

Development Management Report

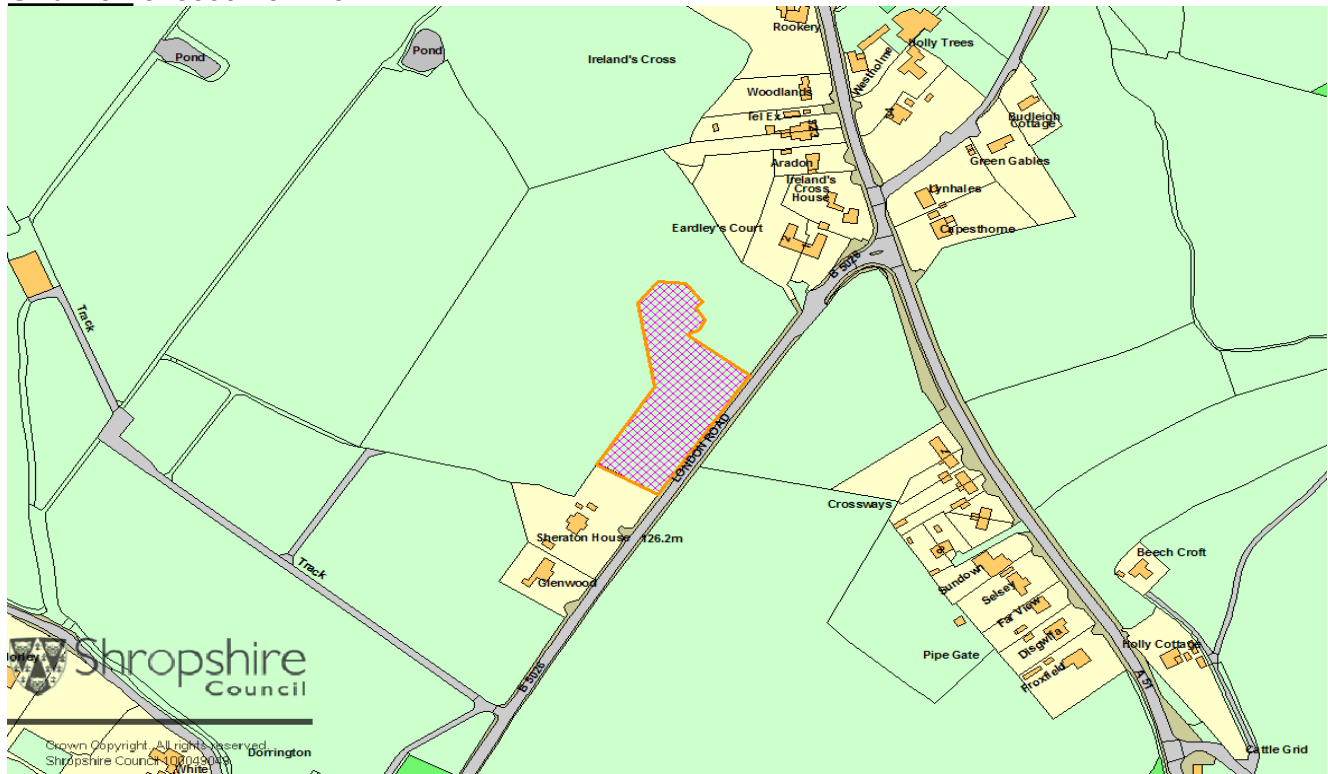
Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 15/02805/REM	<u>Parish:</u> Woore
<u>Proposal:</u> Approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to planning permission 13/02698/OUT (Phase B - Approval for plots 1 to 5 and 7)	
<u>Site Address:</u> Land West Of London Road, Irelands Cross, Shropshire	
<u>Applicant:</u> Mr Gez Willard	
<u>Case Officer:</u> Richard Denison	<u>email:</u> planningdmne@shropshire.gov.uk

Grid Ref: 373399 - 341232



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This reserved matters application is one of two applications which relates to a development site which was approved for 10 dwellings on a roadside frontage along London Road in Irelands Cross. This application will provide six detached properties, plots 1 to 5 and 7 (Phase B). The proposed dwellings will provide an entrance hall, open plan kitchen/dining/family room, utility, living room, snug, w.c., and a double garage on ground floor. Three of the dwellings have four bedrooms and two have five bedrooms with en-suite bathrooms) and a family bathroom. Plot 7 is a bungalow and provides four bedrooms. Three private vehicular accesses will be provided directly off London Road and will serve plots 1 to 5, whilst plot 7 will be served off a new access road off London Road.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposed site is located directly along the B5415 adjoining onto the settlement of Irelands Cross close to the junction with the A51. The site currently forms part of a paddock with open fields to the north and west. Two semi-detached properties (Nos. 1 & 2 Eardley's Court) are located along the northern boundary, whilst a tennis court associated with Sheraton House is located along the southern boundary of the site. The main road runs along the south eastern boundary and is separated by a mature native hedgerow. An open agricultural field is located on the opposite side of the road to the east.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 At committee members requested that any subsequent reserved matters application should be considered at committee and not be considered under delegated powers.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Shropshire Council, Flood & Water Management Team** - The proposed surface water drainage is acceptable.
- 4.1.2 **Shropshire Council, Housing Enabling Team** - Although there are two reserved matters for this site the ten units are covered by one S106 agreement so the calculation of an off site contribution has been based on the full ten units and applies to both reserved matters applications combined. The total contribution has been calculated as £160,500.
- 4.1.3 **Shropshire Council, Trees & Woodland Amenity Protection Officer** - There appears to be two landscape scheme plans submitted one showing the hard landscaping and drawing no. M15/1198/01i which shows the tree and hedge planting which are both supported subject to a safeguarding condition ensuring that the hard and soft landscaping is undertaken in accordance with the submitted plans.

4.1.4 **Shropshire Council, Public Rights of Way Officer** - There are no recorded public rights of way affected by the application.

4.1.5 **Woore Parish Council** have provided the following detailed response:-

Changes to Planned Layout of Site

It is very disappointing that the latest changes to the proposed development 15/04397/REM, submitted as new revised applications ref. 15/02805/REM & 15/02806/REM), show the removal of the affordable housing element of this scheme, i.e. a pair of semi-detached units are to be lost from the plan. The WPC specifically raised the lack of affordable housing in a previous review. The building plan layout for Plot 2/3 has now been altered from two semi-detached houses (one two bedroomed house with no garage attached to a three bedroomed house with a separate garage) to two detached four bedroomed houses with integral garages. Shared drive access to the main road is retained.

Apart from the loss of affordable housing units, this now increases the 'run' of houses fronting the main road to six detached houses (from five) with much reduced space between the properties. Plot 6 has a considerably reduced garden and the house is consequently moved closer into the proposed cul-de-sac, thus losing the spacious appearance of what is a prominent corner plot. The spacing of these properties is important in that, in a previous reserved matters review by the SC Planning Committee, the inter-spatial distance and splay of houses played a pivotal role in the decision to approve the plan as appropriate to the rural setting. See quote below taken from email / correspondence from the Planning Officer dated 21st Sept 2016 to the owner / developer:

15/04397/REM

"Having briefly viewed the layout it appears that an additional large detached dwelling is located along the frontage and significantly reduces the gaps between the units. As you will be aware this was an important element and why officers were able to support the previous reserved matters application (reference 15/04397/REM). I also note that the revised layout does not provide any tree landscaping along the roadside frontage."

Clearly it was an important aspect of the judgment to approve the previous reserved matters application that the front road view was not congested and had an open spacious entrance fitting to the rural situation.

At that time, the distances ranged from 5.8 to 6.9 metres but those distances have been seriously eroded as a result of the now proposed layout to place six detached houses of 4/5 bedrooms side by side. The spaciousness which proved to be such a significant factor in the decision to approve the previous review under reserved matters is now completely lost, resulting in the frontage favouring an urban development style in a rural setting which is a wholly inappropriate style for this position.

For this reason, WPC wish this matter to be explicitly raised with SC Planning Full Committee as opposed to Reserved Matters only.

Changes to Proposed Landscaping

Changes to the proposed landscaping in 15/04397/REM – i.e. proposed / recommended trees were removed / left off the landscaping plan. The most recent plan, submitted at the request of the SC Planning Officer, shows in this iteration, trees added back in to the landscape. Written on the plan in several places, there is a statement that makes clear 'all trees pits positions will be placed to suit service runs, visibility and clearances'. Does this mean that trees may be moved and placed in different locations or omitted altogether? Can a requirement be placed on the developer to ensure a minimum number of trees?

Importantly, the 'Wilderness Corridor' surrounding the perimeter of the site layout appears to have disappeared. This was a requirement of the Ecological Survey report to protect the Great Crested Newts found in the pond life surrounding the plot. This is a legally enforceable requirement of course and WPC respectfully requests that this matter is addressed by SC Planning Committee.

New Walls, Fences and Hedging

The introduction of a 1.8 metre wall along the North Eastern boundary of plot 10 in such a prominent position is completely inappropriate in this rural location. This newly introduced feature is completely alien to this rural roadside location and will be particularly prominent when turning off the main road to the North East.

No details are supplied regarding the hedges or the post and rail fence to the North West boundary of plot 8. It appears from the latest landscape plan that the proposed hedge to Plot 8 and partially to Plot 7 is to be planted outside the site boundary as shown by the red line. How will the Council ensure that the landscaping is not only completed but is retained in the future? If the red line is extended beyond the boundary of the approved outline consent, then the current application cannot be a reserved matter application. WPC ask that SC Planning review these details.

Assuring Consistency to the Frontage

Assurances about providing new planted hedges, and post and rail fences, as per the landscape plans, can no longer be described with any certainty because these properties are now being presented as self-build custom plots/houses - see new revised applications ref. 15/02805/REM & 15/02806/REM).

Indeed it is not clear whether the self-build customers are expected to buy the outline plans approved under reserved matters previously or pursue 10 individual self-build planning applications.

It is not clear how the self-build custom houses arrangements will be operated where joint accesses are involved because they will be privately owned i.e. not adopted by the Council. This raises concerns about ensuring the consistency of the frontage in terms of the hedging, pathways and fencing, and future upkeep, repair and public liability.

Previous assurances about no west facing windows in Plot 1, again, can no longer be assured as this will become the property of a new owner.

In light of the preceding points above, WPC wish it to be noted that the site owner previously rejected the WPC suggestion that there should be one main entrance into the estate (mirroring the style of the other two most recently erected estates Priory Gardens and Candle Lane), which would allow the ancient hedge fronting along the main road to remain intact and the planned footpath to be placed inside the hedging for the use of the residents on the new estate. The WPC solution also negates the building of three other exits/entrances onto the main London Road.

This is particularly relevant because WPC has recently been successful in ensuring a reduction in the speed limit on the London Road based on existing volume usage and speed measurements of traffic prior to any increased traffic flows from this estate coming under consideration.

Summary

The new revised reserved applications ref. 15/02805/REM & 15/02806/REM present a re-grouping of the properties which are now presented 'to be offered for self-build custom building' in two phases. See letter from G Willard dated 4th August 2016:

15/02805/REM Phase A Plots 6, 8, 9, 10
15/02806/REM Phase B Plots 1, 2, 3, 4, 5, 7

In 15/04397/REM the original housing mix of 8 detached properties (including one bungalow) plus a pair of semis detached residences (low cost housing) has now been completely changed to propose 10 large scale detached self-build properties. Presumably the re-designation of these properties as individual self-build properties provides a variation in CIL payments as referred to in the Willard Willard Ltd letter page 3 dated 4th August 2016.

Documentation from Willard Willard Ltd, dated 4th August 2016, reports that it is the site owner's intention to build Plot 7 (the residential 4 bed bungalow and the access road alongside it) with the intention of it being for their own use and to include forming the access road to the site as an integral part of the start of the development upon that part of the site. It appears that the site owner will retain ownership of the new entrance pathway at the far east side of the estate and also retain the entrance to the field situated behind the small estate.

Concluding Comments

This estate of 10 buildings with outline planning permission and subsequent plans submitted under 'reserved matters' are now completely different to the original proposal and dispose of major considerations and stipulations which contributed to the initial, much contested Planning approval.

The proposal to allow self-build of all 10 dwellings was never part of the original planning application and as such, WPC respectfully request that this application is sent back to the full SC Planning Committee and not dealt with under reserved

matters. This request is based on the facts that this estate is now being considered for 10 self-build properties; therefore previous reserved matters agreements are largely redundant. The frontage now proposes six not five detached houses fronting the main road, a major factor involved in the original planning process, and the removal of the much needed local low cost housing from the plan.

The outline plans for the proposed properties are arguably now of no material benefit in judging reserved matters because all of these houses, if disposed of as self-build properties, would be under new ownership, and as such would be entitled to submit new plans in quite a different form should they so choose.

The space for six self-build houses on the frontage, much reduced from the original spacing of the layout, should be considered as inadequate and WPC request SCP to re-consider if there are now too many Plots making up this new build proposal.

Finally, WPC make reference to the email between Richard Denison of SCP to the Site Agent (Gez Willard) on the 21st September 2016 where he states:

“.....I will be required to re-consult local residents, the Parish Council and necessary consultees (Flood & Water Management Team, Highways, Tree & Amenity Protection Officer and Affordable Housing Team). They will have an opportunity to comment on the amended scheme.”

WPC fully support this statement from Richard Denison and endorse his decision to pursue appropriate expertise and relevant local views. WPC request that this course of action is fully completed as it would appear that the Planning Officer has major concerns over these revised Applications.

4.2 Public Comments

4.2.1 Two letters have been received from local residents raising the following concerns:-

- Visual impact caused by loss of hedgerow.
- The proposed site is not a gateway to the more built up area it is a rural area.
- Impact of adjacent tennis court and flood lights on plot 1.
- Loss of Oak tree.
- Overlooking and loss of privacy.
- Loss of wildlife corridor.
- Overdevelopment of the site.
- Concerns loss of affordable unit.
- Proposed scheme is for 10 separate self builds which will extend the disruption.
- Layout and design not in keeping with area.

5.0 THE MAIN ISSUES

- Background
- Design, Scale and Character
- Access
- Impact on Residential Amenity
- Impact on Trees and Landscaping

- Drainage
- Affordable Housing
- Ecology
- Other Matters

6.0 OFFICER APPRAISAL

6.1 Background

- 6.1.1 Outline planning permission was granted on the 20th October 2014 for a residential development for the erection of ten dwellings on land to the west of London Road in Irelands Cross (application reference 13/02698/OUT). This application considered the principle for residential development with access, layout, scale, appearance and landscaping as reserved matters which are considered as part of this current application.
- 6.1.2 The proposed site was not located within a settlement eligible for residential development under the former North Shropshire Local Plan. Irelands Cross was being promoted as part of a Community Hub with Woore and Pipe Gate under the Site Allocation Management Development Plan (SAMDev), although at the time of the application it was still out to consultation. The proposed site was therefore considered to be located in open countryside and was contrary to policy CS5 'Countryside and Green Belt' of the Shropshire Core Strategy.
- 6.1.3 However, at the time of the consideration of the application the Council could not demonstrate that it had a sufficient five year housing land supply and therefore significant weight had to be given to the National Planning Policy Framework which is for the presumption in favour of sustainable development. The proposed residential development was considered to be located adjoining Irelands Cross settlement with existing dwellings being located along the north east and south west boundaries. The site has pedestrian access along the existing footpath into Woore which is approximately 0.7km away with a number of essential day to day services. The proposed development was considered to be located within a sustainable settlement and having regard to the then current shortage in the five year housing land supply the provision of an open market scheme was considered acceptable.
- 6.1.4 Due to the shortage in the housing land supply it was considered appropriate to restrict the time period for the submission of the reserved matters application to 12 months and for the development to commence with two years from the date of the last reserved matters application. This was to enable the development to be built earlier than normal to help boost the housing supply in Shropshire.
- 6.1.5 The application was approved subject to a Section 106 legal agreement for the provision of affordable housing provision either on site or as a financial contribution, together with an amendment to the local speed limit to 40mph.
- 6.1.6 Two reserved matters applications were subsequently received in July 2015 within the 12 months. Application reference 15/02805/REM provided five detached properties (plots 1 to 5), whilst application reference 15/02806/REM also provided five detached properties (plots 6 to 10). Officer concerns were raised that no

provision for an onsite affordable dwelling was being provided, whilst concerns were also raised regarding the layout, design and appearance of the dwellings. Following detailed discussions between the developer, the architect and officers it was agreed that both of these applications would be held in abeyance whilst a third reserved matters application was submitted to overcome the issues raised (application reference 15/04397/REM). This application considered all of the plots and was approved at committee in January 2016. The application consisted of a mixture of dwelling styles and indicated five 5-bedroom and two 4-bedroom detached properties; two semi-detached properties (one 3-bedroom and one 2-bedroom affordable unit); and one detached 4-bedroom bungalow. The affordable dwelling was provided as the Housing Enabling Team indicated that there was a need for an affordable unit within the Parish. The developer had spoken to South Shropshire Housing Association who indicated that they were keen to purchase and manage the affordable unit and therefore plot 2 was allocated as an affordable unit for rent.

- 6.1.7 However, following this approval detailed discussions have taken place between the developer and South Shropshire Housing Association to agree the transfer of the affordable unit. However, they have now raised concerns that affordable dwellings in the local area are hard to let, whilst there is currently no registered people on the housing list for discounted or shared ownership dwellings in the local area. The Shropshire Housing Group have been contacted and both Meres & Mosses Housing Association and Wrekin Housing Trust are not willing to purchase and manage the affordable unit. Having regard to the restricted local need the Housing Enabling Team have indicated that they would now accept a financial contribution in lieu of an onsite dwelling being provided.
- 6.1.8 Following concerns that the small two bedroom semi detached dwelling would not be in keeping with the local area the agent has now requested that the two previous reserved matters applications which were held in abeyance are now to be considered with the removal of the affordable unit. Application reference 15/02805/REM will now provide five detached dwellings and a bungalow (Phase B) which is subject to this application. Whilst application reference 15/02806/REM will provide four detached dwellings (Phase A).

6.2 Design, Scale and Character

- 6.2.1 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. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value. Policy 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.
- 6.2.2 Objection has been received from the Parish Council and local residents indicating that the proposed layout and scale of the proposed dwellings are inappropriate to the site. Concerns are raised that the provision of an additional detached building

along the frontage will reduce the open gaps between the properties. However, this application has been subject to lengthy discussions between the architect and developer regarding the proposed layout, design and appearance of the dwellings, together with the position of access points, landscaping and driveways.

- 6.2.3 The previously approved reserved matters application included the provision of seven dwellings along the roadside, albeit that two of the properties were semi-detached. The proposed dwellings provided open gaps between them ranging from 5.8 metres to 6.9 metres. The proposed development will still provide seven dwellings along the frontage, although they are all now detached. This current application is considering the provision of five of the roadside frontage properties and the bungalow to the rear of the site.
- 6.2.4 Officers consider that the proposed dwellings on this revised layout will still sit comfortably within the site and will provide a variety of plots widths ranging from 17 metres to 26.5 metres which will reflect the plot widths of the properties along the A51 in Irelands Cross. One of the key characteristics of dwellings in the local area is of open spaces between the properties and the proposed layout has respected this with the roadside properties having open views between them of a minimum of 5 metres. The openness is improved with the provision of large hipped roofs to certain properties. The dwellings have good separation from one another which will prevent any impact on residential amenity and provide adequate private amenity spaces.
- 6.2.5 Irelands Cross consists of a reasonable proportion of large detached properties located in spacious landscaped plots, whilst there are a number of smaller three bedroom semi-detached properties and bungalows located to the south of London Road at Crossways. Officers consider that the proposed scheme to provide 4/5 bedroom properties in modest sized plots will assist in providing a broader range of properties in the local area.
- 6.2.6 The proposed development provides a range of house designs and appearances which reflect the varied character of properties within Irelands Cross. Local design features have been incorporated into the scheme with traditional dormer windows, ground floor bay windows, exposed rafter feet, stone cills and brick headers, front facing gables, external chimney stacks and decorative wood panelling. These features can be found on the proposed dwellings which have been designed so that each dwelling is individual to prevent a block of identical properties.
- 6.2.7 The proposed layout, design and scale of the dwellings would be acceptable on this edge of settlement location and would not impact on the character of existing properties or the rural character of the local area.

6.3 **Access**

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.

- 6.3.2 One letter has been received from a local resident raising highway safety concerns with the provision of seven access points onto the B5415 and has suggested that a single access point would be more preferable. Concerns have also been raised by the Parish Council regarding the close proximity of the accesses to the busy junction of the B56415 and the A51 which would cause highway safety issues. The outline application included an indicative plan which indicated the setting back of the existing hedgerow and provision of a single access point with a pavement along the roadside. The Highways Officer indicated that the B5415 has more than adequate capacity to accommodate an increase in traffic and adequate visibility could be achieved in both directions.
- 6.3.3 The proposed application now indicates the provision of a new road which will serve five of the dwellings (Plots 6 to 10) and provide vehicular access into the field to the west. A further three private driveways will serve the remaining dwellings with plot 1 having its own individual access, whilst plots 2 and 3 and plots 4 and 5 will share an access. Concerns have been raised that the roadside hedge will be removed to provide the necessary visibility splays and facilitate the provision of a new 2 metre wide public footpath along the frontage of the site. During the consideration of the outline application it was considered that any access would involve the loss of the hedgerow which will be replanted and enhanced with tree planting to provide a soft edge to the development. The proposed footpath will provide improved access for the occupiers of Sheraton House and Glenwood. The Highways Authority considers that the proposed accesses will not lead to highway safety concerns and adequate visibility will be provided across the footpath to provide clear views of on-coming traffic. A number of highway safety conditions are proposed regarding provision of visibility splays, design and construction details of accesses and onsite construction working methods.
- 6.4 Impact on Residential Amenity**
- 6.4.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. Concern has been raised from a local resident and the Parish Council regarding overlooking and loss of privacy and the impact of the adjoining tennis court flood lights.
- 6.4.2 Plot 1 will be positioned 3 metres from the post and rail fence along the south west boundary adjacent to a conifer hedgerow and an all-weather tennis court enclosed by a chain link fence. The proposed dwelling has a blank gable elevation facing the tennis court, whilst the thick evergreen hedgerow will present any views of the tennis court from the ground floor windows or occupiers in the garden. The first floor front and rear bedrooms will face at right angles to the tennis court and overlook the main road and the open field to the rear. Having regard to the orientation of this property the proposed windows will not result in any overlooking or loss of privacy to the tennis court or the adjoining residential property (Sheraton House). Having regard to the distance away from the boundary and with an eaves height of 5 metres and ridge height of 8.4 metres the proposed dwelling will not result in any overbearing impact, whilst the northern position will prevent any loss of light.
- 6.4.3 Plots 2 to 5 and 7 will be positioned to the north of plot 1 and will not face directly towards any residential properties. Having regard that these properties are located

further away they will not result in any overlooking or loss of privacy, cause an overbearing impact or result in loss of light.

6.4.4 It is noted that the tennis court adjacent to plot 1 has four flood lighting columns and concerns have been raised that the glare may cause a nuisance to the occupiers of this property. Planning permission was granted in April 2007 for the erection of four 6 metre high columns with a single lighting unit on each corner of the tennis court (application reference NS/07/00450/FUL). However, the lighting columns have not been constructed in accordance with the approved plans and have been located two on each side of the tennis court and with two lighting units per column. Condition 3 on the decision notice requested approval of the lighting units, although this was not complied with. Condition 4 of the decision notice indicates that the lighting units shall not be operated after 23:00hrs and should be turned off when the tennis court is not in use to protect the amenity of the local area. Having regard that the lighting units will not directly face the main front or rear windows of the proposed adjoining unit and are angled to face down, it is considered that with the restricted hours and that any future purchaser will be aware of the lighting units it would not provide a significant objection to the application.

6.4.5 The B5415 road runs along the south east facing boundary and links the A53 and the A51. This road is used regularly and therefore the potential noise generated from five households would not be excessive having regard to the back ground noise of the road.

6.5 **Impact on Trees & Landscaping**

6.5.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the local natural environment. Concerns have been raised regarding the loss of the roadside hedgerow, together with the removal of a large Oak tree. They recommend that a replacement Oak tree and further landscaping is provided. The Landscape and Amenity Protection Officer has indicated that the proposed site will form the start of the settlement of Irelands Cross which the majority of properties has a frontage of trees and hedgerow landscaping. Officers have raised concerns regard the type and size of proposed trees within the site and amended plans have been received which are now considered acceptable. It is regrettable that the roadside hedgerow will be removed to facilitate the footpath and visibility splays. However, the additional 18 trees and new hedgerow which will be planted along the roadside frontages will significant enhance the appearance of the site and over time will provide a green frontage to the development. The Landscape and Amenity Protection Officer has not raised any objection to the revised landscape plan which will be conditioned to ensure that the landscaping is planted prior to occupation. Any changes to the layout of the landscaping including repositioning of trees would have to be subject to a separate application to vary the condition.

6.6 **Drainage**

6.6.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. The outline application

indicated that foul water drainage will be directed to the existing foul mains which is the preferred option and allows the foul water to be dealt with in an effective and sustainable manner.

- 6.6.2 Condition 4 of the outline permission indicated that the drainage of the site including the sizing of the proposed soakaways, porosity tests, foul drainage details together with drainage fields must be submitted with the first reserved matters application for consideration. Such tests and the design of the scheme shall be carried out in accordance with BRE Digest 365. Detailed soakaway calculations have been submitted for all of the units, together with a detailed site layout plan indicating the position and design of soakaways.
- 6.6.3 The Flood and Water Management Team have assessed the layout, design and drainage details and have confirmed that the surface water drainage is acceptable and the plots will not be liable to flooding.

6.7 **Affordable Housing**

- 6.7.1 Policy CS11 'Type and Affordability of Housing' of the Core Strategy indicates that all new open market housing development should make an appropriate contribution to the provision of local needs affordable housing having regard to the current prevailing target rate as set out in the Shropshire Viability Index. The Section 106 agreement on the outline application related to the provision of affordable housing and/or a contribution towards off-site provision. Both Phase A and B reserved matters applications cover the outline application site area and should be considered together in terms of providing the affordable housing provision. The existing target rate is 15% which for a development of 10 dwellings would equate to a provision of 1.5 dwellings. However, following the concerns raised by the Housing Group for the demand for an affordable rent or discount/shared ownership dwelling in the local area the Housing Enabling Team have agreed to a financial contribution of £160,500 be submitted instead. This financial contribution will be required to be used within the first 12 months within the local Parish area, after which the contribution can be spent within the Place Plan Area. The payment of the affordable housing contribution is controlled by the Section 106 agreement. The Housing Enabling Team has agreed the contribution acceptable with the applicant.

6.8 **Ecology**

- 6.8.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environment and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in paragraph 109 of policy 11 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.

6.8.2 Concerns have been raised from the Parish Council and local residents regarding a 'Wilderness Corridor' being omitted from the plans. The original outline application considered the ecology matters in great detail and in particular the impact of residential development on Great Crested Newts, bats and loss of the roadside hedgerow. In conclusion the application indicated that the proposed scheme would not impact on any protected species subject to a European Protected Species Mitigation Licence and appropriate safeguarding conditions and informative being imposed on the decision notice. Condition 7 of the outline decision notice indicated that no development or site clearance procedures shall commence until a European Protected Species Mitigation Licence with respect to Great Crested Newts has been obtained and submitted to the Local Planning Authority. Condition 8 of the outline decision notice indicates that no development or clearance of vegetation shall take place until a Wildlife Protection (mitigation) Plan has been submitted to and approved in writing by the Local Planning Authority.

6.8.3 The proposed 'Wilderness Corridor' as indicated by the Parish Council is controlled by safeguarding conditions and will have to be approved prior to any works commencing on site. The Council Planning Ecologist has verbally confirmed that the conditions imposed on the outline permission are necessary to prevent any impact on protected species.

6.9 Other Matters

6.9.1 The Parish Council and local residents have raised concerns that the proposed development will be self build plots and will not be entirely built by the developer. Issues have been raised that this will provide inconsistencies to the frontages regarding boundary treatment, concerns over ownership of accesses, impact from additional windows in plot 1 and the proposed construction will result in an extended disruption.

6.9.2 Unfortunately, the planning system cannot control how the development is built in so far as whether the plots are individually sold or whether one developer builds the dwellings. However, if the plots are all individually sold and different builders construct the dwellings they will all have to legally abide by the planning decision notice which will include strict conditions regarding materials, drainage, ecology matters, landscaping and boundary treatment and no additional side windows being provided into plot 1. Issues raised regarding the ownership of the access driveways and any rights of access for future occupiers is not a planning consideration. It is likely that the completion of the development of this site may take slightly longer with self build plots as opposed to one individually builder constructing them all. However, once a development has commenced there is no control in planning to insist that the development is completed within a certain time period. This is a relatively small scale development and the impact is likely to be small compared to a large housing development.

7.0 CONCLUSION

7.1 The principle for residential development has been agreed, whilst the proposed design and layout will respect neighbouring properties and the rural character and will not result in any detrimental impact from either overlooking, cause any overbearing impact or loss of light. The existing boundary hedging will be retained,

whilst the proposed access will provide adequate visibility in both directions for emerging vehicles and a suitable level of off street car parking and manoeuvring space is provided. A suitable level of affordable housing is provided.

7.2 In arriving at this decision the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework 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 6 weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a

number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 FINANCIAL IMPLICATIONS

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

10.0 BACKGROUND

10.1 Relevant Planning Policies

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

National Planning Policy Framework (March 2012):

- 3. Supporting a Prosperous Rural Economy
- 7. Requiring Good Design
- 11. Conserving and Enhancing the Natural Environment

Shropshire Council Core Strategy (February 2011):

- CS5 : Countryside and Green Belt
- CS6 : Sustainable Design and Development Principles
- CS11 : Type and Affordability of Housing
- Supplementary Planning Document on Type and Affordability of Housing

Site Allocations and Management Development Plan (December 2016):

- MD2 : Sustainable Design
- MD3 : Delivery of Housing Development
- MD12 : Natural Environment
- S11 : Market Drayton

10.2 Relevant Planning History

13/02698/OUT - Outline application for the erection of ten dwellings (Amended Description). Granted 20th October 2014.

15/02805/REM - Approval of Reserved Matters (access, appearance, landscaping, layout and scale) pursuant to planning permission 13/02698/OUT (Phase 1 - Approval for plots 1 to 5). Current Application.

15/02806/REM - Approval of Reserved Matters (access, appearance, landscaping, layout and scale) pursuant to planning permission 13/02698/OUT (Phase 2 - Approval for plots 6 to 10). Current Application.

15/04397/REM - Approval of Reserved Matters (access, appearance, landscaping, layout and scale) pursuant to planning permission 13/02698/OUT (Plots 1 to 10).
Granted 29th January 2016.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application reference 15/02805/REM

Cabinet Member (Portfolio Holder) - Cllr M. Price

Local Member - Cllr John Cadwallader

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. 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.
2. The proposed surface and foul water drainage schemes shall be installed in accordance with the Proposed Drainage Scheme drawing 5266-061 Rev.A (dated 07/09/16) prior to the first occupation of any of the dwellings hereby approved.
Reason: To ensure that the surface and foul water drainage systems are adequate and to minimise flood risk.
3. The proposed landscaping scheme as indicated on drawing no. M15/1198/01i Rev.I (dated 28/09/16) shall be completed prior to the occupation of the dwellings.
Reason: In the interest of visual amenity in the area.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
Reason: To ensure that the external appearance of the development is satisfactory.
5. 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 highway 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 commenced or the building(s) occupied.
Reason: To ensure a satisfactory access to the site.
6. 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:
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - 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.

7. Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level and completed to approved specification before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.