

Development Management Report

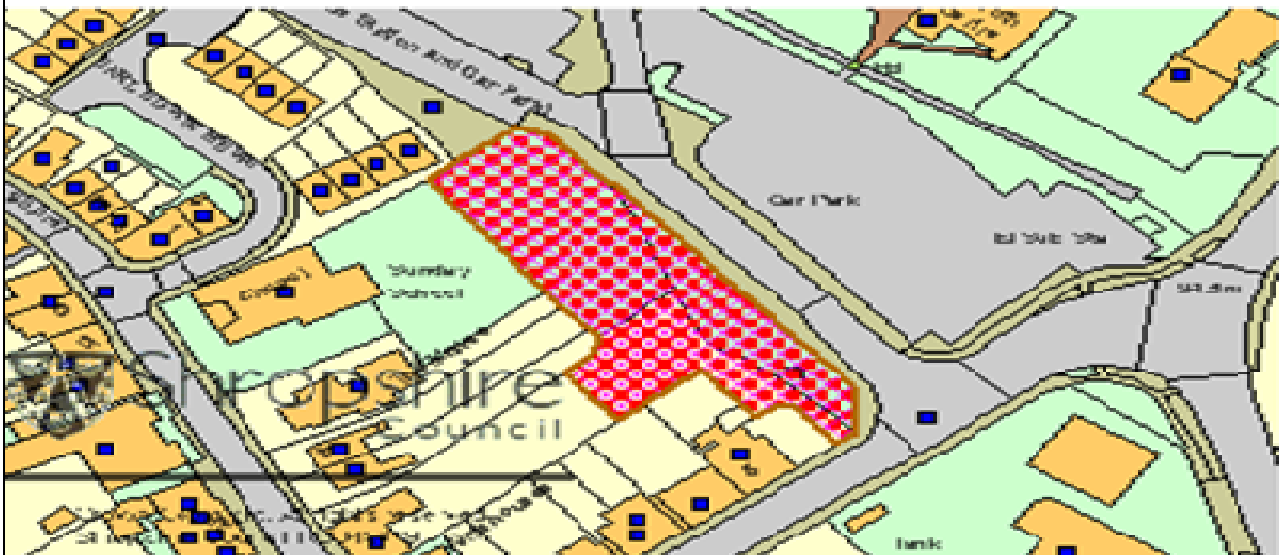
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 14/05685/FUL	Parish:	Whitchurch Urban
Proposal: Erection of ten dwellings; formation of access and associated drainage works		
Site Address: Development Land Adj 5 Bridgewater Street Whitchurch Shropshire		
Applicant: Saxonby (Affordable Housing) Limited		
Case Officer: Karen Townend	email: planningdmne@shropshire.gov.uk	

Grid Ref: 354396 - 341293



Recommendation:- that delegated powers be given to the Area Planning Manager to Grant Permission subject to the resolution of the outstanding ecology issues and subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application is for full planning permission for the erection of 10 affordable dwellings. It is proposed to erect a single block of 4 apartments and two sets of three terrace houses. All the buildings are to be two storey and will all be two bed units. Access is proposed off Bridgewater Street utilising an existing access which is separate from the main vehicular access into Tesco and the bus station. Negotiations have been on-going during the consideration of the application with regard to the number of parking spaces to be provided. The final plan proposed by the agent is for 10 parking spaces, providing 1 per unit.
- 1.2 As a full planning application full plans have been received, which have been amended during consideration of the application. A Design and Access Statement and an Ecology report have also been submitted in support of the application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is approximately 0.44 acres it is located adjacent to Tesco food store car park, the town bus station and within the identified town centre, partly within the Whitchurch Conservation Area and also within the development boundary for the town. It is bounded by the access to the car park and the car park to the east and north and housing to the south and west. Vehicular access to the site is to the side of no.5 Bridgewater Street but pedestrian access is available off the access to Tesco and the applicants Design and Access Statement advises that part of the site was previously used as a garage and parking. As such the application site is considered to be previously developed, or brownfield, land.
- 2.2 Planning permission was previously granted under reference 13/02030/FUL for two semi detached dwellings on the site. The development was considered to be acceptable and in context with the surrounding built form, not unacceptably affecting the amenities of existing properties and provide sufficient space for manoeuvring of vehicles. An application for three terrace houses was refused prior to the consent for two properties on the grounds that it would result in cramped development with substandard accommodation and amenity space and inappropriate parking provision. The current application includes the land which was subject to both of these previous applications but also an additional area of land and as such provides a greater site area for the additional dwellings as proposed.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application site is partly Council owned land and furthermore the Town Council view is contrary to officers recommendation. As such, although the provision of affordable housing is a statutory function and therefore can be

considered under delegated powers the objection from the Town Council also triggers potential referral.

The proposal has been discussed with the Chair and Vice Chair of the planning committee who agree that the proposal should be considered by members.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 Whitchurch Town Council – oppose this planning application on the following reasons:-

- Over developed site.
- Concern over the trees on the site and have they TPO's in place
- Access is dangerous.
- Process not served as the applicant states ownership unknown and yet spoken to the land owner. The applicant has not advertised in the paper to ascertain the land owner.
- loss of green space (trees)
- possible bat roost
- traffic issues

4.1.2 Affordable Housing – There is a need for affordable housing in this area. Is happy for all 10 properties to be rented but would have preferred a mix of property sizes and would like to know whether this was a request from the Registered Provider as not all Registered Providers will take 2 bed apartments.

Following receipt of confirmation from the Housing Association that they are happy to have the 2 bed apartments raises no objections.

4.1.3 Conservation –The proposed application site is within the Whitchurch Conservation Area, thus the design of any dwellings should enhance the setting of the Conservation Area paras 134 and 137 of the NPPF and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Advised that whilst there is no fundamental objection in principle to development on this land as it could serve to enhance the Conservation Area, it was considered that the design, as submitted, fell short of any expectation to seek to enhance the Conservation Area.

The overall design does not appear to have any particular relevance or reference to the vernacular detailing and proportion of the traditional domestic buildings which are to the west and south of the site. Although the design and access statement suggests that the proposal does, no design rationale or philosophy forms part of the submission to evidence this. The scale of the gabled entrance to units 1-4 is quite different to that indicated on the site plan and the design and access statement. On the submitted elevation it is considered overbearing and out of scale with the rest of the block, however, as the appropriateness of the overall design is questioned there is little point in discussing this further.

Units 5-10 are also considered to have the same lack of relevance or reference to the local vernacular etc as per unit 1-4. The dwellings are bland and could be

found anywhere in the country.

On the whole it is considered that the proposed dwellings lack any interest in their design and use of materials and therefore are not considered to fulfil the requirements of the NPPF regarding an environmental role as they do not enhance the setting of the Whitchurch Conservation Area and it is also considered that the design does not comply with the requirements of CS6 and CS17.

An objection is raised on the design of the proposed dwellings and therefore amendments to the designs should be sought, otherwise permission should be refused as the development does not comply with the requirements of the above policies.

- 4.1.4 **Archaeology** – The proposed development site lies partially within and immediately adjacent to the historic core of Whitchurch as defined by the Central Marches Historic Towns Survey; between areas thought to be occupied by the Roman civilian settlement (HER PRN 05917) and the Sedgford Roman cremation cemetery (HER PRN 00910); partially within a group of tenement plots of likely medieval date (HER PRN 05938), and on the edge of a group of tenement plots of presumed postmedieval date (HER PRN 05944). Consequently, there is a possibility that archaeological remains relating to the Roman, medieval and post-medieval development of the town may be present on the proposed development site. On the basis of current evidence, it is therefore deemed to have moderate-high archaeological potential.

An archaeological Desk Based Assessment has now been provided by the applicant in relation to Paragraph 128 of the National Planning Policy Framework (NPPF). This confirms the above summary of the archaeological interest of the proposed development site and recommends that a phased programme of archaeological work is undertaken comprising an initial evaluation consisting of trial trenching in the northern part of the site and further mitigation is appropriate thereafter.

Given the recommendations contained in the Desk Based Assessment, and when also taking into account the current tree cover on the proposed development site, it is advised in relation to paragraph 141 of the NPPF that a phased programme of archaeological work be made a condition of any planning permission. This should comprise an initial trial trenching exercise, followed by further mitigation as appropriate.

- 4.1.5 **Highways** – Initially advised that notwithstanding the previous highway advice given in respect of 13/02030/FUL, the highway authority have concerns regarding the scale of the development now proposed and resulting traffic movements. The site access onto Bridgewater Street is located immediately adjacent to the junction which serves the Tesco store and public car park. Whilst the existing access is shown to be improved, it does not allow the simultaneous movement of vehicles and this raises additional concerns regarding the associated turning movements at the site access and those taking place at the Tesco junction. Given the scale of the development now proposed there are likely to be driver confusion created by the complex turning movements taking place due to the close proximity of the 2 junction locations.

Following reduction of the number of parking spaces to 10 advised that the highway authority maintains its position in terms of the access issues highlighted previously although recognises that the reduction in parking level would result in a reduction in associated traffic movements at the site access onto Bridgewater Street. As set out in our recent correspondence and indeed argued by the Transport Consultant acting on behalf of the developer, the site is in a sustainable location with access to local services and amenities, bus station and within walking distance of the railway station. As such the highway authority accept that the trip generation from the development is likely to be reflected by its town centre location.

In summary, whilst the highway authority cannot be supportive of this application, we recognise the potential desire to provide affordable housing in Whitchurch. The highway authority accept therefore that there is a balance between the merits of affordable housing provision set against the highway deficiencies previously highlighted.

- 4.1.6 **Ecology** – Requested the additional bat survey recommended by the applicants ecologist prior to determination.

Bats

Greenscape (2014) consider that the mature ivy covered trees on site have potential to contain bat roosts and to support bat foraging and commuting and therefore recommend Phase 2 surveys to determine this. The submitted plans appear to show removal of all the mature trees on site.

It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision (Government Circular 06/2005).

Once this additional information is received I can make further recommendations.

Nesting birds

The trees and undergrowth are likely to support nesting birds. A condition and informative are recommended to provide 5 artificial nests prior to occupation of the dwellings.

Environmental Networks

The Shropshire Core Strategy contains in Policy CS17: Environmental Network provision for mapping and subsequently protecting, maintaining, enhancing and restoring Environmental Networks in the county in line with the recommendations of both The Lawton Review and the National Planning Policy Framework.

The northern, tree covered section of this proposed development site is within the Environmental Network and as such the proposed scheme must clearly demonstrate how the development will 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by paragraph 117 of the National Planning Policy Framework.

In this case a landscape scheme which retained a proportion of the existing trees and substantial replacement planting for those to be removed would be appropriate.

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. An Appropriate Assessment is not required.

- 4.1.7 **Trees** – Having visited the site and read the submitted tree report has no objection to the proposal which involves the removal of all the trees on site.

The trees are a group of self-sown Sycamores arising from previously disturbed land. They have merit as a screening group but are poor as individual specimens. Without management their long term prospects are poor as they crowd each other out for space. They do not meet the criteria for a Tree Preservation Order.

- 4.1.8 **Drainage** – The drainage details, plan and calculations could be conditioned and submitted for approval. Confirmed that the requirement for a Flood Risk Assessment can also be conditioned.

4.2 **Public Comments**

- 4.2.1 3 letters of representation have been received raising the following concerns:

- Dangerous access too close to Tesco access
- Narrow with limited visibility which would be further reduced on bin collection days
- Loss of green, wooded, space
- Impact from noise and loss of privacy
- Lights from cars will impact on existing dwellings
- Potential disruption during construction, requested restriction on hours
- Need to retain right of access to neighbouring property
- Affect on wildlife
- Loss of trees

- 4.2.2 West Mercia Constabulary has also commented, not formally objecting, but advising that there are opportunities to design out crime and/ or the fear of crime.

5.0 **THE MAIN ISSUES**

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

6.0 **OFFICER APPRAISAL**

- 6.1 **Policy & principle of development**

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 The NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking (para. 14), so it applies, as a material planning consideration, in any event. The NPPF specifically aims to ‘boost significantly the supply of housing’, with the requirement for authorities to have a housing land supply of 5 years to achieve this. Therefore, the fact (and degree) that a proposed development helps to boost housing supply is a significant material consideration. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply.
- 6.1.3 The application site is within the development boundary for Whitchurch as shown in both the saved North Shropshire Local Plan and also within the forthcoming SAMDev plan for the town. Furthermore part of the site has planning consent for housing development of a pair of semi-detached houses. The site is also considered to be previously developed land and therefore there is a strong presumption in favour of redevelopment of the site. The key issues with the proposal is whether the density, layout and design are appropriate, the potential impact on the amenities of existing residents and the access, parking and highway safety matters. These matters are all considered in detail in the following sections of the report.
- 6.1.4 Given the sites position within the development boundaries existing and proposed the 5 year housing land supply is not a material consideration. The site would be considered appropriate, in principle, for housing development with or without a 5 year supply of housing land.
- 6.1.4 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.
- 6.1.5 It is also appropriate to consider the NPPF as a whole in assessing the sustainability of this proposal. Paragraph 14 of the NPPF states that within the

context of the 'presumption in favour' development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweighs the benefits.

6.1.6 Within the Design and Access Statement the agent also comments on the compliance of the proposal with the Whitchurch Town Plan in providing 2 bed starter homes in the centre of Whitchurch. The Town Plan is a local document which is a material consideration in the determination of the planning application but can only be given limited weight in that it is not a Neighbourhood Plan and has not been through the process of examination and referendum to form part of the Council's development plan documents.

6.2 **Is the site sustainable?**

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

6.2.2 The submitted Design and Access Statement includes the agent's assessment of the sustainability of the site against the three threads in the NPPF. The agent notes the location of the site and the services and facilities available in the town. Whitchurch is identified in Core Strategy Policy CS3 as a Market Town which will have substantial development, recognising its accessible location on the highway and rail network, maintaining and enhancing its vibrant town centre and balancing business and housing development. The site is close to the bus station and the town has a train station with good links to neighbouring towns. As such the site is considered to be sustainably located. Whether it is wholly sustainable development depends on the economic, social and environmental benefits and harms.

6.3 **Economic considerations?**

6.3.1 Within the submitted Design and Access Statement the agent has commented that 10 affordable dwellings on a brownfield infill site in Whitchurch town centre will make a valuable contribution to the local economy by providing local construction jobs and increase custom for small local businesses. This is acknowledged and although the benefit will be small in comparison to some of the larger sites being allocated and promoted it will still make a valuable contribution to the local economy and there is no identifiable economic harms resulting from the development.

6.3.2 As a scheme for 100% affordable housing, which can be controlled by condition, the proposal is exempt from Community Infrastructure Levy (CIL). However the benefit of 100% affordable housing in an area where the policy requires 10% is a significant benefit and which provides the policy exception to CIL.

6.4 **Social considerations?**

- 6.4.1 The D&A also notes that affordable housing contributes to the social strand of the sustainability. The application proposes 100% affordable housing which for a site of 10 houses will provide a good contribution towards affordable housing in the town. Following information from the agent regarding the discussions with the Housing Association who will rent out the properties the Council Housing Enabling Officer has confirmed that the size and tenure of the properties is acceptable. The provision of 100% affordable housing within close proximity of the town centre should be given significant weight in the determination of the application.
- 6.4.2 It is acknowledged that new housing will add pressure to existing services; however the proposal is considered a relatively small scheme for 10 dwellings within the market town which has large housing allocations proposed and an element of windfall allowance within the housing target as set in the Core Strategy. As such the proposal for 10 dwellings on this site is not considered to result in a social harm or tip the balance of the impact on existing facilities and services. Although CIL is not payable from this application it is due from other developments around the town and as such there will be funding available to enhance local services and facilities and respond to the priorities set within the Whitchurch Place Plan.
- 6.5 **Environmental considerations?**
- 6.5.1 The agent considers that the development protects the natural, built and historic environment. Furthermore it is within walking distance of local facilities and public transport reducing the reliance on private cars. It is noted that as a previously developed site there will be environmental benefits from redeveloping the site, the neighbours comments, noted later in the report, note that the site is untidy. However, there is also environmental harm from the clearance of the trees and hedges from the site and the associated impact on protected species.
- 6.5.2 Following a request by the Council Archaeologist a historic assessment has been undertaken and submitted in support of the application. This assessment notes that the site lies within a group of tenement plots of potential medieval date and that the lack of modern development of the site will mean that any archaeology is well preserved. It notes the history of Whitchurch and previous archaeology records around the town and the site and the levels of inter-visibility between the site and local heritage assets. The previous consent on the site for two dwellings included a condition requiring a watching brief and the report on the current application recommends evaluation trenches in the northeast part of the site and potential subsequent monitoring of work.
- 6.5.3 The Council Archaeologist has confirmed that the submitted information is acceptable at this stage and advises that, given the recommendations contained in the Desk Based Assessment and when also taking into account the current tree cover on the development site, a phased programme of archaeological work be made a condition of any planning permission. This should comprise an initial trial trenching exercise, followed by further mitigation as appropriate. A condition is recommended to deal with this matter and as such is considered to be capable of being dealt with by condition and therefore not a matter which should hold up the decision.
- 6.5.4 The main consideration of environmental impact is dependent on the layout, scale

and design and the impacts on highways, trees, ecology and drainage. These matters are considered in detail in the following sections.

6.6 **Layout, scale and design**

- 6.6.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.
- 6.6.2 The application seeks full planning permission for the erection of 10 dwellings. The development is proposed in three parts, a block of four two bed apartments within one two storey building and two short terraces of three 2 bed, two storey, dwellings providing a total of 6 terrace houses. The flats are on the southern part of the site, where there is existing consent for a pair of semi detached houses, the terraces are on the northern half, the current coppice area. Following discussions with the Council Highway Officer the number of parking spaces has been reduced from 20 to 10 for the reasons given in section 6.8 of this report. These are to be located between the apartments and the access road to Tesco and between the apartments and the terrace houses. Access is also retained to the car parking space for the adjacent property.
- 6.6.3 The apartment block is located in the part of the site where it widens out, at the end of the garden of no.5 Bridgewater Street. An area of shared amenity space of approximately 120sqm is proposed to the rear of the apartments with hard standing paved area to the front to provide access and the parking opposite. The building is proposed to be orientated to face the access road to Tesco and is two storey in height. No.5 Bridgewater Street sits on slightly higher ground than the application site and is also two storey with Bridgewater Street rising up away from the application site it is considered that a two storey building in this position will not be significantly visually intrusive and is also in line with the previous consent for a pair of semi-detached, two storey, houses.
- 6.6.4 The terrace houses are also proposed to be orientated to face towards Tesco access road and are two storey in height. They are proposed with a paved footpath and shared landscaped area to the front of the properties and private gardens of a minimum of 36sqm to the rear. The gardens are to be provided with a paved area for a shed, grassed area and a rotary dryer to meet affordable housing requirements. A footpath is provided between the two terrace sections to access all rear gardens and provide access for bins. A small area adjacent to the vehicular access from Bridgewater Street is proposed to be hard surfaced which will provide an off-street area for bin storage on collection days, adjacent to this hard standing is a footpath link to the footpath along the access road to Tesco and a small area of landscaping. The proposal will be at the same ground level as the adjacent properties on Earl Edwin Mews which sit gable end facing towards Tesco car park. As such it is considered by officers that the scale and position of the two storey terrace houses in the proposed site will relate to these existing properties.
- 6.6.5 The Town Council and local residents have objected to the proposal on the grounds of overdevelopment of the site. This is a subjective matter. However,

given the size of the proposed dwellings, the area of amenity space for each unit and that the proposal includes 1 parking space per dwelling this is not a view which is shared by officers. The scale of the development is considered to relate well to the development on Earl Edwin Mews which is also 2 storey terrace houses with small garden areas. The wider setting and other surroundings are a mix of house sizes and types, some smaller and some larger, and, although the application is not strictly in keeping with all of the surrounding development, it is not considered to be significantly out of context given the Earl Edwin Mews development.

6.6.6 The Council Conservation Officer also raised objections to the design of the proposed development as detailed at section 4 above. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires Local Planning Authorities to give special attention to the desirability of preserving or enhancing the character and appearance of that area. As such the development should seek to preserve and enhance the conservation area and this legislation is also followed through into national and local policies. Amendments have been sought from the applicant which officers consider provide better proportions to the windows on the front elevations of the terrace houses and also a request has been made for a design feature in the gable end of the apartments. The Council Conservation Officer has verbally agreed that these changes to the designs are improvements and, although the designs could be better and further enhance the conservation area, acknowledges that the development is for affordable housing and as such the cost of development can be considered a factor in the design detailing. It is officer's opinion that the amended scheme is similar to other affordable housing schemes developed across the north of the County both in and outside of conservation areas and therefore that the designs are appropriate and that it would not be defensible to refuse the application on the grounds of the design of the dwellings or the conservation area.

6.6.6 Overall it is officer's opinion that the development is of an appropriate layout, scale and design which will provide a group of small properties within the town centre, with sufficient parking and amenity space and in close proximity to services, facilities and alternative means of transport. As such it is considered that the development complies with the requirements of policy in regard to layout and context.

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. Concern has been raised by local objectors about the potential for overlooking, loss of privacy, noise and impact from cars.

6.7.2 As part of the submission the applicant has met with the neighbouring property owners who have not raised any objection to the principle of the development, the loss of trees is noted as an impact on ecology but the neighbours have also commented that the development of the site will tidy it up and remove the anti-social aspect. The neighbours have requested restrictions on the timing of construction works, controlling traffic management to avoid congestion and additional fencing between the site and their property. The agent has agreed to all of these requests and has also amended the elevations of the apartments so that

there is only one, obscure glazed, window facing towards the existing property.

- 6.7.3 The proposed apartment block will be approximately 11m from the closest point of no.5 Bridgewater Street. However, as noted above, there are only obscure glazed bathroom windows in the elevating facing towards this property and as such it is considered that the development will not adversely affect the amenities of this property to an unacceptable level. The other nearest properties are the terrace of houses on Earl Edwin Mews which are approximately 5m corner to corner of the proposed development. The proposed terrace houses are to be sited at a 90 degree angle from these existing dwellings and as such will not directly overlook these properties. There are windows in the rear elevations of the proposed properties which will be able to see towards these existing dwellings, however they overlook the fronts of these properties and the angle will limit any loss of privacy. The dwellings will face towards the Chapel on Dodington and the cemetery in between. There is approximately 27 metres between the Chapel and the proposed dwellings and as such the future use of the Chapel will not be unacceptably adversely affected.
- 6.7.4 With regard to noise impact as a residential development the noise which will result from the completed development would be similar to any other housing development and as such would not be considered to be a significant impact on the amenities of existing residential properties which are already neighboured by other residential properties. Noise during construction can affect amenity, however this would be short term only for the construction of 10 houses and the hours of construction can be controlled by condition to ensure that works are undertaken at appropriate times of the day.
- 6.7.5 The impact of lights from cars accessing the site will only affect no.5 Bridgewater Street's ground floor windows, this can be mitigated through appropriate fencing on the boundary and also needs to be considered in the context of the adjacent access to Tesco which is used by cars, buses and large delivery vehicles. The impact of the 10 parking spaces for these properties and the associated traffic movements associated with residential occupation is not considered to result in unacceptable impact on the amenities of this property. Overall it is considered that the development will not result in a significant or unacceptable impact on the amenities of the existing residential properties around the application site.
- 6.8 **Highways, access, parking and rights of way**
- 6.8.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced.
- 6.8.2 The application is for 10 dwellings, 4 of which are two bed apartments and the other 6 are two bed terrace houses. The site is within close proximity of the town centre and the bus station and within the development boundary for Whitchurch. The application as originally submitted proposed 20 parking spaces, 2 per unit. During the consideration of the application this level of parking was reduced to 16

space, then further reduced to 10 spaces. As such the development proposed is not considered to generate significant levels of traffic and is located in an accessible location with good opportunities for walking etc.

- 6.8.3 The amended proposal (plan to be provided) will show 10 parking spaces, which equates to 1 space per dwelling and also retains access to the existing parking area for the adjacent property. The reduction in the level of parking spaces to be provided was as a result of objections from the Council Highway Officer. The objection was based on the close proximity of the junction for the housing with the junction to Tesco. Although this access is existing it currently only serves one dwelling and although there is consent for two other dwellings off this access this would have limited the level of traffic movements. The Council Highway Officer was concerned about the level of development proposed and the potential for driver confusion created by the complex turning movements and also due to the limited width of the access not providing sufficient space for simultaneous movements of vehicles.
- 6.8.4 It was recommended that access should be provided off the access road into Tesco; however the agent has confirmed that this is not possible due to land ownership and other legal agreements between the Council and Tesco. The agent has therefore reduced the level of parking to what the Housing Association who will own the properties advise is the minimum acceptable to them. The agent has also sought to provide additional information to show that the level of vehicle trips will be low due to the affordable status of the housing and its proximity to the town.
- 6.8.5 The Council Highway Officer has advised that concerns remain about the access issues but that they note the sustainable location and potential impact of this on trip generation. As such the Highway Officer has advised that they are still unable to support the application but acknowledge that there is benefit from affordable housing. Overall it is considered that the strength of the Highway Officer objection has reduced with the reduction in parking spaces, there remains concerns and the potential for conflict is a harm that will result from the development but it is a matter for members to determine what weight to give to this harm in the overall planning balance. Officers advice is that the harm is acknowledged but that the trip generation will be reduced by the sustainable location and that the benefit of providing affordable housing within the town should be given substantial weight. As such it is officers opinion that the benefits of this scheme outweigh the harm.
- 6.9 **Ecology and trees**
- 6.9.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. A protected species survey has been undertaken and submitted with the application and this has been considered by the Council Ecologist.
- 6.9.2 The applicant's ecology survey notes the locally recorded species (bats, otter, water vole and great crested newt) and the on site conditions of sycamore coppice, isolated from other green spaces, and its relationship to the Staggs Brook. No ponds were identified within 500m of the site and as such no further

work was considered necessary with regard to GCN, Staggs Brook is in close proximity but with a hard surfaced and well used car park in between and the site is acknowledged to be existing woodland. The report therefore recommends further survey work for bats, removal of the trees outside of the bird nesting season and that no impact is expected on the water vole, otter or GCN populations. It recommends the provision of bat boxes, artificial bird nests and new landscape planting to mitigate the loss of the trees.

6.9.3 As noted at section 4 above, the Council Ecologist has requested the additional bat survey work be undertaken and submitted for consideration prior to the determination of the application or that the application be refused on the grounds of insufficient information to assess the impact on bats. The agent has confirmed that their ecologist has been instructed to carry out the bat survey but that this needs to be done between May and August. The surveys are being carried out and it is hoped that the report can be available before the committee meeting. However, at present the recommendation reflects that this information is not yet available and will need to be considered by the Council Ecologist. Should the survey results be acceptable consent can be granted, should they show an unacceptable impact consent can be refused.

6.9.4 A tree survey has also been submitted which notes that the trees on site are mostly sycamores with the boundary planted with Viburnum, Norway Maple and Cotoneaster. There is also Ash, Yew and Hawthorn which the surveyor considers is the remnants of an older hedgerow and that there is very limited understorey vegetation due to the extent of the tree canopy and the remains of rubble and a redundant drainage system from the previous use of the site. The application proposes the removal of all of the trees and only two small replacement trees and the planting of a hedge on the boundary of the site. This is acknowledged to be an environmental harm resulting from the development, however the agent considers that this should be weighed against the economic and social benefits of the proposed scheme.

6.9.5 The Town Council have raised concerns about the loss of the trees and have noted that there are TPO's on the site. This has been queried with the Council Tree Officer who had advised, following receipt of the submitted tree survey, that none of the trees are TPO'd, none are worthy of TPO status and that there was no objection to the removal of all of the trees on the site as noted under section 4 above.

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.

6.10.2 A small part of the site is within the area identified within flood zone 2 on the Environment Agency Flood maps, however this does not include any of the built development and would only affect the landscaped frontage to plot 10. The property has separate means of access to the rear of the property and along a path to the rear of the gardens which will provide dry means of access. The Council Drainage Engineer has confirmed that a FRA could be submitted post

decision and dealt with by condition and has also recommended conditions relating to surface water.

6.10.3 Foul drainage is to be connected to the existing mains drainage system and no objections have been received regarding this matter. The development of 10 small properties on the site would not result in a significant increase in foul drainage and there is no evidence of capacity issues in this part of Whitchurch.

6.10.4 Accordingly it is considered that, subject to conditions, there is a technical solution to the foul and surface water drainage of the proposed development which would comply with the infrastructure capacity requirements of policy CS6 and the surface water drainage requirements of CS18.

6.11 **Other matters**

6.11.1 Whitchurch Town Council have also raised concerns that the process has not been carried out correctly as land ownership is unknown and therefore notice has not been served. However, during consideration of the application the agent has confirmed the land ownership which is partly with the applicant and partly with Shropshire Council, with the neighbour having a right of access across the site. Notice has been served on the Council and as such it is considered that the correct procedure has been followed.

7.0 **CONCLUSION**

7.1 The application proposes 10 affordable dwellings within the development boundary of Whitchurch in close proximity and walking distance of the services and facilities within the town including the bus station. The principle of developing the site for housing has been established with the previous consent and accords with the saved policies of the North Shropshire Local Plan, the Shropshire Core Strategy and the NPPF and also with the forthcoming SAMDev policies.

7.2 It is considered that the layout, scale and design of the dwellings, which could be improved to further enhance the conservation area, is acceptable in its amended form to not have a harmful impact and that the Council has given special attention to the desirability of preserving or enhancing the character or appearance of the conservation area as required by Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The layout of the development is not considered to unacceptably affect the amenities of existing residential properties or the potential future use of the adjacent chapel building. The layout is not considered to be overdevelopment when assessed against the context of the surrounding built form.

7.3 Subject to further information regarding bats it is considered likely that conditions can mitigate against the impact on protected species and the existing trees are not considered to be significant or warrant protection. Furthermore the redevelopment of the site is considered to provide visual enhancement to the immediate area by tidying up the existing overgrown brownfield site and any potential archaeological interest can be understood and recorded through an appropriate watching brief, subject to a condition on the consent.

7.4 The potential for driver confusion and conflict due to the close proximity of the access proposed to be used for the housing with other adjacent access points,

including the access to Tesco, is noted as a harm resulting from the development. However, the level of parking has been reduced and it is considered that the sustainable location of the site will help to encourage other means of transport other than the private car. Furthermore, it is considered that substantial weight should be given to the 100% affordable scheme as providing much needed affordable housing in the town. The recommendation is therefore finely balanced in favour of development of affordable housing whilst acknowledging the access issues identified by the Council Highway Officer.

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. BackgroundRelevant Planning Policies

National Planning Policy Framework

CS6 - Sustainable Design and Development Principles

CS10 - Managed Release of housing Land

CS17 - Environmental Networks

CS18 - Sustainable Water Management

CS3 - The Market Towns and Other Key Centres

Relevant planning history:

13/02030/FUL Erection of two semi detached dwellings GRANT 20th December 2013

12/05205/FUL Erection of a terrace of 3 dwellings landscaping and associated carparking REFUSE 3rd April 2013

13/02030/FUL Erection of two semi detached dwellings GRANT 20th December 2013

11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Thomas Biggins Cllr Peggy Mullock
Appendices APPENDIX 1 - Conditions

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the 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.

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (which ever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

5. As part of the site lies within an area at risk of flooding a Flood Risk Assessment (FRA) is required prior to the commencement of the development. The FRA shall be completed using Shropshire Council's Strategic Flood Risk Assessment (SFRA) documents for guidance. The SFRA's are available on the Shropshire Council website. The criteria for a FRA are set out in National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework. Reference should also be made to the Environment Agency West Area (Midlands) Flood Risk Assessment Guidance notes.

A FRA should include, as a minimum:

- Assessment of the Fluvial flooding (from watercourses)
- Surface water flooding (from overland flows originating from both inside and outside the development site)
- Groundwater flooding
- Flooding from artificial drainage systems (from a public sewerage system, for example)

- Flooding due to infrastructure failure (from a blocked culvert, for example)

Reason: To ensure that all potential flood risk to the development has been addressed.

6. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

Reason: This detail is required prior to commencement to avoid congestion in the surrounding area and to protect the amenities of the area.

7. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The development site is known to have archaeological interest

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

8. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

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

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

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

10. The affordable housing units for rent shall be advertised through the Shropshire Choice Based Letting scheme, and allocated through the Shropshire Housing Allocation Policy and Scheme.

Reason: To ensure that all affordable properties are advertised to local people and that the Shropshire Housing Allocation Policy and Scheme (in combination with any local lettings plan or section 106 agreement) is applied in allocating the affordable properties for rent.

11. In addition to the requirements of the Shropshire Affordable Housing Allocation Policy and Scheme, all lettings by Registered Providers shall meet the local connection and/or cascade requirements set out in the Shropshire Type and Affordability of Housing SPD or any policy or guidance that may from time to time replace it.

Reason: To ensure compliance with Shropshire Core Strategy Policy

12. The dwellings shall not be let or occupied other than either:-
 - a. under a tenancy in accordance with the normal letting policy of a Registered Provider;
 - or
 - b. by way of a Shared Ownership lease or equity share arrangement whereby the occupier cannot progress to or achieve a share greater than 80% of the whole; and/or
 - c. by way of discounted sale price secured through a restriction on the Land Registry title of the dwelling providing that the development has been made in accordance with the Council's "Cross-Subsidy" model for exception site housing in accordance with the relevant provisions given in Appendix G of the Supplementary Planning Document.

Reason: To ensure compliance with the requirements of Shropshire