

Development Management Report

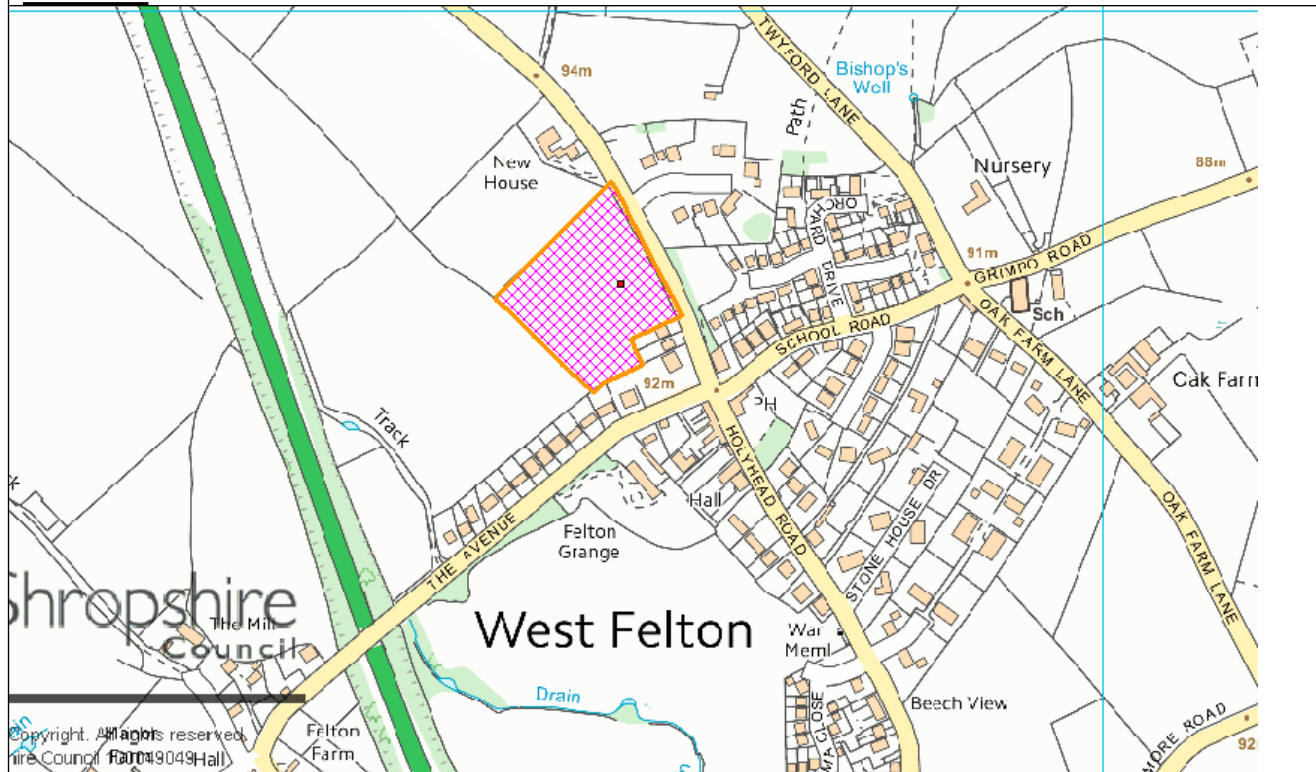
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Summary of Application

Application Number: 16/05336/REM	Parish: West Felton
Proposal: Approval of reserved matters (access, appearance, landscaping, layout, scale) pursuant to 14/00133/OUT for residential development of 25 houses (inclusive of 2 affordable)	
Site Address: Proposed Residential Development Land At The Cross West Felton Shropshire	
Applicant: Mrs K Price	
Case Officer: Karen Townend	email: planningdmne@shropshire.gov.uk

Grid Ref: 334572 - 325759



RECOMMENDATION: That delegated power be granted to the Head of Planning Services to grant reserved matters consent, subject to no new material planning issues raised by consultees or the Parish Council and subject to the conditions as listed in appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application is for approval of all of the reserved matters of layout, scale, appearance, access and landscaping for the site known as land at The Cross, West Felton, which sits opposite Dovaston Court and between New House and Lawn House. Outline consent was granted (by appeal) in November 2015 subject to conditions and subject to a S106 legal agreement to secure affordable housing.
- 1.2 The application has been submitted with full plans and supporting information to deal with the matters reserved on the outline consent and details a proposal for 25 dwellings made up of a mix of detached, semi-detached and terrace two storey and single storey properties with an area of open space. In support of the proposal the application has been submitted with a design and access statement, highways and drainage report and ecological surveys.
- 1.3 Condition 5 of the appeal decision set some requirements for the future reserved matters application; that the development shall be no more than 25 dwellings; six of the open market dwellings shall be bungalows; 4 of the two storey open market dwellings shall be 2 bed; 2 of the two storey open market dwellings shall be 3 bed. Condition 6 also required the submission of levels of the site, finished floor levels and drainage details concurrently with the submission of reserved matters and as such this information has been provided with the current application.
- 1.4 Other conditions on the appeal decision required further information to be submitted prior to commencement or prior to occupation of any of the dwellings. This information does not need to be submitted as part of the current application for approval of reserved matters and can be dealt with at a later date through a separate application for discharge of condition. However, the agent has submitted most of the information required by the conditions in the current application.
- 1.5 A separate application has now also been received by the Council (17/05626/VAR) which seeks to vary condition 7 on the outline consent. Condition 7 relates to the provision of a footpath between the site and the junction to the south of the site. This is being considered as a separate matter but will need to be dealt with before the reserved matters application can be determined.

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.
- 2.4 However, the village is now considered to be open countryside for planning purposes as West Felton is not identified as a settlement within either the Core Strategy or SAMDev.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The determination of this application under delegated powers does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution. The Parish Council have submitted a view contrary to officers which the Chair and Vice Chair of the North Planning Committee consider are material considerations and justify the application being determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **West Felton Parish Council** – Following consideration of the plans submitted the Parish Council wish to **object** to this application for the reasons outlined below

The plans and information submitted as part of the Reserved Matters application do not address a number of the conditions that were part of the planning permission namely:

Drainage - The Council is particularly concerned that proposals for soakaways may be in contravention with building regulations as one in particular is located too close to a property. In addition to this the council is aware that 2 soakaways which are to be located in the rear gardens of the proposed properties will affect drainage arrangements already in place on a neighbouring property.

Landscaping Details - no details have been submitted

Engineering details of the Footpath Construction - no details have been submitted. As the construction of the footpath is a key part of the development no decision must be made on this application until full details of the footpath construction and location are submitted.

Due to the importance of ensuring that all the planning conditions for this application are properly addressed by the applicant the Parish Council request that this application is considered by the North Area Planning Committee and not by officers under delegated powers.

In addition to this the Parish Council is very concerned to hear that a resident who has tried to contact Council Officers over the ownership of the verges in this location has not received a response from council officers.

- 4.1.2 **Open Space** – Under Shropshire Councils SAMDev Plan and MD2 policy requirement, adopted 17th December 2015, all development will provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential developments, the number of future occupiers will be based on a standard of one person per bedroom. For developments of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation. This should be provided as a single recreational area, rather than a number of small pockets spread throughout the development site, in order to improve the overall quality and usability of the provision.

The Design and Access Statement acknowledges the need for open space as set out under SAMDev Policy MD2. As there are more than 20 dwellings, the number of bedrooms needs to be considered. The development includes 81 bedrooms equating to 81 people. Working on 30 square metres per person it equates to an area of 2430m² (0.24 Ha).

The layout plan attached to the application shows the OAS area extending to 2725m² (0.27 Ha) which we consider fulfils the planning criteria.

- 4.1.3 **Affordable Housing**– The Design and Access statement accompanying the application indicates the correct level of contribution and on site affordable housing provision and therefore satisfies the provisions of the SPD Type and Affordability of Housing. It is assumed the affordable units at plot 2 and 3 would be transferred to a housing association for allocation from the housing waiting list in accordance with the Councils prevailing Allocation Policy and Scheme.
- 4.1.4 **Highways Agency** – The principle of the development has been agreed in support of the outline planning application. As this reserved matters application is related to matters internal to the site and matters of the Local Planning Authority's concern, Highways England has no comments to make.
- 4.1.5 **Highways** – Do not approve – on the grounds that the latest drawings do not fully comply with the outline planning permission (Appeal reference: APP/L3245/W/15/3003171 dated 30 November 2015) in terms of the provision of the footway link along Holyhead Road to the south. A minor layout change is also considered to be required.

The application site was the subject of a planning Appeal following the refusal of an outline application reference 14/00133/OUT. The Appeal was allowed subject to the conditions set out in the Inspectors Report, one of which relates to the site access onto Holyhead Road and the provision of footway widening along the full site frontage and southeast to the junction with The Avenue. Both elements of the access and footway works were shown in principle on Drawing No. WF-AA-400 which was considered at the Appeal and referenced in Condition 7 of the decision.

A concurrent application (17/05626/VAR) has been lodged to vary Condition 7 the details of which are shown on the Access Arrangements Plan (Drawing No. TC-AA-408 Rev B) which has also been submitted with this reserved matters application. Changes are proposed in relation to the site access junction radii and the pedestrian footway link which is now shown on the opposite side of Holyhead

Road to that originally considered. Highway Advice has been issued in relation to the proposed design changes shown on the variation drawing and are repeated below: -

1. Kerb-line change currently shown is considered to be severe and isolated, as no further traffic calming features are in place along Holyhead Road. It is considered that a change in the design involving the extension of the footway shown on the development side to a point further south would allow a more gradual kerb-line transition and footway width to be developed on the opposite side of Holyhead Road to achieve the necessary minimum footway width at an appropriate crossing point, subject to an acceptable level of pedestrian visibility to the south being demonstrated. Appropriate “road narrows” signing and any changes to the road centreline markings/reflective studs should also be noted or indicated on the drawing.
2. It is noted that the improved footway width still falls below the minimum 1.2 metre width stipulated in Condition 7 of the appeal decision (Inspector’s Report) at a point on the eastern side of Holyhead Road, however, as the width reduction is only marginally below that required and over a very short length, a refusal on this point alone is not considered to be sustainable.
3. The change in the footway provision will also result in the loss of the visibility improvement to the north of the junction of The Avenue and Holyhead Road, which was a result of the footway link being provided on the western side of Holyhead Road.

It is considered that the submission of a revised drawing which incorporates the amendments suggested in point 1 above should be acceptable to vary Condition 7.

Concerning the internal site layout, the latest drawings include a Conceptual Site Layout as Proposed (Revision G) and General Arrangements Plans (Drawing No’s TC-GA-400 Revision D and TC-GA-401 Revision D). As the Conceptual Site Layout as Proposed drawing does not appear to be capable of being reproduced precisely to the scale indicated, the General Arrangements Plans have been used as the basis for the comments below.

1. The driveway to the garage on Plot 6 is below the minimum length of 5.5 metres required to accommodate a vehicle standing clear of the footway while opening the garage door.
2. It is assumed that the shared surface roads serving plots 2-10 and 18-23 are still to be privately maintained and the means of refuse and recycling collection will need to be agreed with Shropshire Council Waste Management. In addition, it is considered that the junction radii shown should be amended to dropped-kerb footway crossings.

4.1.6 **Waste Management** – Providing standard advice

We would prefer to see vehicle tracking of the refuse vehicle to ensure the vehicle can manoeuvre the roads of the development. Particular concern is given to the

following plots which are on private drives and the vehicle would not access:
13/12/11/17/16

For the properties identified above collection points would need to be identified and residents advised when they move in/purchase. Residents would also need to be made aware that they would be collection points only and not storage points where bins are left permanently.

- 4.1.7 **Ecology** – The information provided details plans to enhance the retained hedgerows by planting native species. The plan shows the locations of 6 bird and bat boxes, and details the lighting locations. SC Ecology is satisfied that the information submitted is sufficient to cover ecological REM conditions. However, we would like to add that the proposed closed board fencing should allow for movement of hedgehogs by inserting gaps into the gravel boards at appropriate intervals.
- 4.1.8 **Shropshire Wildlife Trust** – No comments received.
- 4.1.9 **Trees** – Whilst no objection is raised to the development itself, the proposed footpath link along the east side of Holyhead Road would cut through the Root Protection Area of a very significant tree, protected by a Tree Preservation Order. Unless the proposed footpath was formed within the area that is currently the existing carriageway and was constructed in a way that allowed for no disturbance whatsoever to the ground within the RPA then this tree would suffer substantial damage, significantly prejudicing its long-term survival. Given the very high public amenity value associated with this tree I cannot support its loss for the purposes of installing a footpath and would recommend that this application be refused as it is contrary to policies MD2 & MD12 of the adopted SAMDev and to the general principles of sustainable development described in the NPPF. Should a revised application be put forward it would need to demonstrate that this, or any other significant tree, could be retained and protected to the minimum standards recommended in BS5837: 2012.
- 4.1.10 **Drainage** – drainage plans need updating to reflect amended layout plan
- 4.1.11 **Public Protection** – Having reviewed the past land use it is noted that there are significant areas of potentially filled ground. As a result recommends the standard condition.
- 4.2 **Public Comments**
- 4.2.1 8 letters of representation have been received raising the following concerns:
- Not sustainable development
 - Loss of agricultural land
 - Contrary to SAMDev
 - Will increase pressure to develop adjacent land
 - No school places
 - Loss of countryside
 - No need for more housing
 - Land ownership issues
 - No drawings of views from Holyhead Road to take into account views of

- Welsh Hills as noted by Inspector
- No details of boundary treatments
 - Relocating play area to front of site not suitable in visual terms, safety of children or ecological connectivity with wider countryside
 - Congestion on A5 junctions
 - Will increase commuting
 - No details of requirement to provide footpath to the village
 - Footpath will adversely affect TPO'd tree in neighbouring garden
 - Narrowing the road is not suitable
 - Impact on ecology
 - Soakaways too close to existing properties and do not consider existing easements

5.0 THE MAIN ISSUES

- Policy & principle of development
- Layout, scale and design
- Impact on residential amenity
- Highways, access, parking and footpath link to village
- Ecology and trees
- Drainage

6.0 OFFICER APPRAISAL

6.1 Policy & principle of development

- 6.1.1 The granting of the outline planning consent, which was granted at appeal in November 2015, has accepted the principle of the development proposed. It is accepted that the site is situated within open countryside for planning purposes being outside any identified development boundary as the village of West Felton no longer has a development boundary in the recently adopted Shropshire Site Allocation and Management of Development (SAMDev) Plan. However the current application is not seeking consent for the principle of the development and this matter can not be revisited as part of this application.
- 6.1.2 The outline consent was granted at appeal at a time when less weight could be given to the SAMDev. It was considered by the Planning Inspector against the NPPF as sustainable development, taking into account its agricultural status. Although the principle can't be revisited the granting of outline consent on this site also does not set any form of precedent for any other sites in the village. Any future applications for new housing schemes would need to be considered against the SAMDev. The outline consent was for mixed residential development. The current reserved matters application seeks consent for housing and an area of open space on the site previously approved.
- 6.1.3 Policy CS9 of the Shropshire Core Strategy requires all new development to help to deliver sustainable communities by making a contribution to infrastructure. The details of this contribution are provided within the Developer Contributions supplementary planning document which sets out the methods for providing for infrastructure both on site and off site. The development of the site will be liable for Community Infrastructure Levy which will be based on footprint of the development and the current charging schedule. The agent has confirmed in the submitted D&A what the footprint is and therefore has also been able to confirm

the CIL payment. This financial contribution towards infrastructure is a material consideration in favour of the development and will assist towards alleviating infrastructure issues. The concerns of the public regarding school places are matters which the developer of the site will need to be aware of but also need to resolve as part of developing the site.

6.1.4 With regard to affordable housing the current reserved matters application includes 2 affordable dwellings (now plots 16 and 17 in the revised plans). The current prevailing target for affordable housing in West Felton would be for 10% of the development to be affordable. As such 2 dwellings on site results in a small under provision which can be made up through a financial contribution. As such the proposed development, in terms of affordable housing, is considered to meet the requirements of the adopted policy.

6.2 **Layout, scale and design**

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. 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.

6.2.2 A Design and Access Statement (D&A) has been provided with the application to support the proposals. Within the statement the site is detailed as being roughly square in shape and level (from 92.5m to 94m AOD). A single vehicular access point is proposed on Holyhead Road to serve the proposed housing development. The access point will serve a single estate road off which lead a lower order estate road and private driveways.

6.2.3 The layout of the site has been amended during the consideration of the current application as it was officer's opinion, as also reflected by the initial comments of the local community, that the layout as originally submitted was too similar to the layout indicated with the outline consent. The Planning Inspector, in considering the layout, questioned the suitability of the layout and raised concerns about the impact of this development on the views of the Welsh hills. Accordingly a revised layout was submitted, and re-consulted on, which provided the open space on the front of the site and therefore opened views of the hills earlier than the original proposal.

6.2.4 However, following that amendment a potential developer has been brought in and has further amended the layout. The open space is now to the rear of the site, between the new houses and the existing bungalows. A single storey dwelling is now proposed on the frontage of the site, to the north of the access junction. This will provide development on the road frontage and therefore within the views of the Welsh Hills, however the agent has provided additional information to show that the views will still be available either side of the dwelling and over the roof of this single storey property.

6.2.5 Along Holyhead Road the layout shows one bungalow to the north of the new junction, as noted above, and four two storey houses to the south of the access

junction set back from the road with new hedges planted along the rear edge of the short section of footway and visibility splays. Behind the houses fronting Holyhead Road the estate is laid out to face the new estate roads and the area of open space. This will mean that the houses along the north edge of the site have back garden edges along the edge of the development. However, this edge is not prominent from the approach to the village due to the site levels, existing hedges and the adjacent property, New House. Furthermore the proposal is to retain the existing hedge along this boundary rather than replace it with close boarded fences. If residents require additional security fences could be constructed within the hedge and the hedge can be allowed to grow higher to provide screening.

- 6.2.6 The layout submitted complies with minimums set out in condition 5 of the outline consent in providing 6 bungalows (two and three bed), 6 two bed dwellings, 2 three bed dwellings, 8 four bed dwellings and 3 five bed dwellings, provided in a mix of semi-detached (6) and detached (19). Two of the single storey properties are positioned along the southern edge of the application site, adjacent to the open space, backing onto the existing properties situated around the junction The Cross.
- 6.2.7 The area of open space proposed is 2,155sqm which is therefore 215sqm short of the requirement set in MD2 of the SAMDev for 30sqm per bed space based on the proposed development of 79 bed spaces. The shortfall is a negative of the proposal, however to increase the open space would require a further change to the layout and result in tighter development of plots 18-20. The revised layout plan shows the area of open space to the south of the site and indicated to be planted with trees and grass. The revised plans do not show any details of the play equipment required by condition 9 of the appeal consent, however this will need to be provided prior to the commencement of the building works.
- 6.2.8 As noted above there are 6 single storey dwellings, the remainder are all proposed as two storey properties to be constructed of brick and tile with pitched roofs. The features include chimneys, bay windows, dormer windows, projecting gables and the designs provide both symmetrical and asymmetrical frontages. Overall the designs are considered to pick up on the features already found within the village in both the older houses and the more recent developments. The developer is the same as the current scheme under construction at Tedsmore Road and the house types are similar to those being built on that site. The scale and design of the house types proposed provides a good proportion of single storey dwellings (24%) and respects the character of the wider village.
- 6.2.9 Overall officers consider that the scheme, as amended, is appropriate in terms of layout and the mix of the properties across the site is commended. The scheme shows appropriate estate roads with pedestrian routes, retention of existing landscaping and provision of a number of new trees which respects key views from the village. The proposal is therefore considered to be of an appropriate layout, scale and appearance for the context of the site and the wider area and that the development as proposed will comply with the relevant policies of the development plan.
- 6.3 **Impact on residential amenity**
- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire

Core Strategy indicates that development should safeguard the residential and local amenity.

- 6.3.2 As noted above the site is between existing housing. New House is a detached dwelling to the north of the application site which lies approximately 37m from the edge of the application site. The nearest proposed dwelling to New House is plot 1 which, in the most recent amendment, is a detached single storey dwelling facing over estate road and with its rear elevation facing towards New House and the intervening hedge boundary. The distance between New House and the new dwelling and the fact that the new dwelling is single storey will ensure that the amenities of New House are protected. On the opposite side of Holyhead Road is Dovaston Court, a recent housing development of detached houses set on a cul-de-sac, the nearest dwelling is just under 28m from the edge of the application site and on the opposite side of the main road through the village. Dovaston Court is enclosed on the roadside with a low wall and well established trees. The revised layout proposes the same single storey detached dwelling on plot 1 opposite the housing on Dovaston Court. There are no windows proposed in the roadside elevation of plot 1, the separation distance and the existing landscaping will all ensure that the amenities of Dovaston Court are protected.
- 6.3.3 To the south of the application site, along Holyhead Road, sit two detached houses, Lawn House and The Old Police Station, which are both hipped roofed dwellings set within narrow plots and rear gardens of 21m length. The application site wraps around the rear of these two properties. The latest revision to the layout plan places the open space to the rear of these two dwellings, and the others off The Cross, and as such there is no loss of amenity from dwellings being built behind the existing houses.
- 6.3.4 Plots 18 & 19 sit to the side of the garden of Lawn House, however both are proposed as single storey properties and the existing hedge boundary is shown as being retained and will therefore provide screening to the garden and dwelling of Lawn House. The proposed dwelling in the corner of the site, immediately adjacent to Lawn House has been amended to a detached two storey dwelling. Lawn House is set back from the road by approximately 15m and as such the dwelling on plot 20 will be closer to the road than Lawn House. The frontage of Lawn House will be approximately in line with the ridgeline of plot 20, however the distance between the properties and internal layout of the new dwelling will ensure that the new dwelling on plot 20 will not have an unacceptable impact on the amenities of Lawn House.
- 6.3.5 It is acknowledged that the outlook from all of the neighbouring properties will change. However, a private view is not a material planning consideration. The layout of the proposed development will not have an unacceptable adverse impact on light or privacy to any neighbouring property.
- 6.3.6 Local representations have commented that the proposal does not take into account the views of the Welsh Hills noted by the Planning Inspector in the appeal decision letter. This was in response to the plans as originally submitted. The matter was raised with the applicant and agent and an amended layout plan was submitted which relocated the open space to the front of the site and the housing to within the site. As noted above a further amendment has since been carried

out which positions a single storey dwelling on the road frontage. The agent has therefore provided visuals to show how the Welsh Hills will still be visible above the roof height of this proposed dwelling and around the dwelling.

- 6.3.7 The Inspector, by approving the outline consent, will have had to accept that development of this site will have some level of impact on the views of the Welsh Hills as views are currently achievable for the full length of the site frontage. However, by granting consent the view was going to be reduced. It is officer's opinion that the latest amendment to the scheme still retains some of the public views of the Welsh Hills on the edge of the village over and around the single storey dwelling on plot 1 and also provides a softer entrance to the village than the originally submitted scheme. Accordingly it is officer's opinion that the layout, scale and appearance of the proposal is acceptable and does not impact on amenities of existing residents or the wider village.

6.4 **Highways, access, parking and footpath link to village**

- 6.4.1 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 can be reduced.
- 6.4.2 A Highways and Drainage report has been submitted with the application which confirms that access and visibility for vehicles and pedestrians at the access point of the site is achievable. The site is a short walk from the village facilities and improvements will be made to pedestrian access, as required by the outline consent granted on appeal and as is being dealt with under the separate application (17/05626/VAR). The applicant's highway report comments that the development will not have an impact on traffic flows.
- 6.4.3 Objections have been received in relation to traffic levels and queueing on the A5. These matters were considered as part of the outline application as the scale of the development was known at that time. The Planning Inspector in determining the appeal considered traffic levels and the impact on the A5 and took into account the views of Highways England at the time. As noted in section 4 above Highways England have no comment to make on this application. The traffic levels will not be significant or result in severe highway safety implications. There may be an increase in traffic but a development of 25 houses will not be a significant amount of traffic.
- 6.4.4 The layout plan shows each property with two parking spaces either on a side by side driveway or one behind the other or one on a driveway and one within a garage. The comments of the Highway Consultant in relation to plot 6 are not accepted as the Case Officer has measured the driveway to plot 6 and it is shown as more than 10m long (plot 2 however is less than 5m but the garage could be moved further back into the plot). The layout is therefore considered to provide sufficient space for residents to park off the estate road and therefore ensure that the development does not increase on-street parking. The estate roads are shown to provide manoeuvrability for residents, deliveries and waste collection

vehicles.

- 6.4.5 The main issue with the local community in terms of highway impact is the footpath improvements which were to be secured through the development of this site. Condition 7 on the outline consent required footpath improvements to ensure that the development did not result in a severe highway safety issue. The condition advises that the improvements should be provided generally in accordance with a specific plan and also details the minimum and maximum width of the footpath and the minimum width of the highway carriageway.
- 6.4.6 As detailed in 1.5 at the start of this report, the details for the footpath improvements now form part of a separate application. The details were not required to be submitted with the reserved matters application as the condition imposed at outline required the details to be submitted before commencement of the development. However, during the consideration of this reserved matters application the issue of land ownership and a protected tree were noted to restrict the ability of the developer to provide the footpath improvements in line with the details in the condition. As such the applicant is applying to vary condition 7 to provide the footpath improvements on the opposite side of the existing village road.
- 6.4.7 This matter will need to be considered in detail under the VAR application before the reserved matters can be determined. In summary the proposal will provide a short section of footpath outside the application site and a tactile crossing point. The footpath on the opposite side of the village road will then be widened to meet the requirements of condition 7, minimum of 1.2m, except for a short section where an existing stone wall, trees and the width of the highway prevent further widening. This short section is less than 1m in length and the footpath will be 1.178m wide. This is still wide enough for a wheelchair or pushchair but not wide enough for a pedestrian to pass either a wheelchair or pushchair. However, as noted in the report for 17/05626/VAR, the length of the narrow section is short and therefore pedestrians will have a short wait until they can use this section of footpath. Beyond the narrow section the footpath widens out to just under 3m and as such there is space to wait.
- 6.4.8 The VAR does reduce the width of the footway for this short 1m section below the width required by the condition from the planning inspector. This is likely to cause contention locally as residents objections appear to imply that if the footpath improvements can't be provided the development can't proceed. However, this is not the case. The applicant is entitled to apply to vary condition 7 on the outline consent and that is being processed separately. The comments from the Parish Council and objectors regarding the process of amending the condition are considered in full in the VAR report. It is officer's opinion on the change can be considered under a variation of the condition application and that the variation will provide improvements to the footpath between the application site and the village services. Furthermore, the short section which is below the previously required minimum width is not significant and will not result in detrimental harm to pedestrian safety.
- 6.4.9 Subject to the improvements to the footpath, which will be secured through the application to vary condition 7 on the outline, the development is not considered to

have a severe or significant impact on highway safety for either vehicles or pedestrians. As such the reserved matters application would comply with the relevant policies in this regard.

6.5 Ecology and trees

- 6.5.1 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.
- 6.5.2 The ecology report submitted with the application confirms that the site is currently in agricultural use for crops and grazing. There are hedgerows around the field, several mature trees lie within 100m and a tree belt within 200m but there are no trees or other ecological features within the site. A desk top study and field surveys have been carried out. The report advises that there are no water bodies suitable for amphibians and no records of bat species, otter, water voles, dormouse or badgers. The nearest great crested newt record is 3 miles east.
- 6.5.3 The field survey checked for signs of nesting birds, barn owls and other birds of prey and the report notes that there were few signs of wildlife in the application field, surrounding fields or gardens adjacent to the site. The report acknowledges that the site has the potential to be habitat for bats foraging and there were signs of birds around the field and the potential for nesting within the boundary hedges. Overall the report considers that the development of the site will have little negative impact on wildlife and no mitigation is recommended. Lighting is to be kept to a minimum and hedges are to be retained where possible with gaps filled in with native species.
- 6.5.4 Landscaping details have been submitted and considered by the relevant officers within the Council. The objection on this matter from the Parish Council is not clear. The landscaping details show the existing hedgerow retained where possible, the hedgerow along the existing village road as being removed and a new hedge planted along the rear of the proposed roadside footway and a new section of hedge being planted on the western boundary where there is currently a fence.
- 6.5.5 The D&A confirms that there are no existing trees within the site or site boundaries. The D&A is supported by a landscaping plan showing existing hedges, proposed new native species hedge, new tree planting and areas of grass. The details include the scale of the plants to be planted and how they will be planted. The details of small scale and garden planting is not included, however this would be beyond the control of the Council. The proposed plan is considered to show a high number of new trees to be planted which include Maple, Silver Birch, Hornbeam, Holly, Ash and Hawthorn. Officers consider the proposed landscaping to be beneficial to ecology and landscape as well as providing a pleasant development.
- 6.5.6 The Council Ecologist has confirmed that the information shows the retention of the existing hedgerow and enhancement with native species planting. The application has detailed the landscaping for the site (contrary to the comments of the parish council). The details are considered to be acceptable to both the

council Ecologist and Tree officer.

6.5.7 The matter of the impact on the TPO'd tree off-site has been dealt with under the highways section above. This tree would be affected if the footpath improvement were as originally proposed on the same side of the village road. However, following submission of the VAR application the footpath improvements are on the opposite side of the road and therefore the tree is no longer at risk from the footpath improvements.

6.5.8 As such the proposed development is considered to be acceptable in terms of ecology and trees.

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 and avoid an adverse impact on water quality and quantity. The parish council and local residents have raised concerns about the drainage proposals. The details have been provided with the application and the concerns of residents is that the details do not meet the requirements of Building Regulations, as they are too close to existing properties, and the proposed development will affect existing drainage arrangements.

6.6.2 The issue was raised with the agent, along with the initial comments from the Council Drainage Consultant. Furthermore the layout was revised and therefore a new drainage plan was also required. A revised drainage scheme has been submitted and is being considered by the Council. The revised scheme includes a statement from the applicant's consultant confirming that they have considered the requirements of Building Regulations. Providing the Council Drainage Engineer has no objections to the revised scheme the recommendation would be one of approval for the development in compliance with policy CS18.

7.0 **CONCLUSION**

7.1 It is considered that the proposed layout, scale, appearance and landscaping of the site are acceptable and would not have an unacceptable adverse impact on the character and appearance of the locality or the amenity of neighbouring properties. A safe means of access and adequate parking and turning space will be provided and, subject to the separate application for variation of condition 7 on the outline consent to provide footpath improvements connecting the site to the village, the development would not have adverse highway safety implications. It is therefore considered that the proposal accords with Core Strategy Policies CS6, CS17 and CS18; SAMDev Policies MD2, MD7b and MD12 and the National Planning Policy Framework.

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 six 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.

10. **BACKGROUND**

Relevant Planning Policies:

National Planning Policy Framework

CS1 - Strategic Approach

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS9 - Infrastructure Contributions

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the Countryside

MD8 - Infrastructure Provision

MD12 - Natural Environment

Relevant planning history:

14/00133/OUT Outline application for mixed residential use; formation of new vehicular access and estate roads and creation of public open space REFUSE 1st October 2014

17/05626/VAR Variation of condition number 7 attached to Planning Permission 14/00133/OUT dated 1st October 2014 (won on appeal) to allow amendments to the access arrangements PDE

Appeal:

15/02224/REF Outline application for mixed residential use; formation of new vehicular access and estate roads and creation of public open space ALLOW 30th November 2015

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 R. Macey
Local Member Cllr Steve Charmley
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. No construction and/or demolition work shall commence outside of the following hours: Monday to Friday 07:30 to 18:00, Saturday 08:00 to 13:00. No works shall take place on Sundays and bank holidays.

Reason: to protect the health and wellbeing of residents in the area.

3. The approved Construction Method Statement, submitted on the 21st June 2016, shall be adhered to throughout the construction period.

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

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

4. The materials to be used in the construction of the external walls shall be as detailed on the correspondence received 1st July 2016 in relation to application 16/02759/DIS.

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