

## Development Management Report

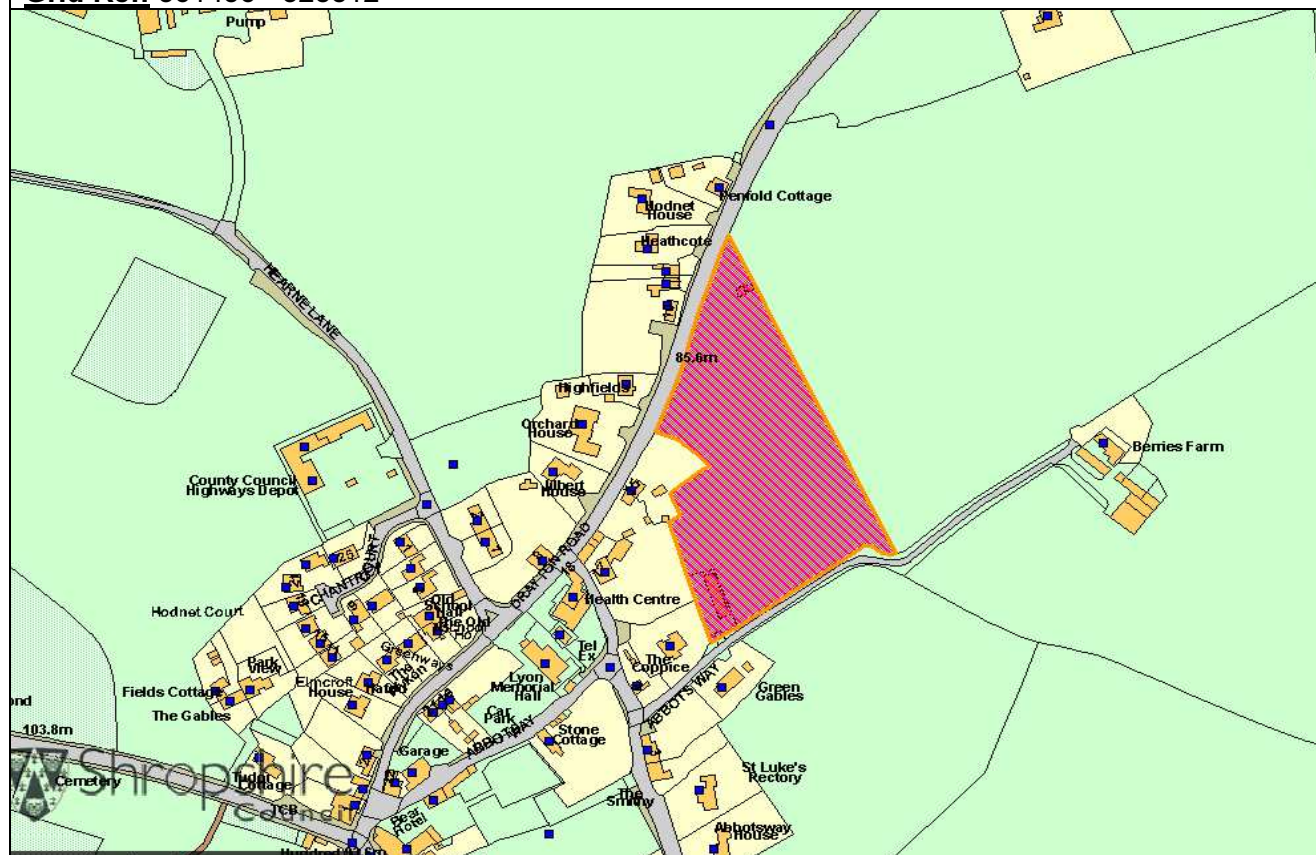
Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 14/03403/OUT	<b>Parish:</b>	Hodnet
<b>Proposal:</b> Outline application for the erection of 14 dwellings (to include access and footpath link to Wollerton)		
<b>Site Address:</b> Land Off Drayton Road Hodnet Market Drayton TF9 3NF		
<b>Applicant:</b> Mrs Phillips, Clewes, Wood		
<b>Case Officer:</b> Richard Denison	<b>email:</b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>	

**Grid Ref:** 361456 - 328812



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**Recommendation:- Grant Permission subject to the applicants entering into a section 106 agreement to secure affordable housing and subject to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

1.1 This is an outline application for the erection of 14 dwellings, with all matters reserved except for access. The application also includes the provision for a footpath link between the villages of Hodnet and Wollerton.

1.2 A detailed indicative layout plan has been submitted indicated 9 detached dwellings, 4 semi detached dwellings and the replacement of the Dutch barn with a dwelling of a similar footprint. The access is provided in a central point along the frontage with the provision of a pavement and footpath link towards Wollerton.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The proposed development site currently forms part of the open countryside and lies immediately adjacent to the north-eastern boundary of Hodnet. Wollerton lies approximately 1.5 kilometres to the north-east and Market Drayton 8 kilometres to the north-east. The county town of Shrewsbury lies approximately 18 kilometres to the south-west.

2.2 To the north-east and the south-east of the development site is open countryside. To the north-west is Drayton Road and associated residential development. To the south-west is residential development of Hodnet and a health centre. The A53 trunk road lies approximately a kilometre to the east.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Principal Planning Officer in consultation with the committee chairman agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

### 4.0 COMMUNITY REPRESENTATIONS

#### 4.1 Consultee Comments

4.1.1 **Shropshire Council, Affordable Housing** - No objection subject to a Section 106 Agreement.

4.1.2 **Shropshire Council, Trees** - Raises no objection in principle to the application however a landscaping scheme should be submitted as part of a full application to address the lack of trees on the site, creating long term environmental benefits.

4.1.3 **Shropshire Council, Drainage** - Raises no objection in principle to the application. 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. For full details of a viable drainage plan see the drainage consultee

comment.

- 4.1.4 **Shropshire Council, Archaeology** - No objection. The proposed development site is adjacent to the north-eastern boundary of the Hodnet Conservation Area. The applicant's Heritage Statement, by King Partnership, is considered to be satisfactory. It is therefore advised that no further archaeological mitigation is required in relation to the proposed development.
- 4.1.5 **Shropshire Council, Highway Authority** - Raises no objection to the granting of outline consent subject to condition.
- 4.1.6 **Shropshire Council, Public Protection** - Raises no objection subject to conditions relating to the adequate provision for electronic cars and the hours of construction.
- 4.1.7 **Shropshire Council, Ecology** - No objection subject to condition.
- 4.1.8 **Hodnet Parish Council** objects to the application for the following reasons:
- The site is located away from the centre of the village with no footpath leading to the settlement from the site, it is outside the Hodnet Development Boundary as identified in SAMDev and it was rejected in the Shropshire Strategic Housing Land Availability Assessment.
  - Hodnet is in the process of accepting a 25% increase in its housing stock and needs time to adjust to these social pressures.
  - There are alternative sites within Development Boundary that have been identified for housing and are more suitable.
  - Development would be prominent within the landscape approaching from Market Drayton.
  - Application is considered premature in relation to the status of the SAMDev Plan given the current 5 year land supply figures.

## 4.2 Public Comments

- 4.2.1 There have been 31 public comments of objection and 3 public comments of support. The grounds for objection are as follows:
- Too many houses have been proposed and the application is unbalanced. It conflicts with the character of the conservation area and the village as a whole.
  - The village does not need more houses.
  - Many other housing developments have been approved in the locality.
  - Hodnet is in danger of becoming a town.
  - The applicant clearly intends far more residential development than is included in this application.
  - There are more appropriate locations for housing development. In particular, 'infill' should be sought wherever possible.
  - There is not enough provision for affordable homes.
  - Drayton road would not cope with the increase in traffic.
  - Pedestrian access from the site to the village is dangerous.
  - Development should not encroach onto the greenbelt. The proposed

development site is outside the village boundary.

- The proposed development's effect on the landscape and visual impact has not been fully assessed. Some of the proposed development site is Grade 2 agricultural land.
- The proposed development would have a detrimental impact on wildlife.
- The development would have a detrimental affect on the aesthetics enjoyed by people entering the village.
- Local amenity, such as the clinic and the primary school, will not be able to cope with the influx in residents.
- The application contravenes both the Shropshire Core Strategy and the NPPF.
- The applicant should have made more effort to engage the community.

The grounds for support are as follows:

- The application is for a balanced, moderate development in a logical location.
- The impact on the conservation area has been greatly exaggerated by objectors. In particular, the visual impact on the road entering the village has been greatly exaggerated.
- The proposed footpath would be a major benefit.
- Local shops / pubs need the additional trade.
- Linking Wollerton and Hodnet is a fantastic idea for the sustainability of both settlements.
- Hodnet is already largely a commuter village. To object on the grounds that people will not work locally is silly because Hodnet offers virtually no employment.
- Existing buildings on the development site of heritage value would be retained.
- The proposed access is suitable with good visibility and the village could cope with the additional traffic. Even if every dwelling had 2 cars, this would only generate an additional 28 cars using the roads. The village could absorb this easily.

4.2.2 A planning statement has been received from Mid West Planning Limited, on behalf of a local resident, which formally objects to the application. The content on the statement is summarised below:

- The proposed development site is part of the open countryside, outside of the development boundary and immediately adjacent to the Hodnet Conservation Area. It is comprised of predominantly Grade 3 agricultural land with approximately 15% being Grade 2 agricultural land.
- It is not clear whether the impact on the conservation area has been fully addressed.
- The proposal's effect on the landscape and visual impact has not been fully assessed.
- There is little justification for the development of good quality agricultural land.
- There are alternative sites available in Hodnet which, if used, would constitute the redevelopment of brownfield land as prioritised by the Shropshire Core Strategy.

- The development site was put forward as a potential housing land site as part of SAMDev but was rejected as not being a 'preferred option' for housing land at Hodnet due to the potential impact on the conservation area and for being prominent in the landscape from the Wollerton approach to the village.
- There have been sites identified in Hodnet which have the potential for supplying 76 houses. This negates the need for development on the proposed site.
- The proposal does not fall under any of the 'exception' criteria. It is not for an essential worker, it does not secure the future of a heritage asset and it is not for the conversion of an existing building in the countryside.
- The village has identified needs including small, affordable housing. The proposal does not include provision for any on-site affordable houses and the proposed housing density suggests that the housing will be relatively expensive (compared to local people's income). The application is in contravention of CS11 of the Shropshire Core Strategy.
- The proposal was made on the basis that development would be allowed due to the fact that the Shropshire Core Strategy was out of date because the council could not demonstrate the availability of a five year housing land supply. The situation has changed because Shropshire Council has very recently demonstrated a 5.47 year housing land supply, bringing the Shropshire Core Strategy housing policies back into consideration.
- There was no community consultation.

## **5.0 THE MAIN ISSUES**

- Policy & Principle of Development
- Assessment of Sustainability
- Design, Scale and Character
- Loss of Open Space
- Impact on Residential Amenity
- Highways
- Impact on Trees
- Ecology
- Drainage
- Flooding
- Affordable Housing
- Community Infrastructure Levy

## **6.0 OFFICER APPRAISAL**

### **6.1 Policy & Principle of Development**

- 6.1.1 The site is situated within Hodnet and is outside the development boundary on the proposals map of the North Shropshire District Council adopted Local Plan. Hodnet is coming forward as a Community Hub within the emerging SAMDev with a housing guideline of around 80 additional dwellings over the period to 2026. This will be delivered through the development of the allocated sites together with development by infilling, groups of houses and conversions which may be acceptable on suitable sites within the development boundary identified on the Policies Map. However, the proposed site would also be outside of the development

boundary. The site would therefore be classed as 'Open Countryside' under CS5 and therefore open market residential development of the site would be contrary to current adopted and emerging policy and the application has been advertised as a departure. However, paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:

- *The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

6.1.2 The emerging 'Site Allocations and Management of Development' Plan (SAMDev) has been submitted to the Planning Inspector for consideration following a Public Enquiry in December 2014 and has not yet been adopted and does not yet hold full weight. Paragraph 216 of the NPPF indicates that the 'weight' that can be attached to relevant policies in emerging plans such as the SAMDev depends on the stage of preparation, extent of unresolved objections, and degree of consistency with the NPPF. The Council's view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone very substantial public consultation, where weight can be attached but, pending adoption, this needs to be considered with care alongside the other material considerations.

6.1.3 There have been no objections relating to Hodnet submitted to the Planning Inspector, although objection has been received to this planning application from the Parish Council and local residents who consider that the housing target for Hodnet has already been met and that the site will be outside of the proposed village boundary. Hodnet has been promoted as a community hub to provide development of approximately 80 dwellings over the period to 2026. This will be delivered through the development of the allocated sites together with development by infilling, groups of houses and conversions which may be acceptable on suitable sites within the development boundary identified on the Policies Map. The allocations will together provide a coordinated residential development of 50 homes which have been taken forward from the North Shropshire Local Plan (2000 to 2011) to provide redevelopment opportunity for two derelict sites in the centre of the village to be accessed through an area of low density greenfield development off Station Road. A detailed full application was resolved to be approved in October 2013 for 44 dwellings on the allocated sites, although has been subject to a Section 106 legal agreements for the past 19 months (ref. 13/03452/FUL). Since 2013 two dwellings have been approved one on Land at Station Yard (ref. 13/02898/FUL) and one on land adjacent to 60 Station Road (ref. 13/01679/FUL). A further three dwellings have also been resolved to be approved on Land off Webster Lane and is subject to a S106 agreement for an affordable housing contribution (ref. 13/02414/FUL). Assuming the S106 agreements are resolved the number of new residential units in Hodnet will equate to a total of 49 dwellings out of the 80 proposed. The proposed 14 dwellings can be accommodated within the remaining balance and still provide an additional 17 dwellings to be delivered until 2026. The agent has indicated that the site is available for immediate development and a local

development company (BSP Construction) is interested in buying the site subject to planning permission being granted. The development of the site will occur at the earliest available opportunity and is deliverable.

6.1.4 Paragraph 14 of the NPPF states that:

*'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.....For decision-taking this means that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the]Framework taken as a whole; or*
- Specific policies in [the] Framework indicate development should be restricted.'*

With regards to housing development paragraph 49 of the NPPF states that:

*'Housing applications should be considered in the context of the presumption in favour of sustainable development'*

and that

*'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'*

- 6.1.5 In September 2013 the housing land supply in Shropshire fell below the 5 year requirement. This has now been updated following the submission of the SAMDev Final Plan to the Planning Inspectorate. The Council is now in a position that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. However, in calculating the 5 year supply the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies as there are significant unresolved objections which will not be resolved until the adoption of the SAMDev.
- 6.1.6 In this period between examination and adoption sustainable sites for housing, where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development, will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. Officers consider that it would be difficult to defend a refusal for a site which is considered to constitute sustainable development unless the adverse impacts of granting consent would significantly and demonstrably outweigh the benefits (as outlined in paragraph 14 of the NPPF).
- 6.1.7 It is acknowledged that the site is outside the development boundary within the adopted North Shropshire Local Plan and would not normally be supported for

development. However, adopted local plan policies are at risk of being considered “time expired” due to their age and the time which has lapsed since the end date of the plan. Officers therefore advise that it is appropriate to assess this site within the context of the ‘presumption in favour of sustainable development’.

6.1.8 The principle issue for consideration therefore is whether the development is sustainable or not when considered against the NPPF as a whole. The balance of material considerations is still in favour of boosting housing supply in locations that are considered to be sustainable. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether there would be any significant impact or harm as a result of the proposed development that would outweigh the benefits. This will be considered in the paragraphs below.

## 6.2 **Assessment of Sustainability**

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

6.2.2 The proposed site will result in residential development being located adjoining Hodnet settlement with existing dwellings being located along the western boundary and to the north on the opposite side of Drayton Road, whilst Abbots Way is located to the south and serves a single dwelling and Berries Farm. The site will have easy access into Hodnet settlement where there are a number of essential day to day services provided (including medical centre, The Bear (Pub, Restaurant and Bed & Breakfast), fire station, Post Office, Village Store (off licence, groceries, DIY and hardware), Social Club, Lyon Memorial Hall (Garden Club, Slimmers World, WI, Parish Council), primary school (Ages 5 to 11), Hodnet Hall Gardens, St Luke’s Church, Shropshire County Council Highways Depot, Hodnet Garage (Filling Station and Car Repair garage), car repairs and Rocking Horse Workshop. These facilities within the village can be accessed on foot by a footpath along Drayton Road or along a village lane along Abbots Way which provides a safe means of pedestrian access. There is also a regular bus service between Shrewsbury and Market Drayton and Telford and Market Drayton. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services and a range of facilities and employment opportunities without over reliance on the private motor car.

6.2.3 However ‘sustainable development’ isn’t solely about accessibility and proximity to essential services but the NPPF states that it is ‘about positive growth – making economic, environmental and social progress for this and future generations’. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:



- *An economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *A social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *An environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

### Economic Consideration

- 6.2.2 The proposal will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The provision of additional houses will also support local businesses as future occupiers are likely to access and use local services and facilities helping them to remain viable. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable for a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan. The economic benefits of the proposal should be given weight in the determination of the application.

### Social Considerations

- 6.2.3 The proposal will provide up to 14 houses which will help meet the housing shortage in Shropshire. In addition to boosting the supply of open market housing the proposal will provide affordable housing on site at the prevailing rate at the time of the reserved matters application. The current rate of 15% would provide two dwellings on site, together with an affordable housing financial contribution. Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in settlements where it will support facilities helping to retain services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. It is recognised that increasing the number of dwellings in a settlement without a proportionate increase in the provision of local services risks impacting upon the social integrity of the settlement, however the scale of the development proposed, in context with the scale of the village and the proposed development in the SAMDev, is not considered to be significant and would not have a demonstrable impact on services. Furthermore, the development will be liable for CIL payments which can be used towards local infrastructure and the development also includes

the provision of a new footpath which will provide the most direct link to Wollerton village and help provide improved access to services.

### Environmental Considerations

- 6.2.4 The site forms part of a grassed field and has no heritage, cultural or ecological designation. The proposed site is located between Drayton Road and Abbots Way with residential development being located to the west. On the approach into the village from Wollerton the development will be viewed directly opposite dwelling on the opposite side of the road and would square off this part of the village. The site can provide an adequate green boundary to the open countryside to the east and will provide an attractive open frontage along the main road. It is considered that the loss of this piece of agricultural land is not significant and the proposal would not result in any adverse ecological or environmental implications and the proposal would provide some ecological enhancements of the site in relation to additional boundary planting. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible on foot or by cycle to local services and facilities and by public transport to the array of services, facilities and employment opportunities in Market Drayton.
- 6.2.5 The balance of material consideration remains one of boosting housing supply in locations that are considered to be sustainable even if they fall outside of the defined development boundaries within existing saved and adopted development plan policies. The proposed site is considered to be in accordance with the sustainable objectives that are set out in the National Planning Policy Framework by providing economic, social and environmental benefits. Accordingly, it is considered that the principle of a residential development in this location is acceptable.
- 6.3 Design, Scale and Character**
- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy D7 'Parking Standards' of the North Shropshire Local Plan is still a saved policy and indicates that all development should provide an appropriate level of vehicle parking to avoid on street parking and increasing traffic problems.
- 6.3.2 Concerns have been raised regarding the prominent view of the site as viewed from Drayton Road. However, the site will be enclosed by two roads and existing residential development to the west. The site frontage sits directly opposite an existing built up frontage which officers consider this development will be viewed against. The site will be visible and the proposed access will provide views into the site. However, it will be read against the existing properties and subject to a strong landscaped field boundary will provide a suitable site for development which fits into the existing village landscape.
- 6.3.3 This is an outline application with the proposed layout, scale and appearance being reserved for later approval. The proposed site covers 1.8 hectares and it is

considered that there is adequate land available to provide fourteen residential dwellings with some roadside development to match existing properties along Drayton Road. Adequate space would be provided for a residential scheme for fourteen dwellings and appropriate access, driveways and garden areas. The proposed site will provide adequate boundary landscaping against the open countryside to provide a soft edge to the settlement along the roadside and open countryside.

- 6.3.4 The proposed site adjoins the Hodnet Conservation Area and there are three listed buildings close to the site. A detailed Heritage Statement has been undertaken which has demonstrated that the proposals will have no impact on the setting, significance or the ability to appreciate the significance of Nos.8 & 18 Drayton Road. With respect to No.15 Drayton Road, it has been shown that the indicative layout will have no impact on the frontage of the building, which is where its main significance lies and where the setting in the conservation area and the group value with 8 & 18 Drayton Road adds to that significance. The proposals will only affect the rear of the building, which is of less significance and where the surroundings are already compromised. Although the proposals could provide for a better appreciation of the building the Senior Conservation Officer has verbally confirmed no objection in principle to the proposed residential use of this site.
- 6.3.5 The proposed scheme provides a new footpath behind the existing roadside hedge along the edge of Drayton Road to the edge of the applicant's ownership. This will link into an existing footpath which crosses the fields adjoining Wollerton to provide a continuous and most direct link to Hodnet. The loss of the Squirrel Public House in Wollerton has meant that most of the services and facilities used by the residents of Wollerton are now within Hodnet. The key facilities including the Shop, Church and Public House are accessible along the Drayton Road which is not suitable for pedestrians. The proposed new footpath link will provide improved connection between the settlements and help provide a more sustainable community.
- 6.3.6 The proposed access, appearance, landscaping, layout and scale of the development would be considered as part of a subsequent reserved matters application.

#### 6.4 **Impact on Residential Amenity**

- 6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. Although this is an outline application with all matters reserved except the access it is considered that the site is significantly large enough to allow adequate separation from any proposed residential development with neighbouring properties. It is considered that residential development on this site can be designed in such a way to prevent any impact on neighbours from causing an overbearing impact, loss of light or resulting in overlooking and loss of privacy. As this is an outline application and does not include the layout for consideration the impact on the traffic numbers would have to be considered as part of the reserved matter application. However, the provision of fourteen dwellings would not result in significant traffic movements which would be detrimental to neighbouring properties.

## 6.5 Highways

- 6.5.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all. Policy D7 'Parking Standards' of the North Shropshire Local Plan is still a saved policy and indicates that all development should provide an appropriate level of vehicle parking to avoid on street parking and increasing traffic problems.
- 6.5.2 The proposed development provides a new vehicular access in a central position along the roadside frontage on Drayton Road. The access will provide visibility splays of 2.4 metres by 83.1 metres in a south western direction and 2.4 metres by 76.5 metres in a north eastern direction. The existing roadside boundary hedge will be set back with a new grass verge and footpath being provided along the entire frontage. Concerns have been raised from local residents indicating that the Drayton Road is not suitable for additional traffic. However, this road used to be the main road from Shrewsbury to Market Drayton until the bypass was built and has experienced a significant reduction in traffic. The Highway Authority has raised no objection to the new access which will provide a safe means of access for vehicles and the road network is capable of accommodating the slight increase.
- 6.5.3 Concerns have also been raised from local residents regarding the existing footpath along Drayton Road which they consider is dangerous. The proposed footpath along the frontage will allow residents to cross the road and utilise an existing footpath which links directly into the village. The section of road directly opposite the site and leading into the village is restricted to 30mph which is considered acceptable to allow residents to walk along without causing any safety concerns to pedestrians.
- 6.5.4 The proposed layout indicates the provision of double garages for the detached dwellings with a driveway for a minimum of two additional car spaces, whilst the two semi detached properties will provide a driveway for two vehicles. The proposed parking layout would accord with the parking standards as indicated in North Shropshire Local Plan.
- 6.5.5 The Highway Authority raises no objection to the granting of outline consent subject to conditions regarding engineering details of the new access including the footpath, internal road layout, parking and turning areas to ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety.

## 6.6 Impact on Trees

- 6.6.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the local natural environment. The proposed development would not result in the impact of any significant trees, although the roadside hedgerow will be removed and replaced with a mixed native hedgerow. The proposed indicative layout does provide a green frontage and

adequate space for additional planting to enhance this site. The reserved matters application should include a detailed landscaping scheme for the site to provide for a long term environmental improvement.

## 6.7 Ecology

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

6.7.2 Concerns have been raised from local residents that the development will have a detrimental impact on wildlife. A detailed Phase 1 Environmental Survey has been undertaken which identified six ponds within 500 metres of the application site which comprises of an area of grass land used for grazing. The ponds were all given Habitat Suitability Index scores, which ranged from below average to poor suitability for Great Crested Newts. The nearest historic Great Crested Newt record is over 1km away and considering the quality of the ponds, the distance from the site and the roads and buildings in between, no further survey or mitigation is considered necessary.

6.7.3 It has been indicated that three structures (a brick built boffy, garage and Dutch barn) were examined for potential for bat roosts. The buildings are in a poor condition and have unlined roofs with open roof voids. It is considered that they do not provide a suitable habitat for bats, although five swallow nests were present. The Planning Ecologist has indicated that Under Regulation 61 of the Conservation of Habitats and Species Regulations (2010) the proposed works will not have a likely significant effect on any internationally designated site and therefore an appropriate assessment is not required.

## 6.8 Drainage

6.8.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. The application indicates that foul water drainage will be directed to the existing foul mains which is the preferred option and allows the foul water to be dealt with in an effective and sustainable manner. The application indicates that surface water will be disposed of via soakaways and the Drainage Engineer has indicated that percolation test and soakaways should be designed in accordance with BRE Digest 365. No concerns have been raised regarding the suitability of the local ground conditions and therefore it is recommend that both the foul and surface water drainage are

conditioned accordingly for details to be submitted as part of the reserved matters application.

## 6.9 **Flooding**

6.9.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures for sustainable water management to reduce flood risk and development sites within flood risk areas should be developed in accordance with national planning guidance contained in Policy 10 'Meeting the Challenge of Climate Change, Flooding and Coastal Change' of the National Planning Policy Framework. The Flood and Water Management Team have indicated that the northern part of the site is at risk of surface water flooding. However, this area of land is proposed to remain as an open area of land and would not form part of a residential curtilage. The proposed site lies within a Flood Zone 1 Area (Low Probability of Flood Risk) as indicated by the Environment Agency and there will be no detrimental impact upon any future occupiers of the development through flood risk and the development of the site will not result in the loss of flood storage capacity. The proposed site is at a slightly higher level than the Drayton Road which appears not to have any water drainage ditches which may result in the surface water flooding.

## 6.10 **Affordable Housing**

6.10.1 Policy CS11 'Type and Affordability of Housing' of the Core Strategy indicates that all new open market housing development should make an appropriate contribution to the provision of local needs affordable housing having regard to the current prevailing target rate as set out in the Shropshire Viability Index. The existing target rate for Hodnet is currently 15% and would equate to the provision of a 2 on site affordable dwellings and a financial contribution being provided. Concerns have been raised that the development will not provide an adequate number of affordable dwellings. However, the contribution will comply with the requirements of the Supplementary Planning Document on the Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application.

## 6.11 **Community Infrastructure Levy**

6.11.1 Policy CS9 'Infrastructure Contributions' of the Shropshire Core Strategy indicates that development that provides additional dwellings or residential extensions over 100 square metres should help deliver more sustainable communities by making contributions to the local infrastructure. The arrangements for the use of the levy funds are detailed in the Local Development Framework Implementation Plan. The levy rates are set out in the CIL Charging Schedule and in this particular case will relate to £80 per square metre of new residential development. The levy charge would become active when the development commenced if planning permission was granted with 15% being required 60 days after commencement, 25% after 270 days and the remaining 60% after 365 days later.

## 6.12 **Archaeology**

6.12.1 The proposed development site is located adjacent to the north eastern boundary of

the Hodnet Conservation Area. This site lies outside the historic core of the settlement and the Shropshire Historic Environment Record contains no records for any known archaeological features or deposits within its boundaries. The Tithe Award map for Hodnet Parish of 1840 and the historic editions of the Ordnance Survey map indicate that it has been used for agricultural purposes since at least the early-mid 19th century.

- 6.12.2 The applicant has submitted a Heritage Statement by King Partnership. It is advised that this provides a satisfactory level of information about the archaeological interest of the proposed development in relation to Paragraph 128 of the NPPF. Taking account of the information held on the Historic Environment Record and contained within the Heritage Statement, the proposed development site is deemed to have negligible low archaeological interest. It is therefore advised that no further archaeological mitigation is required in relation to the proposed development.

#### **6.14 Other Matters**

- 6.14.1 Concerns have been raised that the applicant did not engage with the community prior to the application being submitted. However, this application was not subject to any pre-application enquiry in which the applicant would have been advised to consult with local residents and the Parish Council. The application was advertised by neighbour letters, a site notice and press notice and allowed residents a minimum of 21 days to comment on the application.

### **7.0 CONCLUSION**

- 7.1 The proposed development is considered to represent sustainable development in a sustainable location having regard to the three dimensions of sustainable development and is therefore acceptable in principle. It is not considered that there would be any significant adverse impacts of the proposal that would outweigh the benefits. The proposed layout, scale and appearance of the scheme is considered acceptable and will reflect the historic appearance and character of this rural village and will not have any significant adverse impact on residential amenity and would not result in significant or demonstrable harm to the character and appearance of the locality. The proposal would not result in the loss of any significant trees, and have no adverse highway or ecological implications subject to conditions being imposed and landscape details will be determined as part of an application for reserved matters. The on site affordable housing provision and any balance of AHC will be secured by a S106 agreement. It is therefore considered that the proposal accords with Shropshire LDF policies CS6, CS11, and CS17 and the aims and provisions of the NPPF.
- 7.2 In arriving at this decision the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187. The Council being of the opinion that the detrimental impacts associated with the proposed development outweigh any public benefits in relationship to the proposal.

### **8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

#### **8.1 Risk Management**

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 FINANCIAL IMPLICATIONS

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



maker.

## **10.0 BACKGROUND**

### **10.1 Relevant Planning Policies**

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

#### **National Planning Policy Framework:**

6 : Delivering a Wide Choice of High Quality Homes

7 : Requiring Good Design

8 : Promoting Healthy Communities

10 : Meeting the Challenge of Climate Change, Flooding and Coastal Change

11 : Conserving and Enhancing the Natural Environment

12 : Conserving and Enhancing the Historic Environment

#### **Shropshire Council Core Strategy (February 2011):**

CS2 : Shrewsbury Development Strategy

CS5 : Countryside and Green Belt

S6 : Sustainable Design and Development Principles

CS11 : Type and Affordability of Housing

CS17 : Environmental Networks

CS18 : Sustainable Water Management

Supplementary Planning Document - Type and Affordability of Housing

### **10.2 Relevant Planning History**

There is no relevant planning history.

## **11.0 ADDITIONAL INFORMATION**

List of Background Papers - Planning Application reference 14/03403/OUT

Cabinet Member (Portfolio Holder) - Cllr M. Price

Local Member - Cllr Karen Calder

Appendices

APPENDIX 1 - Conditions

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

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

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

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

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

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

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

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

- The number of units
- The means of enclosure of the site
- The levels of the site
- The means of access for disabled people
- Surface and Foul Water drainage of the site
- The finished floor levels

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

5. The development shall be carried out strictly in accordance with the approved plans and drawings.

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

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

6. Prior to the commencement of development full engineering details of the means of access to the site including minimum visibility splays of 2.4 metres by 83.1 metres in the southerly direction and 2.4 metres by 76.5 metres in the northerly direction, kerbed

footway along the Drayton Road frontage, internal road layout, parking and turning areas, shall be submitted to and approved in writing by the Local Planning Authority; the access, internal road layout, parking and turning areas shall be fully implemented in accordance with the approved details before the development hereby permitted is first occupied.

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

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

7. Prior to the occupation of any dwelling on site details of the proposed footpath link as indicated on drawing no. W14/2328/SK01 Rev.A dated 25/11/14 shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the occupation of any dwelling on site and thereafter retained.

Reason: To provide improved pedestrian link between Wollerton and Hodnet.