

Committee and Date

North Planning Committee

18 November 2014

Item**5**

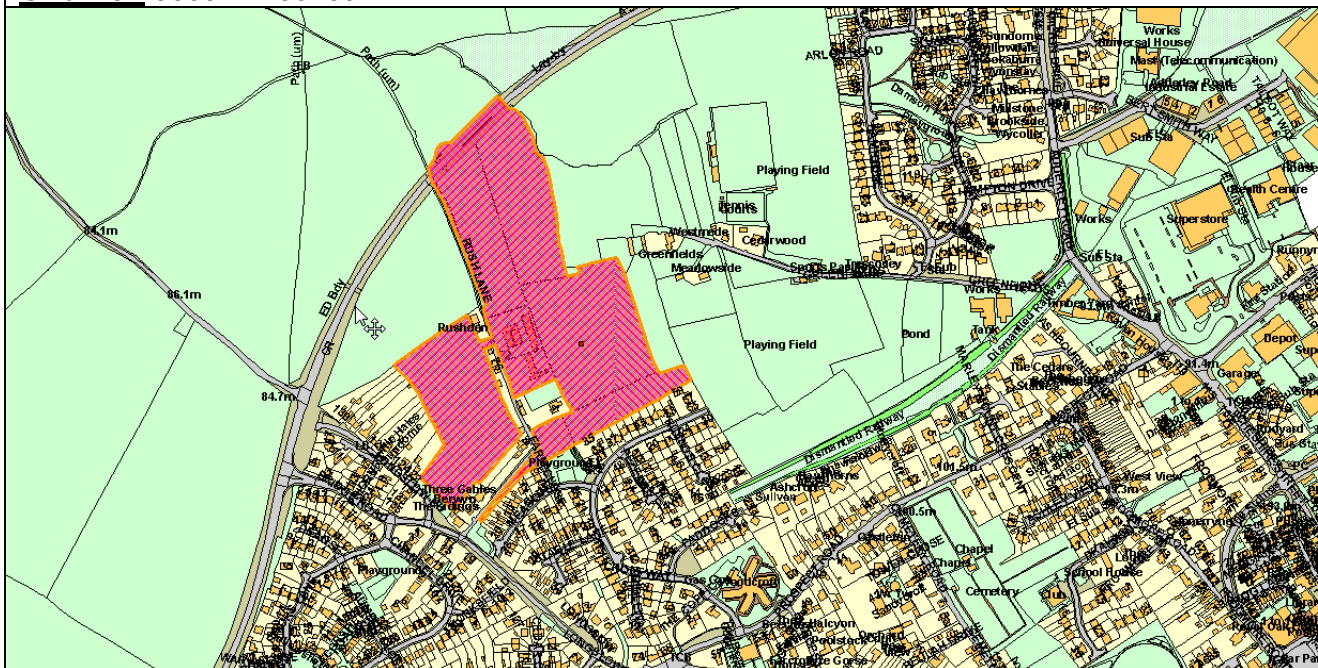
Public

Development Management Report

Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619**Summary of Application**

Application Number: 14/04701/OUT	Parish:	Market Drayton Town
Proposal: Outline application (access for approval) for mixed residential development (up to 162 dwellings), associated open space and landscaping (resubmission)		
Site Address: Proposed Residential Development Land On Both Sides Of Rush Lane Market Drayton Shropshire		
Applicant: Mr Gladman Developments		
Case Officer: Karen Townend	email: planningdmne@shropshire.gov.uk	
Grid Ref: 366521 - 334597		

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Recommendation:- GRANT planning permission subject to the applicants entering into a S106 agreement to secure affordable housing and a contribution towards public transport and also subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application is for outline planning permission with only access submitted at this time for consideration. All other matters of layout, scale, appearance and landscaping are reserved for later approval. The application proposes up to 162 houses, open space, landscaping and an extension to the existing children's play area. The proposed means of access is a new roundabout from the A53. A master plan has been submitted by the agent for the current application which is for indicative purposes only but seeks to show the proposed access point, areas for development and how the agent suggests the development of this site will connect to the surrounding sites. This plan has been commented on by the agent for the adjoining land but is not a collaborative agreement with the other land owners.
- 1.2 This is the second application for the same development on the same site. The first application can no longer be determined by Shropshire Council as the applicant has submitted an appeal against non-determination of the application to the Planning Inspectorate. As such, shortly after submitting the appeal, the applicant has submitted this second application for the Council to determine. This process is well within the rights of the applicant and the granting of consent of the second application can often result in the withdrawing of the appeal on the first application.
- 1.3 To support the proposal the application has been submitted with the following documents: Planning Statement, Design and Access Statement, Statement of Community Involvement, Socio-Economic Impact Assessment, Landscape and Visual Impact Assessment, Archaeological report, Agricultural Use Report, Affordable Housing Statement, Transport Assessment, Travel Plan, Air Quality Assessment, Noise Assessment, Ecology Appraisal, Arboricultural Assessment, Flood Risk Assessment, Drainage Statement and Ground Investigation Report.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is 7.68 hectares of agricultural made up of 4 fields currently used for grazing lying south of the A53 with hedgerow and tree boundaries. The land is at a slightly lower level than the A53 and relatively level with only small changes in the level. Rush Lane, a restricted byway, bisects the site and is a narrow lane which is only formally surfaced for part and serves 10 existing properties and one farm off the lane. Existing housing lies to the west and south and fields lie to the east beyond which is the existing Greenfields Lane sports fields and clubs. Sych Brook lies on the north east boundary of the site and is encompassed by an area at risk of flooding (zones 2 and 3) and the bridleway which leads off Greenfields Lane also crosses the site.
- 2.2 There are existing housing to the south and west and beyond the sport pitches all

south of the A53. The existing housing is a mix of new estate and older properties with all the properties along Rush Lane being older. The nearest properties overlook site with some along Rush Lane in close proximity to the site. There are also a number of agricultural buildings adjacent to the farm which will be removed as part of the application. The site will be highly visible from the A53 and also from the surrounding housing development.

2.3 The site lies on the northern edge of Market Drayton, within the bypass formed by the A53. The town centre is south of the site and approximately 2km away. Market Drayton is identified in both the North Shropshire Local Plan and the Shropshire Core Strategy as a Market Town and as such a key focus for new development.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application is considered by the Planning Services Manager to be a complex major application with relevant material considerations which would benefit from debate by the North Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

The comments below are the comments from consultees received on the first application, 14/01982/OUT, except where new comments have been received on this application and these are shown in italics. Given that the current application is identical to the previous application it is considered reasonable to note the comments from consultees on the previous application where no new comments are received.

4.1.1 **Market Drayton Town Council** – resolved to defer any decision until the following information is available to the Town Council and further issues have been addressed:

- That SC find a solution to the access problems and other significant issues that apply under planning conditions
- Until the problems the sports facility will encounter due to being closed in are addressed as no other premises have been found
- A proper consultation with the local residents has been carried out
- To request a vehicle survey is carried out in connection with this application.

4.1.2 **Moreton Say Parish Council** – Would like to defer making a decision until further information is available re doctors, schools and if the infrastructure can stand this many houses.

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

The current prevailing target rate for affordable housing in this area is 10% this would mean a provision of 16 Affordable houses on site, plus a financial

contribution for the remaining 0.2. (162 x 0.10 = 16.2) The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership, giving 11 houses for rent and 5 for low cost home ownership and these would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. There is a need for all house types in Market Drayton and there are people on the housing register requiring everything from 1 bed up to and including 5 bed homes. Shropshire Council requires the affordable housing provision and contribution to be secured through a S106 Agreement not by condition as requested in the Affordable Housing Statement. We would expect the Low Cost Home Ownership properties to be pepper potted around the site as these do not need to be clustered as the Housing Associations do not manage them, the rented units should be split between 2 areas. The council agree to the provision of Affordable Rent as the tenure for the rented accommodation on this site. However as this is an outline application the percentage contribution and number of affordable homes will not be set at this time, but will be reviewed at the time of the reserved matters application. The size, type and tenure of the affordable housing needs to be agreed in writing with the Housing Enabling team before any application is submitted.

4.1.4 Economic Development – *The Business and Enterprise Service support the application which will provide a range of mixed tenure housing.*

The development links to the Shropshire Local Development Framework settlement strategy and underpins the role of Market Drayton as one of the key market towns in Shropshire as a service centre serving the local population and its hinterland in a sustainable manner by providing a balance of housing and economic development. This is to cater for local needs and inward migration and local company expansion and inward investment.

The application identifies in summary the benefits to the local economy of the development including increased annual expenditure and local job generation.

It is also suggested that to maximise the economic benefits of the scheme that condition on a Local Employment and Training Agreement be included. It is suggested this may include local advertising of jobs, liaison with the developers HR manager/Shropshire Council and Job Centre Plus to nominate potential applicants /apprentice training and working with local colleges to offer training opportunities.

4.1.5 Learning and Skills – *Shropshire Council Learning and Skills reports that the local primary schools will either remain at capacity or reach capacity during the Plan Period. This and other new housing in the town will place further pressure on school places. It is therefore essential that developers of any new housing in the town contribute towards the consequential cost of additional places/facilities considered necessary at the schools.*

Would expect the development of 162 dwellings to yield 30 primary school pupils (rounded). Longlands Primary School, one of the two primary school catchments in the town, has a small amount of unfilled places at present. However, overall development in the plan period will take numbers significantly over capacity.

Therefore, to keep things simple, and as this is one of the more significant housing investment sites in the town, to treat this application in isolation, fractionally over 30 pupils at a DfE cost of £11,767 translates into £355,412 to provide the places.

- 4.1.6 **Archaeology** – The proposed development site is located on the north-western edge of Market Drayton and is understood to comprise an area of 7.86ha. Located within the area of the former town fields, there are currently no records on the Shropshire Historic Environment Record of any known archaeological sites or features within the proposed development site. However, it is located over Devensian fluvio-glacial drift deposits which may have been settled and exploited from the later prehistoric period onwards. There is therefore in my opinion some potential for currently unknown archaeological deposits and features of prehistoric and Roman date to be present.

In relation to Paragraph 128 of the NPPF, the applicant has submitted an Archaeological Desk Based Assessment report by CgMs consulting. This concludes that 'the potential for as yet to be discovered archaeological assets is considered to be low/nil.' However, in my opinion and taking account of the size of the proposed development site, the character of the superficial geology and my other comments above, this assertion requires further testing.

In my pre-application consultation response on this site (ref. PREAPP/14/00170) I therefore indicated the need for an archaeological field evaluation. This should comprise a sample geophysical survey of the proposed development site and, depending upon the results, target trial trenching of any anomalies thus revealed (up to a maximum 2% sample of the survey area).

It is noted from the applicant's Archaeological Response that, given the level of archaeological potential on the proposed development site, the applicant has been advised that the requirement for the field evaluation of the site could be secured as a condition of any planning permission. On balance, it is agreed that this would provide a proportionate response in relation to this case. Any necessary further archaeological mitigation could thereafter be secured either by design or by record as necessary. Recommends a condition.

- 4.1.7 **Highway** – The application site being promoted by Gladman forms part of the land allocation being promoted within the SAMDev process, which will shortly be considered at a public enquiry. Whilst in itself therefore an outline application in advance of the Inspector's decision on SAMDev, the principle of developing this site is accepted as is the principle of forming a new junction onto the A53 to serve the SAMDev site. This latter statement is important however to acknowledge as clearly there are a number of land owners who hold a land interest in the development of the SAMDev site being implemented.

To make the highway authority's position clear on the issue of access, only one access point onto the A53 will be permitted. The A53 forms an important route with strategic principal county highway network which was built to by-pass Market Drayton. Its core function therefore is to allow the movement of traffic and to minimise its disruption. Nevertheless as part of the SAMDev site coming forward to deliver housing in Market Drayton, as part of Shropshire Council's requirements

to meet housing needs in the County, the highway authority recognise the importance of delivering this site with a requirement to construct a new access onto the A53.

Having regard to ongoing discussions between the principle land owners/developers promoting the SAMDev site, access off the A53 is key as clearly its position will fall in a particular land ownership. The interested parties therefore acknowledge access to developing the various parcels of land within the SAMDev site as key and pivotal in terms of costs and the ability to develop land without delay caused by other parties own development interests and timescales. On the basis that only a single point of access will be permitted onto the A53 the positioning on an agreed access point should not be used which would otherwise fetter the delivery of the SAMDev site as a comprehensive and coordinated development which provides alternative vehicular, pedestrian and cycling linkages to the town centre. In short, in agreeing to a new access onto the A53 the highway authority's stance is that any consent issued should only be granted so as to deliver the fundamental aims of a 'Masterplan' approach of the SAMDev site which provide connectivity as set out above.

Whilst the application submitted is supported by a Transport Assessment and an 'Indicative Master Plan' drawing, the TA is based purely on the development of the site being promoted by Gladman, with no acknowledgement of the wider context of the SAMDev land allocation. The TA therefore considers the development proposal as a stand-alone residential housing scheme via a single point of access onto the A53. What has become clear also subsequently is that whilst Longslow Road had been suggested as a secondary access point, this is not within the gift of the applicant and is in fact constrained via a third party Danbank who are seeking to promote the larger land area and greater number of houses within the SAMDev allocation. In essence therefore, the application promotes a cul-de-sac development. Emergency access is proposed via Rush Lane and this is a matter for colleagues in the Countryside Team to agree although my understanding is that as a matter of principle this is not a fundamental issue. Nor is it in terms of crossing Rush Lane which is required to build out the land both within the application site and adjacent land held by a 3rd party. The means of the vehicular crossing of Rush Lane would need to be carefully designed to ensure that Rush Lane itself is not used other than in emergency circumstances.

In itself therefore this application, as submitted, does not immediately present a coordinated approach to meeting the Council's aims of delivering a 'Masterplan' development which provides the connectivity for traffic flow, cycling and walking together with linkage to the sports and recreational land, currently served from Greenfields Lane. Clearly the 'Indicative Masterplan' submitted shows how this can be achieved but it is the desire of the interested parties promoting the various parcels of land and the mechanism to deliver the SAMDev site as a coordinated development, and where negotiations therefore should be regarding the apportionments of infrastructure costs. The 'Indicative Masterplan' shows linkage to Longslow Road and Tudor Close, which the highway authority would support, but the road layout within the SAMDev site as a whole will be fundamental to how the sites road space functions, both serving as access to the town centre and direct access to the A53. This will need to be achieved via primary routing within the SAMDev site where the road linkages to the existing network do not become

'rat runs'. In addition, having regard to the scale of this land and overall SAMDev allocation, public transport should be able to penetrate into and out of the land in a proper manner.

In terms of access the highway authority are satisfied that the principle of a roundabout junction onto the A53 is satisfactory access solution, subject to detailed design and a Safety Audit process and demonstrating the capacity to cater for the SAMDev land and movement of traffic along the A53. The highway authority is satisfied also that the positioning of the roundabout location shown is satisfactory to serve both the application site and remaining land within the SAMDev allocation. To be clear however this does not represent the only location for a suitable access onto the A53 and therefore revert to the points made above.

Having regard to the scale of this and the whole SAMDev site, build out of the development will need to ensure that any adverse impact is minimised in respect of construction traffic. In this regard, the A53 should form the primary construction traffic route to the site given that other potential routes are more constrained in terms of impact upon existing residential frontages. The highway authority strongly recommend therefore that the roundabout junction is constructed at an early stage within the build out of this site and adjacent SAMDev land. It is considered therefore a trigger of the sale of 50 dwellings would be an appropriate level at which time the roundabout junction should be completed.

On the basis therefore that the aspirations for the delivery of the SAMDev site can be conditioned via a suitable worded Grampian Style condition, the highway authority would raise no objection to the granting of outline consent in respect of the application currently before us.

In respect of the delivery of public transport penetrating into and out of this site and the SAMDev site as a whole, it is difficult at this stage to estimate the level of funding required. As part of a Section 106 therefore this aspect would, at this stage, need to be suitably worded as a 'Heads of Terms' item.

4.1.8 **Public Transport** – An indication of gross subsidy cost for public transport provision to / through the site would need predicated on the developer confirming the following:

- That the internal layout of the site has a useable through route, that would provide the penetration required to minimise walking distance to stops, and
- That this route is considered in terms of its design for minimising on street parking pinch points / minimising chances for obstruction of the bus through route

As such, at this stage, it is not possible to put a precise figure on the contribution required as at this time it is not clear what form the route through the site and adjacent sites would take. There is a potential for coverage of the developments to be managed through an enhancement of the current contract and that a developer payment would be required to offset the increased wear and tear / fuel on the vehicle, plus a consideration towards drivers hour costs. Early indications from the operator suggest a gross annual cost increase in the current contract in the region of £15k.

As above however, an actual figure for negotiation will only be able to be obtained when the developer/s have released more detail work on the internal layout of the site/s, and therefore the impact on the current operating times. Also, and crucially, that if this total cost is to be apportioned across two developments, that the other party/s agree to inherit their balance of these costs at a later date, as there cannot be a situation where the cost and therefore risk of this service contract could fall back to SC as “banker”.

4.1.9 ***Rights of Way*** – *As pointed out in the access statement a restricted byway - not a Byway Open to All traffic. A restricted Byway is for use by walkers, horse riders, cyclists and non mechanically propelled vehicles such as a horse and carriage. If there is any intention to change the surface or alignment of this restricted byway then this department must be consulted. Bridleway 9B is correctly shown on the plans and is affected by the development and there appears to be an intention to alter the alignment of this public right of way. The line of the path can only be altered by legal order, an application for which must be made to this department.*

4.1.10 Ecology – Following submission of further information on GCN raised **no objection** and recommended conditions and informatives.

Great Crested Newt

FPCR (August 2014) have carried out further survey of two ponds. Pond 1, sited 320m north of the site had an ‘excellent’ Habitat Suitability Index score of 0.81. Pond 2 at 300m north of the site had a ‘below average’ HSI of 0.57. Six presence/absence surveys were undertaken between April and June 2014.

One juvenile GCN was recorded in Pond 1 but no other evidence of GCN was found. As population estimates are based on peak adult counts, this result indicates no viable population present. The ponds are north of the A53 and taken together with the distance from the application site, FPCR consider that GCN are highly unlikely to be present and no further survey or mitigation measures are considered necessary. Recommends an informative.

Bats

One building (B4) was assessed as having low potential to support roosting bats, with the other five buildings as negligible potential for bats. FPCR carried out one dusk emergence survey of building 4, a brick structure with corrugated metal roof. No bats were seen to emerge from the building. Low numbers of common bat species were recorded in the wider area. FPCR recommend installation of bat boxes to enhance the value of the site for biodiversity and this is agreed and a condition recommended regarding lighting details.

Protected sites

The closest Site of Special Scientific Interest to the site, Tynley Canal Cutting is 4.8km away. Hodnet Heath SSSI is 9km distance and Brown Moss SSSI and Ramsar site is 11.5km from the application site. The Council has considered discharges of water or liquid waste from the site however there /are no pathways by which the development could affect these SSSI’s. It is not considered necessary to consult Natural England on this application.

Badger

A single entrance outlier badger sett was recorded at one side of the site. It is recommended that this sett be closed under licence and conditions and an informative are recommended.

Water vole

FPCR (2014) states that the stream along the north-eastern boundary of the site is not considered to be suitable to support water vole, given the shallow water level and very minimal emergent vegetation. No evidence of the presence of this species was recorded during the Phase 1 habitat survey. In addition, the Illustrative Development Framework indicates open space adjacent to the stream therefore there should be no detrimental impact on the stream.

Nesting birds

Hedgerows and buildings on the site are likely to be suitable for nesting birds as such recommends provision of artificial nests and informatives.

- 4.1.11 **Trees – No objection.** *A tree survey has been submitted which demonstrates that the principal arboricultural features, category A and B trees and hedgerows, are to be retained within the landscape. Some limited tree loss and removal of hedgerows will occur. The proposed development footprint must consider the principles of tree protection and a full application will require a Tree Protection Plan (TPP) showing the positioning of protective fencing and service runs, in line with standards found in BS 5837 2012 and seek to promote the sustainable integration of trees within the layout design. This includes taking into account shading patterns of trees adjacent to but not within the site.*

In mitigation of tree loss, there is potential within a future layout to introduce significant new tree planting with adequate space for trees to reach maturity. The opportunity should be taken to enhance the distribution of tree cover across the site and for existing green links to be strengthened to contribute positively to the appearance and character of the area in both the medium and long-term.

- 4.1.12 **Drainage – No objection** *the drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.*

The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.

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

If soakaways are not feasible, the drainage strategy as outlined in the Flood Risk Assessment Ref: R/13867/002 is acceptable where the attenuation drainage system is designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed

development or any other in the vicinity . The SuDs strategy as outlined in Section 6.5 should be implemented where possible.

If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway

Contrary to section 4.3 of the Flood Risk Assessment, the site is identified as being at risk of groundwater flooding. The applicant should provide details of how groundwater will be managed. The level of water table should be determined if the use of infiltration techniques are acceptable for use.

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

The Environment Agency should continue to be consulted regarding any works within Flood Zones 2 and 3.

Under the Flood and Water Management Act 2010 Schedule 3, Shropshire Council will take the role of SuDs Approval Body (SAB) for the adoption of certain SuDs features with Shropshire. The role is due to be introduced in late 2014 and the adoptions are likely to be limited to ponds or other above ground attenuation systems.

Initially the SAB role will apply only to major developments (10 or more dwellings and/or 0.5 hectares) in the first 3 years following Schedule 3 implementation. In the 2012 consultation, the government proposed that developments of between 2 and 10 dwelling houses only become subject to SuDS measures after 3 years. Until the SAB role is implemented, Shropshire Council is unlikely to adopt the attenuation features. Please provide information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility.

Consent is required from the service provider to connect into the foul main sewer.

4.1.13 **Severn Trent Water – No objection** subject to a condition to require detailed plans of the foul and surface water drainage to be submitted and approved in writing.

4.1.14 **United Utilities – No objection** subject to a condition requiring details to be submitted for disposal of foul and surface water drainage.

The site should be drained on a separate system with foul draining to the public sewer and surface water draining in the most sustainable way. Recommended means of surface water drainage and use of permeable paving.

4.1.15 **Environment Agency – No objection.** The northern area of the site is partially

located within Flood Zone 3 of the Sych Brook, which is classified as a 'main river' and is considered high probability of fluvial flooding. Part is also within flood zone 2, the remainder is located within flood zone 1.

The proposed development would be considered as 'more vulnerable' development; buildings used for dwelling houses and will be required to pass both the sequential test and exception test.

Whilst the site is partially located within flood zone 3 section 3.1.3 of the Flood Risk Assessment confirms that all built development (residential) will be located on land outside the flood plain, ie flood zone 1. Based on the scale and nature of the proposals which are affected by flood zone 3 as confirmed in the FRA (ie access road from the A53 and roundabout) will not be making any bespoke comments on the sequential test.

The Council should be satisfied that the sequential test has been passed.

Do not have modelled river levels in this location, however given the scale and nature of development have not required detailed hydraulic modelling.

The areas of proposed residential development will all be afforded pedestrian access within flood zone 1, via Rush Lane in a southerly direction away from the site. The main access is from the A53, however the FRA confirms that secondary emergency access is provided via Rush Lane.

The FRA confirms that there will be no raising of existing ground levels within the flood plan, including the access onto the A53 and this could be conditioned.

Recommend informatives relating to surface water, the location of the attenuation pond, foul drainage connection and pollution prevention.

- 4.1.16 **Public Protection – No objection.** *In the Wardell-Armstrong air quality report, report number 001/DRAFT, submitted with this application Tables 18 and 19 show that earthworks and construction activities pose a medium level risk of dust nuisance to existing residential receptors in the locality. As a result section 7.1.1 states the need for mitigation and section 7.1.6 goes on to state that a best practise dust management plan will be written and implemented for the site. It is important that this plan is agreed by the Local Planning Authority. As a result proposes a condition to require a dust management plan.*

The desk study in relation to contaminated land carried out by Hydrock concludes that there is a moderate risk of:

- 1) the presence of PAH, metals and metaloids associated with areas of made ground*
- 2) the presence of petroleum hydrocarbons associated with farm building and made ground*
- 3) the presence of asbestos in areas of made ground*
- 4) the presence of ground gas associated with infilled pond areas.*

As a result it recommends intrusive works to investigate these risks and therefore recommends a contaminated land condition.

A noise assessment carried out by Wardell-Armstrong, report number 001, job number LE1221, has been submitted with this application. It concludes that there is a need to mitigate against noise from the A53 at closest proposed properties for both internal and external areas. As no specific noise mitigation method is specified proposes a noise mitigation statement condition.

4.2 **Public Comments**

The comments below are the comments from the public received on the first application, 14/01982/OUT. At the time of writing the report no public comments have been received on the current planning application. Given that the current application is identical to the previous application it is considered reasonable to note the comments from the public on the previous application when considering the current application.

4.2.1 119 letters of representation have been received raising the following concerns:

- Site notice was inadequately displayed
- Lack of employment, entertainment and leisure in the town
- Should development brownfield sites first
- Need more than 10% affordable housing
- Need allotments for future residents and existing residents as required by Commons Act 1876, the Small Holdings and Allotments Act 1908, the Allotments Act 1922 and subsequent Allotments Acts up until 1950 and amendments
- Strain on infrastructure including waste water, schools and medical facilities
- Loss of agricultural land needed for food production
- Increase in traffic
- Inadequate access off the A53
- Residents will short cut to Rush Lane and Longslow Road
- Would impact on use of Rush Lane for walking etc
- Rush Lane is unadopted and maintained by the residents, it is unclear how emergency access only is to be managed
- Proposals to block Rush Lane are illegal and infringing on residents rights
- Impact on wildlife and loss of hedgerows / trees
- Increase in surface water run-off, flooding
- Pressure on pumping station which is already strained
- Will impact on existing properties water supply, septic tanks and easements
- Increase in crime and Market Drayton is not sufficiently policed
- Loss of privacy
- Increase of noise level during construction and after once occupied
- Increased light pollution
- Maintenance of hedgerow requires continued access
- Will affect deed of easement for supply of water

4.2.2 Two e petitions of 62 signatures and 15, and Two petitions of 102 signatures and 96 signatures objecting to the development on the grounds of loss of agricultural land; the need to develop brownfield sites first; the environmental impact; traffic hazard, increase pressure on infrastructure, congestion and pollution.

- 4.2.3 An objection has been received on behalf of the developer of the adjacent land raising concerns that the current application will not bring forward a coordinated scheme; will remove the ability of the remaining proposed allocation being developed; and will therefore bring forward much needed new housing.

5.0 THE MAIN ISSUES

- Policy & principle of development
- Is the site sustainable?
- Economic considerations
- Environmental considerations
- Social considerations
- Layout principles and impact on neighbours amenity
- Highways, access, parking and rights of way
- Ecology and trees
- Flood risk
- Drainage
- Other matters

6.0 OFFICER APPRAISAL

6.1 Policy & principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 The development plan for consideration of this application is the Shropshire Core Strategy which sets Market Drayton as one of the market towns in the north east of Shropshire and as therefore providing foci for balanced housing and employment development. The saved North Shropshire Local Plan (NSLP) is also relevant and provides a development boundary for Market Drayton and a positive policy for housing development within the boundary. The forthcoming SAMDev is also a material consideration, however given that it has yet to be tested at examination officers advise that it can only be given limited weight. What weight can be given to the Core Strategy and the NSLP depends on whether the Council has a 5 year supply of housing land, as required by the NPPF.
- 6.1.3 It is acknowledged that the housing land supply is constantly changing. In September 2013 the housing land supply in Shropshire fell below the 5 year requirement. This has now been updated following the submission of the SAMDev Final Plan to the Planning Inspectorate and the Council considers it can now demonstrate a 5 years supply. As such the Core Strategy can be given weight in the determination of the application and it is a matter of balancing the benefits and the harm of the development. If the Council were not able to identify

a 5 year supply then the harm of the development would have to be significant and demonstrable to outweigh the benefits of new housing, however with a 5 year supply the Council is still required to undertake a planning balance and given that we have only just over 5 years supply the fact that a development is providing new housing is still a significant material consideration.

- 6.1.4 It is also accepted that the site is outside the development boundary previously set within the North Shropshire Local Plan and as such the application has been advertised as a departure from the adopted local plan. However, firstly, this policy can not now be given weight due to its age and furthermore the site is being promoted as part of the preferred option site within the Site Allocations and Management of Development (SAMDev). The site has progressed through all the stages of the SAMDev; and remains in the pre-submission draft sent to the Planning Inspector. Although the SAMDev has limited weight, as it has not yet been through the public examination stage and is not adopted, to refuse an application on a site which is being promoted in the SAMDev would be unreasonable as the site would be likely to gain consent following adoption of the SAMDev. The key consideration for this application is determining whether it is sustainable development against the criteria in the NPPF.
- 6.1.5 As previously noted Market Drayton is identified in the Core Strategy and the SAMDev as a market town and a key focus for development. Policy CS3 of the Core Strategy notes that Market Drayton is proposed to have “substantial development that balances business development with housing development and enhances the town’s infrastructure and facilities and its role as a centre for food production.” The fact that the application aims to deliver this policy should also be given weight in the consideration of the application. Officers advice is currently that SAMDev should be given limited weight due to outstanding unresolved objections which have not yet been tested and will not be tested until the examination in public. However, the proposed site does form part of an allocation which has been through all stages of the SAMDev assessment and against which there are no outstanding objections. The issue in Market Drayton is not whether this site should be allocated but whether additional sites, including this one, should be provided so as to closer meet the housing requirements for the town. As such it could be argued that more than limited weight could be given to the SAMDev with regards to Market Drayton.
- 6.1.6 The submitted SAMDev promotes Market Drayton as providing a focus for development in the north eastern part of the county with a housing guideline of around 1200 dwellings and 16 hectares of employment land. New housing development will be delivered through the allocation of greenfield sites together with a windfall allowance. The current application forms part of the greenfield allocation and the policy acknowledges that whilst the sites may be developed independently, they must demonstrate how they work together to deliver a coordinated residential scheme for the town. The infrastructure required to support this includes, appropriate access, which may include a new access off the A53, financial contributions towards the expansion of existing primary school provision and enhancement of the Greenfields sports facility, including potential relocation of the existing site.
- 6.1.7 The whole of the allocation is formed from three sites, two identified as ‘MD030’

and one identified as 'MD010 and MD028'. All three have guidelines of the development being part of a coordinated scheme including access improvements, cycle and pedestrian links, provision of open space and a landscaped buffer along the A53. Overall the three sites together will provide an allocation of 400 houses, it is therefore acknowledged by officers that there is a shortfall between the housing within the allocation and the housing target for the town. As such, subject to an appropriate layout and no unacceptable adverse impacts it would be appropriate to consider an increase in the overall housing numbers across the SAMDev allocation. As such the proposal for approximately 169 houses would not be objected to in principle.

- 6.1.8 However the key issue is how this planning application, separate to the rest of the SAMDev allocation, will work with the surrounding sites to deliver the coordinated scheme. The coordination of highways matters including access, accessibility through the site for vehicles, pedestrians and cyclists and access for public transport; surface water drainage matters in providing the ability for the whole of the SAMDev allocation to be served by a comprehensive surface water drainage system and to ensure that public open space is provided in a useable format and doesn't result in small pockets of space scattered across the area and to ensure that the mitigation for ecology provides connectivity and corridors to enhance the existing environmental network. These issues will all be considered in greater detail in the report, however it is an area of concern as officers would not wish to see the site developed in isolation, especially given that it is served from a single point of access off the A53.
- 6.1.9 Shropshire Core Strategy policy CS6, amongst a range of considerations, requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Policy CS7 states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services. And policy CS9 states that development that provides additional dwellings or employment premises will help deliver more sustainable communities by making contributions to local infrastructure in proportion to its scale and the sustainability of its location.
- 6.1.10 Policies MD2, MD3 and MD8 of the SAMDev have also been submitted for consideration by the planning inspector and as such can be given some, but limited, weight. Policy MD3 seeks to ensure sustainable design through seeking to promote community led plans, town or village design statements, neighbourhood plans and place plans with regard to design, appearance and how a place functions. The policy also seeks to ensure that development reflects local form and function, design and materials, historic and natural assets.; incorporates sustainable drainage, landscaping and open space; considers the existing infrastructure of the settlement and any need for new or improved infrastructure. Policy MD3 provides additional support for MD2 and for the development guidelines set out for each allocation. Policy MD8 requires development to ensure sufficient existing infrastructure capacity is available and also promotes the development of new infrastructure.
- 6.1.11 It is also appropriate to consider the NPPF as a whole in assessing the

sustainability of this proposal. Paragraph 14 of the NPPF states that within the context of the 'presumption in favour' development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweighs the benefits. The planning balance which needs to be considered is balancing the benefit of the provision of new housing in close proximity to the sustainable market town against any harm.

6.2 **Is the site sustainable?**

6.2.1 Paragraph 7 of the NPPF sets out the three dimensions to sustainable development and provides an overview of what is considered to be the economic, social and environmental roles of the planning system. For a site to be considered to be sustainable development the three dimensions need to all be provided and the presumption in favour of sustainable development advises that, unless there are material considerations which significantly and demonstrably outweigh the benefits, consent should be granted. It is not a case of having to prove the benefits outweigh the harm but to prove that any harm substantially and demonstrably outweighs the benefits.

6.2.2 Within the planning statement submitted in support of the application the agent considers that the site is sustainable as it will contribute to the housing supply in the town and county; is close to the town services and facilities; within walking distance of the existing bus stop on Prospect Road; will provide high quality residential development and housing mix, open space, landscaping, ecology enhancements and enhance permeability whilst not resulting in significant traffic movements or impact and will also contribute to council tax and new homes bonus. The agent acknowledges the impact of the loss of the agricultural land which is considered later in this report.

6.2.3 Local objectors have questioned the need for the development proposed, the lack of employment, leisure or entertainment facilities and whether there are brownfield sites which should be developed first. These concerns are noted, however the application forms part of the wider allocation in the SAMDev for approximately 400 houses which is expected over the lifetime of the SAMDev. The agent has estimated a completion rate of 25-30 per year and as such for the 162 houses proposed on this application would be likely to be completed in approximately 7 years. In response to the brownfield question officers are not aware of sufficient brownfield land available around Market Drayton which could accommodate a similar scale of development. The majority of developed land in the town remains in active use. Furthermore the housing target in Market Drayton is greater than the proposed allocation and relies on windfall development which is most likely to come from brownfield sites should they become available.

6.3 **Economic considerations?**

6.3.1 The construction of new housing in, or on the edge of, Market Drayton would support the businesses within the town and residential areas. Furthermore, the development will result in construction jobs, new homes bonus, new residents, increased household expenditure and the resultant opportunities to support local shops and facilities. The applicant's planning statement provides estimated figures for construction spending, jobs created, potential additional expenditure and demand for new public services. It is the agent's opinion that the economic benefits of the scheme far outweigh the economic potential of the land in

agricultural use.

- 6.3.2 Concerns have been raised about the lack of jobs available in the town however this is not a site specific objection to the development. Officers do not have any evidence that there are not job opportunities in the town and new opportunities being made available. The town has one of the County's largest employers in Muller's which has recently gained consent for a new production facility which once built will create additional employment. In addition there is consent for a new food store in the town, recent consents for other new businesses including the relocation of Hales Sawmills and employment land available and allocated within the SAMDev. Officers do not consider that this matter is one which results in significant and demonstrable harm which would outweigh the benefits of new housing.
- 6.3.3 The development will also be liable for payment of the Community Infrastructure Levy (CIL) which for this site would be at the £40 per square metre rate and be used in accordance with policy CS9 to support local infrastructure requirements. This money can be used to assist in resolving the issues raised within the local place plan. The CIL fund would also be used to fund the improvements required at the primary school to accommodate the predicted additional pupil numbers noted by the Council Learning and Skills team. It is not considered necessary or reasonable to request an additional contribution beyond the CIL payment for education given that the place plan identifies education as a priority which CIL will be used for.
- 6.4 **Social considerations?**
- 6.4.1 The proposed development has social impacts and social benefits. The scale of the proposed development would increase pressure on local facilities and services such as the school and doctors as noted by the objectors. However, it also provides the opportunity for social benefits such the contribution towards community infrastructure levy (CIL). The Council Learning and Skills Team has commented that they would expect the development of 162 dwellings to yield 30 primary school pupils (rounded). Longlands Primary School, one of the two primary school catchments in the town, has a small amount of unfilled places at present. However, overall development in the plan period will take numbers significantly over capacity. Therefore, to keep things simple, and as this is one of the more significant housing investment sites in the town, to treat this application in isolation, fractionally over 30 pupils at a DfE cost of £11,767 translates into £355,412 to provide the places.
- 6.4.2 In addition the residential development of the land will also enable the provision of new public open spaces, the extension of the existing play area and a contribution towards the enhancement of Greenfields recreation facilities. These are all social benefits. The details of the size of the open space and the footpaths would need to form part of the reserved matters applications and would need to show how the open space is coordinated across the whole of the proposed sites allocated in the SAMDev; would need to comply with the interim planning guidance on open space and confirmation would also be required of who is to be responsible for maintaining these facilities. In order to achieve coordinated open space provision rather than small pockets of open space which is neither manageable or of significant use to the community, officers advice is that a condition is imposed on

the outline to require further details to be submitted. The Council would be seeking to achieve an extension to the existing play area close to Rush Lane and open space to be linked to the land either side of the application site to provide usable and well connected space.

- 6.4.3 As advised by the Council Affordable Housing Officer the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full application or a reserved matters application. The current prevailing target rate for affordable housing came into force on the 1st September 2013 and in this area is 10%, which would provide 16 affordable homes on site; however this will be reviewed in line with the target rate at the time when full applications or reserved matters are submitted. It is acknowledged that the reserved matters may come in a number of different applications and therefore each would need to provide the level of affordable housing required at the time of submission. The assumed tenure split of the affordable homes is currently 70% for affordable rent and 30% for low cost home ownership.
- 6.4.4 The Affordable Housing Statement submitted with the application notes that there are already a high number of 1 bed units available but fewer 2 and 3 bed properties and the statement suggest a mix and tenure split of housing provided in small clusters across the site designed to be of a similar appearance to the open market housing. However this conflicts in part with the advice from the Affordable Housing Officer which states that there is a need for all house types in Market Drayton and there are people on the housing register requiring everything from 1 bed up to and including 5 bed homes and that the Low Cost Home Ownership properties should be pepper potted around the site as these do not need to be clustered as the Housing Associations do not manage them. At this outline stage the principle of affordable housing as part of the wider development of the site is acceptable. The means to secure affordable housing would need to be via a section 106 legal agreement to ensure affordability in perpetuity and also to ensure the occupation is in accordance with the Council's adopted policy.
- 6.5 **Environmental considerations?**
- 6.5.1 The agent has confirmed that the land is grade 2 and 3a agricultural land. A report has been submitted with the application which advises that the site was surveyed and that the majority, 5.7 hectares, is free draining, loamy over sandy, soil and as such is grade 2 land. The remaining 1.2 hectares is poorly draining due to underlying clay and was considered to be grade 3a. The report makes recommendations for protecting the quality of the soil during the construction works to ensure permeability and improve landscape benefits. Given the majority of the site is grade 2 it is considered to be best and most versatile agricultural land and the development of this is an acknowledged harm. The National Planning Policy guides local authorities to consider the economic and other benefits of agricultural land and, where significant development is necessary, to use lower quality land in preference to higher quality land. Although the development of this site will result in the loss of some higher quality land the site has been considered as the most appropriate land to provide the scale of housing required in Market Drayton, without extending beyond the A53, for the forthcoming plan period. As

noted on other recent applications the development of higher grade agricultural land can not be avoided as there is insufficient brownfield or lower grade land available for the scale of development required for the County as a whole. Furthermore, as noted already within this report, the agent considers that the economic benefits of the proposed development far outweigh the economic benefits of retaining the land in agricultural use. The need for retaining agricultural land for food production does not outweigh the presumption in favour of sustainable development. Overall, although the loss of agricultural land is a harm resulting from the development this harm is not considered to outweigh the benefits.

6.5.2 The main consideration of environmental impact is dependent on the layout, scale and design and the impacts on highways, trees, ecology and drainage. These matters are considered in detail in the following sections.

6.6 **Layout, scale and design**

6.6.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. Policy CS17 seeks to identify, protect, enhance and expand Shropshire's environmental assets, aiming to prevent development which adversely affects visual values or which does not contribute to local distinctiveness. Part 7 of the NPPF 'Requiring Good Design' indicates that great importance is given to design of the built environment and paragraph 58 sets out expectations for new development including ensuring that development adds to the overall quality of an area, establishes a strong sense of place and ensuring developments are visually attractive and respond to local character.

6.6.2 A master plan has been submitted with the application and an amended master plan submitted during the consideration of the application. Both documents seek to identify the areas within the application site, and within the wider SAMDev allocation site, where housing can be developed taking into account the need for a buffer along the A53, the flood zone and the access point. The master plan does not detail the precise layout and this would be a matter for consideration under an application for approval of reserved matters. In principle the construction of housing on this site is supported as it is being promoted within the SAMDev, the additional information provided by the master plan is intended to show the opportunities to link this site with the remainder of the SAMDev allocation and also the protection of the flood zone through the creation of open space in this area.

6.6.3 However, it is officers opinion that both master plans show limited information. The first iteration of the master plan showed the current application site with its proposed roundabout access, the flood zone un-developed and retention of hedges. It also shows the adjacent site with a new priority junction off the A53 and the potential for redevelopment of the Greenfields Lane sports facilities. In terms of showing coordinated development the master plan shows arrows where potential vehicular access links could be provided from the application site to the surrounding sites and an area for an ecology corridor on the adjacent land, next to the dismantled railway line. The second plan shows similar information in terms of vehicular links through the site though the roundabout is no longer shown, there are no bridges required over the watercourse and there is a potential for a further

estate road crossing Rush Lane to serve the land to the west.

- 6.6.4 In addition to the plan the application has been submitted with a design and access statement (D&A), revised design and access statement (D&A revision) and a landscape and visual impact assessment (LVIA). The D&A assesses the local context and character of Market Drayton and the immediate area around the application site by providing photographs of the site and area, historic maps and written assessments. The D&A acknowledges that hedges, trees, the flood zone and public rights of way are constraints of developing the site. It also accepts that the greenfield nature of the site makes it sensitive and comments that careful design of the built form and character will be required. The statement sets principles for the future development of the site suggesting that the layout will create interesting spaces and views and that the dwellings will be predominately 2 storey with the occasional 2.5 and 3 storey to define key corners or terminate views.
- 6.6.5 The D&A indicates the proposal to provide the 162 houses on 5.68 hectares of the site with the remaining 1.74 hectares providing open space, formal play areas and informal amenity green areas, areas for new planting and the provision of a sustainable drainage system. Although it is acknowledged that once outline consent is granted the land will be sold to developer(s) it is also possible to condition that the future development of the site is done in accordance with the D&A.
- 6.6.6 The D&A revision includes some additional support for the master plan which it advises is seeking to show how the site would work as part of a comprehensive development of the SAMDev allocation. The D&A revision suggests that, in the opinion of the applicant's consultant, that the master plan shows that the development will form a series of characterful places and integrated community, screens and softens the visual impact of the site, creates a well connected place with access for vehicles, pedestrians and cyclists and open space. However officers remain concerned about the ability of the master plan, which the D&A revision notes is not submitted for consideration and is indicative only, can achieve what it is suggesting.
- 6.6.7 Furthermore, although meetings have been held between the land owners and the agents submitting the two applications, it is noted that at the time of writing this report the SAMDev allocation has been submitted as two separate planning applications. There is a potential for two independently, isolated, sites to be developed without any form of connection or coordination which would be contrary to the forthcoming SAMDev and would be harmful to the overall development of Market Drayton, would be counter to community cohesion and would not amount to good planning. A condition is therefore recommended to ensure that the two sites work together.
- 6.6.8 The LVIA intends to assess the visual impact of the proposed development and notes that the site is gently undulating and considers it is heavily influenced by its urban fringe location. The assessment notes that the site lies within the national landscape character area of Shropshire, Cheshire and Staffordshire Plain and that within the Shropshire Landscape Typology document the site is part of the urban area with the land north of the A53 forming part of the Estate Farmland and

Settled Pastoral Farmland character areas. The assessment also confirms that there are no listed buildings or conservation areas on the site and that the nearest listed buildings are 900 metres to the northwest and 700 metres to the southeast.

- 6.6.9 Within the assessment the consultant considers that the site is surrounded by species poor hedgerows and that the landscape value of the site is affected by the A53, the adjoining residential developments and the sports fields. However, the author acknowledges that there are potential visual receptors affected by the proposed development including users of the rights of way, the sports pitches and road users and the existing dwellings. In assessing these receptors the consultant considers that the users of the public footpaths will experience partial views which will be restricted by trees and hedges. The views of users of the bridleway and byway vary depending on which section of the bridleway is being used. For part the site will only be partially visible whereas full views are available from the section which crosses the site. Users of the sports pitches views will be partial and distant and users of the road will have clear, though passing, views.
- 6.6.10 Some of the existing residential properties also have clear views of the site and others have partial or oblique views and the assessment submitted details the view from every adjacent property. The report acknowledges that these views are valued by the occupiers of the properties and as such recommends off setting the boundary landscaping. Furthermore, it is acknowledged within the LVIA that the character of the site will be changed significantly by the development but also considered that this is consistent with the grain of the townscape and the proposed development of the site is not expected to adversely affect the wider landscape. The report recommends the retention and improvement of hedgerows and trees and careful treatment of the edge along the A53 along with additional landscaping.
- 6.6.11 The information provided in both the D&A and the LVIA is useful in considering the potential impact of the development on the existing town and the wider landscape. However, as noted previously the application site is both a site being promoted in the SAMDev and is also the only remaining site which can accommodate the level of housing required for the town within the constraints of the Tern Valley to the south of the town and the A53 to the north. The impact on the views of residents is noted, however the right to a view is not a planning matter providing the development is appropriately laid out so as not to adversely affect amenities and to protect important community views and areas. The final layout of the site will be considered at the reserved matters stage and, in principle, the site is considered capable of accommodating new housing and is part of the wider site for accommodating the housing requirements of the town.

6.7 **Impact on residential amenity**

- 6.7.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. As an outline application with all matters reserved for later approval it is not possible to fully consider the impact on the amenities of neighbouring residents in terms of overlooking or loss of light as the layout of the proposed housing is not yet known. Objections have raised concern about loss of privacy, increased noise and light pollution and impact on private water supplies and sewerage systems. The main issue raised by residents is the potential impact on

Rush Lane and the residents along it.

- 6.7.2 It is acknowledged that there are existing residential properties around the application site. Longslow Road and Croft Way both back onto the site. The properties along Longslow Road have sizeable rear gardens and as such any new dwellings within the application site would be of a sufficient distance from the existing dwellings. The properties on Croft Way have shorter gardens and first floor windows which overlook the site. It will therefore be essential to ensure that any development in this section of the site is provided with appropriate separation distances to protect amenity. The main impact will be on the properties along Rush Lane. These are made up of a variety of house styles, sizes and ages and with the potential for these existing properties to be close to new dwellings on the application site. In terms of loss of privacy and light it is considered that the development of the site could be laid out with sufficient distance between new and existing properties to ensure that the impact is not unacceptable. It is accepted that the development of the site will alter the outlook from these properties and will also alter the noise levels and light levels. However as a proposed residential development adjacent to residential development the impact would not be beyond what could reasonably be expected in similar situations. The land is not protected and the town needs to grow and provide new housing. As noted previously within the report this is part of a wider site which provides the only land capable of providing the scale of additional new housing required in the town without extending beyond the bypass. Officers consider that the development of the site could be achieved without substantial adverse impact on the amenities of the existing properties and would not result in overlooking or loss of light.
- 6.7.3 The application has also been submitted with an Air Quality assessment which has considered the air quality before, during and after development, assessed the potential for dust during demolition and construction and road traffic emissions before and after development. The conclusion of this report is that emissions will not exceed annual mean objectives and that the impact of the development on existing properties, in terms of dust and emissions, will be negligible. However the report recommends mitigation to control dust during construction.
- 6.7.4 A Noise Survey has also been undertaken and submitted with the application recording road traffic noise and bird song as the existing noise sources. The survey considers the potential impact on existing properties and on the future residents of the proposed development acknowledging the close proximity of existing properties and the location of the site in relation to the A53. The results of the survey work show that the noise levels at outdoor areas near the A53 would exceed World Health Organisation limits. As such the consultant recommends a 60m buffer between the road and the housing closest to the road and the layout of the site so that these nearest houses face the A53 with private gardens on the town side of the houses. Furthermore the report advises that standard double glazing will be sufficient to protect amenity when the windows are closed but that the properties nearest the road will require acoustic ventilation in living rooms and bedrooms facing the A53 to ensure ventilation is available without opening windows.
- 6.7.5 The Council Public Protection Officer has considered both of these documents and the proposed development and recommends conditions on the outline

consent to require details of dust mitigation, wheel washing facilities and further contamination assessment and the consideration of ultra-low NOx boilers in all properties and noise mitigation during the determination of the layout and design of the dwellings at reserved matters.

- 6.7.6 With regard to the use of Rush Lane concerns have been raised that the residents of the new development will use Rush Lane to access the town and that this will cause conflict, congestion and maintenance issues on the Lane and in the wider area. In order to alleviate these concerns the applicant has proposed 2 options for restricting the use of Rush Lane. Option A proposes reducing the width of Rush Lane to a single vehicle width and providing the estate road at an alignment which would require vehicles turning from the new estate road into Rush Lane to take a very severe right angle turn, which the reduced width of Rush Lane would make very difficult. This option is intended to not constrain the existing use of Rush Lane but it is also accepted that this would not prevent the new residents using Rush Lane, especially on motorcycles.
- 6.7.7 Option B recommends the installation of bollards on Rush Lane at the point where the proposed estate road crosses. The residents of the single property on Rush Lane which would lie beyond the bollards would have an electronic device to enable the bollards to be lowered and re-raised. The bollards would also have to be set up to lower for emergency vehicles such as fire engines and ambulances. This would prevent the residents of the new development from using Rush Lane without reducing the width of Rush Lane but would also prevent any vehicles that are not associated with the single property, Rushdon, using the lane beyond the bollards. At this time it is not essential to deal with this matter in full. The layout of the housing development is subject to later approval and as such it may not be necessary to cross Rush Lane at this point. Furthermore, any changes to the alignment, surfacing or the installation of bollards will require consent from the Council Rights of Way Team as any such work would affect a right of way.
- 6.7.8 Notwithstanding this, the information provided to date, in the form of an outline planning application, master plan, landscape and visual impact assessment and the technical reports have shown that it would be possible to develop the application site without adversely affecting the amenities of the existing residents that are within and around the site in accordance with policy CS6 and the requirements of the Type and Affordability of Housing SPD.
- 6.8 **Highways, access, parking and rights of way**
- 6.8.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promote sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced.
- 6.8.2 A new access is proposed off the A53 in the form of a new roundabout. This is intended to serve the application development, the surrounding land being put forward for allocation in the SAMDev and the sports facilities off Greenfields Lane, either as a sports facility or following redevelopment. The application site does

not have any other vehicular access. The existing Rush Lane is proposed to be used for emergency access, pedestrian and cycle access and additional information has been submitted showing the proposals for restricting access on Rush Lane and for an estate road crossing Rush Lane.

- 6.8.3 Both a Transport Assessment and Travel Plan have been submitted with the application. The TA notes the existing width of Rush Lane, that it is an unadopted, unsurfaced track with no footways or street lighting. The A53 is the main route for travelling around Market Drayton or to access the north of the town. It is currently a two way carriageway with roundabouts and priority junctions serving the town and employment sites outside the A53. It currently forms a boundary to the edge of the built development with only employment uses on the opposite side at key roundabout junctions.
- 6.8.4 Traffic count data is provided within the TA showing details of the traffic counts undertaken by the consultant on the A53 and the junctions of the A53 and Adderley Road, the A53 and Bridge Road and Bridge Road and Longslow Road. The assessment has then used national database information to estimate vehicle movements for the proposed development. The report advises that during the am peak hour approximately 121 movements are expected and 114 during the pm peak hour. Taking into account the traffic counts the traffic movements are expected to result in a 10% increase in traffic on the A53 and as such the TA considers that this impact would be marginal at worse.
- 6.8.5 The TA comments that the town centre and local schools are within 2km of the site, the nearest bus stop is 400m from the site with buses every 30mins between 7am and 6:30pm. The Design and Access Statement includes a plan showing what parts of the town are within 5 minutes, 10 minutes and 15 minutes walk and includes the bus stops, town and school. There are existing footpaths from the edge of the site through the residential areas leading to the town, services and facilities. The TA suggest that the development of the site will improve pedestrian connectivity by providing improved access around the site and surrounding area and that the proposed roundabout will also provide a safer point for pedestrians wishing to cross the A53 to access the footpaths in the wider area.
- 6.8.6 The TP seeks to form a “long term strategy for reducing dependence of residents and visitors on travel by private car”. It is proposed to promote reducing car trips by providing residents with a welcome pack including information on public transport, walking and cycling routes and information on cycle safety training. Notice boards will also be provided around the application site in communal areas advising residents of information. A travel plan co-ordinator is recommended in the TP to market and promote alternative means of travel and car sharing, monitor and update the information and advice and provide regular surveys of residents travel patterns.
- 6.8.7 In considering the application and the submitted information the Council Highway Officer has advised that the principle of developing the site is acceptable and so is the principle of a point of access, in the form of a roundabout, off the A53. However, although this is acceptable in principle, the Council Highway Officer has advised that the proposed location of the roundabout is not the only position along the A53 which would provide an appropriate location for a roundabout.

Furthermore it is not recommended that the application site is served purely from the access off the A53 in that links will also need to be provided to the surrounding land and existing roads surrounding the site.

- 6.8.8 Dealing with this first matter first the Highway Officer has noted that there are a number of different land owners who hold a land interest in the development of the wider SAMDev allocation. This can be seen from the other two applications which are relevant to the consideration of this application. Application 14/02630/FUL is for a vehicular access, in the form of a priority junction, off the A53, submitted by HOW Planning on behalf of the adjacent land owner. Application 14/03782/OUT is an outline planning application for residential development which proposes to utilise the access applied for under 14/02630/FUL. These two applications are seeking an alternative access to the one proposed in the application to which this report relates. The Highway Officer has confirmed that more than one access off the A53 would be harmful to highway safety and traffic flows given that the A53 is primarily a bypass around the outside of Market Drayton. As such it is a matter for members, on advice from officers, to consider which of the two accesses is the most appropriate. Officers advise that the proposal within the application to which this report relates is a roundabout and as such provides a safe means of access to the development site and surrounding land with the least level of risk to highway safety and free flow of traffic. The application 14/02630/FUL proposes a priority junction and as the advice from the Highway Officer is that a roundabout would be preferred this alternative would not, in its current form, propose the preferred means of access.
- 6.8.9 This is not to say that a priority junction would not be suitable, purely that the advice is that a roundabout would be preferred. Furthermore, officers advise that some weight can also be given to the options for accessing the land being put forward in the SAMDev. As it stands there are two planning applications, this application 14/01982/OUT and the other application 14/03782/OUT which between them cover most of the land being put forward for allocation in the SAMDev. The proposed access off the A53 is the only means of vehicular access available to the current planning application whereas the other application has access off Hampton Drive available for use. The agent for the other application has confirmed that the other application could be developed from Hampton Drive and as such there would be no impediment to the commencement of the housing development. Whereas the application to which this report relates could not be developed without an access off the A53 or without waiting for the development of the surrounding land. As such, giving weight to the National priority for house building, enabling both applications to commence development would promote house building and add to the supply of housing in the district.
- 6.8.10 The issue of linking the proposed access from the A53, through the application site, to the surrounding allocated land is a significant issue. The proposed SAMDev allocation advises that the sites may be developed independently, however they must demonstrate how they work together to deliver a coordinated residential scheme for the town including appropriate access and access improvements, cycle and pedestrian links towards the town centre. As a stand alone outline planning application there is a risk that the development of this site would result in 169 dwellings served off an access off the A53 with only pedestrian and cycle links to the town. As such all vehicle movements would be directed out

onto the A53 and away from the town. This would not promote the town or its facilities and would not constitute good planning. The application has been submitted with a master plan which the agent advises shows the potential for links through to the surrounding land, however officers advice is that this needs to be strengthened and further detail provided to ensure that the development of this site is connected to the developments either side and that there are routes through for traffic.

- 6.8.11 This is also essential for public transport. Currently to serve the site a bus would also have to access the site from the town via the A53. Although the Council Public Transport Commissioner has advised on a indication of gross subsidy cost for public transport provision this is dependant on the bus being able to go through the site and the adjacent sites. The cost would be substantially greater if the bus was required to use the A53 to enter and leave the site via the roundabout. Furthermore, at this stage, without further detail on the layout of the site in relation to the adjacent land it is not possible to fully understand the cost of bus enhancements.
- 6.8.12 It is essential that, although officers are recommending approval for the roundabout, that this is not then used to financially or physically ransom the development of the surrounding land. It is not a matter for the Council how the cost of the roundabout is apportioned amongst the future developments served by the roundabout, however it is necessary to ensure that this junction is provided at an early stage and that access to this junction is made available to the land outside of the application site. Although, as noted by the Council Highway Officer, the TA only considers the impact on the roundabout, A53 and other junctions in the area from the proposed scale of the development, it is officers opinion that an appropriate roundabout could be provided at this point on the A53 to serve the application site, the remainder of the SAMDev allocation and the sports facilities, either as sports or redeveloped for housing.
- 6.8.13 The Council Highway Officer has also provided advice on the proposals to cross Rush Lane, which although detailed plans have been provided, are not a matter for consideration at this stage as these would need to be dealt with at reserved matters, and also advice on the potential traffic levels and construction traffic and no objection has been raised in regard to these matters.
- 6.8.14 Rush Lane is a restricted byway and as such is a public right of way which can be used for use by non motorised vehicles, people on horses, pedal cycles or on foot. The existing residential properties along Rush Lane have established rights to use the lane with motorised vehicles but this right does not necessarily extend to the surrounding land. However the application site does not include Rush Lane other than proposing use as emergency access and proposing means of limiting access. The means of restricting the access will need to be discussed with the Council Rights of Way Team. Greenfields Lane also crosses the application site as a bridleway and any changes to the alignment of this public right of way will need to be through a legal order, an application to the Rights of Way department. However, at outline stage it is not possible to confirm the alignment of the bridleway. It would be preferential to retain it in its existing alignment and condition but this will need to be considered when the layout is proposed at reserved matters.

6.8.15 In conclusion the principle of a roundabout junction onto the A53 is acceptable, however this can not be the only means of access to the housing developed on the application site, and as such a condition is recommended to ensure that, amongst other things, the development of this site works with the development of the surrounding land to provide a coordinated and comprehensive development. The level of traffic movements from the development is not considered to result in a severe impact and the design specifications of the roundabout and internal estate roads can be controlled by condition. As such, the principle of the development is acceptable.

6.9 Ecology and trees

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

6.9.2 The assessment included a desk study and assessments of the site, existing buildings, trees, hedges and the surrounding area. There are no statutory designated sites within the area, two County Wildlife sites lie approximately 1.2 and 1.3km from the site and the report notes that Sych Brook is part of a Local BAP Habitat Action Plan. There is historic record evidence of badgers, bats, water vole, otter, hedgehog, grass snake, great crested newts, barn owls and a variety of species of birds. The on site survey work notes the species and quality of the fauna, hedges and grassland and has also considered the potential for all of the above species.

6.9.3 Within the assessment it is recommended that hedgerow retention should be maximised and gaps filled in. This is acknowledged to provide wildlife benefits and corridors for commuting. Furthermore the report supports the proposal to retain the area around the Sych Brook as an open space and enhance this area for wildlife. With regard to protected species the report recommends further survey work for bats as one building may be appropriate for bats and further survey work for Great Crested Newts. The exclusion of the site for badgers and the closure of the existing sett close to the site is also recommended, however the surveyor suggests that this is an outlier sett and as such the closure would not be detrimental to the local population. Site clearance is recommended outside of bird nesting season or following thorough checks of the hedges, trees and buildings and artificial nests are recommended.

6.9.4 The assessment advises that there is unlikely to be a risk to water vole and otter, that the development will not result in the loss of habitat for hedgehogs providing that gaps are provided in the garden fences. Enhancements are also recommended in the form of appropriate landscaping, planting of wildflowers, provision of nest boxes for barn owls and birds and roosting boxes for bats.

6.9.5 In considering the information the Council Ecologist has confirmed that the closest Site of Special Scientific Interest to the site, Tynley Canal Cutting is 4.8km away. Hodnet Heath SSSI is 9km distance and Brown Moss SSSI and Ramsar site is

11.5km from the application site. The Council Ecologist has considered discharges of water or liquid waste from the site however there are no pathways by which the development could affect these SSSI's. In considering the impact on protected species the Council Ecologist advised that further survey work was required for Great Crested Newts, recommended a condition to ensure the closure of the existing badger sett, conditions requiring details of lighting, the provision of 10 bat boxes and the provision of 10 artificial nests.

6.9.6 Following submission of the additional ecology information the Council Ecologist has provided a fully detailed consultation response as detailed above. Overall the additional information provided has overcome the previous concerns raised regarding Great Crested Newts and Bats and, subject to conditions, the development will not have a significant adverse effect on statutorily protected species.

6.9.7 An Arboricultural Assessment has been submitted with the application which advises that there are no trees covered by Tree Protection Orders but that there are existing mature broadleaf trees, conifers, groups of trees and native hedgerows mostly off site, adjacent to the site boundaries and within adjacent fields. Of the surveyed trees 6 trees and 1 group of trees are considered to be of high quality and value, 10 trees and 9 groups considered to be moderate and 8 trees and 35 groups of low quality. 2 trees, a mature sycamore and a mature English Oak are category A trees (best quality) and lie within the application site. The other high quality trees are outside the site boundaries. Other trees within the site are common hawthorn and are of lower value.

6.9.8 The proposal is to retain as many existing trees and hedges as possible and provide green corridors and open spaces. Some trees will need to be removed to create the access point and internal estate roads, however at this time the layout of the estate roads is unknown. The report recommends a further survey be submitted at reserved matters and concludes that the development can maintain the majority of the trees and mitigate the small losses. Furthermore it recommends the erection of protective fencing and working procedures to protect retained trees. The Council Tree Officer has confirmed that there is no objection from an arboricultural perspective and that the findings and conclusions from the submitted tree report are satisfactory. The Council Tree Officer agrees with the recommendation for further information to be submitted at reserved matters.

6.9.9 Overall, subject to the conditions recommended by the Council Ecologist and, subject to a further arboricultural assessment at the time of the reserved matters application, the development can be undertaken without significant adverse impact on statutorily protected species or on important trees and hedges. Landscaping and ecology enhancements and mitigation is proposed and as such the development of the site would comply with requirements of the relevant policy.

6.10 **Drainage**

6.10.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. Given the size of the site and that part of the site is identified within the Environment Agency flood zones a Flood Risk Assessment has been

submitted. The majority of the site is within flood zone 1 but the northern section around Sych Brook is zones 2 and 3. The master plan submitted with the application and the FRA both advise that the proposal is to exclude the area within flood zones 2 and 3 from residential development. The access road will cross through the flood zone but it is not proposed to construct any housing within this area and mitigation is proposed to compensate flood capacity lost through the construction of the road.

- 6.10.2 The FRA concludes that there is no indication of ground water flooding, no risk from surface water from off site and no sewer flooding. The Environment Agency has advised that they have no objection to the proposal confirming that the site is partially located within Flood Zone 3 of the Sych Brook, which is classified as a 'main river' and is considered high probability of fluvial flooding. Part is also within flood zone 2, the remainder is located within flood zone 1. It is recognised that the development of housing is classed as 'more vulnerable' development and as such there is a requirement for the application to be considered against the sequential test as set out in the NPPF. This test requires either the local authority or the applicant to test whether there are other sites available which are at lower risk of flooding.
- 6.10.3 Whether a site passes the sequential test is a matter for the Council to determine. In the case of the application site, as part of a wider site being promoted for allocation in the SAMDev, the Council has undertaken the sequential test for the site. Although it is accepted that there are other sites available for housing development in Market Drayton none of the sites are capable of providing the scale of development that is required for the town or the scale of development that the proposed site can deliver. Given the sequential test has been undertaken for the SAMDev it is not considered necessary or reasonable to re-assess the test or to consider sites in other towns as potential alternative sites. In this situation there is a requirement for new housing to be allocated and provided in Market Drayton and the application site has been assessed as the preferred option.
- 6.10.4 However, weight can be given to the proposal to locate all of the built development outside of flood zone 3. The EA have advised that based on the scale and nature of the proposals which are affected by flood zone 3 as confirmed in the FRA (ie access road from the A53 and roundabout) that they will not be making any bespoke comments on the sequential test and that they do not require detailed hydraulic modelling of the river.
- 6.10.5 Surface water is proposed to be discharged to Sych Brook following attenuation to ensure that the discharge rate is no greater than the existing greenfield rate. The attenuation is proposed to be in pipes within the development site and also through the provision of an on site attenuation pond within the open space and within the area identified as within flood zones 2 and 3. Sych Brook runs along the north east boundary of the site and leads into the River Ducklow. 1.5km west of the site. The use of water butts and permeable surfacing will also reduce surface water. The surface water drainage pipes are to be submitted for adoption by the utility company and the attenuation pond is to be maintained by a management company. The applicant has submitted a letter from United Utilities accepting the surface water drainage proposals. However, this is also a matter, similar to vehicular access, where a system is required that can provide a

comprehensive development of the wider SAMDev site. The Council would not consider that treating the surface water of the application site independently from the surface water from the wider allocation is appropriate and would, in the longer term, be aiming to see a sustainable drainage system which deals with the surface water drainage from the whole of the SAMDev allocation and reduces surface water. It is not intended that the drainage for the whole allocation is dealt with in the current application site, but that the application site forms part of a SAMDev allocation wide drainage system and at this stage it is not possible to confirm that the proposals would achieve this.

- 6.10.6 Foul drainage is proposed to be connected to the existing mains drainage system. United Utilities has confirmed to the applicant that foul drainage connection can be provided and that there are no concerns regarding the ability of the public sewerage system or treatment plan accommodating the development. There are existing sewers in Longslow Road and a pumping station adjacent to the site. Connection is proposed via the narrow strip of land which runs parallel with Rush Lane. Although concerns have been raised by local residents about the capacity of sewers this concern is not reflected in the advice from the sewerage undertaker and the responsible service provider United Utilities. Concern has also been raised that the applicant does not have sufficient land to connect to the mains system, however the use of other land is a private matter between land owners.
- 6.10.7 The Council Drainage Engineer has commented on the surface water proposals and advised that drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted. This information will also have to resolve the concern raised by the Drainage Engineer regarding groundwater flooding and the water table, however in principle the Council Drainage Engineer has no objection to the proposed development of the site. As such, taking into consideration the advice given by the Environment Agency and the Council Drainage Engineer, the information provided by the applicant and the local objectors it is Officers advice that the development of the site can comply with the requirements of policy CS18 and the NPPF with regard to flood risk and drainage but that further information is required to show how it will be part of a comprehensive development.
- 6.10 **Other matters**
- 6.10.1 The Council Archaeologist has advised that the site is located within the area of the former town fields and over the Devensian fluvio-glacial drift deposits which may have been settled and exploited from the later prehistoric period onwards. There is therefore some potential for currently unknown archaeological deposits and features of prehistoric and Roman date to be present. The report submitted on behalf of the applicant advises that there are no recorded designations or archaeological finds within the site and as such considers that there is low to no potential for archaeological deposits. Given this conflict the Council Archaeologist has discussed the matter with the applicant's consultant and following negotiations the conclusion recommends a condition be imposed to secure the implementation of a phased programme of archaeological work that makes provision for an initial field evaluation, comprising a sample geophysical survey and targeted trial trenching of any anomalies thus identified (up to a 2% sample of the study area), followed by further mitigation as appropriate. Each phase of work should be in accordance with a written scheme of investigation (WSI). These written schemes

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

- 6.10.2 Although predominately agricultural land the applicant has accepted the potential that the site contains some contamination. A Ground Conditions report has been submitted identifying existing uses, previous uses and potential for contamination. It is noted that parts of the site had previous sand and gravel extraction but the majority of the site has been agricultural and open since prior to 1879. Overall the report considers that based on historic land uses and current use the contamination risk is low but recommends trial pits and soil testing. Furthermore it identifies the probability of contamination from made ground and petroleum as being likely but that this risk is moderate. As noted previously in the report the Council Public Protection Officer has advised that a condition is imposed to require further assessment of contamination. This is considered to be sufficient to ensure that there is not harm to existing or future residents and that the construction works are undertaken appropriately.
- 6.10.3 The Council Economic Development Officer has requested a Local Employment and Training Agreement be included as a condition of the consent. Although the employment and training of local people would be something which could be commended and supported by the Council a condition to require it would not comply with the tests set out in the National Planning Guidance as it would not be a matter against which the application could be refused without such a condition. Furthermore, at this outline stage, the application has been submitted by a planning agent and is not currently within the control of a house builder or developer. As such it may be that the site is sold to a local builder or sold to a company who do employ local construction workers, however it would not be reasonable or required to make the development acceptable to insist on this.
- 6.10.4 One objector has also noted the requirement for Market Drayton Town Council to provide sufficient supply of allotments. This is a matter for the Town Council. However the legislation does not require the Town Council to provide an allotment for every resident who requests one, it is for the Town Council to manage supply and provide further allotments if there is a demand and it is recognised by The National Allotment Society that contacting the Council can, in most cases, be getting your name on a waiting list. As such this issue is not a material planning consideration in the determination of the application.

7.0 CONCLUSION

- 7.1 The site is located outside the current development boundary for Market Drayton and is therefore classed as a departure from the development plan. However, the site is part of the three sites being promoted for future housing development in the SAMDev and it is accepted that the site is in a sustainable location, on the edge of the existing built development, where it benefits from the facilities, services and infrastructure offered by the market town and will provide additional housing supply in accord with national planning policy priorities. Furthermore, the development will provide for affordable housing in accordance with Policy CS11 and infrastructure provision in accordance with policy CS9 and will not result in significant loss of agricultural land.
- 7.2 The proposed access is acceptable in principle as one means of access to the

site, the development of the site would not result in severe traffic impacts, increase flood risk or adversely affect statutorily protected species and can be developed in a way that would not significantly affect the amenities of existing or future residents. However the development of this site will have to coordinate with the surrounding land in regards to access, internal layout, vehicular connectivity to the surrounding sites, public transport routes, surface water drainage, ecology mitigation and open space. It is accepted by the Council that the application site can be developed independently of the surrounding land but that a condition is required to show how the application site will form part of the wider allocation and comprehensive development of the wider allocation.

7.3 Accordingly, it is considered that, in principle, the proposal meets with the housing policies and general requirements of the NPPF and otherwise complies with Shropshire Core Strategies CS6, CS9, CS11, CS17 and CS18 of the Shropshire Core Strategy. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.

The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 **Equalities**

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 **Financial Implications**

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

10. **BACKGROUND**

10.1 Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS1 - Strategic Approach
CS3 - The Market Towns and Other Key Centres
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS9 - Infrastructure Contributions
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management

10.2 Relevant planning history:

14/01982/OUT Outline application (access for approval) for mixed residential development (up to 162 dwellings), associated open space and landscaping PCO

11. **ADDITIONAL INFORMATION**

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

Cabinet Member (Portfolio Holder)
Cllr M. Price

Local Member
Cllr Roger Hughes
Cllr David Minnery

Appendices
APPENDIX 1 - Conditions

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

1. Approval of the details of the siting, design and external appearance of the development, the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2010 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development shall commence until a Master Plan showing how the permitted development will integrate with the remainder of the land identified for allocation under policy S11.1a of the Site Allocations and Management of Development (SAMDev) Plan Pre-Submission Draft (Final Plan) dated 17th March 2014 ("the S11.1a Land") has been submitted to and approved in writing by the Local Planning Authority.

The Master Plan shall address the following:

- Pedestrian and cycle links with the S11.1a Land to the east and west of the site and to the existing public right of way
- Vehicular links, including for public transport, from the approved access roundabout to the remainder of the S11.1a Land to the east and west of the site
- The provision of public open space.

Reason: To ensure that the development of the site does not prevent the development of the wider SAMDev allocation and enables comprehensive development of the SAMDev allocation.

5. Applications for approval of reserved matters shall thereafter be in accordance with the approved Master Plan.

Reason: To ensure that the development of the site does not prevent the development of the wider SAMDev allocation and enables comprehensive development of the SAMDev allocation.

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:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

7.
 - a) No development shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.
 - b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 - c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
 - d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
 - e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

8. No site clearance works within 30 metres of the badger sett on site shall commence until the sett on site has been closed under licence accordance with details given in the Ecological Assessment by FPCR submitted on 22nd April 2014

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

9. No development approved by this permission shall commence until the applicant, or their agent or successors in title, have secured the implementation of a phased programme of archaeological work that makes provision for an initial field evaluation, comprising a sample geophysical survey and targeted trial trenching of any anomalies thus identified (up to a 2% sample of the study area), followed by further mitigation as appropriate. Each phase of work should be in accordance with a written scheme of investigation (WSI). These written schemes shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site holds archaeological interest

10. No ground clearance, demolition, or construction work shall commence until an Arboricultural Method Statement and Tree Protection Plan has been submitted to and approved in writing by the local planning authority to ensure no damage to any existing trees or hedgerows within or adjoining the site. The approved scheme shall be retained on site for the duration of the construction works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

11. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding

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

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

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

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

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

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

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

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

15. During the demolition and construction of the site no burning shall occur on site at any time. This includes the burning of vegetation from clearance work.

Reason: to protect the amenity of the area

16. Construction work, including the arrival of deliveries and unloading of deliveries, shall only be carried out between the following hours: Monday to Friday 07:30-18:00, Saturday 08:00-13:00. No work shall be permitted on Sundays or Bank Holidays without written consent from the Local Planning Authority.

Reason: to protect nearby residential amenity and the health and wellbeing of residents living in close proximity to the development.