchley Road, Bletchley

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Harrison Farms against the decision of Shropshire Council.
 - The application Ref 12/01367/EIA, dated 19 March 2012, was refused by notice dated 11 February 2013.
 - The development proposed was originally described as 'agricultural sheds, ancillary buildings, new access, road improvements and a landscape scheme'.
 - The inquiry sat for eight days, on 11-14 and 17-18 February, and 25-26 March 2014.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of six poultry sheds, 16 feed bins, a biomass store, a boiler room and ancillary buildings, including 6 control rooms and an office, the construction of a weighbridge, the formation of a new access, road improvements, a landscaping scheme, and the installation of 212 mono crystalline solar panels on the roof of poultry shed No 6, at a field east of Vantage Farm, Bletchley Road, Bletchley, in accordance with the terms of the application, Ref 12/01367/EIA, dated 19 March 2012, subject to the conditions in schedule A.

Applications for costs

2. At the inquiry an application for costs was made by Harrison Farms against Shropshire Council and another by Shropshire Council against Harrison Farms. These applications are the subject of separate decisions.

Procedural matters

3. On the application form, the location of the site is given simply as field to east of Vantage Farm. The field is alongside Bletchley Road, Bletchley, and I have identified it accordingly in the appeal details above.
4. With the appeal, the Appellant submitted a revised scheme involving a somewhat reduced scale of development. An environmental statement had accompanied the planning application (Core Document 2 – CD2), and an addendum to the environmental statement and a revised non-technical summary were prepared and advertised before the inquiry opened. The revised scheme involves a similar form of development to that which was refused planning permission, and, following the preparation of the update to the environmental statement, the Council explained that it had no objection to

consideration of the revision. Given that the revised scheme involves a somewhat reduced scale of development, and that an update to the environmental statement has been advertised, I am satisfied that no prejudice would be caused to the interests of any parties by consideration of the revised scheme, and I have dealt with the appeal on this basis.

5. The main parties agreed that the revised scheme should be described as the erection of six poultry units, 16 feed bins, a biomass store, a boiler room and ancillary buildings, including 6 control rooms and an office; the construction of a weighbridge; the formation of a new access; road improvements; a landscaping scheme; and the installation of 212 mono crystalline solar panels on the roof of poultry shed No 6. Subject to consistent reference to the poultry buildings as sheds, I share that view, and I have considered the appeal accordingly.
6. A planning obligation in the form of a unilateral undertaking was submitted by the Appellant (Document A19). The obligation provides for an off-site landscaping scheme. I have taken the environmental statement for this proposal into account, and I am satisfied that the requirements of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 have been met.
7. The main parties prepared a set of core documents. Not all of the items on the accompanying list (Document G1) were submitted as core documents, and the list has been annotated accordingly.

Main Issues

8. I consider that the main issues in this appeal are:
 - (i) The effect of the proposed development on the character and appearance of the area.
 - (ii) The effect of the proposed development on heritage assets.
 - (iii) The effect of the proposed development on the amenities of local residents and visitors to the area.
 - (iv) The effect of other considerations on the overall planning balance.

The proposal

9. The Appellant operates Vantage Farm and Church Farm (which is nearby at Moreton Say) as a single mixed agricultural business¹, which involves dairy and beef cattle and arable crops. Vantage Farm is currently used to house the followers for the dairy herd during winter, to store fodder and as the arable base. The poultry units would be erected on the south-west part (about 5.58ha) of a large field which lies on the opposite side of Bletchley Road from the farmhouse and adjacent buildings at Vantage Farm. The poultry enterprise would have a capacity of 300,000 broiler chickens per crop cycle: there would be a maximum of 7.6 crop cycles each year with clear-out periods of about six days between cycles.
10. Five of the units (sheds Nos 2-6) would be about 122m in length and about 24m wide, with a modest control room building attached at the south-east end.

¹ Details of the existing operation are given in section 3 of Ms Gourlay's proof of evidence.

The other shed (No 1), would be located at the south-west end of the field. It would be about 67m in length, with an attached office and a control room building, but the same width as the longer buildings. Each of the poultry buildings would have a ridge height of 4.74m and eaves heights of 2.59m. At the back of shed No 1 would be a biomass boiler house and fuel store (also referred to as the energy centre). This would be a taller building, with heights of 8.62m and 6m to the ridge and eaves respectively: the boiler house would be 36.58m in length and 19.59m wide. A total of 16 feed bins, 7.38m in height, would be positioned between the south-east ends of the poultry sheds. Earth mounding would be formed alongside Bletchley Road and the north-east boundary where a new hedge would be planted. Additional hedge and tree planting is also proposed elsewhere around the site.

11. The main appeal site extends across a farm track into a field to the south-west where access would be taken from the road to Moreton Say. The junction of this road with the A41 comprises a separate appeal site, where it is intended to widen the minor road to enable large vehicles to pass. In addition alterations to signage and white-lining are proposed on the A41 to each side of the junction. Off-site work also includes tree and hedge planting on land around the main site within the Appellant's control.

Planning policies

12. The Development Plan comprises the Shropshire Council Core Strategy (CD16), and the saved policies of the North Shropshire Local Plan and the Shropshire and Telford & Wrekin Joint Structure Plan which remain in force following the adoption of the Core Strategy. Policy CS5 of the Core Strategy is concerned with the countryside and Green Belt. The appeal sites are in the countryside but not in the Green Belt. This policy explains that new development in these areas will be strictly controlled. However, (subject to further controls which apply to the Green Belt) proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. Particular mention is made of several types of proposal in this regard, including agricultural development. Proposals for large-scale new agricultural development are expected to demonstrate that there would be no unacceptable adverse environmental impacts.
13. To comply with Policy CS6, proposals should be designed to a high quality using sustainable design principles. Amongst other requirements, all proposals should protect, restore, conserve and enhance the natural, built and historic environment. Development should also be appropriate in scale, density, pattern and design, taking into account the local context and character. The Council intends to develop and diversify the Shropshire economy (Policy CS13). Particular emphasis is placed on a range of measures, including, in rural areas, recognition of the continued importance of farming for food production, supporting rural enterprise and diversification of the economy. Policy CS17 requires that environmental assets are protected and enhanced. Development proposals should protect and enhance the diversity, high quality and local character of the natural, built and historic environment, and contribute to local distinctiveness. In the rural area, Policy CS4 seeks to focus investment into community hubs and clusters as part of a series of measures aimed at making communities more sustainable: development should not be allowed outside these settlements unless it complies with policy CS6.

14. It is common ground between the Appellant and the Council that none of the saved policies of the Local and Structure Plans are relevant to the appeal. However, at the inquiry, reference was made to the allocation of land for employment purposes on the edge of Market Drayton under Policy E3 of the Local Plan (Document G2). This site, which extends into the countryside to the north of the A53, lies about 2.5km east of Bletchley. Planning permission has been granted for the erection of new manufacture and distribution buildings for the Muller Dairy on this land (Documents A6 and A12).
15. The Council is preparing a Sites Allocations and Management of Development Plan (SAMDev), and the Pre-Submission Draft was published in March 2014. Policy MD1 identifies Bletchley, Longford, Longslow and Moreton Say as a community cluster in the Market Drayton Area. Suitable small-scale employment uses will be permitted, under Policy S11.3(i) to deliver around 6ha of employment land in Market Drayton, the surrounding community hubs, community clusters or appropriate rural locations. The emerging SAMDev is at a relatively early stage in its preparation, and consequently its content carries only limited weight.

Reasons

Character and appearance

16. The appeal sites lie within national landscape character area 61 – the Shropshire, Cheshire and Staffordshire Plain. The extent of the character area is identified in Countryside Character Volume 5 (CD29) which includes a description of the landscape character. Much of the plain is gently rolling, fields are bounded by full, well-maintained hedges and hedgerow trees are plentiful. Large farmsteads are frequent and the general appearance is referred to as one of a lush, productive and well-managed farmed landscape. Of greater relevance is The Shropshire Landscape Typology (CD30). The landscape type which includes the sites is the principal timbered farmlands. In the typology, these areas are described as predominantly rolling lowland landscapes, with occasional steeply undulating valley sides, characterised by a mosaic of agricultural land. Within the landscape types, more detailed information is available for individual landscape description units (LDUs).
17. LDU SP/78 is the area of principal timbered farmlands which includes the appeal sites and the small settlement of Bletchley². The assessment report refers to an area of intensive pastoral land-use interspersed with occasional arable production. Natural features tend to be concentrated around areas of parkland and there is a variable enclosure pattern and poor quality thorn hedgerows. The overall strength of character and the condition of the LDU are described as moderate, and its overall sensitivity as low. There are variations within the LDU itself. Whereas further to the north there is a pattern of smaller fields, larger fields are evident to the east and south-east of Bletchley³, including the site of the proposed poultry sheds. They would be erected on the south-western part of a larger field, and comparison with historical maps indicates that hedgerows have been removed within this field⁴. In the immediate locality, therefore, I consider that the condition of the landscape is

² The Shropshire Landscape Assessment LDU Report for SP/78 is at Appendix A11 to Mr Moss's proof and Appendix 1B to Mr Champion's proof.

³ The aerial photograph at Appendix A12 to Mr Moss's proof shows the field pattern in this part of LDU SP/78.

⁴ See, for example, the extracts from the maps circa 1879 and 1900 included in Appendix 19 to Mrs King's proof, and the field boundary overlay map at her Appendix 20.

low-moderate. A short distance to the south-west, the A41 runs through the LDU. This is a busy road, which runs on a stretch of dual carriageway from Bletchley to the north-west. The road is a discordant feature in the landscape, and reinforces my view that the sensitivity of the area around Bletchley is low. In reaching this view, I have taken into account that the landscape encompasses the setting of several heritage assets (below, paras 33, 36, 38, 40-42, 46).

18. A landscape and visual assessment (LVIA) was included as part of the Appellant's environmental statement. For the inquiry, a more detailed exercise was undertaken. On behalf of the Council, its landscape witness undertook his own assessment of the landscape and visual effects of the development, in which he suggested that there were shortcomings in the Appellant's first LVIA. However it was the second LVIA which was relied upon by the Appellant at the inquiry. A note of caution was sounded by the Council about the prospect of vertical distortion in photomontages, but there is no substantive evidence before me that the visual evidence submitted by the Appellant is unreliable in this respect. Criticisms were also directed at the Council's work; in particular it was suggested that it lacked clear criteria. This exercise did not purport to comprise an LVIA, but it nevertheless provided an assessment of the effect of the appeal proposal. I have found the exercises undertaken by both main parties for the purpose of the inquiry of assistance in considering the effect of the appeal proposal in respect of the first main issue.
19. The proposal, involving the construction of a row of poultry sheds, together with the biomass building, feed bins and hardstanding, would clearly represent a significant change to the main appeal site, resulting in the loss of the south-western part of a large field, and the encroachment of built development into the open countryside at the edge of Bletchley. The field rises to the north and the development would be cut into the site at the north-east end, with mounding formed inside a new hedgerow on this side and alongside Bletchley Road. A second hedgerow would be planted inside that on the boundary with the road to Moreton Say. There would be a loss of the south-western part of the existing field, but, taking account of the mitigation measures and the condition and sensitivity of the landscape around Bletchley, I consider that the development would have a moderate adverse effect on the site and the character of the settlement.
20. Insofar as the wider LDU is concerned, I share the view of the Appellant's landscape witness that there would be an adverse effect of minor-moderate significance in both the medium and long-term. It is clear from representations that the countryside around Bletchley is valued by local people, but it is not covered by any qualitative designation, and the information before me does not indicate that it has a value of more than local importance. This part of the principal timbered farmlands is of lower quality due to hedgerow loss and the creation of larger fields. Moreover large groups of farm buildings are not uncommon in the locality: to the north-east, and within LDU SP/78, the farmsteads of Moreton Hall, Audley Brow and Styche Farm are all located above the lower level of the riverside meadows (LDU SP/17)⁵. Further to the east and south-east, in the vicinity of the A53 are other large buildings, including a haulage depot and the existing Muller Dairy premises. I am mindful

⁵ The extent of LDU SP/78 is shown on an aerial photograph at Appendix A12 to Mr Moss's proof. This plan, which was not disputed by the Council, shows the three farmsteads to the north-east in LDU SP/78.

that planning permission has been granted for new buildings for the dairy business on the west side of the A53 (above para 14). These locations are at least 2km from the appeal site, they are not in the principal timbered farmlands and they relate to the town of Market Drayton and its environs rather than the area around Bletchley. The developments here do not provide support for the appeal proposal.

21. Localised widening would occur at the junction of the road to Moreton Say and the A41. This would involve an increase in the width of the carriageway of the minor road from 3.5m to 6m, with a new length of hedgerow planted to the north-west side of the road. Additionally a new hedgerow would be planted on the bank above the verge to the A41 on this side of the junction. The proposed works in this location are modest in nature and would not materially alter the form of the junction. Other than a minor adverse effect immediately following the construction period, I consider that this element of the appeal proposal would be of neutral significance to the landscape.
22. There would be some limited hedgerow removal to accommodate the formation of the new access, but this would be more than offset by additional hedgerow and tree planting. In response to my questions, the landscape witnesses of the Council and the Appellant respectively indicated that the planting proposed would achieve its principal mitigating effects after 15 years or 10-15 years. The additional planting around the perimeter of the main site and in the vicinity would be consistent with the character of the LDU, and would represent a benefit of limited localised significance. Electricity transmission lines which run above the site would be placed underground, and this work would similarly represent a limited localised benefit.
23. I turn now to consider the visual effects of the proposed development. Bletchley Road and the road to Moreton Say run along opposite sides of the main site. Tall hedges restrict views into the site, and both boundaries would be strengthened, with the formation of mounding to the north-west and a second hedgerow to the south-east. Whilst users of these roads would be aware of the presence of the poultry units, the biomass building and feed bins, particularly during the winter months, the extent of screening would limit the scale of the change in view. The roads are not busy, and I agree with the Appellant's landscape consultant that there would be an adverse effect of minor-moderate significance from both sides of the site.
24. The A41 is a busy main road, but it is separated from the main site by an intervening field and a group of buildings on Bletchley Road. There would be no significant view of the proposed poultry development for drivers and passengers travelling from the north-west, since a cluster of buildings extends in this direction from the sharp bend in Bletchley Road, and their presence would curtail views towards the main appeal site. The approach from the south-east is open, but traffic is generally moving freely and at speed, permitting only fleeting glimpses above the bank towards the appeal site. There would be a greater awareness of the development by people using the lay-by about 150m south-east of the junction with the road to Moreton Say. Given the nature of the A41, I anticipate that most users of the lay-by would simply be taking a break on a longer journey, rather than parking to appreciate the countryside, and overall I consider that the sensitivity of these receptors is low.

25. The road leading to the village of Longford from the A41 is a cycle route (Document A4). From here views are available towards the main appeal site through gateways and gaps in the roadside hedgerow. These viewpoints are about 1.4km from the field at Vantage Farm, which is behind the hedgerows alongside the road to Moreton Say. It is likely that the upper parts of buildings and feed bins would be discernible, but at this distance and with trees and hedgerows on intervening land, I do not consider that they would materially alter the view. The poultry development would have a negligible effect from this road.
26. There are several public footpaths in the vicinity of the appeal sites⁶. Footpath 0220/7 rises up to a low ridge line from the lay-by, and affords clear views over the A41 towards the intended position of the poultry sheds. A photomontage submitted by the Appellant's landscape consultant⁷ indicates that at year 10 the built development on the appeal site would be apparent from this elevated vantage-point. However the backdrop of trees, the strengthening of hedgerows on boundaries in front of the buildings, and the use of recessive colours would help to assimilate the development into the landscape, and I consider that the adverse effect on visual amenity would be of moderate significance.
27. Footpath 0220/3 runs from Bletchley Road across the northern part of the field which contains the main appeal site. A new hedgerow would be planted on the north-east boundary of the poultry development, with a mound rising behind this within the site. The extent of the built development would nevertheless be apparent from the footpath, with flues, feed bins and the biomass building projecting above the boundary treatment. Although some feed bins in the north-east corner may break the sky-line, the higher land to the south-west and south should remain visible beyond the development. With the establishment of the hedgerow, which would incorporate a number of trees, I do not consider that the structures on the appeal site would appear unduly prominent to users of this footpath, and it would have an adverse effect of moderate significance on visual amenity.
28. The effect from other nearby footpaths would be less marked. The footpath to the east (0220/16) descends from the road to Moreton Say, and the upper parts of the proposed development would only be likely to be seen over a short distance close to the road⁸. Footpath 0220/5 runs to the north-west of the main appeal site, beyond Bletchley Road. On a stretch of the footpath between Vantage Farm and Ivy Cottage, views are available towards the site. The upper part of the biomass building and other structures would be visible, but the footpath is set back from the road beyond an intervening field, and in addition to the roadside hedgerows there is a hedgerow with trees on the nearer field boundary. These features would all serve to significantly mitigate the view from this relatively short length of footpath. From both these footpaths, the effect on visual amenity would be of minor significance.
29. I have also considered the effect of the development on the views from nearby dwellings. The two nearest properties, Vantage Farm and Trevor House, are

⁶ The public footpaths are identified on the plan at Appendix A5 to Mr Moss's proof.

⁷ Photomontage for viewpoint 7 showing scheme B at year 10, in Appendix A13 to Mr Moss's proof.

⁸ The Appellant's landscape consultant disputed the location of a photograph in figure 6 to the proof of the Council's landscape consultant which is described as showing the view from footpath 0220/16 towards the road to Moreton Say (Mr Moss's rebuttal proof). At the site visit on 26 March, the main parties agreed that the photograph was not taken from the public footpath.

both in the ownership of the Appellant. The farmhouse is occupied by Mr M Harrison who is involved in running the Appellant's farming business, and by Ms Gourlay who expects to fulfil the role of systems manager for the poultry operation. Trevor House would be occupied by the manager of the poultry enterprise. Accordingly, whilst there would be views from first floor level towards the site from both houses, the sensitivity of their occupiers would be low. The Hollies is set back from Bletchley Road to the north of the site. There are tall hedgerows between the site and the house, and even from first floor windows I consider that the effect of the proposed development would be of only minor significance. Limited views of Bletchley Court and Bletchley Manor are available from the site, and it may be possible to see the poultry development from these properties. However they are on the far side of the A41, and the arrangement of windows indicates that the site would not be readily seen in direct views from Bletchley Manor. In direct views from Bletchley Court, the development would be seen set back beyond the group of buildings at the bend in Bletchley Road. The effect from these properties would be negligible.

30. The Appellant drew my attention to several other large poultry developments in Shropshire, but the full circumstances of these schemes are not before me, and each proposal must be assessed on its own merits. Although such developments are acceptable in principle in rural locations, the appropriateness of a particular scheme will depend to a great extent on individual matters concerning the particular scheme and site, and these other developments do not add any material weight to the Appellant's case.
31. The proposal would offer some limited benefits to the landscape through the undergrounding of electricity transmission lines and hedgerow and tree planting. Otherwise there would be a minor short-term adverse effect at the junction of the A41 with the road to Moreton Say, moderate harm arising from the loss of the main appeal site and the effect on the character of Bletchley, and a minor-moderate effect on the landscape of the locality. Insofar as visual amenity is concerned, the proposal would have a moderate adverse effect from the footpath south of the A41 and that to the north of the main site, and a minor-moderate impact from the adjacent roads. The effect from other footpaths, the A41 and the nearest dwelling not associated with the Appellant would be minor. I conclude that the proposed development would have certain minor-moderate adverse effects on the character and appearance of the area. In consequence there would be conflict with Policy C6 of the Core Strategy which requires that all development should at least protect the natural environment. However these effects would not be so severe as to amount to unacceptable adverse environmental impacts as referred to in Policy C5 of the Core Strategy. Nor would the limited adverse effects on the character and appearance of the area represent a material conflict with the core planning principle in paragraph 17 of the National Planning Policy Framework (NPPF) to recognise the intrinsic character and beauty of the countryside.

Heritage assets

Bletchley Manor

32. Bletchley Manor is a grade II listed building, and it is located on the south-west side of the A41, which separates it from most of the buildings in Bletchley. The building was previously a farmhouse and it is still occupied as a dwelling. Built

as a double pile house of close studded timber frame construction in the late sixteenth century, it is an imposing property with a gabled front elevation. The Council's Historic Environment Record (HER) entry refers to several phases of construction⁹, and a third gabled bay was added on the south-west side of the building. Notwithstanding these works, many features of interest survive giving it evidential value. The house and the manor of Bletchley were purchased by the Corser family in 1712 which remained for about two hundred years. I heard that the Corsers were an important local family of putative gentleman farmers who were responsible for reorganising agricultural practices in the area, and this association contributes to the historical value of Bletchley Manor. The Council suggested that the building is of the highest significance, as set out in its schedule¹⁰, which category may include grade II listed buildings if their significance has not been recognised in their listing. I note that this category refers to assets of national or international importance, which are of more than special interest, and the information before me does not indicate that Bletchley Manor is of such importance. Grade II listed buildings would normally be identified as of high significance according to the Council's schedule, and I consider that this is the appropriate category for the building.

33. The NPPF defines the setting of a heritage asset as the surroundings in which the asset is experienced, pointing out that the extent of the setting may change as the asset and its surroundings evolve. Bletchley Manor is a distinctive feature in the open landscape to the south-west of the A41, and as a former farmhouse, the contribution of the surrounding fields to its significance is important. The Appellant's heritage consultant argued that the setting of Bletchley Manor is restricted to the north by the A41, which was widened to a dual carriageway and realigned past Bletchley Manor during the last century. I disagree: whilst this busy main road cuts a sharp line through the landscape, it does not prevent experience of the Manor from nearby on the north-east side. However, I do not consider that the setting of Bletchley Manor extends as far as the main appeal site. From this field, it is possible to make out part of the first floor and roof of the listed building, but, as photographs 27, 28 and 30 in Mrs King's evidence and photograph 13 in Mr Moss's evidence show¹¹, this is a restricted view at some distance and I do not consider that Bletchley Manor is experienced as an entity from the appeal site or the adjacent roads. From the footpath and the field rising from the lay-by on the A41 to a low ridge the poultry units and associated structures would be apparent (above, para 26). From here a small part of Bletchley Manor may be glimpsed beyond Bletchley Court and tree cover, but it is indistinct and not in the same direction of sight as the main appeal site¹². I do not consider that the presence of the poultry development on the appeal site would have any adverse effect on the setting, or the contribution that setting makes to the significance, of Bletchley Manor.

Bletchley Court

34. Bletchley Court lies to the rear of Bletchley Manor. Originally it comprised a 'U'-shaped block of farm buildings, which have been converted into dwellings. These buildings have been treated by the Council as being part of the listed

⁹ The list description and the HER entry are in Appendix 15 to Mrs King's proof.

¹⁰ Table 1 in Mrs King's proof.

¹¹ Appendix 17 to Mrs King's proof and Appendix A7 to Mr Moss's proof.

¹² See photographs 24 & 25 in Appendix 17 to Mrs King's proof and the photographs from viewpoint 7 in Appendix A7 to Mr Moss's proof.

building at Bletchley Manor, and listed building consent was granted for their conversion to residential use. However the buildings are not mentioned in the list description, and the Appellant disputes whether they have listed building status. There is common ground between the main parties that Bletchley Manor and Bletchley Court were in the same ownership at the date of listing in 1987, and that they formed part of the same farmstead. There is a wall on the boundary with Bletchley Manor. Extracts from Ordnance Survey maps dated 1879, 1902 and 1954 indicate the presence of a physical feature in this position¹³, but photographs taken by the family of former owners of Bletchley Manor around the 1980s-1990s show a gap in the wall at the back of the farmhouse and a further break closer to the road (Document L3). There was a clear physical connection between the farmhouse and farmyard. A letter submitted at the inquiry from a former occupier of Bletchley Manor referred to cheese being made in the house and subsequently that space being used as a farm shop (Document O10). However the carrying out of certain activities related to the farm within Bletchley Manor does not indicate that the buildings in the farmyard served the purposes of the principal building at the date of listing, or at a recent time beforehand, in a necessary or reasonably useful way; in other words that they fulfilled an ancillary role to the farmhouse, which had a residential use. The information before me is insufficient to demonstrate that Bletchley Court should be considered as part of the listed building.

35. The buildings at Bletchley Court are described by the Council's heritage witness as good examples of the multi-functional buildings typical of northern Shropshire model farms, and the Appellant's heritage consultant acknowledged that they are of local historical importance. Accordingly, I have considered Bletchley Court as a non-designated heritage asset. The buildings were erected by the Corser family and date from the mid-nineteenth century. There was criticism from the Appellant's heritage consultant that conversion has not properly respected the character of the original buildings. However the overall form of the three ranges remains and the pattern of openings on the main elevations and the continuity of the central open space acknowledge the former agricultural use. The buildings thus have evidential value. Their form is a response to evolving agricultural practices, and historical value also derives from their association with Bletchley Manor and the Corser family. Whilst Bletchley Court has aesthetic value, particularly as part of a group with Bletchley Manor, public views of its more important front elevations are restricted as they face inwards behind Bletchley Manor.
36. I consider that the setting of Bletchley Court is similar in extent to that of Bletchley Manor (above, para 33). It is somewhat more visible from the main appeal site, but this is a restricted view at some distance. From the field and footpath to the south-west of the A41, Bletchley Court is forward of the Manor, but in a different direction of sight from the proposed poultry development. I do not consider that the main appeal site forms part of the setting of Bletchley Court, nor that the proposed development thereon would have an adverse effect on the setting, or the contribution that setting makes to the significance, of this heritage asset.

¹³ Figures 13, 16 & 17 in Appendix 1 to Mr Johnson's proof.

The Royal Oak

37. The Royal Oak is a grade II listed building: this house is part of the main group of buildings in the settlement, but it is positioned to the north-west of the sharp bend in Bletchley Road, and it is not on the same stretch of road as Vantage Farm and the main appeal site. The building dates from the end of the sixteenth century and was previously a farmhouse. It is a distinctive timber-framed structure with jettied gables, built on an 'H'-shaped plan. I agree with the Council that The Royal Oak is a key building in the settlement when viewed from the A41, and I note that the Appellant's heritage consultant refers to it as a landmark building. It is appropriately recorded as being of high significance by the Council.
38. Although a former farmhouse, The Royal Oak is separated from the agricultural landscape by the A41 and other buildings. Its setting includes the roads which run past the property and the openness of this aspect makes an important contribution to the significance of the listed building. To the north-west and rear of the house are Royal Oak Barns, now converted to dwellings and another dwelling, The Old Smithy, is close by to the south-east, and the setting is more constrained on this side of the local road. From an elevated position to the south-west of the A41, photographs 25 & 26 in Mrs King's evidence show that the upper part of the gables of The Royal Oak may be discerned, but there is no appreciation of the house itself from this vantage point, and the limited glimpse of the listed building is in the direction of Bletchley Court rather than the site of the proposed poultry sheds. I have reached the view that the new buildings would not fall within the immediate setting of The Royal Oak, and the setting, and the contribution that setting makes to the significance, of this important asset would not be adversely affected by the development.

Royal Oak Barns

39. The Royal Oak Barns were originally part of the farmstead with The Royal Oak. As with Bletchley Court, the buildings have been treated by the Council as being part of the adjacent listed building, and listed building consent was granted for their conversion to residential use. This position is disputed by the Appellant. The Council advised that the barns and the farmhouse were in the same ownership after the date of listing, and a photograph taken about 1914 appears to show a gate in the wall at the back of the farmhouse (Document A1). However, as with Bletchley Court, there is nothing before me to indicate that the use of the barns was ancillary to the farmhouse. The available information is insufficient to demonstrate that Royal Oak Barns should be considered as part of the listed building at The Royal Oak.
40. The barns were built in the nineteenth century, forming a yard with the rear of the farmhouse. They were built in brick with certain architectural details, and the main parties agreed that the conversion to residential use has been sympathetic to their original agricultural character. These buildings have local importance as a non-designated heritage asset. Their position in Bletchley and their setting is similar to that of The Royal Oak. The proposed development of the main appeal site would not lie within the setting of these buildings, and it would not detract from their setting, or the contribution that setting makes to the significance, of the converted barns.

The Old Smithy

41. The Old Smithy is situated at the sharp bend on Bletchley Road. The house faces towards that part of the road which is parallel with the A41, and there are outbuildings to the rear. These have been converted and alterations have been made to the main house. I note that the Appellant's heritage consultant comments that none of the alterations have been particularly destructive, and with The Royal Oak and Royal Oak Barns it forms an attractive and interesting group of buildings. On this basis The Old Smithy has moderate significance. Whilst the main aspect is towards the A41, the setting of this corner property extends up Bletchley Road, and includes the south-west corner of the main appeal site. The buildings proposed on the appeal site would be set back between at least 35m from the road behind mounding and there would be an area of woodland tree planting in the south-west corner. Having regard also to the tall roadside hedgerow, I do not consider that the proposed development would detract from the setting of The Old Smithy, or the contribution that setting makes to its significance as a heritage asset.

Vantage Farmhouse

42. The farmhouse is close to the south-west corner of the main site, which clearly falls within its setting. Vantage Farm has been included in the Historic Farmsteads Characterisation Project, and the information before me indicates that the farmhouse dates from at least the eighteenth century. However it has been extensively altered and buildings in the adjacent yard are contemporary portal frame structures rather than of traditional construction. I consider that the farmhouse has low significance as a non-designated heritage asset. There are fields to the north-east and rear of the farmhouse, and there would continue to be an open aspect immediately in front of the building. Agricultural buildings are often situated in close proximity to farmhouses, and the buildings on the appeal site would be set back from Bletchley Road. Nevertheless the extent of the proposed development, including a series of large modern poultry sheds, would be only a short distance from the front of the farmhouse, and it would impinge on the setting of this building. In assessing the effect of proposals on non-designated heritage assets, paragraph 135 of the NPPF requires that account should be taken of the scale of any harm or loss and the significance of the asset in question. Having regard to the low significance of the asset, the extent of mitigation in the form of mounding and planting proposed around the poultry units (above, para 10), and the opportunity to secure a recessive finish to the proposed buildings and structures by means of a condition, I consider that the development would cause only limited harm to the setting, and the contribution that setting makes to the significance, of Vantage Farmhouse.

Trevor House and The Hollies

43. Both these houses are on Bletchley Road. Trevor House is situated to the south-west of the farm buildings adjacent to Vantage Farmhouse and it is, therefore, not far from the main appeal site. The Appellant's heritage statement¹⁴ identifies it as an early twentieth century addition to Bletchley, and this has not been disputed by the Council. The property is a detached house of pleasant appearance with a mock timber-framed gable, but the information submitted by the main parties together with my observation from Bletchley

¹⁴ Appendix 1 to Mr Johnson's proof.

Road, indicates that there is insufficient of interest about Trevor House to warrant consideration of the building as a heritage asset.

44. I have reached a similar view about The Hollies, which is situated to the north of the site, beyond the settlement. The HER entry indicates that this former farmhouse has no apparent alteration¹⁵. However the main parties both refer to alterations and, although the house is set back from Bletchley Road, a conservatory is visible on the south-west corner which detracts from its character.

The settlement of Bletchley

45. The Council argued that the settlement of Bletchley itself should be considered a non-designated heritage asset. It is suggested that there is evidential value from the fabric, layout and grouping of the buildings; historical value from its association with various landowners, particularly the Corsers; aesthetic value, with the settlement having the character of a working village; and communal value. The settlement is of variable quality: it includes two listed buildings and several properties which merit recognition as non-designated heritage assets, and to which I have referred earlier (above, paras 34-36, 39-42), but there are also buildings such as Westwood House, Fairfield and Corner Ways, which appear to have been substantially altered. In addition, the yard which lies between the minor road and the A41, and the utilitarian buildings of the stone masons and restoration premises on Bletchley Road detract from the character and appearance of the settlement. The realignment of the A41 has resulted in the physical separation of Bletchley Manor, Bletchley Court and the Castle Inn from the larger part of the settlement. The dual carriageway is an uncompromising feature, which brings the added intrusion of the traffic it carries. Whilst there is certain value in the association with the Corser family, they appear to have been a family of local importance and the limited information concerning their association with the settlement as a whole is insufficient to substantiate heritage credentials. I find that, on the information before me, the settlement of Bletchley does not merit consideration as a heritage asset.

Church of St Margaret, Moreton Say

46. The church is in the settlement of Moreton Say, about 0.7km to the north-east of the main appeal site. As a grade II* listed building, it is a structure of particular significance. The church has a twelfth century core, with the tower and the nave having been restored in the eighteenth century. There is no church in Bletchley, and I heard that St Margaret's serves that settlement. The building can be seen in its entirety within Moreton Say, where the farmstead of Church Farm is situated on the opposite side of the road, and it can also be appreciated from positions a short distance to the south-west, south and south-east of the settlement, as shown in photographs included in Mr Johnson's evidence¹⁶. However beyond the field which contains the main appeal site, the lie of the land falls to Moreton Say, and with the exception of the upper part of the tower, the listed church is concealed in views from the site. Walking towards Moreton Say along the footpath which runs to the north of the site, more of the tower becomes visible, although near the gate in the northern boundary of the field, the presence of large agricultural buildings at Moreton

¹⁵ Appendix 15 to Mrs King's proof.

¹⁶ Photographs 2, 3 and 5 in Appendix 2 to Mr Johnson's proof.

Hall Farm is apparent close to the church. From these positions, the poultry development would not only be behind the viewer, but beyond the new hedgerow and mounding. I have found that the proposed development would not be unduly prominent in views towards the appeal site from the footpath (above, para 27), and I do not consider that, out of view, it would diminish the value of views of the church tower from within what would still be an extensive open landscape. Whilst the upper part of the brick tower is discernible from the appeal site, and, at a greater distance, from the low ridge to the south-west of the A41, I do not consider that the setting of the church extends to include these areas, from where St Margaret's Church cannot be experienced in a meaningful way. Consequently the setting, and the contribution that setting makes to the significance, of the listed church would not be adversely affected by the appeal proposal.

Conclusions in respect of heritage assets

47. There are several heritage assets in Bletchley, and the grade II* listed building of the church of St Margaret is nearby in Moreton Say. The proposed poultry units would be within the setting of The Old Smithy and Vantage Farmhouse, both of which are non-designated assets. There would be no adverse effect on the setting of The Old Smithy, and only limited harm to the setting of Vantage Farmhouse. The development would be outside the setting of the other heritage assets, and it would not detract from their appreciation or significance. I conclude that the proposed development would cause limited harm to the setting, and the contribution that setting makes to the significance, of Vantage Farmhouse. Policies CS6 and CS17 of the Core Strategy require protection of the historic environment, and there would, therefore, be conflict with these provisions. The limited harm involved, however, would not amount to the unacceptable adverse environmental effects referred to in Policy CS5.

Effect on amenities

48. Considerable concern has been expressed by Bletchley Residents Group and local residents about the prospect of emissions from the proposed development, and reference is made to odour, gases, dust particles, endotoxins and micro-organisms. The Council's reason for refusal refers to the fear of failure of systems, although it acknowledged that the risk of such an eventuality would be no greater than at any other such site.
49. Air quality and amenity considerations are covered in the environmental statement. It is acknowledged that the process of rearing broiler chickens has the potential to affect air quality through the generation of dust (including fine particles known as PM10s), and the emissions of airborne pollutants (ammonia being the main substance of concern) and odour from poultry manure. The poultry units will incorporate ventilation systems, with dust baffles fitted to the exhausts, and controls on temperature and humidity. Odour mitigation measures include a sealed feed delivery system and the refrigerated storage of fallen stock, whilst the transportation of used litter in covered vehicles is expected to assist in minimising dust emissions.
50. The proposed operation is subject to control under The Environmental Permitting (England and Wales) Regulations 2010. An environmental permit was granted in 2013 (CD23). Bletchley Residents Group and individual members of the public raised concerns about emissions, odours and manure spreading with the Environment Agency, in respect of the permit application,

and the matters raised are addressed in the Environment Agency's decision document (CD22). The decision document explains that an ammonia screen for human health has been undertaken, and that it is not considered that the environmental assessment level is likely to be exceeded. Measures to manage emissions are considered to represent best available techniques. The permit is subject to conditions: these include requirements that the activities shall be operated using the techniques described in the submitted documentation, and that emissions shall be free from odour at levels likely to cause pollution outside the site unless the operator has used measures to prevent or minimise the odour.

51. An odour impact assessment has been prepared for the Appellant¹⁷. Odour concentrations are expressed as European odour units per m³ of air (oue/m³). The report sets out descriptions of how odours may be perceived at different concentrations. From 3-5oue/m³ odours may be detectable, but they would generally be described as faint, and from 5-10oue/m³ odour levels may become annoying if persistent and/ or unpleasant. Modelling of emission dispersion from the proposed development identifies only two dwellings where the mean annual 98th percentile odour concentrations would exceed the 3oue/m³ threshold¹⁸: at Trevor House the predicted level is 3.03oue/m³ and at Vantage Farmhouse the predicted level is 4.47oue/m³. Both these dwellings would be occupied by persons involved in the poultry enterprise (above, para 29), and I anticipate that they would be more tolerant of odour emissions. The assessment was not disputed by the Council¹⁹. I note that the modelling exercise does not include cleaning out of the sheds. However the main doors of the sheds would be on the south-east elevations, away from the dwellings in Bletchley, and the Environment Agency has taken cleaning out into account in considering the application for the environmental permit. The Agency considers that the mitigation measures proposed represent best available techniques to manage bioaerosol emissions, but as a precautionary approach the permit includes a pre-operational condition requiring a bioaerosol management plan. Should power for the ventilation system fail a back-up generator would be available.
52. The Residents Group referred to two instances where the Environment Agency had prosecuted in respect of odour emissions from poultry operations in Lincolnshire²⁰. However both of these sites involved older and less efficient buildings. My attention was also drawn to complaints of odour at a relatively recent poultry unit at Great Ness in Shropshire²¹: I heard that here the management plan had been amended in response to complaints. These instances do not indicate that similar problems are likely to arise at Vantage Farm. Moreover the full details of these existing poultry operations and the nature of the odour problems are not before me, and each proposal must be judged on its own merits.
53. The environmental permit does not control the spreading of litter on land outside the site, but the decision document explains that this activity is subject to the Code of Good Agricultural Practice (CD53). Paragraph 391 of the code

¹⁷ Appendix 11 to Ms Gourlay's proof, as amended by Document A5.

¹⁸ The figures for the revised scheme, referred to as scenario B, are in table 2b of Document A5.

¹⁹ At the inquiry, a local resident queried the position for the highest concentrations of odour, shown at the north-eastern end of the main appeal site. This map is figure 5A in Document A5, which relates to the original proposal: figure 5B is relevant to the revised scheme, and it does not show this effect.

²⁰ Appendices 1 and 2 to the Residents Group's letter of 26 October 2013.

²¹ Documents O4 and O5.

- specifies that solid manure, slurry or dirty water should not be spread in fields close to and upwind of houses.
54. Although not referred to by the Council, concerns have been raised by the Residents Group and local residents about noise from the poultry operation at Vantage Farm. Manoeuvring of vehicles, loading and unloading would take place on the far side of the site from the settlement, and as vehicular access would be taken from the road to Moreton Say, vehicles travelling to and from the site should not generally travel past dwellings in Bletchley.
55. A noise impact assessment undertaken for the Appellant considered the effect of noise from ventilation fans, breakout noise from the poultry sheds, on-site vehicle movement and vehicle noise on the road network on nearby dwellings²². The dwellings included in the assessment were Vantage Farmhouse, The Hollies, houses off Bletchley Road and houses in Moreton Say. Background noise is principally caused by traffic movement, particularly from the A41 in respect of those dwellings off Bletchley Road. In accordance with the approach set out in British Standard BS 4142, the rating levels of activity relating to the poultry operation were compared with background noise levels. The assessment took account of night-time noise. At each receptor the predicted rating levels were lower. Calculations of cumulative noise in the original scheme indicate no change other than of 0.1dB for the night-time average in Moreton Say. Further work taking account of changes in the number and type of fans in the revised scheme predicts specific noise levels lower than background noise. BS 4142 explains that a difference of around +5dB is of marginal significance.
56. I appreciate that the local community has genuine concerns about the effect of the development on living conditions and health. Suggestions were made that the development could have a detrimental effect on the viability of the Castle Inn and Moreton Say Primary School. However it is the evidence concerning the appeal proposal, rather than references to poultry operations elsewhere, which is most relevant, and this indicates that the proposed development should not cause an unacceptable worsening of conditions for both residents and visitors to the locality. The environmental permitting regime provides reassurance that the poultry development should not be incompatible with a good standard of living conditions in Bletchley and the surrounding area. I note that the Governors of the Primary School withdrew their earlier objection to the proposal stating that concerns had been satisfactorily addressed²³. I conclude that the proposed development would not unacceptably worsen the amenities of local residents or visitors to the area, and that it would not conflict with the objective of Policy CS5 of the Core Strategy to maintain countryside vitality, nor the core planning principle in paragraph 17 of the NPPF to secure a good standard of amenity for all existing and future occupants of land and buildings.

²² Appendix 11.1 to the Environmental Statement as amended by Annex 3 of the Addendum.

²³ Letter of 3 November 2013 from the Headteacher of Moreton Say Primary School to The Planning Inspectorate.

Other considerations

Investment

57. The cost of developing the poultry enterprise at Vantage Farm is estimated as being at least £4,100,135²⁴. This sum includes the cost of the sheds, feed bins, solar panels, heating and lighting systems, groundworks and landscaping. Ms Gourlay explained that the schedule is not exhaustive; for example there is no figure given for the cost of diverting the electricity transmission lines which cross the main site. The project represents a substantial investment in the rural economy of this part of Shropshire. It is consistent with Policy CS13 of the Core Strategy, which, amongst other matters, places particular emphasis on recognising the continued importance of farming for food production and supporting rural enterprise in seeking to deliver sustainable economic growth and prosperous communities.
58. Proposals which relate to the provision of Policy CS13 concerning food production and rural enterprise must also comply with Policy CS5. I have found that there would be no conflict with the provisions in that policy concerning environmental impact and the character of the area (above, paras 31 & 47). The investment in the area would be a local economic benefit and I consider community benefits below (paras 66-70). Policy CS5 provides for the retention and appropriate expansion of established businesses, and, in similar vein, paragraph 28 of the NPPF promotes the development of agricultural businesses. Although the Council suggested that the development would involve the establishment of a new business, the evidence before me is that Harrison Farms is a mixed farming business (above, para 9), and the poultry enterprise would simply represent another element of the overall business. I give significant weight to the investment in the local economy arising from the appeal proposal.

Jobs

59. Evidence on behalf of the Appellant concerning employment was given by Ms Gourlay, the wife of Mr M Harrison of Harrison Farms, and by Mr Maxfield, the planning witness. Mr Maxfield deferred to Ms Gourlay in respect of evidence about the operational side of the proposal. In paragraphs 9.4.1 and 9.4.2 of her proof, Ms Gourlay gave details of the employment generated by the poultry development: a full-time manager, a full-time assistant manager, a part-time stockman, a part-time systems manager, a part-time administrator, and additional oversight duties for Mr M Harrison and additional duties associated with the boiler for existing labour. She agreed at the inquiry that 3.5 full-time equivalent (FTE) jobs would be created.
60. Ms Gourlay addressed the reason for the establishment of a poultry enterprise, In her evidence prepared for the inquiry, she explained that the dairy system at Church Farm had reached its limits, and that it was not sustainable in the long-term. It was necessary to decide on the best way forward for the business: however, as the next generation of the family had no desire to enter dairying, there was little point in considering that as the best option. She continued by commenting that any alternative agricultural enterprise needed to have the potential to generate enough income to replace that currently generated by the dairy herd. Poultry farming was chosen, and at paragraph

²⁴ A breakdown of the cost is give at Appendix 15 to Ms Gourlay's proof.

4.11 of her proof, Ms Gourlay refers to the decision to opt for broiler production as an alternative to dairying.

61. A more nuanced position was taken at the inquiry, with the Appellant suggesting that there was no guarantee that the dairy enterprise would end, and that this was no more than a present intention. However the evidence before me indicates that it is the clear intention that the poultry enterprise would replace dairying. It is necessary, therefore to consider not only the effect of the establishment of the poultry enterprise, but also the loss of dairying on employment. Ms Gourlay explained that there are 3.5 FTE jobs associated with the dairy, equivalent to the number which would be created. The inquiry also heard that, due to the inter-relationship between the various parts of the business, existing jobs would remain if the dairy enterprise was terminated. I understand that staff may well work in different parts of the overall business, but it would be surprising if there were no reduction in employment at all from the loss of a 260 strong dairy herd.
62. The dairy enterprise would be phased out over a five year period, and during this period I accept that there would be an increase of 3.5 FTE jobs due to the appeal proposal. In the long-term, however, the net increase is likely to be somewhat lower.
63. I have reached a similar view in respect of indirect employment in other businesses. The Appellant has calculated that 126,865 man-hours per year would be generated in activities such as production of raw materials, processing of birds and site cleaning²⁵. Whilst the number of man-hours relating to the rest of the enterprise may remain broadly similar following the end of dairying, some intended contractors for the poultry operation are already providing services to Harrison Farms. There would, of course, be a greater positive effect during the period when the dairy is being phased out. In addition, during the construction of the poultry sheds, the Appellant has calculated that the project would provide 35,139 man-hours of work²⁶. I consider that the Appellant has over-stated the level of employment which would be generated by the development. Nevertheless I attach important weight to the creation of additional employment opportunities, which would be consistent with Policies CS5 and CS13 of the Core Strategy.

Business diversification

64. The current position in respect of the dairy enterprise is not sustainable (above, para 60). Diversification into poultry farming has the potential to enable the business to adapt to changing circumstance and continue to operate successfully in Bletchley. This matter carries significant weight.

Food supply and security

65. The British Poultry Council has reported that the annual consumption of poultry meat is 1.5 million tonnes and is expected to grow; currently it accounts for 49% of the primary meat market²⁷. In a speech in 2013, the Secretary of State for the Environment, Food & Rural Affairs referred to the challenge of producing more food²⁸. The spatial vision for the Core Strategy intends that

²⁵ Appendix 16 to Ms Gourlay's proof (scheme B).

²⁶ Appendix 17 to Ms Gourlay's proof.

²⁷ Para 9.2 and Appendix 20 of Ms Gourlay's proof.

²⁸ Appendix 2.8 to Mr Maxfield's proof.

agriculture and farming will continue to be a prominent and successful economic sector. About 4,733 tonnes of chicken meat would be produced annually at Vantage Farm²⁹, and the role of the development in contributing to meeting food needs carries some weight in support of the proposal.

Work for young people

66. The reference to providing work for a young person appears to relate to Mr Harrison and Ms Gourlay's daughter³⁰. Once that position is filled in an enterprise with a relatively small number of jobs, the opportunity to repeat such an appointment may not reoccur for some considerable time, and I give only limited weight to this matter.

Education

67. It is intended to offer a placement to a student from Harper Adams University. In the absence of a mechanism to ensure delivery of this benefit, it merits no more than some additional weight. The viewing gallery for groups, including school children, would simply be a canteen at the end of one of the sheds, from where a window would enable a view into the poultry shed. Given the primary purpose of this facility, its use as a viewing gallery would be a benefit of only limited weight.

Support for local facilities

68. Trevor House is intended to be the residence of the farm manager. It was suggested that the household would make use of local facilities, such as the school, village hall and public house. However I do not consider that the farm manager and his/ her household would be more likely to use the facilities available locally than any other occupants of Trevor House.

Highway safety

69. Access to the poultry sheds would be taken from the road to Moreton Say, about 140m from its junction with the A41. Given the proximity of the access to the main road, I anticipate that heavy goods vehicles travelling to and from the site and most other vehicles would use the A41. At present the width of the minor road at the junction is insufficient to allow two such vehicles to pass. The Council's Highway Officer has also commented that there are practical constraints in respect of the simultaneous use of the junction by a car and a large vehicle³¹. The presence of a vehicle waiting in the carriageway of the A41, which is a well-used main road, would present a threat to highway safety. Widening of the junction would not only avoid this problem in connection with the poultry enterprise, but it would provide an improvement in highway safety to the wider community, representing a community benefit in accordance with Policy CS5 of the Core Strategy. The Highway Officer described the widening of the minor road as a significant highway safety gain, and I share this view.

70. A local resident expressed concern about slow vehicles negotiating the junction with the A41, where traffic is travelling at speed. He suggested that speed could be reduced by a condition requiring the use of white lines to reduce the dual carriageway to single lanes. Visibility requirements take account of speed, and

²⁹ Paragraph 1.2 of the revised non-technical summary to the Environmental Statement.

³⁰ Paragraph 9.3.3 of Ms Gourlay's proof.

³¹ Highway consultation response on the planning application (CD12k).

I note that there is no objection from the Council's Highway Officer to the visibility available at the junction: on the contrary it is considered that safety would be improved following widening of the minor road. In view of the likely pattern of vehicular movement arising from the proposal, with vehicles predominantly travelling between the site and the A41, I do not consider that there would be a threat to highway safety on the local network of rural roads.

Biodiversity

71. The management of several ponds (one of which would be reinstated) and the introduction of features such as bat boxes and artificial nests would be of benefit to biodiversity in accordance with Policy CS17 and they provide limited weight in support of the proposal. These measures could all be secured by condition.

Sustainable design

72. The appeal proposal would include solar panels, a biomass boiler and sustainable drainage system, all of which would be consistent with the intention of Policy CS6 of the Core Strategy to secure the use of sustainable design in principles. Whilst these features point to the environmental sustainability credentials of the poultry enterprise, the construction of new development in accordance with current planning policies does not represent a benefit as would be achieved by, for example, the installation of renewable energy technology as a replacement for conventional systems. There would be a limited benefit from the export of surplus electricity to the national grid.

Proposed poultry development at Acton Pigot

73. Bletchley Residents Group referred to a proposal for a poultry farm at Acton Pigot in Shropshire, which was dismissed on appeal in 2013 (CD46B). I note that the appeal decision refers to the site being about 500m from the hamlet and that the proposal would form an isolated development. In that case the Inspector found that there would be a negative impact on the landscape which would only partially be reduced by an artificial landform, and that the development would cause significant harm to the setting of heritage assets at Golding. Each proposal must be considered on its own merits, and this appeal decision does not indicate that the proposal before me would be an unsuitable form of development at Bletchley.

The planning obligation

74. The planning obligation would provide for the implementation of the off-site landscaping scheme, together with the replacement of any trees or shrubs which are lost. The locations covered by the scheme are all within the Appellant's ownership. As such the off-site landscaping could be secured by means of a condition as part of the overall landscaping scheme. Paragraph 21a-011 of the PPG makes it clear that where the same objective can be met by imposing a condition and entering into a planning obligation, the former approach is to be preferred. Accordingly, the planning obligation is unnecessary to make the proposal acceptable in planning terms. The planning obligation does not, therefore, meet the statutory tests, and it would be unlawful to take it into account in determining the appeal.

Conditions

75. I have already referred to conditions concerning landscaping and biodiversity features. To ensure that the development would be in keeping with its surroundings, details of materials and external lighting should be submitted for approval. In the interest of highway safety, the junction improvement, the access to the main site and the areas to be used by vehicles within it should be implemented before the poultry operation is brought into use. Details of foul and surface water drainage should be submitted for approval to ensure that the development would be satisfactorily drained. It is important that the development is carried out in accordance with the specified plans for the avoidance of doubt and in the interests of proper planning.
76. Whilst it is appropriate for certain biodiversity features to be included in the scheme, the extent of these works does not necessitate a habitat creation and management plan. Bat boxes and artificial nests can be covered by individual conditions, and the management of the ponds should be included in the landscape management strategy. Conditions restricting agricultural permitted development rights and requiring the implementation of the environmental management plan were also included in the suggested list (Document G4). The PPG (at paragraph 21a-017) makes it clear that conditions restricting permitted development rights should only be used in exceptional circumstances, and no such evidence is before me. The management plan³² relates to odour, dust, flies and vermin, and the Residents Group suggested conditions concerning odour and waste management. These matters are covered by the environmental permit, and the spreading of manure is subject to the Code of Good Agricultural Practice. Conditions would not, therefore, be necessary in respect of the above matters.

Conclusions

77. The NPPF sets out three dimensions to sustainable development: economic, social and environmental. The scale of the investment in the poultry enterprise, the associated job creation (albeit not to the extent suggested by the Appellant), and the diversification of the business are all factors which would contribute to build a strong economy. Social gains would principally be achieved through the role of the development in helping to meet food needs and improving highway safety. There would be certain minor-moderate adverse effects on the character and appearance of the area, and limited harm to the setting of Vantage Farmhouse and the contribution which setting makes to the significance of that building. However the undergrounding of electricity transmission lines, tree and hedgerow planting and biodiversity measures would all constitute environmental benefits, and the incorporation of sustainable design features in the development itself would strengthen its environmental credentials. Overall I am satisfied that the proposal would represent a sustainable form of development.
78. Policy CS5 of the Core Strategy supports proposals which maintain and enhance countryside vitality and character. In sustaining a working farm, the development would enhance the vitality of the countryside, and the environmental benefits identified above (para 77), although of minor localised significance, would nevertheless in themselves provide enhancement to its character. I note, moreover, that the specific provision in the policy for

³² Appendix 28 to Ms Gourlay's proof.

agricultural development merely requires that large-scale proposals should have no unacceptable adverse environmental effects. The minor-moderate harm in this case would not amount to such unacceptable effects. In similar vein to Policy CS5, Policy CS6 states that development proposals should protect, restore, conserve and enhance the natural, built and historic environment and Policy CS17 refers to proposals protecting and enhancing the natural, built and historic environment. Paragraph 4.81 of the explanation to Policy CS6 clarifies the requirement therein: new development should complement and relate to its surroundings to maintain and enhance the quality of the environment. Insofar as Policy CS17 is concerned, paragraph 7.7 explains that all new development should take account of the features which generate local distinctiveness. The development would bring certain environmental benefits and it would not give rise to unacceptable adverse environmental effects. Accordingly I consider that it would be consistent with the objectives of Policies CS5 CS6 and CS17.

79. I have found that, although the development would not unacceptably worsen the amenities of local residents or visitors to the area, there would be certain minor-moderate adverse effects to the character and appearance of the area, and limited harm to the setting of Vantage Farmhouse and the contribution which setting makes to its significance. There are, however several benefits associated with the scheme. The scale of the investment in the local economy, the opportunity for the farming business to adapt to changing circumstances through diversification, and the improvement in highway safety all carry significant weight. The creation of employment opportunities is an important consideration, and the contribution to food supply provides some support for the proposal. Additionally, education opportunities, work for young people, landscaping, the undergrounding of electricity transmission lines, biodiversity features, and the export of surplus electricity would be benefits of limited weight. I conclude that the totality of benefits outweighs the harm arising from the proposed development
80. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Richard Clegg

INSPECTOR

Schedule A: Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule B.
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings and structures hereby permitted, including colour finishes, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) None of the buildings hereby permitted shall be brought into use until a landscape management and protection strategy has been submitted to and approved in writing by the local planning authority. The strategy shall cover the landscaping scheme on plan ref 1409.01 and management of the existing landscape, and shall include a programme for implementation and maintenance. The approved strategy shall be carried out in accordance with the programme for implementation and maintenance.
- 5) No development shall take place until an external lighting scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be designed to take account of the advice on lighting included in The Bat Conservation Trust booklet *Bats and Lighting in the UK*. The development shall be carried out in accordance with the approved scheme, which shall be retained thereafter.
- 6) No other development shall take place until the junction of the unclassified road to Moreton Say with the A41 has been altered in accordance with the scheme shown on plans refs BL-LP-400 Rev B and BL-TS-401 Rev C, and with a drainage scheme which has been submitted to and approved in writing by the local planning authority.
- 7) No other development (with the exception of the junction alteration referred to in condition No 6) shall take place until the vehicular access to the site of the poultry units from the unclassified road to Moreton Say has been constructed in accordance with the scheme shown on plan ref BL-LP-400 Rev B, and with a drainage scheme which has been submitted to and approved in writing by the local planning authority.
- 8) None of the buildings hereby permitted shall be brought into use until hardstandings and a turning area have been constructed in accordance with the site plan ref HARO10-SK007 Rev H, and with a drainage scheme which has been submitted to and approved in writing by the local planning authority. The drainage scheme shall include a plan which identifies the full extent of the hardstandings.
- 9) None of the buildings hereby permitted shall be brought into use until bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species have been installed on the site in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The scheme shall identify locations for the boxes which are at least 4m above ground level in non-illuminated areas. The

development shall be carried out in accordance with the approved scheme, which shall be retained thereafter.

- 10) None of the buildings hereby permitted shall be brought into use until artificial nests suitable for small birds such as robins, blackbirds and sparrows, have been installed on the site in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme, which shall be retained thereafter.
- 11) No development shall take place until a scheme for separate foul and surface water drainage works has been submitted to and approved in writing by the local planning authority. The scheme shall include full engineering details of the swale and flow control structure. None of the buildings shall be brought into use until the drainage works have been provided in accordance with the approved scheme.

Schedule B: Approved plans³³

HAR010-02 – Location plan

HAR10-SK007 Rev H – Site plan

PA232/01 Rev C – Floor plans and elevations of poultry sheds, elevation of feed bin

HAR10-SK009 Rev B – Floor plan and elevations of biomass building

HAR10-SK008 Rev E – Site sections

1409.01 - Landscape plan (CD4.F4)³⁴

BL-LP-400 Rev B – Highway alterations and access arrangements

BL-TS-401 Rev C – Traffic signs and road markings

³³ The list of amended plans in the statement of common ground includes plan ref HAR10-SK10 Rev B showing a drainage layout. As this is entitled *Illustrative drainage layout* it is not included in the schedule of approved plans.

³⁴ The list of amended plans in the statement of common ground includes three core documents which show versions of the landscape plan ref 1409.01. The two based on aerial photographs are not included in the schedule.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Easton of Counsel	Instructed by Legal Services, Shropshire Council.
He called	
Mr J W Campion	Director, John Campion Associates Ltd.
BA(Hons) BLD MSc CMLI	
MCIEEM	
Mrs M E King BA(Arch)	Senior Conservation and Design Officer,
RIBA IHBC	Shropshire Council.
Mr A Gittins BA(Hons)	Principal Planning Officer, Shropshire Council.
MA	

FOR THE APPELLANT:

Mrs D Sharples LLB(Hons)	Partner, Hewitsons Solicitors.
She called	
Mr A Moss BA(Hons) BPI	Director, Allan Moss Associates.
MRTPI DipLA CMLI	
Mr S Johnson BA PGDip	Mayfield CA Ltd.
FRSA FSAScot IHBC	
MIFA	
Ms M Gourlay	Wife of Mr M Harrison of Harrison Farms.
Mr G Maxfield	Senior Associate, Roger Parry & Partners LLP.
BSc(Hons) MRICS	
Mr M Harrison ³⁵	Partner, Harrison Farms.

INTERESTED PERSONS:

Mr A Webb	Bletchley Residents Group.
Professor R Beal	Local resident.
Mr D Ellis	Licensee of the Castle Inn.
Mrs N Goulter	Local resident.
Mrs M Joyce	On behalf of Mrs Cummings, the parent of a child at the local school.
Mrs C Wellon	Local resident.

THE LPA'S DOCUMENTS

- L1 Bundle of documents concerning Bletchley Court and the barns at Royal Oak.
- L2 Costs decision relating to appeal ref APP/L3245/A/12/2187514 for four poultry units and associated development at Acton Pigot.
- L3 Email dated 18 February 2014 from the Castle Inn and bundle of photographs concerning Bletchley Manor and buildings now forming Bletchley Court.
- L4 Elevations and photographs of buildings now forming Bletchley Court.
- L5 Judgement in The Queen (on the application of R Hayden) v Erewash BC and S T Kelly.
- L6 Letter dated 18 June 2014 concerning Document A19.

³⁵ Mr Harrison did not give formal evidence in support of the Appellant's case, but he contributed to the session on conditions.

THE APPELLANT'S DOCUMENTS

- A1 Photograph of the Royal Oak.
- A2 Shropshire Landscape Character Assessment – Coding and Matrices and landscape description reports for SP/17 and SP/18.
- A3 Heritage consultation responses on planning application ref 13/03847/EIA for four poultry sheds and associated development at Aston Rogers.
- A4 Map of cycle routes in the vicinity of Market Drayton.
- A5 Revision to Ms Gourlay's Appendix 11 - Odour modelling.
- A6 Outline planning permission, approval of reserved matters and elevations for the erection of a manufacturing facility at Muller Dairy North Site, Shrewsbury Road, Market Drayton.
- A7 Points of clarification note.
- A8 Mr Moss's rebuttal evidence.
- A9 Amendments to Ms Gourlay's appendices 2 and 31.
- A10 Photograph of Guilden Down Poultry Farm under construction.
- A11 Photograph of Shadwell Hall Poultry Farm.
- A12 Plans relating to manufacturing facility at Muller Dairy North Site.
- A13 Extract from Visual Representation of Windfarms – Good Practice Guidance 2006.
- A14 List of poultry farms in the principal timbered farmlands.
- A15 Appendices to the Appellant's costs application.
- A16 Letters dated 21 March 2014 from mfg Solicitors LLP and Mrs J E B Walker and Mrs B E Home concerning the execution of the planning obligation.
- A17 Schedule of dimensions of buildings at other farms.
- A18 Appendices to the Appellant's response to the Council's costs application.
- A19 Planning obligation, certified by the Council.
- A20 Judgement in *The World Society for the Protection of Animals v The Welsh Ministers and Others*.
- A21 Comments concerning Document A19.

OTHER PARTIES' DOCUMENTS

- O1 Mrs Cummings's statement.
- O2 Bletchley Residents Group's statement.
- O3 Letter dated 16 December 2013 from the NFU concerning residential development near poultry units. Submitted by Mr Webb.
- O4 Email dated 15 May 2013 from the Environment Agency concerning odour at a poultry site at Great Ness. Submitted by Mr Webb.
- O5 Letter dated 10 December 2013 from the Environment Agency concerning proposed poultry buildings at Great Ness. Submitted by Mr Webb.
- O6 Mr Ellis's statement.
- O7 Mrs Goulter's statement.
- O8 Mrs Wellon's statement.
- O9 Aerial view of Bletchley Manor.
- O10 Undated letter from J R Ellis concerning Bletchley Manor and buildings now forming Bletchley Court.

GENERAL DOCUMENTS

- G1 List of core documents.
- G2 Extracts from the North Shropshire Local Plan.

- G3 Coloured plan of landscape types from The Shropshire Landscape Typology (Core Document 30).
- G4 List of suggested conditions.
- G5 Suggested itinerary for accompanied site visit.
- G6 Site Allocations and Management of Development (SAMDev) Plan – Pre-Submission Draft – March 2014.
- G7 Extracts from Site Allocations and Management of Development (SAMDev) Plan – Revised Preferred Options – July 2013.



Costs Decision

Inquiry opened on 11 February 2014

Site visits made on 11 February and 26 March 2014

by Richard Clegg BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 July 2014

Costs application in relation to Appeal Ref: APP/L3245/A/13/2203327 Field east of Vantage Farm, Bletchley Road, Bletchley

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Shropshire Council for a partial award of costs against Harrison Farms.
 - The inquiry was in connection with an appeal against the refusal of planning permission for development originally described as 'agricultural sheds, ancillary buildings, new access, road improvements and a landscape scheme'.
 - The inquiry sat for eight days, on 11-14 and 17-18 February, and 25-26 March 2014.
-

Decision

1. The application for an award of costs is refused.

Procedural matter

2. I have considered the appeal on the basis of a proposal for the erection of six poultry sheds, 16 feed bins, a biomass store, a boiler room and ancillary buildings, including 6 control rooms and an office, the construction of a weighbridge, the formation of a new access, road improvements, a landscaping scheme, and the installation of 212 mono crystalline solar panels on the roof of poultry shed No 6.

The submissions for Shropshire Council

3. The costs application was submitted in writing.

The response by Harrison Farms

4. The response from Harrison Farms was submitted in writing.

Reasons

5. The Planning Practice Guidance advises that costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
6. Planning permission was not refused on the basis of the revised scheme, and it is the scheme which has been the subject of the local planning authority's decision which is the starting point for consideration on appeal. Amendments may be considered as part of an appeal, provided that they do not substantially alter the nature of the proposed development. In its statement of case, the Council took the view that the amended scheme was materially different, and

in a subsequent email it argued that it should not be accepted by the Inspector.

7. On 1 October 2013, prior to the appointment of an Inspector, the main parties were advised by The Inspectorate that a decision on whether to accept amended plans was generally made at the inquiry. In this case I gave a view, on 20 December, that subject to updates to the environmental statement and its non-technical summary (which were submitted on the same date), I would have no objection to discussion of the proposed amended scheme at the inquiry. However my decision that the inquiry should proceed on the basis of the revised scheme was not made until the opening day, after the views of the main parties had been sought, and after the Council had explained that, following the submission of additional material concerning the environmental statement, it had no objection to proceeding in this way.
8. Given the above circumstances, it was to be expected that both main parties would cover both schemes in their preparations for the inquiry, and the Appellant did not behave unreasonably in not advising in advance of the inquiry that it intended to pursue only the revised scheme.

Conclusions

9. I conclude that the Appellant has not behaved unreasonably in respect of the appeal proposal, and, therefore, that an award of costs is not justified.

Richard Clegg

INSPECTOR



Costs Decision

Inquiry opened on 11 February 2014

Site visits made on 11 February and 26 March 2014

by Richard Clegg BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 July 2014

Costs application in relation to Appeal Ref: APP/L3245/A/13/2203327 Field east of Vantage Farm, Bletchley Road, Bletchley

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Harrison Farms for a full award of costs against Shropshire Council.
 - The inquiry was in connection with an appeal against the refusal of planning permission for development originally described as 'agricultural sheds, ancillary buildings, new access, road improvements and a landscape scheme'.
 - The inquiry sat for eight days, on 11-14 and 17-18 February, and 25-26 March 2014.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Procedural matter

2. I have considered the appeal on the basis of a proposal for the erection of six poultry sheds, 16 feed bins, a biomass store, a boiler room and ancillary buildings, including 6 control rooms and an office, the construction of a weighbridge, the formation of a new access, road improvements, a landscaping scheme, and the installation of 212 mono crystalline solar panels on the roof of poultry shed No 6.

The submissions for Harrison Farms

3. The costs application was submitted in writing. The gist of further submissions made at the inquiry is as follows. There was nothing to indicate that the revised scheme would necessarily have been refused. This was a marginal case. The Council had been unable to provide a cogent reason for refusal in December 2012, and the revisions proved that concerns were capable of being addressed. Whilst the revisions were not so fundamental as to require a new application, there were adjustments to address the concerns raised. Withdrawal of the application and submission of a fresh one would not have been the right course of action. The Committee was not in a position to determine that the amended scheme would not overcome its concerns, since the nature of the amendments had only been described in broad outline. The Senior Conservation & Design Officer's comments on heritage were not considered to be full and comprehensive. The Council had not been kept waiting for a heritage assessment, and the proposal was not wholly unsustainable from an environmental perspective, since it had been recommended for approval.

4. The Council had recognised in its closing submissions that fear of systems failure would not be determinative of the appeal. Insofar as the heritage argument was concerned, it was unsatisfactory to rely on passing references to buildings. There had been no reference to listed buildings in the reason for refusal, nor to the church at Moreton Say in the Council's statement of case. As the Council had asserted that certain other buildings were part of listed buildings, it was under an obligation to show that that was so, but the wrong test was applied. There was a statutory obligation in the event that the setting of a listed building was affected, and this situation had had to be explored.

The response by Shropshire Council

5. The Council's response was made in writing.

Reasons

6. The Planning Practice Guidance (PPG) advises that costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

Amended scheme

7. The Council refused planning permission for the poultry enterprise at Vantage Farm, but the report to the meeting of the North Planning Committee in December 2012 had recommended that planning permission be granted (Core Document 7 - CD7). The minutes record the resolution that members were minded to refuse permission, and also that a further report was to be submitted to a future meeting of the Committee (CD8). Correspondence between the main parties following the initial committee meeting addressed the possible options, and in an email of 14 December 2012, the Council's Planning Manager advised that, although there was an expectation that the Committee would ratify the original resolution, the options available included amending the scheme (CD14C6). The Appellant's representative had indicated that an amended scheme could involve reductions in height of the feed bins and biomass building (CD14C7 & 8), which would have been expected to lessen the impact of a scheme which had previously received a favourable recommendation.
8. In the circumstances of this proposal, and bearing in mind the provisions of paragraphs 186 and 187 of the National Planning Policy Framework which encourage local planning authorities to approach decision-taking in a positive way and to look for solutions rather than problems, I consider that the Council should have considered the revised scheme proposed by the Appellant. It does not follow that planning permission would have been likely to be forthcoming, but this would have clarified matters in advance of the inquiry, and avoided the need to address both schemes in evidence.
9. I conclude that the Council behaved unreasonably in refusing to consider an amended scheme for the poultry development, and that this caused the Appellant unnecessary expense in addressing both schemes in preparing for the inquiry.

Failure of systems

10. The perception of a risk, such as the failure of operating systems at the poultry development, is capable of being a material consideration. Reference to the fear of failure of systems was included in the reason for refusal. However, as paragraph 16-049 of the PPG makes clear, evidence should be produced on appeal to substantiate each reason for refusal. The Council referred to the size of the proposal and its proximity to Bletchley, but such generalised assertions were insufficient to justify the concern expressed about failure of systems, particularly in the light of the detailed evidence submitted in the environmental statement (CD2) and the consultation responses of the Council's Public Protection Officer (CD12H). In his proof of evidence, the Council's planning witness commented that the risk of system failure would be no greater than at any other site, and he also referred to possible alternative intensive agricultural use of the land. He suggested that limited weight should be given to this matter, but that does not absolve the Council of the need to substantiate a matter specifically referred to in the reason for refusal.
11. I conclude that the Council behaved unreasonably in referring to the fear of failure of systems in the reason for refusal. However this matter was also raised by Bletchley Residents Group and individual local residents in respect of the application and in representations submitted in response to the appeal. These concerns were addressed by the Appellant and I do not consider that any additional expense would have been incurred in dealing with the reason for refusal.

Highway works

12. The reason for refusal referred to the highway works being out of context with the landscape form and adding to the adverse impact on the character and distinctiveness of the local area. This matter was not addressed specifically in the Council's evidence, and its failure to substantiate this part of the reason for refusal was unreasonable. Whilst the Residents Group and local residents objected on the ground of the effect on the character and the appearance of the area, their concerns focussed on the development as a whole. The effect of the highway works was addressed by the Appellant: the Council pointed out that this only involved a small part of the evidence. That is so, but any costs incurred were unnecessary.
13. I conclude that the Council behaved unreasonably in failing to substantiate the concern expressed about the effect of highway works, and that this caused the Appellant unnecessary expense in addressing this matter.

Additional objections

14. The only heritage asset referred to in the reason for refusal is the village of Bletchley. In its statement of case, the Council referred to groups of listed buildings at Bletchley Manor and Manor Farm. No building has been identified by the latter name, but the Appellant has assumed that this was a reference to Bletchley Court, the former farm buildings of the farm at Bletchley Manor. Subsequently, in December 2013, in commenting on the statement of common ground, the Council made clear its intention to refer to the impact on the setting of St Margaret's Church, a grade II* listed building in Moreton Say. There is reference to the presence of the church in the second committee report and to the effect on links between heritage assets in Bletchley and

- Moreton Say and on the historic character of the two villages (CD9). However there is no specific reference to harm to the setting of St Margaret's Church.
15. No heritage statement was prepared as part of the environmental impact assessment, and the Council suggested that the Appellant had failed to engage on this topic until after the refusal of planning permission. However it was the Council's responsibility to specify its objections to the proposed development in its reasons for refusal. The Council should have made reference to the heritage assets about which it was concerned in the reason for refusal. Bletchley Manor and Bletchley Court (assuming that this is what is meant by Manor Farm) were identified in the statement of case, and the Appellant was in a position to deal with these buildings in the preparation of its heritage statement and evidence.
 16. The introduction of the objection in respect of St Margaret's Church was made at a late stage in the proceedings, contrary to the intention of paragraph 16-047 of the PPG. The Appellant has explained that this necessitated additional work by its heritage consultant, and an addendum to the heritage statement was prepared concerning St Margaret's Church.
 17. I conclude that the Council behaved unreasonably in specifying objections to Bletchley Manor, Bletchley Court and St Margaret's Church, after the refusal of planning permission, but that this only caused the Appellant unnecessary expense in respect of St Margaret's Church.
 18. The Appellant also alleges that the Council changed its position on whether the development would conflict with certain Core Strategy policies shortly before the original date for the submission of proofs. The policies concerned are all identified as relevant in the statement of common ground, which records that whether the development conflicts with the policies is a matter of dispute. That position is not inconsistent with the reason for refusal or the Council's statement of case, and I do not consider that the Council behaved unreasonably in this matter.

The approach to listed status

19. The main parties disagree as to whether Bletchley Court and Royal Oak Barns are part of the adjacent listed buildings at Bletchley Manor and The Royal Oak. In her evidence to the inquiry, the Council's Senior Conservation and Design Officer addressed matters relevant to the tests set out in case-law as to whether other buildings are part of the listed building, referring to the physical arrangement of the properties, ownership, and their use. I conclude that the Council did not behave unreasonably in this regard.

Overall conclusions

20. I conclude that unreasonable behaviour by the Council resulted in unnecessary expenditure by the Appellant in addressing two schemes in preparation for the inquiry, the effect of highway works, and the effect on St Margaret's Church. A partial award of costs is justified in respect of these matters.

Costs Order

21. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Shropshire Council shall pay to Harrison Farms, the costs of the appeal

proceedings described in the heading and paragraph 2 of this decision, limited to those costs incurred in addressing two schemes in preparation for the inquiry, the effect of highway works, and the effect on St Margaret's Church.

22. The applicant is now invited to submit to Shropshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Richard Clegg

INSPECTOR

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Appeal Decision

Site visit made on 16 July 2014

by **Ian McHugh Dip TP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 August 2014

Appeal Ref: **APP/L3245/A/14/2217548**

Land at the Bottom of Old Mopsis Way, Morda, Oswestry, SY11 2PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Elizabeth Burton against the decision of Shropshire Council.
 - The application Ref 14/00239/OUT, dated 17 January 2014, was refused by notice dated 14 April 2014.
 - The development proposed is the erection of one bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the Council has included in its suggested conditions that the scale of the proposed development be a reserved matter. However, the scale was originally included in the planning application and is specifically referred to in the Council's decision notice. The appellant has stated that the term 'scale' was included in the planning application solely to clarify that the proposal was for a single-storey bungalow. She points out that the shape and position of the building could be different to that shown on the submitted indicative plan and referred to in the Design and Access Statement, and has therefore requested that scale becomes a reserved matter if the appeal is allowed. I see no reason why this cannot be the case. Accordingly, I have considered the proposal on the basis that scale is a reserved matter.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is a narrow, linear shaped plot, which is situated in a prominent position on the corner of Old Mopsis Way and Trefonen Road. The surrounding area is residential in character, comprising a mixture of house types. The appeal site is located adjacent to a pair of two-storey semi-detached houses. A single-storey bungalow (Karlyn) is located on the opposite corner.
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5. The proposal is in outline form (with access to be determined at this stage) and is for the erection of a detached bungalow. Vehicular access would be provided at the rear of the site. I note that the Council has no objections to the proposal on highway safety grounds, and I have no reason to disagree with this stance. An indicative site layout plan shows a rectangular-shaped bungalow, positioned towards the front of the site. I have taken into account that the proposed bungalow could be a different shape and sited in a different position.
6. The Council contends that the proposal would be an overdevelopment of the site, due to the limited amount of amenity space available, and to its impact on the character of the surrounding area. The Council states that it would appear restricted within its plot, which would be "to the detriment of the new dwelling and its surroundings".
7. In reaching my decision, I have considered the nature and appearance of nearby development, including the close proximity of other buildings to the highway (on both Old Mapsis Way and Trefonen Road) and the narrow plot widths of the row of semi-detached houses on the eastern side of the appeal site. I have noted the appellant's supporting graphic illustrations and detailed design suggestions, which seek to demonstrate that a bungalow on the site would be compatible with its surroundings. The appellant's assertion that sufficient internal space could be provided for future occupants is also given weight in my decision. In addition, my attention has been drawn to other developments in the locality that have been approved by the Council and where the plot sizes are smaller than the appeal site. However, I am required to deal with the appeal proposal on its individual merits.
8. It is a requirement of Policy CS6 of the Council's Adopted Core Strategy 2011 (CS) that all development (amongst other things) is appropriate in scale, density, pattern and design, taking into account local context and character. This is consistent with the principles of the National Planning Policy Framework (the Framework) and consequently it carries full weight in my decision.
9. Whilst, I accept that some nearby detached properties are situated close to their site boundaries, my observations are that the majority of these are on wider plots. I have also had regard to the narrow width of the plots of the neighbouring two-storey semi-detached dwellings. However these properties have a distinctly different character compared to a detached bungalow, and I am not persuaded that they provide justification for allowing the appeal.
10. Notwithstanding the potential for a different position on the appeal site, or the possibility of a differently shaped building, the narrow width of the plot would mean that any dwelling of a reasonable size would appear cramped and physically constrained on the site. Although there would be sufficient outdoor amenity space for occupiers of the proposed dwelling, a detached bungalow of any type on the plot would appear at odds and out of context with its surroundings. This would be particularly noticeable due to the highly prominent location of the site.
11. I therefore conclude that the proposal would be unacceptably harmful to the character and appearance of the area, and that it would conflict with Policy CS6 of the CS. In addition, it would fail to add to the overall quality of the area, which is a requirement of the Framework (paragraph 58).

Other Matters

12. The Council has stated that if the appeal was to be allowed, a planning obligation would be required, in order to secure a contribution towards affordable housing in the area. The requirements for a contribution are provided for in Policy CS11 of the CS and in the Council's Supplementary Planning Document on the Type and Affordability of Housing. I note that a true and complete Unilateral Undertaking (UU) has been accepted by the Council. In my opinion, the financial contribution sought by the Council is necessary; directly related to the development; and fairly and reasonably related in scale and kind to the development. It would therefore accord with the tests in Regulation 122 of the Community Infrastructure Levy Regulations and paragraph 204 of the Framework. However, this does not outweigh my findings above.
13. Representations have been received from a neighbouring resident expressing concern that the proposed development would have an adverse effect on the outlook from the resident's dwelling. It is also contended that the proposal would result in a loss of natural light. I note that the Council has no objection to the proposal on these grounds. Given the length of the plot, I am satisfied that a bungalow could be positioned on the site without having a detrimental effect on the living conditions of neighbouring residents. Consequently, I do not find the appeal proposal to be unacceptable for these reasons.

Conclusion

14. For the reasons given above, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR

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