

Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Wednesday, 18 June 2014

Committee:
Central Planning Committee

Date: Thursday, 26 June 2014
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Vernon Bushell (Chairman)
Ted Clarke (Vice Chairman)
Andrew Bannerman
Tudor Bebb
Dean Carroll
Miles Kenny
Jane MacKenzie
Pamela Moseley
Peter Nutting
Kevin Pardy
David Roberts

Substitute Members of the Committee

Peter Adams
Tim Barker
Roger Evans
John Overall
Hannah Fraser
Alan Mosley
Keith Roberts
Jon Tandy
Mansel Williams

Your Committee Officer is:

Linda Jeavons Committee Officer
Tel: 01743 252738
Email: linda.jeavons@shropshire.gov.uk

AGENDA

1 Apologies for absence

To receive apologies for absence.

2 Minutes (Pages 1 - 10)

To confirm the Minutes of the meeting of the Central Planning Committee held on 29 May 2014.

Contact Linda Jeavons on 01743 252738.

3 Public Question Time

To receive any questions, statements or petitions from the public, notice of which has been given in accordance with Procedure Rule 14.

4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 Development West Of Caradoc View, Hanwood, Shrewsbury, Shropshire (13/04967/OUT) (Pages 11 - 30)

Outline planning application for up to 20 dwellings (indicative) to include access.

6 Land Opposite Ellesmere Drive, Ellesmere Road, Shrewsbury, Shropshire (13/05124/FUL) (Pages 31 - 58)

Mixed residential development of 75 dwellings (including 8 affordable units), formation of vehicular access; provision of open space and associated landscape and infrastructure improvements.

7 The Fox Inn, Ryton, Shrewsbury, Shropshire, SY5 7LS (14/00701/FUL) (Pages 59 - 80)

Erection of six residential dwellings.

8 Development Land South Of Brook Cottages, Ford, Shrewsbury, Shropshire (14/01036/OUT) (Pages 81 - 110)

Outline application for residential development (up to 30 dwellings) to include access.

9 Development Land North Side Of Station Road, Dorrington, Shrewsbury, Shropshire (14/01037/OUT) (Pages 111 - 130)

Outline planning application (all matters reserved) for mixed residential development.

10 Top Farm, Kinton, Shrewsbury, Shropshire, SY4 1AZ (14/01840/FUL) (Pages 131 - 136)

Erection of extension to existing agricultural building.

11 Appeals and Appeal Decisions (Pages 137 - 138)

12 Date of the Next Meeting

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 24 July 2014 in the Shrewsbury Room, Shirehall.

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Committee and Date

Central Planning Committee

26 June 2014

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 29 May 2014

2.00 - 5.14 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk Tel: 01743 252738

Present

Councillors Andrew Bannerman, Tudor Bebb, Vernon Bushell, Dean Carroll, Ted Clarke, Miles Kenny, Jane MacKenzie, Pamela Moseley, Peter Nutting, Kevin Pardy and Tim Barker (Substitute) (substitute for David Roberts)

1 Election of Chairman

RESOLVED:

That Councillor Vernon Bushell be elected Chairman of the Central Planning Committee for the ensuing municipal year.

2 Apologies for absence

An apology for absence was received from Councillor D Roberts (Substitute: Councillor T Barker).

3 Appointment of Vice-Chairman

RESOLVED:

That Councillor Ted Clarke be appointed Vice-Chairman of the Central Planning Committee for the ensuing municipal year.

4 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 1st May 2014 be approved as a correct record and signed by the Chairman.

5 Public Question Time

There were no public questions, statements or petitions received.

6 **Disclosable Pecuniary Interests**

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

With reference to planning applications to be considered at this meeting, Councillors A Bannerman and P Nutting stated that they were members of the Planning Committee of Shrewsbury Town Council. They indicated that their views on any proposals when considered by the Town Council had been based on the information presented at that time and they would now be considering all proposals afresh with an open mind and the information as it stood at this time.

With reference to planning application 14/00899/FUL, Councillor Tim Barker stated that he was a Board Member on a subsidiary committee of the Wrekin Housing Trust and, for reasons of bias, he would make a statement and then leave the room during consideration of this item and not vote.

7 **Poultry Broiler Units, Great Ness, Montford Bridge, Shrewsbury, Shropshire (13/04305/EIA)**

The Area Planning and Building Control Manager introduced the application and explained that the proposal sought permission for the extension of an existing poultry development. With reference to the drawings displayed, he drew Members' attention to the location, indicative layout, topography, site plan, elevations, drainage, elevations of proposed feed bins, drainage and landscaping. He confirmed that Members had undertaken a site visit that morning to view the site and had assessed the impact of the proposal on the surrounding area. He confirmed that the environmental impact had been assessed by relevant Shropshire Council Officers and objections relating to the impact on the highways, health, odour, visual, noise pollution and ecology had been addressed in the report.

In the ensuing debate, Members acknowledged and welcomed the Screening Matrix and expressed concerns relating to the high number of tractor and trailer movements that could potentially travel through the village.

In response to questions and comments from Members, the Area Planning and Building Control Manager explained that a species-rich hedgerow would contain as many native plants as possible, would encourage wildlife and be beneficial to the ecology; and issues with odour control would be dealt with under other legislation and not through the planning process. With regard to the dedicated access route, he explained that an appropriate condition would ensure that all construction traffic would access and egress the site via this dedicated route, and all HGV movements would continue to be controlled through a Section 106 Agreement. The Area Highways Development Control Manager (Central) explained that a Transport Assessment had been submitted by the applicant and provided clarification on the number of traffic movements.

RESOLVED:

That planning permission be granted as per the Officer's recommendation, subject to:

- The variation of the Section 106 Legal Agreement (in line with the submitted draft) to include the following matters:
 - To secure the routing of traffic associated with the development via the access road between Rodefern Lane and the old A5; and
 - To provide for the regular review of the use of the approved route;
- Officers to seek confirmation from the applicants that all tractor/trailer movements associated with the business is routed down the dedicated access wherever practicable.

8 Land Opposite Ellesmere Drive, Ellesmere Road, Shrewsbury, Shropshire (13/05124/FUL)

The Area Planning and Building Control Manager introduced the application and confirmed that Members had undertaken a site visit that morning to view the site and had assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location and proposed layout.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillor Dean Carroll as the local Ward Councillor, made a statement, took no part in the debate and did not vote. He drew attention to the high number of objections and commented that the development would severely impact on the local road network and the Chester Street/Castle Street gyratory. The development would not be sustainable and there was no regular bus service.

In the ensuing debate, Members expressed concerns relating to the cumulative impact this development and the adjacent committed site would have on the local road network and particularly at rush hour and school pick-up and drop-off times. A Member questioned why gas monitoring was currently taking place on the site.

The Area Highways Development Control Manager (Central) provided clarification on the implications of the development on the local infrastructure and the recent improvements to road network in the area.

In response to questions and comments of Members, the Area Planning and Building Control Manager drew Members' attention to paragraph 4.1.6 of the report which indicated that no issues of land contamination had been identified. He further explained that the pond and provision of open space accorded with the Interim Planning Guidance. Shrewsbury Town Council had been consulted and shown a willingness to adopt the public open space and play area and any concerns with regard to the proximity of the pond would have been raised during discussions. The

provision, maintenance and management of the on-site play area would be covered via the Section 106 Agreement.

RESOLVED:

That this application be deferred to enable the applicant to provide information on the reason for the gas monitoring on site together with any information they have with regard to the nature and extent of any contamination on the site.

9 Development Land Adjacent Oaklands, Holyhead Road, Montford Bridge, Shrewsbury, Shropshire (14/00518/OUT)

The Area Planning and Building Control Manager introduced the application and confirmed that Members had undertaken a site visit that morning to view the site and had assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location, proposed layout and proposed street scene.

Mr D Kilby, a local resident, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- The development would not be sustainable;
- The current situation with regard to the sub-five year land supply meant villages were currently in a state of chaos;
- The Local Planning Authority should maintain and ensure protection of the green belt; and
- Sustainable development should mean change for the better

Mr I Hutchinson, clerk to Montford Parish Council, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- He expressed serious concerns relating to the cumulative impact this development would have on the area;
- The proposal would be contrary to Montford PCs Housing Strategy;
- He commented that the Parish Council had no objections to the development of five homes on any one plot, but objected to 34;
- If any development was approved it should be built on the opposite side of the road; and
- He expressed sympathy with the difficulties this Committee was currently experiencing with regard to the sub-five year land supply, but urged refusal.

Mr S Taylor, the agent, spoke for the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- He drew Members' attention to the current situation with regard to the sub-five year land supply;

- The increase in provision from 10 to 34 would be in accordance with the NPPF to bring forward sustainable development; and
- The development would support local facilities and services and Montford Bridge would become more sustainable as a result.

In the ensuing debate Members expressed concern that the development would take out of production a substantial amount of high quality agricultural land and 34 dwellings would seriously and irrevocably impact upon the character of the area. They noted that services and facilities were limited and there was no Post Office, shop or village hall and commented that the proposal would be contrary to the SAMDev Plan and the Parish Council's Housing Strategy.

RESOLVED:

That, contrary to the Officer's recommendation, planning permission be refused for the following reasons:

- The development would have an adverse impact upon the economic viability of the local area by taking high grade agricultural land out of production (contrary to paragraph 112 of the National Planning Policy Framework); and
- Would severely impact upon the social sustainability of the settlement by systematically and immediately increasing the size of the settlement by an unacceptable amount which would irrevocably and permanently adversely impact upon the small settlement, which has very limited services and which will then become incapable of providing its population without the need to rely on services outside of the area and travel extensively so to do.

10 Proposed Dwelling Adjacent Lower Wigmore Farm, Wigmore Lane, Wattlesborough Heath, Shrewsbury (14/00629/OUT)

The Technical Specialist Planning Officer introduced the application and confirmed that Members had undertaken a site visit that morning to view the site and had assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting detailing an amended condition.

In response to comments and questions, the Technical Specialist Planning Officer and Area Planning and Building Control Manager explained that the principle of affordable housing on this site had already been determined via a previous extant permission; appropriate Rights of Way Officers would investigate any obstructions of public footpaths; and, as this was an outline application, legal advice would be sought with regard to adding a condition to ensure development took place before the expiration of two years from the date of approval.

RESOLVED:

That planning permission be granted in accordance with the Officer's recommendation, subject to:

- A Section 106 Legal Agreement to secure a financial contribution towards local needs affordable housing in accordance with Core Strategy Policy CS11;
- An additional condition as set out in the Schedule of Additional Letters; and
- The conditions as set out in Appendix 1 to the report.

**11 The Anchor Inn, Gloucester Road, Shrewsbury, Shropshire, SY1 3PR
(14/00899/FUL)**

The Area Planning and Building Control Manager introduced the application and confirmed that Members had undertaken a site visit that morning to view the site and had assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location, proposed floor plans and elevations. He drew Members' attention to the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

The Area Planning and Building Control Manager explained that the application site fell within the current urban development boundary of Shrewsbury and the proposal would involve the demolition and loss of a public house. Objections with regard to the loss of a local community facility had been received. He advised Members that the fundamental issue would be for them to determine whether the public house would be viable over the long term and its loss acceptable.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillor Vernon Bushell, as the local Ward Councillor, made a statement against the proposal, took no part in the debate and did not vote. He commented that he avidly supported affordable housing but acknowledged that community facilities were essential. The Anchor Inn was a popular location right in the heart of the estate, within walking distance of many and used by active darts, pool, dominoes and football teams. The demolition of such a facility would have an adverse impact on the quality of life of the surrounding area and as such would be contrary to Shropshire Core Strategies CS6 and CS8.

(At this juncture, the Vice Chairman took the Chair.)

In accordance with his declaration at Minute No. 6, Councillor Tim Barker made a statement against the proposal and then left the room and did not vote. He drew Members' attention to further objections from the Chairman of Shrewsbury and West Shropshire CAMRA to the viability report submitted by the applicant and commented that he could see no reason why the Anchor Inn would not be a viable concern.

Mr G Brown, a local resident, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- The Anchor Inn was a suitable long-term viable public house;
- It had a strong customer base and was used by many teams, ie darts, football;
- Was within walking distance of approximately 500 people;
- The infrastructure, schools, dentists etc could not accommodate more housing; and
- A covenant stated that the land must be used for community use; and
- A thriving community had provision for people of all ages to come together.

Cllr I Jones, representing Shrewsbury Town Council, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- The Town Council objected to the building of nine apartments which would be out of keeping with the historic area;
- Considered that two-storey family homes would be more suitable;
- The area already suffered with anti-social behaviour and this would exacerbate the problem; and
- He expressed concerns regarding the loss of this facility.

Mr R Henderson, the agent, spoke for the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- The proposal would deliver homes which would meet a specific need;
- Had worked with Planning Officers to ensure the proposal met constraints;
- There were other three-storey homes in the area;
- Appropriate accredited security would be implemented;
- Performance and sales had fallen over the last few years; and
- A CAMRA assessment had been undertaken.

In the ensuing debate, Members noted the comments of all speakers and commented that the Anchor Inn was in a good, clean condition and well used by the local community. With reference to policy, they commented that there was a general presumption against the loss of public houses and also referred to paragraph 37 of the NPPF which stated that planning policies should aim for a balance of land uses and should encourage minimal journey lengths for employment, shopping, leisure, education and other activities.

RESOLVED:

That, contrary to the Officer's recommendation, planning permission be refused for the following reasons:

- The Anchor Inn is an important local asset which plays an important role in facilitating social interaction and creating a healthy and inclusive community; and

- It has not been adequately demonstrated that the existing facility would not be viable over the long term;

accordingly, the proposal would result in the unjustified loss of an important community facility for the local area contrary to the aims and requirements of Shropshire Core Strategy Policies CS6 and CS8 and contrary to relevant paragraphs of the NPPF (including paragraph 37).

(The Chairman returned to the meeting and resumed the Chair.)

12 Land Adjacent Ingleby Way, Shrewsbury, Shropshire (14/01014/FUL)

The Area Planning and Building Control Manager introduced the application and confirmed that Members had undertaken a site visit that morning to view the site, had noted the access and stream, and had assessed the impact of the proposal on the surrounding area. He explained that the site had previously been allocated for the North West Relief Road but was no longer being pursued in this location and was the subject of an extant planning permission for 25 dwellings. With reference to the drawings displayed, he drew Members' attention to the location, proposed floor plans and elevations. He drew Members' attention to the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting, the 15 objections from members of the public as set out in the report, and the objection of Shrewsbury Town Council relating to the loss of green space.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillor Peter Nutting, as the local Ward Councillor, made a statement, took no part in the debate and did not vote. He commented that the buffer zone should be protected, the developer should contribute to play facilities and there should be more space for children to play.

In the ensuing debate, Members noted the comments of all speakers and considered the submitted plans. In response to comments and questions from Members, the Area Planning and Building Control Manager explained that a condition to protect the buffer would be attached to any permission; there was no requirement for open space on a development of this size; and trees would be planted to provide a community area and would enhance the design of the existing development. The Area Highways Development Control Manager (Central) explained that the pedestrian link with The Mount formulated an existing link to the benefit of the wider community and, with reference to the concerns regarding anti social behaviour along this link, indicated that surveillance of the area was good.

RESOLVED:

That planning permission be granted in accordance with the Officer's recommendation and that delegated authority be granted to the Area Planning Manager/Principal Planning Officer to issue permission subject to:

- Satisfactory information being received to ensure that no unacceptable ecological impact would arise as a result of the development;

- A Section 106 Legal Agreement to secure affordable housing in accordance with the Supplementary Planning Document on the Type and Affordability of Housing;
- An additional condition to ensure a Construction Management Plan is agreed prior to any building works taking place;
- An additional condition to ensure development takes place before the expiration of two years from the date of approval. This condition only to be added following the approval of Shropshire Council's Legal Officers;
- To undertake discussions with the applicant with regard to the acceptability of the footpath of the pedestrian link onto the Mount; and
- The conditions as set out in Appendix 1 to the report.

13 Land East Of Holgate Drive, Shrewsbury, Shropshire (14/01147/FUL)

The Area Planning and Building Control Manager introduced the application and confirmed that Members had undertaken a site visit that morning to view the site and had assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location, proposed floor plans and elevations. He drew Members' attention to the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

In the ensuing debate, Members considered the submitted plans and it was

RESOLVED:

That planning permission be granted in accordance with the Officer's recommendation, subject to:

- A Section 106 Legal Agreement to secure the on-site affordable housing and an affordable housing contribution;
- An additional condition to ensure a Construction Management Plan is agreed prior to any building works taking place;
- An additional condition to ensure that no first floor windows can be added to the side elevations of plots 1, 4, 14 and 15 that would overlook 35 and 23 Whittington Close, 7 Holgate Drive and 11 Northside Close respectively;
- An additional condition to ensure development takes place before the expiration of two years from the date of approval. This condition only to be added following the approval of Shropshire Council's Legal Officers; and
- The conditions as set out in Appendix 1 to the report.

14 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the central area as at 29 May 2014 be noted.

15 Date of the Next Meeting

It was noted that the next meeting of the Central Planning Committee would be held at 2.00 pm on Tuesday, 26 June 2014 in the Shrewsbury Room, Shirehall.

Signed (Chairman)

Date:



Committee and date
 Central Planning Committee
 26 June 2014

Item
5
 Public

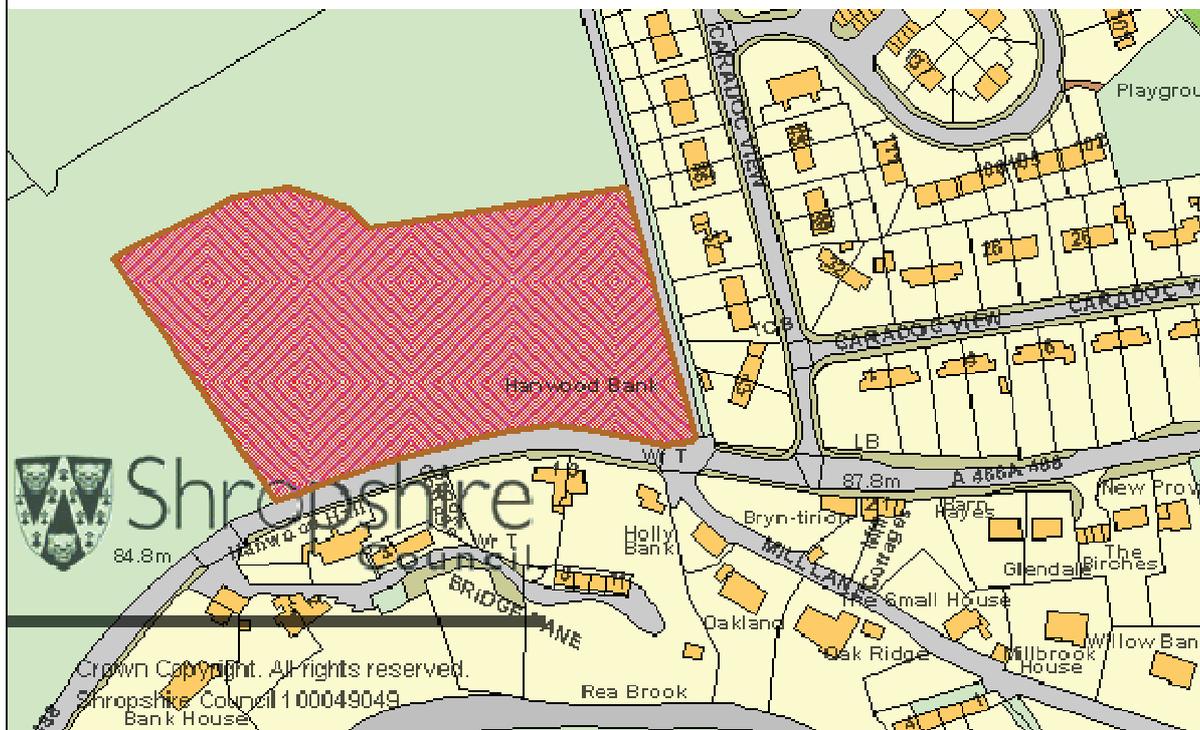
Development Management Report

Responsible Officer: Tim Rogers
 email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 13/04967/OUT	Parish:	Great Hanwood
Proposal: Outline planning application for up to 20 dwellings (indicative) to include access		
Site Address: Development West Of Caradoc View Hanwood Shrewsbury Shropshire		
Applicant: Shropshire Homes Ltd		
Case Officer: Nanette Brown	email: planningdmc@shropshire.gov.uk	

Grid Ref: 344803 - 310137



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Recommendation:- Grant Permission subject to a section 106 legal agreement to secure an off-site affordable housing contribution and to the conditions set out in Appendix 2.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for the residential development of the site. This application is outline with matters of access to be considered, with all other matters reserved (layout, scale, appearance and landscaping) for later consideration. An indicative site layout plan shows a layout of twenty dwellings accessed off the A488.
- 1.2 The proposed access to the site has been discussed with Highways Officers and a revised access plan has been submitted for consideration. The revised plan show the provision of the access along with the slight re-alignment of part of the A488 within the application site boundary in order to provide space for a pedestrian refuge point within the A488.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site consists of part of an agricultural field (classified grade 3 agricultural land) set to the north of the A488 at Hanwood Bank, to the west of Caradoc View. To the north and west of the site lie more fields and to the south of the site, beyond the A488 are housing that is set on sloping ground that slopes down away from the road in a southerly direction.
- 2.2 The application site itself is set on sloping ground, running downhill from north to south towards the A488. The southern boundary with the A488 is currently defined by a hedge. The A488 is subject to a 30mph speed limit as it passes the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Great Hanwood Parish Council have submitted a view contrary to officers recommendation for approval based on material planning reasons that cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman, vice chairman and the Local Member 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

SC Drainage – No objection

The FRA and outline drainage details are acceptable, though the use of soakaways should be investigated in the first instance for surface water disposal. Confirmation is required that percolation tests have been investigated.

Further to the drainage comments dated 27 December 2013, the detailed drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission will to be granted.

The application form states that surface water drainage from the proposed development is to be disposed of via a sustainable drainage system (SuDS). No details of the proposed SuDS have been provided. Full details, plan and calculations of the proposed SuDS should be submitted for approval. This should illustrate how the development will comply with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework for the particular flood zone / site area and Shropshire Council's Interim Guidance for Developer, and how SUDs will be incorporated into the scheme. As part of the SuDS, the applicant should consider employing measures such as the following:

- ' Surface water soakaways (Designed in accordance with BRE Digest 365)
- ' Swales
- ' Infiltration basins
- ' Attenuation ponds
- ' Water Butts
- ' Rainwater harvesting system
- ' Permeable surfacing on any new driveway, parking area/ paved area
- ' Attenuation (to 1 in 100 year plus 30% greenfield run off)
- ' Greywater recycling system

Details of the use of SuDS should be indicated on the drainage plan.

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

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

Comment: If non permeable surfacing is used on the driveway and parking area and/or the driveway slopes towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway

Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

Comment: Confirmation is required that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

Reason: To ensure that any such flows are managed on site.

Comment: The layout of the proposed foul sewage system should be submitted for approval, along with details of any agreements with the local water authority. The foul water drainage system should comply with the Building Regulations H2. Due to the scale of the development the foul drainage should connect to a mains system and the use of septic tanks or package treatment plants are not deemed acceptable.

Reason: To ensure that the proposed foul water drainage complies with the Building Regulations 2000(as amended) and Sewers for Adoption 6th Edition.

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

SC Highways DC – No objection

The highway authority raises no objection to the granting of consent.

Technical Approval

Prior to the commencement of the development full engineering details of the site access works, new access road, existing highway/road works, structures, foot/cycle ways, surface water drainage, street lighting and carriageway markings/signs, shall be submitted to and approved by the planning authority; the works shall be fully implemented in accordance with the approved details prior to the development hereby permitted being first brought into use.

Reason: To ensure the construction is to an adequate standard in the interests of road safety.

Informative:

We understand that the proposed estate roads will be offered up for adoption under s38 of the Highways Act 1980 and therefore these roads are to be designed and constructed in accordance with the Shropshire Council Estate Roads design guide and an agreement will be required with the local highway authority. No works are to be undertaken on the adjacent public highway without obtaining prior approval from the highway authority via the appropriate means.

Key Issues:

The proposed access layout first provided with the application was not supported by the local highway authority, as it did not provide adequate inter-visibility for the junction to meet safety requirements. Also, due to the severance caused by the A488 a pedestrian crossing point was requested to be incorporated within the design.

Through negotiation with the applicant's highway consultant a design has now been provided which is acceptable in principle to the local highway authority. The design includes widening of the A488 to accommodate a pedestrian refuge crossing point and the proposed visibility splays are based on 40mph travelled speeds.

Background:

An extant permission for a care home exists on this site under the reference number 10/03065/FUL and during the discussions over this with the local highway authority the need for a pedestrian crossing facility over the A488 was identified in order to provide an option for people to walk to the nearby bus stops and to other areas of Hanwood. Therefore the requirement for a crossing facility to serve any further development in this area remains and this has been requested from the applicant. A site meeting was held with the applicant, their highway engineering consultants and SC Highways officer to discuss options to provide a pedestrian crossing facility and to improve the access design by incorporating the required visibility splays based around 40mph travelled speeds on the main road.

Following the site meeting an access design has now been provided which addresses previous concerns as the required visibility splays have been provided so that vehicles emerging from the junction and travelling along the main road will be offered with at least 79m clear inter-visibility from either side of the proposed junction. Also the A488 is proposed to be widened to accommodate a pedestrian refuge crossing point in order to provide a walking link from the proposed development to the footway on the opposite side of the road which links to Hanwood village. Also, a footway is proposed to be constructed across the site frontage linking to the existing footway to the front of Caradoc View. The development will therefore meet a local aspiration to provide a pedestrian crossing point in this area to the benefit of the existing community. The proposed refuge coupled with the access and visible frontage from the development should also influence driver behaviour on the A488 and encourage lower travelled speeds.

A Road Safety Audit was requested on the proposed access design and following the audit a number of amendments were made to the design in order to satisfy the auditor's comments. A swept-path analysis has also been carried out on the design which demonstrates that large articulated heavy goods vehicles travelling along the A488 can negotiate the proposed layout. The design is therefore acceptable in principle to the local highway authority subject to a technical approval condition and an agreement under s278 of the Highways Act 1980.

As this work is required to be delivered in order to secure a satisfactory access to the site, we are of the opinion that a s106 agreement for the improvement works may not be required.

SC Ecologist – No objection

The following informative are recommended:

For this arable field, without ponds within 250m, an Ecological Appraisal is not considered necessary. There is a tree on the aerial photo in the field that should be shown on the Proposed Site Layout and preferably retained.

Birds

There could be birds nesting in the hedgerows so the following informative is recommended:

Informative

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

Badgers

In addition, there is a small chance that a badger sett could be present within 30m of the site therefore the following informative is recommended:

Informative

Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

SC Affordable Houses – No objection

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

The current prevailing target rate for affordable housing in this area is 15% this would mean a provision of 3 Affordable houses on site. The assumed tenure split of the affordable homes would be 70% for affordable rent (2) and 30% for low cost home ownership (1) and these would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's Allocation Policy and Scheme. The size and type of the affordable housing needs to be agreed in writing with the Housing Enabling team before the submission of a Full or Reserved Matters application.

4.2 - Public Comments

Great Hanwood Parish Council – Objection

The Parish Council of Great Hanwood OBJECTS STRONGLY to this application for the following site specific reasons, which are material planning considerations and

over-ride the NPPF presumption in favour of development cited by the developer as justification for the application:

1. Surface Water Flooding to Neighbouring Properties

The proposed development is located at the foot of Hanwood Bank, which is a steeply sloping greenfield site. The ground in this area is dominated by a layer of heavy red clay at a shallow depth. Surface water run-off from the slope tends to be rapid and the water escapes onto and across the A488 to the south of the site. The existing drainage on the A488 struggles to deal with the existing run-off, particularly when road gullies are blocked or damaged or rainfall is particularly high. During the heavy rainfall in December 2013 sandbags were deployed to prevent flooding of homes and outbuildings in Mill Lane and Bridge Lane. Standing water is still to be found at the bottom of Bridge Lane, despite 3 weeks having passed since the worst of the rainfall. These problems were drawn to the attention of Shropshire Council on two occasions in December, when emergency teams were despatched to assist in the clearance of floodwaters. On this evidence the developer should be required to provide a Level 2 Flood Risk Assessment.

The development of 20 dwellings with the formation of large areas of hard-standing and roofs will dramatically increase the amount and rate of run-off, which is likely to overwhelm the existing surface water drainage on the A488, leading to the flooding of homes and garages. This is contrary to Core Strategy CS18. The application fails to demonstrate how this water will be collected and disposed of without risk to neighbouring properties. The developer states that the site is outside a flood risk area but this does not take account of surface water and the application should not be permitted until a satisfactory Surface Water Management Plan is prepared, in accordance with Adopted Core Strategy CS18 – Sustainable Water Management. This should not be a reserved matter.

In 2007 the Environment Agency reported that two-thirds of the widespread flooding was the result of drains and sewers being overwhelmed by rainwater and surface run-off. Planning Policy Statement 25 places a duty on the Planning Authority to ensure flood risks are ASSESSED at the planning stage and AVOIDED where possible. The use of SUDS as a mitigation method for residual risks is inappropriate unless the Flood Risk of ASSESS – AVOID – SUBSTITUTE – CONTROL – MITIGATE has been followed, (Planning Policy Statement 25 Practice Guide, 2010)

2. Natural Springs and Groundwater

In 2010 Shropshire Council commissioned a report on the Shropshire Water Cycle, which focused on the likely impact of developments of identified sites across the County. The study was only able to cover sites identified for growth and recommended that site specific Flood Risk Assessments be carried out for new sites as development proposals emerge. The Shropshire Water Cycle report identifies the Rea Brook area as having high groundwater levels.

Hanwood Bank is punctuated by natural springs, which add to the surface water run-off from the bank. The development of the site without a clear understanding of the groundwater table is likely to lead to the disturbance of these springs and underground watercourses, which will find alternative routes to the surface. This is likely to result in further flooding problems both on and off the proposed development site. The outline proposal fails to demonstrate how these springs will be located and the water dealt with effectively on site. This matter should be included in the Flood Risk Assessment requested under item 1.

3. Highways Safety

The Council and residents have grave concerns about the safety of creating a new access at this point on the A488. Shropshire Council has well documented evidence of poor speed compliance along this stretch of the trunk road and for several years has supported a Vehicle Activated Speed warning sign in this vicinity. Despite this, speeds are still excessive. The new access is proposed at a bend which presents considerable difficulties for vehicles turning right from either direction. This development will result in additional vehicles waiting in the carriageway to turn right across the northbound carriageway, particularly in the evening 'rush hour' leading to delays on the southbound carriageway and potentially to accidents as southbound vehicles collide with the back of the unsighted traffic queues.

The outline application does not specify the size of dwelling but does indicate that parking spaces for 40 vehicles will be provided. The relative isolation of the site from village services, (such as the school, church and shops) and the lack of provision for pedestrians on the north side of the A488 will result in a high number of vehicle movements on and off the site. As the development is residential these movements are likely to be greatest at peak travel times. There is no footpath on the north side of the A488 or pedestrian crossing giving access to the footpath on the southern side. This is likely to encourage parents to drive children to school, increasing vehicle movements and increasing parking problems outside the local school. This is contrary to the principles of Sustainability set out in the Adopted Core Strategy for Shropshire.

4. Clustering of access points

Due to poor sightlines on this bend access from Mill Lane and Bridge Lane onto the A488 is already very dangerous. The formation of a new access will make egress from the existing driveways and side turnings even more difficult than at present. There is poor visibility in both directions from both Bridge Lane and Mill Lane and the driveways in-between.

An application for 7 dwellings with parking for 14 cars has been submitted and is pending approval on a neighbouring brownfield site (The Oaklands, 13/02910/FUL). Assuming 25 movements per vehicle per week, this will bring approximately 350 additional movements onto and off of the A488 directly opposite Mill Lane. An additional 40 vehicles within 50m of the Oaklands

access equates to a further 1,000 movements per week. Adding an additional 40 vehicles joining and leaving this short stretch of trunk road at peak times will severely reduce the opportunities for vehicles to join the road from the south. Even if sufficient visibility can be achieved for the new access this will compromise the access from existing side turnings and driveways.

5. Loss of Agricultural Land

The site is prime agricultural land and lies wholly outside the development boundary of the Hanwood and Hanwood Bank Community Cluster. Development of the site is therefore controlled by Core Strategy CS5, Countryside and Greenbelt, which permits only affordable housing on Rural Exceptions Sites to meet local need. The recent completion of 33 affordable houses at Oaklands View has fully satisfied local demand for affordable housing. The applicant fails to demonstrate a need for 20 additional affordable properties in Hanwood.

6. Community Vision

Since 2006 the Parish Council has engaged closely with the SAM.Dev consultation process, which is nearing completion. The community has identified a need for a small number of houses (50) between 2006 – 2026 and this has been incorporated into the Preferred Options Document subject to approval by Shropshire Council in February 2014. A suitable site, close to village amenities has been identified with capacity for 25 houses and development of this site is tacitly supported by the Parish Council and the community. A total of 33 affordable houses have been built in the period since 2006 and a further 4 windfall sites have resulted in new properties. Two further development sites to provide a further 9 dwellings are in the planning application process. The land available for development is therefore sufficient to satisfy the development needs of the community. The addition of a further 20 dwellings will over-stretch the capacity of existing services and is not therefore sustainable. Approval of this site will not prevent the later development of the more suitable sites included in the Preferred Options Plan.

7. Design and Layout - Visual Amenity

The site is highly visible due to the steep topography of the bank. The proposed development is set back from the hedge line and rises up the hillside. No trees are proposed so the houses will be very stark in appearance from the south, particularly from properties on Mill Lane and Bridge Lane. There is no attempt to blend the development into the landscape or screen it. Indeed an urban close boarded fence is proposed as a site boundary, which is inappropriate for an agricultural setting. The area is extensively used by ramblers and dog walkers, with a bridleway running along its eastern side. The rural nature of the bank and amenity derived from use of the bridleway would be damaged by the proposed development.

8. Sustainability

The community of Hanwood has embraced the process of consultation for the

identification of housing land for sustainable growth. In response to consultation with residents the Parish Council has given tacit support to a development site at the south-western end of the village close to the primary school and village hall. Pedestrian access to all services from the south-western site has been greatly improved recently by the installation of a pedestrian crossing at the western end of the village. Shropshire Council has assessed the south-western site as suitable for the development of 25 houses and the sustainability of this site should be promoted in preference to the less suitable Hanwood Bank site.

In contrast, the Hanwood Bank site was assessed under the SAM.Dev Consultation process and was **rejected** by Shropshire Council in 2009 as unsuitable for development due to its relative isolation from village services. The site proposed is on the north side of the A488, which has no pedestrian footpath or crossing to the footpath on the south side. The application allows no pedestrian access into Caradoc View, which would at least give access to the nearest children's play area and the east-bound bus service, but no other facilities.

The Ministerial foreword in the NPPF by Rt. Hon Greg Clark MP states that: *"In order to fulfil its purpose of helping achieve sustainable development, planning must not simply be about scrutiny. Planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives.*

This should be a collective enterprise. Yet, in recent years, planning has tended to exclude, rather than to include, people and communities. In part, this has been a result of targets being imposed, and decisions taken, by bodies remote from them".

The requirement for Shropshire Council to establish a 5 year housing supply has been imposed by the NPPF and is outside the control of Hanwood residents but the principle of sustainable growth, as set out in the NPPF has been reflected in the approach by both Shropshire Council and Great Hanwood Parish. It is essential that the Planning Committee supports the planning policies adopted by Shropshire Council by refusing applications that do not comply with the principles of sustainable growth.

13 letters of objection from 10 addresses have been received to the application which are summarised as follows:

Principle:

Hanwood Parish Council and the residents of Hanwood Bank have previously indicated that no more development at Hanwood Bank is wanted; a previous attempt to have this site included in the SAMDev Plan was refused; any new development in Hanwood should only be in the main part of the village close to the school and other facilities; Shropshire Council planning officers have previously stated in a public meeting that there would be no further development at Hanwood Bank; these additional dwellings are not needed locally

Flooding:

the existing drainage services are already inadequate in this area and the construction of dwellings as proposed would significantly increase the risk of flooding to properties in Bridge Lane; there are well documented issues with both the sewers serving The Caradoc estate and the flooding by surface water from the A488 onto Bridge Lane; this development would increase the pressures on the existing inadequate sewers through greater hard surfaced areas and resulting run off; Hanwood Bank is a red clay bank and there are a number of springs in the area, development on this site will upset the groundwater balance and increase the risk of flooding and/or landslip; there would also be major mud/debris from the site onto the A488 during construction.

Highway Safety:

Although this stretch of the A488 is a 30mph limit, the majority of vehicles ignore that limit; in a previous application for development of the Oaklands Barns the SC Highways engineer acknowledged that traffic speeds are generally higher than the 30mph limit and that there is a high proportion of HGVs; the access for this development is on a bend close to 2 other and will therefore add to the risk to all users of the A488; during construction there would be increased risk caused by construction traffic turning onto the site; the development will add extra traffic to an extremely busy stretch of the A488 and any families living in the new development will have to ferry children to and from Hanwood School by car; no safe pedestrian crossing of the A488 at Hanwood Bank; there would appear to be no pedestrian access to this new development;

Amenity:

The proposed location of the development is directly opposite residential properties that will be seriously affected in terms of the level of privacy they currently have as the proposed new houses will be on a raised site looking down into the front facing bedrooms of the existing properties.

Landscape:

Many of the houses in Hanwood Bank date back to the 1830s so are very important part of Hanwood Banks History; the proposed development has an unacceptable visual impact for many of the residents and visitors; the SAMDev plan assessment found the proposed site to be on a visually prominent slope from the A488 and of Medium to High Landscape sensitivity; need to separate Hanwood Bank from the main village of Hanwood currently by a visual gap of open countryside.

5.0 THE MAIN ISSUES

Principle of development

Drainage

Highway Safety

Design/Visual Impact

Loss of Agricultural Land

Open Space Requirements

6.0 OFFICER APPRAISAL

6.1 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. Paragraph 12 of the NPPF states 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'

6.1.2 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.'

6.1.3 Shropshire Council has an adopted Core Strategy and CS4 outlines that housing development that is of a scale that is appropriate to the settlement will be allowed in villages in rural areas that are identified as Community Hubs and Clusters within the SAMDev DPD. The SAMDev DPD is at the Pre-Submission Draft stage and 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).

The Council's view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone substantial public consultation, where some degree of weight can be attached.

6.1.4 Hanwood and Hanwood Bank are coming forward as a 'Community Cluster' and the Pre-Submission Draft indicates a development boundary. This site is just outside the development boundary for Hanwood and therefore allowing this proposal would be contrary to the emerging SAMDev DPD and contrary to the PCs aspirations regarding the location of new development within Hanwood. However in the absence of a five year land supply a 'presumption in favour of sustainable development' and the need to boost the housing supply (a government priority) is

now a significant material consideration when determining planning applications for housing and takes precedence over adopted and emerging local planning policy in relation to the supply of housing due to those policies not being considered up to date. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether it is an acceptable scale and design appropriate for the village of Hanwood.

6.1.5 Hanwood and Hanwood Bank form an elongated community stretched on either side of the A488. There are a range of services and facilities within the village, including a primary school, shop, post office, and public house. The settlement is serviced by a regular bus service from Shrewsbury and Pontesbury. The site is located at the eastern end of the village and it is considered that these services are all within an easy walking distance of the application site. 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 without over reliance or long journeys by private motor car.

6.1.6 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:

- ② 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;
- ② 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
- ② 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.

6.1.7 Economic role – 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 twenty additional houses will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also make a financial contribution to the supply of affordable housing in addition to a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

- 6.1.8 Social role – 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 rural settlements where it will support facilities within the settlement and those nearby, thereby helping to retain services and enhancing the vitality of rural communities. Providing housing will support and maintain existing facilities and will benefit both the existing and future residents and help meet the needs of present and future generations. Whilst the 29 houses proposed on the identified site through SAMDev and the other smaller developments already approved within Hanwood will add some pressure to existing facilities, it is considered that the additional 22 dwellings now proposed would not provide any significant additional pressure on services that would render them unable to sustain services for residents.
- 6.1.9 Environmental role – The site has no heritage, cultural or ecological designation. Whilst it is currently utilised as open agricultural it has little ecological value. The proposal would have no adverse impact on wildlife and the ecological value of the site could potentially be improved by relevant conditions. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible to local services and facilities on foot or by cycle and by public transport to the array of services, facilities and employment opportunities in Shrewsbury and Pontesbury.
- 6.2 Drainage
- 6.2.1 A Flood Risk Assessment (FRA) has been submitted with this application that confirms that the site is located outside of any identified flood zone and is not at risk from flooding. Foul drainage would be connected to the main sewer (with permission from the Local Water Authority). Surface water would match existing greenfield run-off and will result in no significant alteration or increase to the surface water run-off, with the use of an attenuation system located within the site, and with the use of Suds techniques utilised where appropriate. The Council's Drainage Engineer has confirmed that the FRA and outline drainage details are acceptable subject to the final surface water drainage details being required by condition.
- 6.3 Highway Safety
- 6.3.1 The proposed access layout first provided with the application was not supported by the local highway authority as it did not provide adequate inter-visibility for the junction to meet safety requirements. The Highway Officer discussed this matter with the agents for the application as well as a request that a pedestrian crossing point for the A488 be incorporated within the design. An amended access design has now been provided which the Highway Officer agrees is acceptable in principle. The design includes widening of the A488 to accommodate a pedestrian refuge crossing point and the proposed visibility splays have been based on 40mph travelled speeds.
- 6.4 Design/visual impact
- 6.4.1 The current site forms part of an open agricultural field that is hedged along its southern and western boundaries. The field is visible from approach from the west and east along the A488. The land to the rear of the site continues to rise uphill,

with a mature conifer hedge forming an existing field boundary along the skyline when viewed from the A488. The submitted indicative site layout plan shows the 20 dwellings set facing south towards the road with the western section of the site formed in a horseshoe shape.

6.4.2 Whilst the new houses would clearly be seen from views taken from the west/south of the site they would be viewed with the rising land behind them as a backdrop and with the existing houses on Caradoc View in the near vicinity. The properties along Caradoc View also stretch away from the road in a northwards direction. The site is located opposite to a mixture of existing differing designs of housing that are located on the south side of the A488 and are set at differing land levels that run downhill towards the Rea Brook. It is considered that the application site is set adjacent to a part of Hanwood Bank that is clearly residential in nature. The other fields located around the application site would still remain open in nature and therefore some degree of visual separation between Hanwood Bank and the remainder of Hanwood located to the west of the railway line would be retained. It is considered that the proposed development of this site for housing would not have any significant detrimental impact on the surrounding landscape enough to justify the refusal of planning permission.

6.5 Loss of agricultural land

6.5.1 The site lies on a Grade 3 agricultural land. The NPPF states at paragraph 112 that “Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.” This factor needs to be weighed in the balance of considerations in relation to this site and taking account of the guidance in the NPPF taken as a whole. In view of the significant weight which must be given to the lack of a 5 year housing land supply in Shropshire, explained in section 6.1 above (Principle of Development), it is considered that a refusal on the grounds of loss of high quality agricultural land could not be sustained.

6.6 Open space requirements

6.6.1 Open space – IPG requires developments of 20 or more dwellings to provide open space on site, to 30sq metres per person. This application design and layout are reserved matters and the provision of open space will therefore have to be designed into a final scheme at the reserved matters stage.

7.0 CONCLUSION

7.1 It is appreciated that approving this development would be contrary to the Parish Councils wishes for the village of Hanwood/Hanwood Bank and would go against the ideals of ‘localism’. However the NPPF is clear that where there is a lack of a 5 year land supply local policies relating to housing are considered to be out of date and that the priority is to boost housing supply and to approve sustainable development in appropriate locations provided there are no adverse impacts of doing so. It is considered that the site is of a sufficient size to accommodate the proposed number of dwellings and would not result in an unacceptable form of development within the village. The proposal would have no adverse environmental or ecological implications and would not impact on highway safety.

The detailed appearance, landscaping, and scale will be considered at the reserved matters stage.

- 7.2 The existing infrastructure is sufficient to support the proposed development and the proposal will provide local needs affordable housing and will be liable for the required CIL payment. It is considered that Hanwood/Hanwood Bank is a sustainable location for a limited number of new houses (over and above that put forward by the Parish as part of SAMDev) due to its range of essential services and facilities and its proximity to Shrewsbury and Pontesbury with good access to all essential services and facilities without over reliance or long journeys by private motor car. It is considered that the proposal represents sustainable development that will contribute to providing a balance of available housing and would help support facilities and services in this and neighbouring towns and villages and therefore promote '*strong, vibrant and healthy communities*'. It is therefore recommended that members support this application and grant planning permission in line with clear guidance within the NPPF. Permission, if granted, should be subject to the completion of a S106 Agreement to secure the provision of affordable housing in accordance with the Councils adopted policy.

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, i.e. written representations, hearing or inquiry.
- ☐ The decision may be 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 made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS4, CS6, CS9, CS11, CS17 & CS18

RELEVANT PLANNING HISTORY:

-

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) See planning file</p>
<p>Cabinet Member (Portfolio Holder) Cllr M. Price</p>
<p>Local Member Cllr Roger Evans</p>
<p>Appendices APPENDIX 1 - Conditions</p>

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Details of the layout, scale, appearance and landscaping (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 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

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

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

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

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

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 drainage of the site

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

5. The development shall be carried out strictly in accordance with the deposited plans and drawings as amended by the revised plan Numbers T13166-106Rev A, T13166-170RevA & T13166-171 received on 5th June 2014.

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 the development full engineering details of the site access works, new access road, existing highway/road works, structures, foot/cycle ways, surface water drainage, street lighting and carriageway markings/signs, shall be submitted to and approved by the planning authority; the works shall be fully

implemented in accordance with the approved details prior to the development hereby permitted being first brought into use. Reason: To ensure the construction is to an adequate standard in the interests of road safety.

7. No development shall take place until a scheme of surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

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

8. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens shall be submitted to and approved by the local planning authority prior to the occupation of the first dwelling. The landscape plan shall be carried out as approved and retained thereafter.

Reason: To ensure the long term maintenance of the amenity green space.

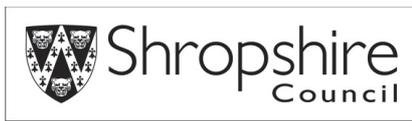
Informative(s)

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
2. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.
3. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
4. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for

requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

5. Consent is required from the service provider to connect into the foul main sewer.
6. If the proposed estate roads are to be offered up for adoption under s38 of the Highways Act 1980 they will need to be designed and constructed in accordance with the Shropshire Council Estate Roads design guide and an agreement will be required with the local highway authority. No works are to be undertaken on the adjacent public highway without obtaining prior approval from the highway authority via the appropriate means.
7. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.
8. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.



Committee and date

Central Planning Committee

26 June 2014

Item

6

Public

Development Management Report

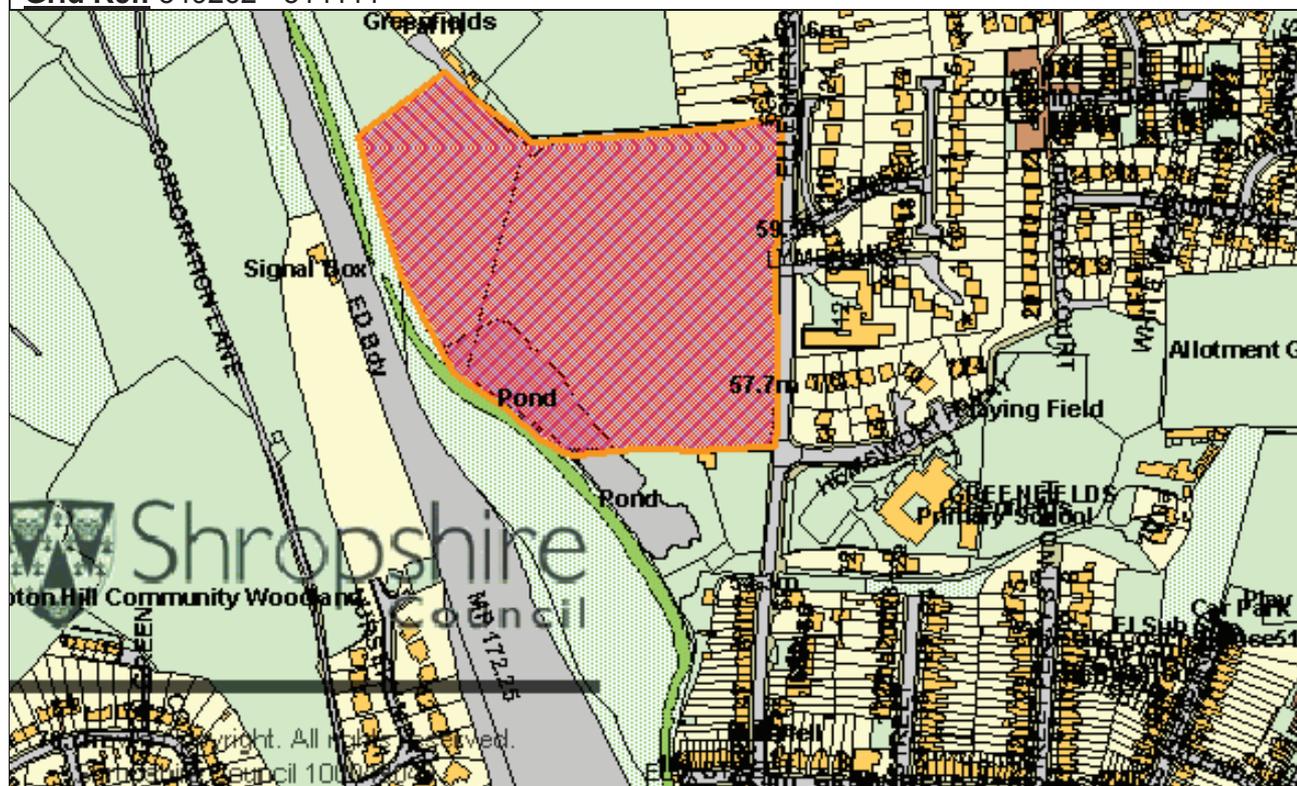
Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 13/05124/FUL	Parish:	Shrewsbury Town Council
Proposal: Mixed residential development of 75 dwellings (including 8 affordable units), formation of vehicular access; provision of open space and associated landscape and infrastructure improvements		
Site Address: Land Opposite Ellesmere Drive Ellesmere Road Shrewsbury Shropshire		
Applicant: Crest Nicholson South West		
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk	

Grid Ref: 349262 - 314111



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a s106 agreement to secure the developer contributions and provisions outlined in paragraph 6.9 of this report.

REPORT

This application was deferred at the 29 May 2014 of the Central Planning Committee to enable the applicant to provide information on the reason for the gas monitoring on site together with any information they have with regard to the nature and extent of any contamination on the site. At the meeting and in response to questions and comments of Members, the Area Planning and Building Control Manager drew Members' attention to paragraph 4.1.6 of the report which indicated that no issues of land contamination had been identified. He further explained that the pond and provision of open space accorded with the Interim Planning Guidance. Shrewsbury Town Council had been consulted and shown a willingness to adopt the public open space and play area and any concerns with regard to the proximity of the pond would have been raised during discussions and that the provision, maintenance and management of the on-site play area would be covered via the S106 Agreement. In response to the matters raised by members the applicant has confirmed the following:

1. Standpipe / Ground Investigations

The Committee queried why there were standpipes located on the site and that this raised suspicions as to the ground conditions and the potential presence of gas. Crest Nicholson can confirm that the temporary standpipes relate to the developer's own ground investigation works which it will carry out as a matter of course for any potential development site. In December 2011 Crest Nicholson commissioned a geotechnical desk study and ground investigation works at the site. The purpose of these works was to properly assess the land conditions and provide an adequate level of detail to regulators as part of the development proposals. The desk study which included environmental searches concluded the land to be of agriculture use, dating back to at least 1884 and remaining the same to the present day. Investigation works included the installation of standpipes to monitor groundwater and gases, as well as trial pitting to assess ground conditions and the presence of contamination.

The assessment of the existing soils and groundwater confirmed that contaminants are limited to fertilisers associated with the current use of the land and do not pose a risk for residential development. Results of the gas monitoring also confirmed that there were no elevated gases present and as such no mitigation measures are necessary. The temporary standpipes on the land have remained in place which is common practice should regulators require updated groundwater or gas monitoring results. The standpipes will be removed as part of any site clearance works when development commences. A Desk Study and Ground Investigation Report (Hydrock, February 2012) and Site Gas Assessment (Hydrock, March 2012) confirms there are no contamination or gas issues with the site and that no special precautions are required with respect to ground gases.

2. Protection of Proposed Open Space

The Committee queried the mechanism for securing the proposed area of public open space and a Member asked what was to stop the developer coming back with a future planning application for further housing on this area. The provision and future maintenance of the public open space area will be secured via the S106 Agreement and Crest Nicholson has an agreement in principle from Shrewsbury Town Council to take adoption of the play area and the public open space. As the public open space area contains the development's proposed underground drainage system it would not be possible to develop the open space land for additional housing.

3. Safety arrangements for children's play area and pond

The Committee asked how the developer intends to ensure the safety of children with regards to the proposed play area and its proximity to the existing pond. The play area will be surrounded by 1.2m high railing which will safely contain children and ensure they cannot run out into the highway. The play area is shown at least a 50m distance from the pond and its location has been agreed in discussions with the Town Council. The landscaping proposals show the existing wide scrub vegetation to the north and north-west of the pond being retained, which would deter users of the open space having direct access to the water's edge. In order to further reduce the likelihood of people, in particular children, reaching the water's edge the applicant would be prepared to agree to a condition requiring details of safety measures for the pond to be submitted and agreed.

Crest Nicholson suggest that a 1.2m high timber post and rail fence could be erected along all publically accessible sides to the pond to the northern edge of the retained scrub/vegetation. ROSPA (the Royal Society for the Prevention of Accidents) advises suitable fencing should be a minimum of 1.1m high with vertical bars no more than 100mm apart. Any gates to allow for maintenance access will need to be lockable. In addition safety risk warning signage could be erected to inform people of the dangers of deep water and also provide a safety ring in the unlikely event a person falls into the pond.

Officers advise that a condition could be imposed regarding safety fencing if members consider that it is necessary. Officers are also satisfied that there are no contaminated land issues with this site and the comments received from Public Protection are updated within paragraph 4.1.6 of the previous report on the application set out below.

1.0 THE PROPOSAL

- 1.1 This application relates to the erection of 75 two, three, four and five bedroom dwellings (including 8 affordable units), the formation of one primary vehicular access and two additional accesses off Ellesmere Road, the provision of open space and associated landscaping.

2.0 **SITE LOCATION/DESCRIPTION**

2.1 The site is a greenfield site extending to approximately 4 hectares to the North of Shrewsbury on the West side of Ellesmere Road opposite Ellesmere Drive and Lymehurst Nursing Home. To the North of the site is the access lane to Greenfields Farm, there is a hedge along the Eastern boundary with Ellesmere road and an area of mature trees and vegetation forms the boundary to the railway line to the West. There is a large pond in the South West corner of the site.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as although the Town Council does not object to the application it has been requested to be referred by the Local Member, and the Area Planning Manager in consultation with the Committee Chairman agrees that the application should be determined by committee.

4.0 **Community Representations**

4.1 **- Consultee Comments**

4.1.1 **SC Planning Policy**

The site is located outside of the Shrewsbury Urban Area as defined by the development boundary on the Proposals Map of the SABC Local Plan, although regard should be had to the NPPF provisions relating to housing policies being not up-to-date if the Council cannot demonstrate a five year supply of deliverable housing sites. As at September 2013, the Council considered that it could demonstrate a 5.28 years supply of land for housing in Shrewsbury (4.95 years in Shropshire as a whole), but recognises the marginality of this position, which is constantly changing and open to challenge. Core Strategy Policy CS2 Shrewsbury Development Strategy is particularly relevant as it sets out a range of policy considerations including, as a priority for the allocation/release of land for development, 'other sustainable housing land releases on the edges of Shrewsbury, identified in the SAMDev DPD, to provide the balance of the housing land required'. Paragraph 216 of the National Planning Policy Framework then explains that weight can be given to relevant policies in emerging plans, with the weight according to the stage of preparation, the extent that there are unresolved objections, and the degree of consistency with the NPPF policies.

The site is not proposed to be allocated for housing in the Pre-Submission Draft SAMDev Plan. The site was promoted for inclusion in the Plan but, whilst the site was assessed by planning policy officers as being in a sustainable location in principle, being relatively close to the town centre and facilities, it was considered to be subject to significant constraints, including the large pool on the southern part of the site. However, the primary reason for not proposing to allocate land for further development in this part of the town was the issue of the potential impact of additional traffic on Ellesmere Road/Chester Street and planning policy officers judged that the land opposite Ellesmere Drive was only a 'realistic' site (in terms of the SAMDev Plan) if traffic impacts could be satisfactorily accommodated/mitigated.

The options for allocation, and then the issues arising from the Preferred Options and Revised Preferred Options consultations were considered by officers, local Councillors, and a Shrewsbury Joint Members SAMDev Plan Working Group, with the Group not seeking to include the site as an allocation or within the town development boundary.

A consideration in assessing the potential for increased highways impacts is the presence of an adjoining brownfield site (former railway land west of Ellesmere Road) which has outstanding consent for approximately 150 dwellings and which is proposed to be included as an allocation in the Plan, so there will be additional development and associated traffic generation in the area in the coming years. That site includes provision of a footpath and cycleway link underneath the Ellesmere Road railway bridge to link with the footpath/cycleway through the residential development to the south of Ellesmere Road. In my view, it is important that any development of the application site allows for a continuation of this planned development of the footpath/cycleway network in order to provide sustainable transport opportunities which could help to reduce traffic impacts and increase sustainability.

If, following consideration of the traffic and highways issues and any associated mitigation measures, the view is that the development is acceptable in principle then, for it to be sustainable development, it would be important that the development was contributing adequately to infrastructure provision. Therefore, and without prejudice to the consideration of the other material planning issues, overall infrastructure costs and contributions required to address impacts arising from development have been identified in accordance with the approach agreed by Cabinet on 24th July 2013 (in the report on Place Plans Review), linked to Core Strategy Policies CS2 and CS9, and the Council's Developer Contributions SPD. The package of total costs for the delivery of infrastructure for the site has been identified to be £507,251, with the overall contribution being £591,355 (subject to finalisation) when the CIL Neighbourhood Fund at 15% and administration at 5% are added. The infrastructure costs package is made up of:

Contribution to Strategic Road Network:	£100,100
Contribution to town-wide highways network and sustainable transport:	£82,500
Contribution to local highways network (including Section 278 works):	£50,000
Education contribution:	£149,651
On site play facilities and maintenance:	£125,000
Total:	£507,251

The infrastructure contributions would be provided through a combination of CIL and S106 Agreement payments. The costs of the provision and management / maintenance of amenity open space and natural/semi-natural open space provided as part of the development's 'on-site design' requirements are separate and additional. Policy Officers confirm that this contributions package is in accordance with the Council's agreed approach to ensuring that adequate funding is secured for infrastructure provision from major housing developments in Shrewsbury, and as agreed to be necessary to address identified impacts of the development and to meet the tests set out in Regulation 122 of the CIL Regulations.

If agreed to be provided, the contributions form part of the benefits from the development to which regard should be had in assessing the proposals in line with the NPPF presumption in favour of sustainable development. The Council should also have regard to the aims of the NPPF in terms of boosting housing supply, with the degree that the proposed development would contribute to housing supply in Shrewsbury, and evidence provided by the applicant regarding planned delivery, material considerations.

4.1.2 **SC Highways DC**

The highway authority raises no objection to the granting of consent subject to a planning condition regarding the access road and works to the highway and a S106 to provide a pedestrian crossing and to ensure adequate arrangements are made for the ongoing management and maintenance of the on-site surface water drainage system.

Although this is not a SAMDev preferred options site, this application is being considered under the current lack of demonstrable five-year land supply and therefore must be weighed up against current national planning policy. The key consideration for the local highway authority when reviewing this application has been the impact of additional traffic from this and the adjacent committed site on the surrounding road network, particularly at the recently improved Chester Street/Castle Street gyratory junction in the town centre.

We have therefore deliberated over the potential traffic impacts on Ellesmere Road, weighted against the sustainability credentials of the site. The Transport Statement provided with the application (note that for a development of this size a full Transport Assessment report is not required in accordance with Department for Transport guidelines) contains a trip rate assessment for the site, which details the expected vehicle movements. Whilst in our opinion the trip rates provided are considered to be robust, the report excludes vehicle movements from the dwellings accessed from the secondary private drives off the Ellesmere Road. Therefore at our request additional information detailing the expected vehicle movements onto and from the Ellesmere Road for the entire site has been provided by the applicant.

This development by itself would increase traffic flows on Ellesmere Road during the peak periods by approximately 3.5%, which is likely to only have a marginal impact on the surrounding network. However, if we consider also the additional traffic from the neighbouring committed site at the disused railway siding site, traffic flows could increase on Ellesmere Road in the region of 7-10% and we consider that this is likely

to have a noticeable, but not severe impact on the network.

The National Planning Policy States the following with regards to traffic impact and congestion:

“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

As the main point of impact of this and the adjacent committed site is likely to be at the Chester Street Gyratory, it would be normal practice for us to look to mitigate any impacts through an improvement scheme as a s106 contribution. However, the local highway authority has recently completed a comprehensive improvement scheme at this junction which has provided high quality walking and cycle facilities and has maximised capacity for traffic movements. Also, all of the traffic signal controlled junctions along the Smithfield Road are now linked to a central Urban Traffic Control system which works to maximise the throughput of traffic along this corridor. These improvements have improved traffic flows through the junction as far as is feasible with current available technology and have improved walking and cycle links between the town centre and Ellesmere Road. Therefore further mitigation works here are not achievable and we are of the opinion that the junction can accommodate the additional traffic from this and the adjacent development with causing excessive delays. Any resultant delays from these two developments aren't likely to result in 'severe' congestion, although this is not a defined term.

There is a fine line to be balanced at the Chester Street gyratory, as this junction serves a critical function to provide access to the north of Shrewsbury town centre and Smithfield Road; any further large developments off the Ellesmere Road corridor (over and above this site and the adjacent committed site) are likely to result in traffic issues at this location which we are unable to manage. Therefore the local highway authority maintains the opinion that any further major developments off the Ellesmere Road (over and above this site and the adjacent committed site) would not be acceptable without a north-west relief road scheme to manage the flow of traffic between the west and northern areas of Shrewsbury.

We have also considered the impact of additional traffic at the junctions located to the north of Ellesmere Road and along Mount Pleasant Road; inevitably the proposed development and adjacent committed development will lead to some additional traffic using these junctions/routes, but any increases should be minor as the traffic will dissipate across the network.

As an infill site (albeit a green-field site outside the current development boundary) within the urban area of Greenfields, the locality is well served for people to chose to make sustainable trips; with the requested signal controlled crossing point people will be able to safely access the nearby school, bus stops, shop and wider walking and cycle network accessed off Hemsworth Way. The site also provides good opportunities for accessing employment in the north of the town, in the town centre and beyond via the railway station.

Questions have been raised to us over the suitability of the three points of vehicular access to the site off the Ellesmere Road, so the following response has been provided: If the development is permitted we are keen to see some active frontage introduced in order to reinforce the urban nature of Ellesmere Road as this should influence driver behaviour, encouraging sensible travelled speeds in-line with the existing 30mph limit. However, it would not be desirable to introduce new properties directly fronting the Ellesmere Road as this would create many points of conflict and would also likely to result in an increase in people parking on the main road. Therefore the proposed layout to provide two 'secondary' parallel roads provides a good compromise in delivering some visible frontage to integrate the development with Ellesmere Road, yet this arrangement minimises the points of access on to the main road. We understand that the existing hedge is to be removed so the residents of these dwellings will be able to access Ellesmere Road on foot with ease. The appropriate visibility splays for all three accesses have been proposed by the developer.

We understand that in the morning leading up to the school opening and in the afternoon around closing time some people park on Ellesmere Road to drop off and collect their children. There should not be a conflict between vehicles parked here and the proposed access arrangements for the development, however a signalled controlled crossing provided here would introduce parking restrictions on Ellesmere Road in the form of zig-zag markings. A controlled pedestrian crossing is required secured by a s106 contribution on Ellesmere Road to provide a suitable link to the surrounding walking network and nearby bus stops, to ensure the site provides suitable options for sustainable travel in accordance with the NPPF.

A number of discussions have taken place with the applicant regarding the proposed site drainage design and how this relates to the disposal of surface water from the highway; as the proposed combined Surface Water Sewer (SWS) system discharges to a pond and not a watercourse, we understand that Severn Trent won't adopt this. Also as the proposed SWS combines private water from the dwellings and highway run off, we are unable to adopt the system as a highway drain and we are only prepared to adopt the gullies and connections/SUDS source control features. But as we have a statutory duty to drain the highway (if the roads are adopted), we need to insure that the site SWS is properly maintained for the life of the development. Therefore an obligation is required under s106 of the Town and Country Planning Act requiring the applicant to make arrangements for an on-site SWS management company to maintain the system. Therefore any residents of the site are likely to pay the management company a fee for the disposal of the surface water, instead of paying Severn Trent for this service (although a charge will still be made for the water supply and foul disposal).

- 4.1.3 **SC Drainage** - No objection to the surface water drainage design in principle subject to planning conditions.
- 4.1.4 **SC Trees** - Notes the loss of two mature trees on site but accepts the semi mature replacements for them in the open space area. Recommends a condition regarding tree protection measures.

4.1.5 **SC Ecologist**

Badgers - Precautionary measures for badgers have been recommended by FPCR.

Nesting Birds - The site has the potential to support nesting birds.

Bats - Bat activity surveys were conducted on site. No evidence of roosting bats was identified during the survey. The ecologist recommends that trees that have been identified as having bat potential, but having no evidence of roosting bats in the 2013 report, should be re-surveyed before removal. The recommendation in the report should be conditioned on the planning decision. As the site is used by foraging and commuting bats it is important that the site design maintains natural, linear, connecting features for bats.

Great Crested Newts - The pond on site was assessed for its potential to support breeding great crested newts. It scored 0.8 on its HSI and further presence/absence surveys were conducted in line with Natural England's guidelines. No great crested newts were recorded. In order to enhance and protect the site for herptiles, the pond should be retained and protected during the development.

Reptiles - A population of common lizards was identified during the Ecological Appraisal report. In order to enhance the site for herptiles FPCR has recommended that three reptile hibernaculas and four log piles are installed. Details of which should be included in the landscape plan. A method statement, including a destructive search will be adhered to in order to reduce the impact the development may have on herptiles.

Recommends conditions and informatives to be on the decision notice regarding all of the above.

4.1.6 **SC Public Protection** – The noise assessment submitted with the application concludes that noise has the potential to affect future residents where houses face the main road. As a result a glazing specification map is found in the appendix which details the minimum glazing specification required to ensure that proposed habitable rooms are safeguarded from noise. The glazing map is considered to be satisfactory and therefore it is recommended that this is conditioned to ensure that this glazing is installed should this application be granted approval.

With respect to air quality the houses shown on the plan are a suitable distance from the main road. As a result has no air quality concerns and requires no assessment.

No contaminated land issues have been highlighted and no details of any past contamination on the site are held by this service at this moment in time. As a result no contaminated land conditions are necessary on the land proposed for development.

In order to make the properties ready for EV charging point installation isolation switches must be connected so that a vehicle may be charged in the garage or driveway and recommends a condition regarding this.

16th June 2014: Having looked at the results of information gathered from on site boreholes the data provided suggests that no specific measures are

necessary to protect the proposed development from levels of in-soil gases. As a result we are still of the opinion that no contaminated land conditions are required for this site and this service is in agreement with this view.

- 4.1.7 **SC Conservation (Historic Environment)** - The lands subject of this application are not within or adjacent to a designated Conservation Area. Our electronic mapping records also indicate that there are no designated heritage assets within or adjacent to the site area although the 1900 Ordnance Survey mapping layer indicates there may be some non-designated traditional buildings remaining adjacent to the site area, one group known as 'Upper Greenfields' and the other group known as 'Greenfields Farm'. While there are generally no comments on this proposal in terms of its effect on designated or non-designated built heritage assets, my colleagues in the archaeology half of the Historic Environment Team should be consulted in terms of potential archaeological matters within or in the vicinity of this site.
- 4.1.8 **SC Archaeology (Historic Environment)** - No comments to make on this application with respect to archaeological matters.
- 4.1.9 **SC Affordable Houses** - The affordable housing contribution pro-forma accompanying the application indicates the correct level of onsite affordable housing provision, we can confirm that the size and tenure proposed at this time meets the demand in the local area and therefore satisfies the provisions of the SPD Type and Affordability of Housing.
- 4.1.10 **Shropshire Wildlife Trust** - The ecological credentials of the development would be improved if a broader ecological corridor could be retained along the western boundary adjacent to the railway track. This would help connect the area around the pond with wider countryside and County Wildlife Site to the north. While the current ecological value of the site may be limited planning guidance also seeks enhancements. Also believes that hedgerows have recently been removed from the site. A biodiversity management plan (part of GI management plan?) is required to show how the ecological elements of GI will be maintained.
- 4.1.11 **Network Rail** - Whilst there is no objection in principle to this proposal, is aware of the proximity of the pumping station, pond and attenuation/soakaway design and would suggest these are situated at least 30m from the boundary. Notwithstanding the above, provides comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land and in order to mitigate the risks recommends that the Developer contacts Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

4.2 - Public Comments

- 4.2.1 Shrewsbury Town Council - Supports - Whilst the Council is generally supportive of this development, we would ask that the approval is conditional upon the following:

1 There are a number of mature trees on site. They should be retained as part

of the development and appropriate measures put in place to safeguard them,

- 2 Surface water run-off should be equal to or less than currently exists,
- 3 Sprinklers should be fitted to all new build as a matter of routine

4.2.2 Cllr Dean Carroll: Objects to this application for the reasons summarised below.

- 1 Ellesmere Road and the junctions at Coton Hill and Chester Street are already at or beyond full capacity. The recent junction improvement work carried out at Chester Street was intended to tackle an existing recognised issue of over use of the junction. The extra capacity added was thus not to enable more vehicular movements from the Ellesmere Road but to alleviate the existing issue, it is not therefore sensible to make the acknowledged issue worse again by increasing vehicular movements.
- 2 There are existing drainage issues with the site that this application would not alleviate.
- 3 The land to the West of Ellesmere Road is recognised to be of a more rural character, with linear development and breathing spaces in between, the sole exception being Cedar Close, a cup-de-sac with little more than a dozen mostly bungalows. This development would be out of character with this pattern.
- 4 Ellesmere Road is an important point of entry to Shrewsbury from the north, as is evidenced by the high volume of vehicular movements. The green spaces to the West of Ellesmere Road form important public amenity views of the open countryside beyond.

As the site is outside the development boundary and has only reached this stage due to the lack of a five year land supply, I would expect this application to go to the Central Area Planning Committee for determination and not to be resolved under delegated powers.

4.2.3 24 letters of objection have been received raising the following concerns:

- ☐ The resident of Greenfields Farm considers that the privacy and seclusion that he has enjoyed for over 40 years would be destroyed and that his house would effectively become part of a housing estate and impact on the quiet and peaceful enjoyment of his property. Would like to see a fence or wall erected along his boundary to protect his privacy.
- ☐ Inappropriate development of open countryside and land which is not included as a preferred site allocation
- ☐ The potential loss of significant swathes of Green Space around the Town and the surrounding rural areas and impact on the environment and loss of visual amenity for the clients of the Nursing home opposite

- ❑ Accepts that development is essential for the survival of Shrewsbury but the loss of large and significant areas of Green Space will seriously devalue all aspects of the environment to the detriment of the Town and surroundings
- ❑ The provision of 'new Green Space' accessible to the Public must be regarded as reduced re-provision of Green Space rather than 'new Green Space' as indicated in the Submission
- ❑ The street vista currently proposed for Ellesmere Road will change the current Green Space visible to those using Ellesmere Road on foot and in vehicles. The proposed Public Green Space will have limited visual impact from the existing road as it will be screened by the proposed new houses.
- ❑ This development would occupy a greenfield site spreading a considerable distance from the road and developing upon and preventing public amenity views.
- ❑ This development would be out of character with the existing developments along Ellesmere road that follow the line of the road, with open space between and behind.
- ❑ Inadequate primary and secondary school provision as Greenfields primary school is already heavily over subscribed and future pressures have already been identified on the Secondary Schools throughout Shrewsbury
- ❑ Greenfields Primary School already has large pupil numbers with average class sizes of 30 pupils and would be unable to accommodate the extra children that the proposed development would inevitably bring to the area.
- ❑ The nearest Secondary School is approximately a 30 minute walk away, along one narrow path running alongside the busy Ellesmere Road. There is no path at all on one side of the road for a good long stretch. There are no cycle paths anywhere along the Ellesmere Road including on the route to the nearest Secondary School or into the Town Centre. A large number of children currently travel approximately 3 miles to Secondary School from this area and the bus service is already oversubscribed with no other bus service operators interested in expanding the service.
- ❑ Parking at school times is horrendous as cars are now parking half on the foot path and half on the Ellesmere road / Hemsworth Way (photos provided). This is a dangerous situation that would be compounded by additional vehicles and needs to be urgently addressed before a serious accident happens.
- ❑ Increased volumes of traffic on Ellesmere Road adding to the existing congestion, traffic flows and traffic problems on Ellesmere Road particularly at busy times
- ❑ The current traffic lights at Coton Hill and the ones on the junction with

Chester Street and Cross Street cause major tailbacks of traffic along the Ellesmere Road all the way back to the Greenfields school, and additional housing will obviously add to this already unacceptable situation.

- ❑ The County Showground on the Berwick Road host events throughout the year and on these dates residents sometimes have to queue for up to two miles from the northbound direction.
- ❑ The detailed Transport Assessment attached to the Application, based on the Traffic Survey carried out for only a single week in December last year, appears to focus on the design of the new traffic junction serving the development (primarily between the hours of 08:00-09:00 and 17:00-18:00) and not the overall affect on the traffic flows on Ellesmere Road
- ❑ Does not agree that the main access junction onto Ellesmere Road has sufficient capacity to accommodate the traffic that will be generated by the proposal
- ❑ The introduction of the new junction and the private driveways in close proximity to the School entrance will add further pressure on this section of Ellesmere Road and increase the potential dangers associated with school entrances particularly on this major route.
- ❑ The stretch of road where the three additional junctions to serve 75 homes and a crossing will be located already has a road junction to homes and school on Hemsworth way, a road junction to homes and dentist on Ellesmere road, a road junction to homes and Rest home on Lymehurst court and bus stops on either side of the road and there will be too many potential hazards in a very short stretch of already busy road.
- ❑ Does not consider that the proposed 'active frontage' referred to by highways will slow speeding traffic.
- ❑ The provision of a crossing is essential and is supported, but again this is going to affect the traffic flows and possible further congestion on Ellesmere Road.
- ❑ There are no traffic calming measures along Ellesmere Road
- ❑ Additional dwellings should not be allowed on Ellesmere road until the NW relief road is built
- ❑ It is inappropriate to develop land with drainage issues and adjacent to land which already floods and is concerned that building work will compound this problem
- ❑ There is a large amount of un-sold houses in Herongate and fails to understand the need for new estates to be created where there is sufficient housing available in the surrounding area.

- ☐ There is plenty of housing in this area and with new builds already in progress in Shrewsbury that should satisfy the demand for housing
- ☐ Greenfields Dentist is full and cannot accept any more patients
- ☐ The proposed development site is currently productive agricultural land and does not form part of the local plan. The brownfield site at the bottom of Ellesmere Road is part of the plan but questions whether the local infrastructure could support either of these development sites and certainly not both.
- ☐ The north of our town has been dominated by the development of residential and employment and recent housing development includes Coton Hill/Corporation Lane, Greenfield Gardens and Benbow Quay. Further development is unnecessary and needs to be re-balanced by development at other geographical locations. The infilling of all land within the existing residential area is not beneficial to the community.
- ☐ Just because the council can't demonstrate a five year land supply, this development should not be allowed to slip through the loophole that gives speculative developers the opportunity to build on open countryside.
- ☐ Suspects that the only reason this application is recommended for approval is the 'significant financial contribution (over £500,000)' rather than any considered evaluation.

5.0 THE MAIN ISSUES

Principle of development
Sustainable development
Layout, scale, design, character and appearance
Highways/access
Drainage
Impact on residents
Ecology
Trees and landscape, open space and play area
Developer contributions

6.0 OFFICER APPRAISAL

6.1 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. Paragraph 12 of the NPPF states 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'

6.1.2 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.'

Paragraph 14 of the NPPF is also relevant and highlights that for decision taking this means:

'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'

6.1.3 The site is currently outside of the development boundary for Shrewsbury and is not proposed to be allocated for housing in the Pre-Submission Draft SAMDev Plan. The site was promoted for inclusion in the Plan but whilst the site was assessed by planning policy officers as being in a sustainable location it was considered to be subject to significant constraints including the large pool on the southern part of the site and the potential impact of additional traffic on Ellesmere Road/Chester Street. Planning policy officers judged that the land opposite Ellesmere Drive was only a 'realistic' site (in terms of the SAMDev Plan) if traffic impacts could be satisfactorily accommodated/mitigated.

6.1.4 In the absence of a five year land supply a 'presumption in favour of sustainable development' and the need to boost the housing supply (a government priority) is now the most significant material consideration when determining planning applications for housing and takes precedence over adopted and emerging local planning policy in relation to the supply of housing due to those policies not being considered up to date. 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 **Sustainable development**

6.2.1 The site is situated on the edge of the urban development boundary for Shrewsbury and is in close proximity to the Town Centre, railway station and bus station and is serviced by a regular bus service into town. The site is therefore considered to be in a sustainable location with regards to accessibility and proximity to essential services and facilities within the Town Centre. However the NPPF considers that sustainable development' isn't solely about this but 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:

- ② *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;*
- ② *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*
- ② *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.*

- 6.2.2 Economic role – The proposal will help boost the supply of housing in Shrewsbury and will provide employment for the construction phase of the development supporting the building, construction and associated industries. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also make a significant financial contribution (over £500,000) towards infrastructure provision (including the strategic road network, town-wide and local highways network, pedestrian crossing, sustainable transport, education, and on site public open space and play facilities) both through a combination of CIL and S106 Agreement payments.
- 6.2.3 Social role – The proposal will help boost the supply of market housing and also provide 8 affordable houses on site. The proposal also includes the provision of a large area of public open space and on site play provision for the benefit of present and future generations.
- 6.2.4 Environmental role – The site is a field with no heritage, cultural or ecological designation. The proposal would have no adverse impact on protected wildlife as the pond (which is the main feature of ecological value) and the majority of the mature trees will be retained. The proposal will provide landscape and ecological enhancements including future maintenance of the pond and open space, additional tree planting the creation of species rich grassland, additional native species planting throughout the site and along the western boundary and the installation of reptile hibernacula, log piles, bat boxes and bird boxes. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible to all essential services and facilities on foot or by cycle or by public transport.
- 6.2.5 It is therefore considered that the proposal represents sustainable development in

a sustainable location having regard to the three dimensions of sustainable development and that it is an appropriate site for residential development subject to a satisfactory layout, scale and design and that there would be no adverse impacts as a result of the proposal.

6.3 Layout, scale, design, character and appearance and visual impact

- 6.3.1 The site is an agricultural field currently classed as open countryside and the proposal will obviously result in the loss of part of this green field to built development. The majority of the objections to the proposal, in addition to highways issues, have been to the loss of this field and that the development of large areas of green space will be detrimental to the environment and public amenity views of the site. Environmental and ecological issues will be considered in 6.7 and 6.1.0 below. There is no right to a view from private properties but public views are a material consideration. A landscape and visual assessment has been submitted to determine the likely effects of the proposed development on the existing landscape and the views and visual amenity experienced by residents, recreational users, pedestrians and road users.
- 6.3.2 The site is enclosed by the railway and embankment to the West, an access lane and housing to the North, Ellesmere road and built development to the East and a field and residential development to the South. The proposed site is not publically accessible, has no heritage, cultural, ecological or landscape planning designation and with no rare or distinctive features and limited levels of tranquillity it is considered to be of low landscape and visual amenity value. Public views of the site are limited and views from vehicles using Ellesmere Road and views of the site for pedestrians are restricted by the existing boundary hedge. This is proposed to be removed and replaced with a hedge managed at a height of one metre with the proposed houses set behind a private drive fronting the road. The proposed dwellings that will face Ellesmere Road are large detached dwellings of a traditional design set within individual plots which is characteristic of the dwellings facing the site and facing Ellesmere road on both sides to the North of the site. It is therefore considered that the scale design and appearance of the dwellings fronting Ellesmere Road is appropriate and will provide an attractive street frontage.
- 6.3.3 The proposal includes the provision of a large area of public open space which will provide a green link to the areas of existing tree and woodland planting on the South West boundary and a green corridor link to the wider countryside to the North West. Although the proposal will result in the loss of a green field it is considered that this field does not provide important amenity views of the countryside when approaching Shrewsbury along Ellesmere Road as a sense of being within the urban area of Shrewsbury has already been established by the large areas of residential development to the East and residential development to the West immediately North of the site. The visual amenity of the site is mainly restricted to private views by residents, and as a large proportion of the site will remain as managed publicly accessible green space available to the public to access and enjoy it is considered that the benefit of the proposal far outweighs the loss of this agricultural field and green space on the edge of the urban boundary of Shrewsbury.

6.3.4 Some comments have been received from local residents concerned that the proposal would be out of keeping with the character and pattern of existing development which they consider to be predominantly linear and facing Ellesmere Road. As outlined in 6.3.2 above the proposed dwellings that will face Ellesmere Road are large detached dwellings of a traditional design set within individual plots that will provide an attractive street frontage that would compliment the existing development. The design and layout of the remainder of the site has been informed by the topography of the site and the pond in the South West corner. The houses within the site are of a higher density houses and comprise a mix of size and design of houses that reflect the local architectural vernacular. Apart from the houses facing Ellesmere Road the site will be accessed via a single estate access road and all internal roads will have front facing elevations and the open space will also be overlooked by the fronts of dwellings providing natural surveillance. The proposal provides easy pedestrian access to the proposed open space and provision for potential links to the adjacent site and the town centre. It is considered that the layout, scale and design of the proposed development is acceptable and would have no adverse impact on the character and appearance of the locality.

6.4 Highways/access

6.4.1 Access to the site will be via a main access of Ellesmere road and two additional accesses either side to serve the houses that will front Ellesmere Road. Highways has no objection to the proposal subject to a planning condition regarding the access road and works to the highway and a S106 to provide a pedestrian crossing and to ensure adequate arrangements are made for the ongoing management and maintenance of the on-site surface water drainage system. (Drainage will be considered in 6.5 below). A controlled pedestrian crossing will provide a suitable link to the surrounding walking network and nearby bus stops, to ensure the site provides suitable options for sustainable travel in accordance with the NPPF. The site is well served for people to choose to make sustainable trips as people will be able to safely access the nearby school, bus stops, shop and wider walking and cycle network accessed off Hemsworth Way. The site also provides good opportunities for accessing employment in the north of the town, in the town centre and beyond via the railway station.

6.4.2 The proposed accesses will provide adequate visibility splays in both directions so that vehicles will be able to enter and leave the site safely. Concern has been raised that the two additional accesses in addition to the main access so close to existing accesses on the other side of the road will result in highway safety issues in this area. However as visibility is good and the addition of housing and accesses fronting the highway has the effect of slowing traffic the proposal is considered beneficial by Highway Officers and amendments to have them omitted and the layout revised have not been sought.

6.4.3 Local residents are also concerned that parked vehicles on Ellesmere Road near to the junction with Hemsworth Way during school drop off and pick up times would conflict with the proposed access arrangements. However the proposal includes the provision of a signalled controlled crossing which would also have the

added benefit of introducing parking restrictions on part of Ellesmere Road in the form of zig-zag markings. It is therefore considered that the proposal would not result in any highway safety issues in the proximity of existing junctions onto Ellesmere Road.

6.4.3 Significant objection received from residents relates to the additional vehicles and increased congestion as a result of the proposal on an already congested road and the junctions at Coton Hill and the Chester Street/Castle Street gyratory. Additional information has been received regarding the expected vehicle movements onto and from the Ellesmere Road for the entire site and have confirmed that the development by itself would increase traffic flows on Ellesmere Road during the peak periods by approximately 3.5% and consider that this is likely to have only a marginal impact on the surrounding network. However when combined with the additional traffic from the neighbouring committed site at the disused railway siding site Highways consider that traffic flows could increase on Ellesmere Road in the region of 7-10% and although this is likely to have a noticeable effect it would not have a severe impact on the network. In addition the Highways Officer considers that although the proposed development (combined with the committed adjacent development) would also lead to additional traffic at the junctions located to the north of Ellesmere Road and along Mount Pleasant Road any increases would be minor as the traffic will dissipate across the network.

6.4.4 The NPPF advises that "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*" Recent improvements at the Chester Street gyratory have improved traffic flows through the junction as far as is feasible and have improved walking and cycle links between the town centre and Ellesmere Road. Therefore further mitigation works are not achievable but Highways consider that the junction can accommodate the additional traffic from this and the adjacent development without causing excessive delays and that any resultant delays from these two developments aren't likely to result in 'severe' congestion. Although planning officers are aware of the local concern and acknowledge that this proposal will result in some additional traffic and congestion it is not considered that this will be severe and members are strongly advised that additional traffic and congestion is not a sound reason for refusal as this could not be defended at appeal. However any further large developments off the Ellesmere Road corridor (over and above this site and the adjacent committed site) are likely to result in traffic issues at this location which the Highway Authority would be unable to manage. Therefore Highways maintains the opinion that any further major developments off the Ellesmere Road (over and above this site and the adjacent committed site) would not be acceptable without a North-West relief road scheme to manage the flow of traffic between the west and northern areas of Shrewsbury.

6.5 Drainage

6.5.1 Foul drainage will be to the main sewer and the combined surface water sewer (SWS) system will be discharged to an infiltration soakaway trench with an overflow to the existing pond. As this is not to a watercourse Severn Trent Water won't adopt this and as the proposed SWS also combines private water from the dwellings and highway run off Highways are unable to adopt the system as a

highway drain and are only prepared to adopt the gullies and connections / SUDS source control features. However as Highways have a statutory duty to drain the highway (if the roads are adopted), and in order to insure that the site SWS is properly maintained for the life of the development a S106 obligation is required to secure an on-site SWS management company to maintain the system. Therefore any residents of the site are likely to pay the management company a fee for the disposal of the surface water, instead of paying Severn Trent for this service.

- 6.5.2 Drainage previously requested that the adjacent land owner (Network Rail) is consulted regarding the potential increased fluctuation in the existing pond level (which is adjacent to the railway embankment) due to its use as an overflow. Network Rail have been consulted by both the applicant and Shropshire Council and they have no objection to the proposed surface water drainage system but suggest that the pond, pumping station and attenuation / soakaway design to be at least thirty metres from the boundary. The pond is an existing feature but the infiltration trench (soakaway) will be more than thirty metres from the boundary. The pumping station will be ten metres from the site boundary but the applicant has confirmed that it is positioned so that it will not compromise Network rail land in anyway. The submitted FRA and proposed drainage details confirms that the landowner to the South will not be affected by the proposal and that only events greater than the 30 year return rainfall event will feed into the pond.
- 6.5.3 Shropshire Councils drainage engineers have now agreed that the surface water drainage strategy and layout are acceptable in principle subject to conditions to demonstrate that the new surface water drainage, including highway gullies are capable of receiving 30 year return rainfall events and to ensure that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers.

6.6 **Impact on residents**

- 6.6.1 The only properties that this proposal will be in close proximity to are 139 Ellesmere Road to the North and Greenfields Farm that is accessed via a private lane running along the Northern Boundary of the site. The resident of Greenfields Farm considers that the privacy and seclusion that he has enjoyed for over 40 years would be destroyed and that his house would effectively become part of a housing estate and impact on the quiet and peaceful enjoyment of his property. However it is considered that the proposed houses in the North West corner of the site are far enough away not to appear obtrusive or result in overlooking and a loss of privacy. The occupier has requested that he would like to see a fence or wall erected along his boundary to protect his privacy and amended layout plans have been received that reflect this. 139 Ellesmere Road is a large semi-detached house situated to the North of the proposed dwelling on plot number one in the far North East corner of the site. The only first floor window in the side elevation of this proposed house will be an obscure glazed bathroom window. The proposal would therefore not result in overlooking of this property and due to the distance between the existing and proposed, separated by the access lane, the development would not appear overbearing or obtrusive to this property. A letter had been received on behalf of the clients of the nursing home opposite the site about the loss of visual amenity due to the built development in place of the

existing view of an open field that the residents currently enjoy. However there is no right to a view and it is considered that the design of the dwellings fronting Ellesmere Road provide an attractive street frontage.

6.7 Ecology

6.7.1 An Ecological Appraisal produced by FPCR indicates that no protected species were identified during the survey (including badgers, bats and great crested newts) and that the site predominantly consists of managed arable land offering limited diversity and ecological value. The hedgerow along the eastern boundary is to be removed and reinstated with mixed native species planting. FPCR consider that following re-planting of hedgerows that in time there will be no net loss of this habitat and in the long term will provide a higher quality resource for local wildlife along these corridors through the inclusion of complementary ground flora planting and a wider variety of native species within the hedgerow. Additional enhancement for biodiversity will therefore be provided within the proposed development with the creation of species rich grassland, additional native species planting throughout the site and along the western boundary and the installation of reptile hibernacula, log piles, bat boxes and bird boxes. The green corridor along the Western boundary with the railway will therefore be maintained and enhanced. FPCR also recommend precautionary measures of working for badgers, that the two trees to be removed should be surveyed for bats prior to their removal and that the pond should be retained and protected during the development, in order to reduce the impact the development may have on herptiles. The conditions and informative(s) suggested by the Councils Ecologist in relation to the above should be included on any approval. Subject to these conditions the proposal will not cause an offence under the Conservation of Habitats and Species Regulations and it is considered that the proposal will provide positive ecological enhancements of the site.

6.8 Trees and landscaping, open space and play area

6.8.1 The proposal includes the removal of the hedgerow along the Eastern boundary with Ellesmere Road and the removal of two trees (T4 and T5, situated to the far West of the site). The Tree Officer was initially concerned about the loss of two mature trees as a result of the proposal, but now accepts the semi-mature replacements to be planted in the open space area and recommends a tree protection condition for the trees to be retained. The two trees to be removed are not obviously noticeable from publically accessible land and the more prominent trees on the site (those to the east and closest to the main road) are to be retained. The loss of two trees and the hedgerow at the front of the site will be more than compensated for by proposed new planting including over sixty new trees as part of the landscaping of the proposed development and a replacement hedgerow comprising a mix of native species hedging plants and five trees fronting Ellesmere Road. It is considered that the proposed landscaping and tree planting and the provision of a large area of open space will provide positive enhancements to the site. The landscape design also includes a two metre high boundary fence with Network Rail land to the West and perimeter boundary fencing to the North adjacent to the private access lane to Greenfields Farm to include a close boarded fence erected inside the existing boundary treatments to address the concerns of

the residents of Greenfields Farm.

6.8.2 The amount of Public Open Space (POS) proposed, including amenity open space and natural/semi-natural open space, is in accordance with the Interim Planning Guidance and also includes an equipped play area. The Town Council have indicated they would be willing to adopt the POS and play area and would be a signatory to the S106 Agreement for future maintenance. The applicants have met with the Town Council and following discussions the landscape and play area drawings have been updated in order to address the following requirements of the Town Council:

- ☐ Two surfaced footpaths in the play area (entrance location to the North East revised)
- ☐ Simplified play area design removing play logs and boulders
- ☐ All play equipment to be metal based
- ☐ Trees moved away from play area boundary to avoid leaf fall
- ☐ Trees within POS areas ringed with bulb planting
- ☐ Removal of 1 bench within the play area
- ☐ Removal of all benches within POS areas
- ☐ Provision of drop kerb to allow maintenance access to the POS

It is considered that the proposed landscape design including open space and play provision is acceptable and its long term management and maintenance can be secured.

6.9 Developer contributions / S106 and CIL

6.9.1 The contributions package is in accordance with the Council's agreed approach to ensuring that adequate funding is secured for infrastructure provision from major housing developments in Shrewsbury, and as agreed to be necessary to address identified impacts of the development and to meet the tests set out in Regulation 122 of the CIL Regulations. The package of total costs for the delivery of infrastructure for the site has been identified to be £507,251, with the overall contribution being £591,355 (subject to finalisation) when the CIL Neighbourhood Fund at 15% and administration at 5% are added. The infrastructure costs package is made up of:

Contribution to Strategic Road Network:	£100,100
Contribution to town-wide highways network and sustainable transport:	£82,500
Contribution to local highways network (including Section 278 works):	£50,000
Education contribution:	£149,651

On site play facilities and maintenance:	£125,000
Total:	£507,251

The infrastructure contributions would be provided through a combination of CIL and S106 Agreement payments. The costs of the provision and future management and maintenance of the on site open space are separate and additional but the Town Council have confirmed that they are willing to adopt and be responsible for the future maintenance of both the play area and open space and this will also be secured by the S106 agreement. The on site affordable housing provision of eight houses (the size and tenure of which meets the demand in the local area) satisfies the provisions of the Type and Affordability of Housing SPD and will also be secured via the S106 agreement. In addition in order to ensure that the sites surface water drainage system is properly maintained for the life of the development the S106 will also require the applicant to make arrangements for an on-site management company to maintain the system.

6.10 Other Matters

- 6.10.1 Local residents are concerned that the School does not have capacity to accommodate additional children as a result of this proposal. However the education authority has to provide school places for all children and the applicant is providing a financial contribution of almost £150,000 towards education.
- 6.10.2 Public Protection have confirmed that the site has no contamination land issues, that there are no air quality concerns and that the proposed glazing to safeguard habitable rooms from noise from the road is acceptable and a condition will be imposed regarding this. A condition will also be imposed to ensure the properties are ready for EV charging points.

7.0 CONCLUSION

- 7.1 The NPPF is clear that where there is a lack of a 5 year land supply local policies relating to housing are considered to be out of date and that the priority is to boost housing supply and to approve sustainable development in appropriate locations provided there are no adverse impacts of doing so. It is considered that the proposal represents sustainable development due to its proximity to Shrewsbury and excellent Public Transport links and opportunity for cycling and walking. The development will therefore not result in over reliance on the private motor car and it would help significantly in boosting the housing supply for Shrewsbury. It is acknowledged that this proposal will result in some additional traffic and congestion but it is considered that this will not be severe and is not a justifiable reason to refuse this application. It is considered that the scale, design and appearance of the development is acceptable and would not adversely impact on the character and appearance of the locality, would not impact on highway safety and would have no adverse environmental or ecological implications. The proposal will result in the loss of a green field but this is not protected and the proposal will provide a significant amount of managed landscaped open space and

additional tree planting which will be available to the public to access and enjoy. The proposal also includes 8 affordable houses on site and will also provide a significant financial contribution (over £500,000) towards infrastructure provision (including the strategic road network, town-wide and local highways network, pedestrian crossing, sustainable transport, education, and on site public open space and play facilities) both through a combination of CIL and S106 Agreement payments.

7.2 It is therefore recommended that members support this application and grant planning permission in line with clear guidance within the NPPF. Permission, if granted, should be subject to the completion of a S106 Agreement to secure on site affordable housing and additional developer contributions outlined in 6.9 above.

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, i.e. written representations, hearing or inquiry.
- ☐ The decision may be 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 made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies: CS2, CS6, CS11, CS17

11. Additional Information

List of Background Papers: File 13/05124/FUL
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member : Cllr Dean Carroll
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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until detailed surface water drainage details (to include drainage layouts, sections, construction details and micro drainage calculations) have been submitted to and approved in writing by the LPA. The submitted details must demonstrate that the new surface water drainage, including highway gullies are capable of receiving 30 year return rainfall events. The approved details shall be implemented prior to the first occupation of the development

Reason: To ensure adequate surface water drainage is achieved from the development.

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

Reason: To ensure that any such flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.

5. Prior to the commencement of the development full engineering details of the new access road, existing highway/road works, traffic calming scheme, structures, foot/cycleways, surface water drainage, street lighting and carriageway markings/signs, shall be submitted to and approved by the planning authority; the works shall be fully implemented in accordance with the approved details prior to the development hereby permitted being first brought into use.

Reason: To ensure the construction is to an adequate standard in the interests of road safety.

6. All trees and hedges which are to be retained in accordance with the approved plans shall be protected in accordance with the BS 5837: 2012 'Trees in relation to Design, Demolition and Construction recommendations for tree protection'. This shall include establishing a Root Protection Area (RPA) around each tree enclosed by suitable fencing, as specified by BS 5837: 2012 or as agreed in writing with the local authority or, where specifically approved, protected using ground protection measures to the satisfaction of the local planning authority. No works or alterations to existing ground levels or surfaces shall be undertaken within the RPAs without the prior written approval of the local planning authority. No materials, equipment or vehicles are to enter or be stored within the RPAs. No materials that are likely to have an adverse effect on tree health such as oil, bitumen or cement will be stored or discharged within the RPAs. No fires will be lit within 20 metres of the trunk of any tree that is to be retained. All tree protection measures shall be agreed in writing with the local planning authority and their installation undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important in the appearance of the development.

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

7. All hard and soft landscape works shall be carried out and maintained in accordance with the Landscape Management Plan (Apr 14 REV B) and approved landscape plans (BIR.4379-11D, 12B, 13D and 14D) and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The approved landscape works shall be carried out prior to the occupation of any part of the development or in accordance with a timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape and the provision of amenity and biodiversity afforded by appropriate landscape design.

8. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Ecological Appraisal conducted by FPCR (December 2013).

Reason: To ensure the protection of Herptiles.

9. Any external lighting on the site shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

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

10. The bat boxes and tubes, bird boxes, hibernacula and log piles as indicated on the Management & Enhancement Strategy (Figure 13) shall be erected on site prior to the first occupation of the dwellings hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To provide ecological enhancement of the site and to ensure the provision of nesting opportunities for wild birds and provision of roosting opportunities for bats which are European Protected Species.

11. Prior to the first occupation of the dwellings on plots 1 to 7 and 65 to 71 glazing shall be installed in accordance with the recommendations and glazing map within the 'Environmental Noise Assessment and vibration analysis (Dec 13).

Reason: To safeguard habitable rooms from noise from the road

13. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway. The approved details shall be implemented prior to the first occupation of the development.

Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

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

14. The first floor bathroom window in the North facing elevation of Plot 1 shall be permanently formed as a fixed light and glazed with obscure glass and shall thereafter be retained. No further windows or other openings shall be formed in that elevation.

Reason: To preserve the amenity and privacy of adjoining properties.



Committee and date

Central Planning Committee

26 June 2014

Item

7

Public

Development Management Report

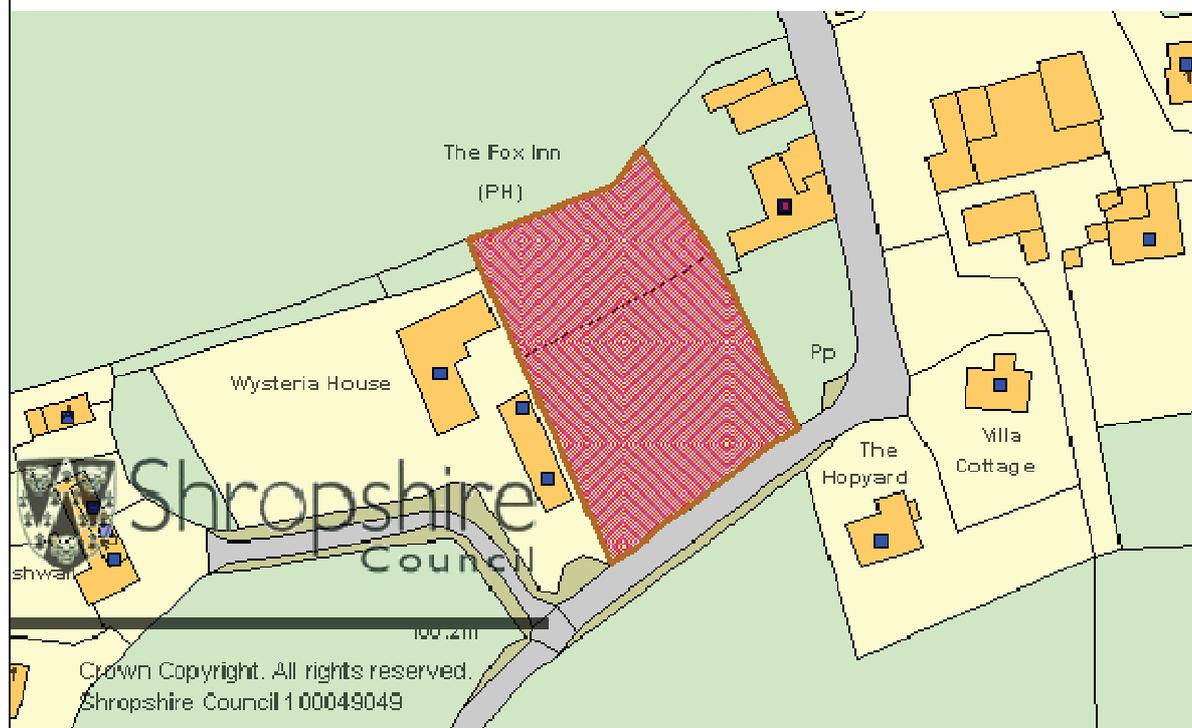
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 14/00701/FUL	Parish:	Condover
Proposal: Erection of six residential dwellings		
Site Address: The Fox Inn Ryton Shrewsbury Shropshire SY5 7LS		
Applicant: Mr John Owen		
Case Officer: Steve Drury	email: planningdmc@shropshire.gov.uk	

Grid Ref: 349000 - 303176



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks permission for the erection of 6 dwellings on land at The Fox Inn, Little Ryton.
- 1.2 The development will consist of 4 no. two bed dwellings and 2 no. three bed dwellings. Each dwelling will have a single parking space and both 3 bed dwellings will also contain attached garages. The site will be accessed via a new vehicular access to be provided through the existing public house car park.
- 1.3 The proposal includes the provision of one affordable dwelling.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located in the settlement of Little Ryton, approximately 9 km south of Shrewsbury and 1 km east of Dorrington. It is located at the southern edge of the village on land between The Fox Inn Public House and Wysteria House. In total, the site covers an area of approximately 1750 square metres.
- 2.2 The site currently consists of an overspill car park belonging to The Fox Inn. The car park is located immediately to the west of the public house on slightly lower ground and is surfaced in a mixture of gravel and hardcore at the front with a grassed area to the rear. A tall Leylandii hedge runs along the west side of the site, and a smaller hedge runs along the south boundary frontage, separating the site from the road. The rear (North) of the site contains an open drainage running along the inside of the boundary which contains a 1 metre high post and rail fence.
- 2.3 The Fox Inn is an attractive, two storey building of red brick construction which contains its main car park to the front of the premises. The villages of Little Ryton and Great Ryton are historic settlements of considerable charm and character and contain a number of listed buildings. Properties to east and south of the site include Ryton Villa Farm, Villa Cottage and The Hopyard which each occupy fairly raised positions in relation to the development site. Land to the west of the site has recently been developed to provide a new residential dwelling 'Wisteria House' and 2 holiday lets. The holiday lets are contained within a single storey building located in close proximity to the western site boundary. Further to the west, are No's 1 to 4 Marshwall Cottages, which are a cluster of 4 properties located downhill from the development site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In accordance with Part 8 of the Shropshire Councils Scheme of Delegation, the application has been requested to be referred to Central Planning Committee by the local member for the Burnell ward, in response to an objection from Condover Parish Council.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 SC Highways:

The highway authority raises no objections to the granting of consent.

4.1.2 SC Ecology:

Raise no objection subject to addition of conditions and informatives relating to Great Crested Newts, Bats and Nesting Birds.

4.1.3 SC Affordable Housing:

The current affordable housing contribution rate is 15% which for 6 dwellings would result in a contribution equivalent to 0.9 (6 x 15%). As this level is less than a whole unit, it would be translated into a cash sum paid by the developer as an off-site Affordable Housing Contribution. However, the applicant has indicated his intention to provide one of the dwellings as an affordable dwelling. This intention is welcomed. The intended affordable dwelling should be of an affordable rented tenure which should be reflected in the S106 if this proposal is deemed to be acceptable.

4.1.4 Condover Parich Council: Object

In principle the Parish Council cannot support the application as it contravenes the Parish Council's SAMDev submission; which classed Ryton as Countryside as per the CS5 policy.

The Parish Council and Community trust that Shropshire Council will give significant weight to the Parish Council's SAMDev submission. The submission was arrived at through extensive public consultation which began in 2010 and has involved many public meetings since. These have been well attended by its Community; and supported by SC planning officers; SC councillors and parish councillors. This represents a belief in "Localism"; planning from the bottom up and a huge investment in people's time, and resource which should not be overlooked. The Parish Council trusts these comments will be considered before a planning decision is made. Should the Planning Officer be minded to recommend approval of this application the Parish Council would like to recommend that the application be referred to the Central Planning Committee and that the Parish Council is given the opportunity to address the Committee.

Please note that these comments have been made subject to an appropriate drainage report being deposited with Shropshire Council by the applicant, as the Parish Council is aware that there are significant local drainage concerns

4.1.5 Environment Agency:

Confirm that the application does not appear to require direct consultation with the EA as it does not fall within their 'consultation filter'. They recommend consultation with the Lead Local Flood Authority (LLFA) i.e. the Council's Flood and Water Management Team in relation to surface water flood risk matters. With regards to any foul drainage matters, it is advised that you seek the completion of the 'Foul Drainage Assessment Form' for your consideration (as enclosed).

In addition, the following comments have been received:

We understand that the underground strata has a high water table and is therefore unsuitable for foul treatment via septic tank to soakaway. The proposal is to treat the foul via package treatment plant discharging to a watercourse. We would raise concern that the nearest watercourse has very little flow and would offer little dilution for the effluent.

This watercourse also receives treated sewage effluent at grid reference SJ 48913 03158 at a volume of 1.3 m³/d, which should be taken into account when assessing the available dilution.

It is not clear, from our files, how the foul drainage from the Fox Inn is treated. My colleagues here, understood that the foul from the pub was treated via soakaway in the car park area (the area proposed for development).

Please can you ensure that the foul drainage system is given consideration and meets satisfactory standards so that there is no pollution of the watercourse.

4.1.6 SC Drainage:

On the ground water flooding map, the site is in the moderate to high risk of groundwater flooding. During the percolation tests, the depth of the groundwater level should be recorded.

If non permeable surfacing is used on the new driveway and parking area and/or the driveway slopes toward the highway, the applicant should submit for approval a drainage system.

Full details, plan and sizing of the proposed package sewage treatment plant including percolation tests for the drainage fields should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form).

Consent or an exemption certificate is required as appropriate from the Environment Agency for discharging treated foul effluent into a ditch/ watercourse. However, if the ditch/ watercourse is occasionally dry, the treated foul effluent should discharge into a drainage field.

Following the submission of a detailed drainage scheme, which included provisions for both surface water and foul drainage, the Councils Drainage team confirmed that the submitted details were considered acceptable.

4.2 Public Comments

4.2.1 A total of 79 comments (44 support, 35 objections) have been received from mixture of local residents and some from further afield. All comments received are available in full on the planning file, however, the key comments have been summarised as follows: -

4.2.2 Support

- There is a need for this type of development in Ryton
- No affordable dwellings at present in Ryton
- The building of permanent housing will also help support the new Ryton village hall, bus service, local schools and post office not forgetting The Fox Inn

- Unobtrusive location close to an existing holiday let and house
- Site is shielded from view by a high hedge
- Lower car park rarely has vehicles on it
- Will include an affordable dwelling which will lower the average age of villagers
- Pleasing to see homes rather than holiday lets
- Will also provide the opportunity for older people to downsize from their current homes in order to stay in the village.

4.2.3 Objections:

- will undermine the viability of the pub through lack of parking
- road network cannot accommodate additional traffic
- little in way of infrastructure within the village to support the extra homes
- Conover Parish Council expressed a desire for Ryton to remain as open countryside within SAMDev submission.
- Expansion must be commensurate with infrastructure
- Impact upon properties at Marshwall from surface water and foul drainage
- Extra traffic will put pressure on narrow lanes
- Will place additional pressure on existing drainage system
- Too much development at one time
- Any further surface water or clean water from a foul treatment plant will significantly increase the potential for flood risk and flooding to the existing properties downstream
- Will overlook holiday lets at Wisteria Cottage
- Boundary hedge already prevents light getting to cottage
- Pub has enormous potential and needs both car parks
- Pub is an important community facility
- Style of houses is more suited for an urban location
- Will restrict opportunities for pub to utilise outdoor space to provide marquees for functions, childrens play areas, etc.
- Lack of public transport within the village
- Any proposed benefit at construction stage would be very short term

4.2.4 Comments have also been received from Woodsyde Developments Limited on behalf of residents in Marshwall in respect of drainage matters on the site. The letter is available in full on the file but the contents have been summarised as follows: -

- Soakaways do not work on site – ground has insufficient porosity
- Surface water and foul drainage currently flow unrestricted into an open drainage ditch
- The ditch drains to a small tributary of Cound Brook via a 100mm diameter pipe running under farmland at a gradient of 1 in 150 and has a capacity of no more than 14 litres per second
- In all likelihood, this drain is over capacity as it is served by No's 1-4 Marshwall, Wisteria Holiday Cottage and The Fox Inn, together with surface water from land/fields either side,
- The existing system is significantly overloaded and not capable of receiving any further surface water run off or discharge from any further proposed development.
- Any further contributions to the ditch will increase the potential for flood risk at existing properties downstream.

- The EA require foul drainage to discharge into a watercourse not a ditch which is likely to be dry in summer months and could lead to odour issues.

4.2.5 Following the submission of a detailed drainage scheme, further comments have been received from Woodsyde Developments Ltd which are available in full on the file but summarised as follows:-

- Querying maximum rainfall rates used
- Querying surface water discharge rates and betterment levels for brownfield land
- Drawings are confusing and inaccurate – reference to stream and watercourse along north boundary are incorrect.
- Ditch has now been excavated without relevant consent
- Plan suggests use of permeable paving but no details of ability of subsoil to accommodate water has been provided
- Porosity tests were carried out in 2009 are not up to date
- No details of the proposed sewage treatment plan have been submitted,
- STP should discharge to a watercourse but one is not available in the vicinity,
- A number of items appear inaccurately reported and/or calculated.
- Unclear whether the site has the ability to use soakaways and permeable surfaces.
- An alternative arrangement should therefore be sought and accurate details and proposals should be submitted by the applicant to the Council's Drainage Engineer for further consideration.

5.0 THE MAIN ISSUES

Principle of Development
Siting, Scale and Design
Impact Upon Residential Amenity
Flooding and Drainage
Highways and Parking
Viability of Public House
Biodiversity Issues
Affordable Housing

6.0 OFFICER APPRAISAL

6.1 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.

6.1.2 At paragraph 12 the National Planning Policy Framework (NPPF) states that proposed development that accords with an up-to-date Local Plan should be approved, and development that conflicts should be refused unless other material considerations indicate otherwise. There is a presumption in favour of sustainable development and at paragraph 14 the NPPF it explains that for decision taking this means that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted for development unless

1) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or

2) specific policies in the NPPF indicate that development should be restricted.

6.1.3 With regards to housing development paragraph 49 of the NPPF is relevant and 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.’

6.1.4 The five year housing land supply statement (amended version 20/09/2013) sets out Shropshire Council’s assessment of its supply of housing land over the next five years. On this basis, the Statement shows a supply of only 4.95 years for Shropshire. Whilst this is the case the starting point for consideration of housing proposals will remain with the Development Plan but these current applications should still be determined in the context of the NPPF’s presumption in favour of sustainable development and its aim of boosting housing supply.

6.1.5 The application site in this case is located in the settlement of Little Ryton which has not come forward as a ‘Community Hub’ or ‘Community Cluster’ within SAMDev and is therefore classed as ‘open countryside in planning policy terms, with Policy CS5 of the Core Strategy applying.

6.1.6 Notwithstanding the above, in the absence of a five year land supply, proposals must be assessed in the context of the NPPF as outlined above. As such the key factor in determining this application is the assessment of whether the proposal would represent sustainable development and whether the adverse impacts of granting permission would significantly or demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

6.1.7 The village of Ryton (comprising the settlements of Little Ryton and Great Ryton but which are effectively one settlement for the purposes of planning policy) is a close knit community comprising a mixture of traditional rural properties including a number of listed buildings, interspersed with pockets of more recent development. In terms of local services and facilities, the village contains The Fox Inn public house, a church and a village hall, and is also served by public transport, being located on the bus route between Shrewsbury, Church Stretton and Ludlow. The village is, however, within fairly close proximity (1km) to the village of Dorrington which has a greater range of services available including a primary school, village shop/post office, pub/restaurant, Persian restaurant, business park, butchers, bowling green and football pitch.

6.1.8 Although Ryton only has very limited service provision itself, the village of Dorrington, which is only a short distance away, can be seen to contain a wide range of services. Paragraph 55 of the NPPF advises that

‘housing should be located where it will enhance and maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby’.

6.1.9 In this instance, whilst the services available within Dorrington may not necessarily be within walking distance, they are nevertheless considered to be easily accessible to residents within Ryton. 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 without over reliance on long journeys by private motor car.

6.1.10 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.

6.1.11 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide opportunity for local employment for the construction phase of the development supporting local builders and building suppliers. The provision of six additional houses will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also make a financial contribution to the supply of affordable housing in addition to a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

6.1.12 Social role – 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

smaller settlements where it will support facilities within the settlement and those nearby, thereby helping to retain services and enhancing the vitality of rural communities. Providing housing will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. Additional housing will provide opportunity for increased support and use of existing village services and may even provide an increased demand for further service provision. It is not considered that the number of dwellings proposed would be detrimental to the existing community of the village and Parish. The CIL payable on such a scheme will provide some contribution towards community facilities which may include school place provision.

6.1.13 Environmental role – The site consists of an overflow car park at The Fox Inn and has no official heritage, cultural or ecological designation. The proposal would have no adverse impact on wildlife and the ecological value of the site could potentially be improved by conditions requiring the provision of artificial bird nests. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible to local services and facilities on foot or by cycle and by public transport.

6.1.14 Any adverse impacts of the proposed housing development that might significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole will be discussed in the following paragraphs below. The proposal will also need to accord with Policies CS6, CS11, CS17 and CS18 of the Shropshire Core Strategy.

6.2 Siting, Scale and Design

6.2.1 Siting:

The proposed development will be sited on land forming an overflow car park at The Fox Inn public house. The site is located on the southern fringe of the village but is effectively an infill site between the pub and Wisteria House, a recent residential development including a holiday let to the west of the site. As such, the proposal will not result in encroachment into the open countryside.

6.2.2 Layout:

The development will be laid out in two blocks of 3 terraced dwellings, one running parallel with the west side boundary and one running parallel with the north boundary. Each dwelling will have an allocated parking space and small gardens to the front and rear. The two end properties in the north terrace will also contain attached garages. It is considered that the site is of a size capable of accommodating the number of dwellings proposed without appearing cramped or overdeveloped. The proposal indicates a acceptable amount of amenity space for each dwelling and landscaping to the front of the dwellings will ensure that the development has a sensitive appearance which respects the character of the village.

6.2.3 Scale and Design:

The proposed dwellings will be two storey, but will contain a low-lying roof structure, with low eaves and dormer windows at first floor level, in order to replicate the scale and appearance of more traditional rural cottages, a number of which are found in the Ryton area. The lower roof structure also helps to reduce the of the dwellings, thus reducing their profile and scale, which will also help to

minimise any potential impact upon the adjacent holiday let at Wisteria Cottage (see next section).

6.2.4 The proposed dwellings will be of a high quality design, containing features such as chimneys, detailed brick headers above the windows, exposed eaves, overhanging porch roofs and dormer windows. Such features will ensure that the development respects the character and appearance of the surrounding area in accordance with Policy CS6. Whilst officers note concerns have been raised by local residents regarding the 'urban' style design of the dwellings, officers consider that the design is suitable for a rural location. Materials can be conditioned as part of any planning approval.

6.2.5 Visual Impact:

The site is separated from the highway by a post and rail fence and hedge which is not within the applicants ownership. This boundary hedge along the front of the site will therefore remain in place, providing an appropriate rural site frontage which will help to soften the appearance of the development when viewed from the highway. The site will also be screened by a large, 3 metre high Leylandi hedge which runs along the west site boundary and will help to screen the site from views on approach to the village from the south west and also from nearby properties including Marshwall Cottages and Wisteria Cottage.

6.2.6 As a result of the fact that the site is considered to be infill and is enclosed by on either side by buildings, and a substantial hedge along the west side boundary, it is considered that any visual impact the surrounding landscape is likely to be negligible. The development will clearly be visible from the adjacent public house and upon passing the front of the site, however as noted above, the dwellings have been sensitively designed and will constitute a sympathetic addition to the site which will respect the context of the site and character of the surrounding area.

6.3 Impact Upon Residential Amenity

6.3.1 In terms of the impact upon neighbours, it is considered that the greatest impact is likely to be experienced by the owner of Wisteria Cottage located on land to the west of the site. Wisteria Cottage is a recent development comprising a residential dwelling situated to the rear of the plot and two holiday lets contained within a single storey building, situated 1 metre from the side boundary with the application site. Wisteria Cottage itself will be separated from the proposal by a minimum distance of 7.8m (garage to garage) although it is noted that the main part of that dwelling (which faces east and will overlook the development site) is separated by a distance of 17.2m to the side elevation of the proposed rear terrace. Whilst one first floor window is to be inserted in the side of the terraces, a condition can be added requiring this window to be obscure glazed. In terms of relationship between the buildings, the 17.2 metre distance is considered sufficient separation to ensure that residential amenities of the occupants of Wisteria Cottage are not adversely affected.

6.3.2 With regard to the potential impact upon the holiday lets, officers note the concerns and objections raised by the owner of this building. It is noted that each unit contains 2 windows in the rear elevation facing the development site. Officers note that the building has been erected only 1 metre from the boundary which contains a substantial Leylandii hedge and therefore is likely to receive only limited light

through the rear windows. Whilst it is understood that the neighbour is looking to pursue the cutting back of this hedge through separate high hedge legislation, the hedge would help to screen the proposed development and would also help to maintain the privacy of occupants of the holiday lets. The hedge is, however, within the ownership of the applicant, therefore officers do have an element of control with regard to its retention and inclusion within any landscaping scheme for the site (although its height may be a matter for later discussion). Nevertheless, the proposed front terrace will be located a minimum back to back distance of 8.5 metres from the rear of the holiday lets, and whilst the boundary hedge should maintain privacy between ground floor windows, officers have requested that all first floor windows within the rear of the terrace are obscure glazed. Having regard to the design of the dwellings, officers consider that the proposal would not have an overbearing impact upon the holiday lets as the low eaves and relatively low profile will mean that the upper floor slopes away from the boundary as it rises. In addition, given the position of the boundary hedge, it is not considered that the proposal would result in a material reduction in light levels to the rear of the holiday lets, particularly in relation to the present situation.

- 6.3.3 Taking the above points into consideration, whilst the concerns of the neighbour are noted, it is not considered that the proposal would result in material or demonstrable harm to the amenities of the neighbour or occupants of the holiday let. As a result, it is also not considered that the proposal would materially affect viability of the holiday let business.
- 6.3.4 Concerns raised by neighbours at Marshwall Cottages with regard to drainage issues will be addressed in Section 6.4 below.
- 6.4 Flooding and Drainage
- 6.4.1 One of the key constraints of the site would appear to be the poor ground conditions on site together with drainage provisions both at the public house and neighbouring properties, particularly Wisteria Cottage and Marshwall Cottages to the west of the site.
- 6.4.2 At present, surface water drainage from the site flows unrestricted into an open ditch at the rear of the site, which then flows along the rear of Wisteria Cottage before outfalling to a 100mm diameter drain at No. 4 Marshwall which then flows underneath an extension erected at that property. It would also appear that surface water and outfall from the sewage treatment plant at Wisteria Cottage and the 2 holiday cottages at that property also flows into this ditch. Beyond No. 4 Marshwall, the pipe is thought to continue at a diameter of 100mm across the adjoining field before eventually discharging into the Cound Brook. The pipe is thought to have a nominal gradient of 1 in 150 and therefore is likely to have a capacity of around 14 litres per second.
- 6.4.3 Neighbours at Marshwall Cottages have raised concerns that the present drainage system is overloaded and would be unable to cope with further development. They comment that during periods of heavy rain, the drain is unable to cope and regularly backs up, filling the ditch to the rear of Wisteria Cottage. The neighbours are therefore concerned that any further development could result in the ditch overflowing and flooding their properties. The area also has an unusually high water table and poor soil porosity which further exacerbates problems.

- 6.4.4 A drainage consultant instructed on behalf of the neighbours has commented that the existing drainage system appears to be operating beyond its realistic capacity and is not of a size capable of receiving any further surface water run-of or discharge from any further development.
- 6.4.5 Concerns have also been raised that the drainage ditch concerned is not a watercourse and as such, tends to be dry in summer months. Environment Agency regulations require sewage treatment plants to discharge into a running watercourse and not a ditch.
- 6.4.6 In response to the above concerns, the applicant has instructed a drainage consultant to prepare a detailed drainage scheme capable of accommodating the proposed development. The consultant carried out percolation tests at the site in 2009 and again in March 2014 and has found the ground to have good porosity at medium and shallow depths. The resulting scheme which has been submitted claims to be able to reduce surface water run-off by up to 83% through the use of permeable materials across the site for driveways, patios and parking areas and controlling flows discharged into the ditch. It is proposed to use French drains along the north and west boundaries, which will direct surface water into an attenuation storage area which will discharge into the drainage ditch via a Hydrobrake set at 5 litres per second. At present the site is thought to discharge at 29 litres per second therefore the applicant suggests a betterment of 83% will be achieved. The scheme therefore achieves the required 50% betterment figure for surface water drainage as required by Policy CS18.
- 6.4.7 Officers have, however, raised concern that all surface water at the site, including water from the top car park will all discharge, via an attenuation tank, into the drainage ditch along the north boundary. Officers have therefore requested revisions to the scheme which will see surface water from the top car park discharge into a highway drain to the front of the site, thus reducing the pressure on the drainage ditch.
- 6.4.8 Rainwater from the roofs of the proposed dwellings will be utilised for rainwater harvesting, both for grey water and irrigation and each property will have its own Tricell 2500 litre rainwater harvesting system.
- 6.4.9 With regard to foul drainage, the pub presently drains to a sealed cesspit located within the development site and this will be relocated to a new position within its new curtilage. In the absence of a public sewer, the proposed development will incorporate a package treatment plant (Tricell 30 STP) which will discharge biologically treated clean water direct to the ditch along the northern boundary.
- 6.4.10 There does, however, appear to be some doubt as to whether the ditch at the rear of the site can be classed as a watercourse and therefore whether it is suitable to receive the discharge from a package treatment plant. It is alleged by neighbours that the ditch is not fed by a watercourse and is dry for most of the year. Further concerns have also been raised in this regard by the Environment Agency, who would normally issue consent for such activity. They are concerned that the watercourse/ditch contains very little flow and would offer little dilution for the treated effluent. The applicant has, however, confirmed he has an exemption to discharge up to 5000 litres of treated foul water per day to the watercourse.

- 6.4.11 With regard to the status of the ditch/watercourse, the applicant and drainage consultant claim to be able to provide evidence that the ditch is in fact a historic watercourse fed by several springs including one within the new curtilage of The Fox Inn. The applicant has also contacted a previous owner of No. 4 Marshwall who claims that during his time as a resident at Marshwall a wide open watercourse with running water ran all the way along the northern boundary of No 4, the field now containing Wisteria developments and The Fox Inns' lower piece of land. Furthermore, the applicant has contacted the building contractor who constructed Wisteria Cottages who has confirmed he cleaned out the watercourse on the properties northern boundary, laid a black plastic membrane in the watercourse and filled the entire length of the watercourses with stone, thus giving the appearance of a dry ditch. Whilst on site this contractor also carried out works on land at the pub. The applicant also notes that a drainage statement submitted as part of the planning application form Wisteria Cottage makes reference to a 'watercourse' along the north boundary on 4 occasions. Whilst this applicant does appear to provide fairly compelling evidence, this is clearly a grey area and would appear to be an issue ultimately to be agreed with the Environment Agency and the Councils Flood and Water Management team.
- 6.4.12 Officers also note the claims made by neighbours regarding on-going drainage works at the site which have included the clearing out of the ditch/watercourse. An inspection has been carried out by a member of the Councils Flood and Water Management team and any further issues in this respect fall outside of the scope of the planning system and are not material to the consideration of this application.
- 6.4.13 Taking the above points into account, the two key issues appear to be whether the watercourse/ditch is suitable to take foul drainage and whether the watercourse/ditch can accommodate all drainage from the site, given that it passes across the rear of Wisteria Cottage and No. 4 Marshwall, where it is restricted to a 100mm diameter pipe. Given that the system is believed to be operating at capacity and backs up at Wisteria Cottage during times of heavy rain, it is essential that any scheme provided at the site does not significantly increase the flow into ditch.
- 6.4.13 The applicant alleges that unauthorised culverting and works carried out to drains on land at Marshwall over the years is causing the flooding issues reported by local residents. It is claimed that without such works, the drainage system in the area would be more than capable of accommodating the development proposed, therefore these works are now potentially limiting the applicants ability to develop his own land.
- 6.4.14 The Council's Flood and Water Management Team are of the opinion that a satisfactory scheme can be provided which achieves suitable drainage standards whilst protecting the amenities of nearby residents, however, at the time of writing they were not satisfied with the scheme as submitted. It is therefore suggested that a condition is attached to any approval requiring drainage details to be agreed with the local planning authority prior the commencement of any development works on site.

6.5 Highways and Parking

6.5.1 Proposed Housing Development:

The proposed development will incorporate one allocated space for each dwelling together with attached garages for the two 3-bed dwellings. Officers consider that the proposal contains adequate off street parking to accommodate the number and size of dwellings proposed. Whilst the surrounding highway network comprises relatively narrow lanes, the Councils Highways team have considered the proposal and are satisfied that the additional traffic movements generated by the development can be accommodated by the local network without detriment to highway safety.

6.5.2 Loss of customer parking:

The area of car park remaining for use by customers to the public house under normal conditions would appear adequate, however, there is clearly an issue with regard to arrangements for larger events. Given the width of lanes surrounding the site, on street parking would not be possible. The applicant has now confirmed that agreements are in place to utilise parking at the local village hall and a neighbouring field should additional parking be required for functions or events at the pub. In this respect, officers are satisfied that the loss of the overflow car park would not result in on-street parking and as such, it is considered that the proposal will not adversely affect highway safety.

6.6 Viability of Public House

6.6.1 It is noted that the majority of objections received raise concerns regarding the potential impact the loss of the overflow car park could have upon the viability of the public house going forward. Such concerns suggest that without the overflow car park, the pub will have nowhere to erect marquees to host functions, weddings, parties, etc and would also not have sufficient parking on site to accommodate such events. A further planning application has also been submitted (but is yet to be determined at the time of writing) under 14/00392/FUL for the conversion of a barn to the rear of public house to a residential dwelling. Concerns have also been raised that this proposal will result in the loss of a barn which has previously been used as a function room at the pub, thus further reducing the floorspace available and further compromising the viability of the pub.

6.6.2 It is also noted that a number of residents have joined together to submit an application to register the public house as a community asset. This application has yet to be determined at the time of writing. The group, known as Ryton Supporters of Community Assets (RSCA) have also submitted objections to the application, noting that local and national policy supports the retention of community facilities and advising that development resulting in the loss of such facilities should be refused. The group quote other cases where applications have been refused on the basis of a loss of an important community facility.

6.6.3 In response to the above objections, a statement has been received from the applicant and licensee confirming that there is no intention for the public house to cease trading. The proposed development is simply intended to financially underpin the business, securing its future in what are increasingly difficult times to run a rural pub.

- 6.6.4 The applicant advises that the pub has a regular and on-going programme of functions and special events which it has offered for the past 14 years. An extensive list of typical events has been provided and is available in full on the file but includes a weekly crossword and tapas bar, fortnightly quiz, cheese and wine tasting, race nights, themed food evenings and barbeques. The applicant advises that it is still the intention to offer such functions going forward. Clearly the loss of the overflow car park would reduce the outdoor space available but the applicant advises that sufficient space is available within the pub to accommodate such events.
- 6.6.5 The pub has a capacity of 54 covers within a trading area of 32 square metres but the applicant advises that trade can vary and is influenced by factors such as weather conditions, time of year and there is no such thing as a typical day. Officers do consider, however, that the 26 parking spaces available to the front of the pub would be sufficient to accommodate the level of trade likely be generated by the use of the pub. Evidence has also been provided by the applicant of parking provisions available at similar rural pubs within the area. From this information, it can be seen that The Fox actually compares favourably, in relation to the number of covers offered. The applicant has also confirmed that an arrangement is in place with the village hall and a local land owner to provide overspill parking for up to 80 cars if required.
- 6.6.6 The pub is clearly a community asset, located at the heart of the community and provides a meeting place and focal point for village life. Officers note the concerns raised by local residents but in this instance, are satisfied that the proposal will not result in the loss of a community facility, either at the outset, or through compromising the ability of the pub to operate successfully in the future. The provision of 6 dwellings together with a barn conversion will underpin the business and provide a degree of financial stability which will help with the viability of the pub going forward. The proposal will ensure the protection and retention of an existing community facility in accordance with Policy CS8.
- 6.7 Ecology Issues
- 6.7.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the potential impact of a development on the natural environment. The Council's Planning Ecologist has assessed the application as follows: -
- 6.7.2 Great Crested Newts:
There is a newly dug shallow field pool (or scrape) present 130m south-east of the application site. This appears to be the only pond within 250m of the site. Churton Ecology (2012) considered this pond for application 13/00803/FUL. They considered that since the pool is modern and regularly dries up Great Crested Newts were unlikely to breed there. In addition, the small scale of development/potential habitat loss would be low given the ponds considerable distance from the site with abundant suitable terrestrial habitats present between. No survey is considered necessary.
- 6.7.3 Bats:
There is little vegetation on the application site apart from hedgerows which are shown for retention. It is therefore considered that any impact upon bats will be unlikely and no further action in this respect will be necessary.

6.7.4 The Council's Planning Ecologist is satisfied that the proposal can be provided without harm to any statutorily protected species or habitats, however, do request that an informative be attached to any planning permission granted which notifies the applicants of their duties with regard to protecting the wild birds.

6.8 Affordable Housing

The proposal is to provide 6 dwellings which at the current prevailing rate requires a provision of 0.9 affordable units. The developer has indicated a desire to provide one affordable unit which is an overprovision of affordable housing and the development in this respect complies with the requirements of Policy CS11 of the Core Strategy.

7.0 CONCLUSION

7.1 It is appreciated that approving this development would be contrary to the Parish Council's aspirations in terms of remaining open countryside and only receiving small scale residential development, however, the NPPF is clear that where there is a lack of a 5 year land supply local policies relating to housing are considered to be out of date and that the priority is to boost housing supply and to approve sustainable development in appropriate locations provided there are no adverse impacts of doing so. It is considered that the site is of a sufficient size to accommodate the proposed number of dwellings and would not result in an unacceptable form of development within the village. The proposal would have no adverse environmental or ecological implications and would not impact detrimentally upon the character of the village. The proposal will not have an adverse impact upon the amenities of nearby residents and can be accommodated by the existing road network and will not be detrimental to highway safety.

7.2 The proposal will provide local needs affordable housing and will be liable for the required CIL payment which can be used to boost local infrastructure. It is considered that Ryton is a sustainable location for a limited number of new houses due to the range of services and facilities both in the village itself and in the nearby village of Dorrington. It is considered that the proposal represents sustainable development that will contribute to providing a balance of available housing and would help support facilities and services in this and neighbouring towns and villages and therefore promote 'strong, vibrant and healthy communities'.

7.3 Officers are satisfied that the proposed development will not involve the closure of the public house which is considered to be a community asset. Furthermore, the applicant has demonstrated that the proposal should not compromise the viability of the pub going forward. The proposal will ensure the protection and retention of an existing community facility in accordance with Policy CS8.

7.4 Whilst the scheme will incorporate a detailed drainage scheme designed to safeguard the amenities of nearby residents, this could not be agreed at the time of writing this report. Officers are therefore seeking a recommendation to delegate approval following approval of a satisfactory scheme by the Councils Flood Management Team.

7.5 It is therefore recommended that members support this application and grant planning permission in line with clear guidance within the NPPF. Permission, if

granted, should be subject to the completion of a S106 Agreement to secure the provision of affordable housing in accordance with the Councils adopted policy.

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, i.e. written representations, hearing or inquiry.
- ❑ The decision may be 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 made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework (NPPF)

Core Strategy and Saved Policies:
CS5: Countryside and Green Belt
CS9: Infrastructure Contributions
CS11: Type and Affordability of Housing
CS17: Environmental Networks
CS18: Sustainable Water Management

RELEVANT PLANNING HISTORY:

09/00974/REM Reserved matters pursuant to outline planning permission ref: 08/1491/O for the erection of a dwelling and two holiday let units to include appearance, landscaping, layout and scale GRANT 22nd July 2009

14/00392/FUL Conversion of dis-used sandstone barn to dwelling with erection of single storey extension and creation of vehicular access PDE

14/00701/FUL Erection of six residential dwellings PDE

SA/90/0985 Change of use of coach house to residential accommodation. REFUSE 19th December 1990

SA/86/0553 Alterations to provide a flat roof bay window. PERCON 22nd July 1986

SA/79/1226 Erection of a single storey extension comprising of men's toilet and pool room, also alterations and incorporating new windows. PERCON 15th January 1980

SA/77/0868 Alterations and extensions to provide new lounge and toilets, erection of toilet for existing bar and alterations to private living accommodation. PERCON 11th October 1977

SA/99/0693 Change of use of public house to four bedroom dwelling. REFUSE 25th August 1999

SA/95/0923 Erection of 2 floodlights (retrospective). PERCON 27th October 1995

SA/08/1491/O Outline application for the erection of a dwelling and two holiday let units to include access and layout PERCON 10th February 2009

SA/07/0962/F Conversion of a redundant storage building into a single 3 bedroom dwelling, erection of a single storey extension to rear and side and alterations to existing vehicular access REFUSE 15th August 2007

SA/07/0245/F Conversion of a redundant storage building into single, 3 bedroom dwelling, erection of a single storey extension to rear and side and construction of new vehicular access WDN 16th April 2007

Appeal

99/00608/REF Change of use of public house to four bedroom dwelling. DISMIS 18th February 2000

Appeal

90/00829/REF Change of use of coach house to residential accommodation. DISMIS 12th December 1991

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

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Tim Barker

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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No built development shall commence until details of all external materials, including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

4. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

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

5. Prior to first occupation of any of the dwellings hereby approved, the vehicular access shall be set out and surfaced in accordance with the approved plans. The access shall thereafter permanently be maintained as agreed.

Reason: In the interests of highway and pedestrian safety

6. Prior to first occupation of the dwellings hereby approved, the parking and turning areas shall be set out in accordance with the details shown in the approved plans and shall thereafter permanently be retained as shown unless otherwise agreed in writing with the Local Planning Authority. Parking areas shall at all times remain free from obstruction.

Reason: In the interests of highway safety to ensure that sufficient parking space is available on site and to prevent the occurrence of on-street parking or the requirement to park in the adjacent public house car park where space is limited.

7. Prior to first occupation of the dwellings hereby approved, a scheme of landscaping shall be submitted to and agreed in writing by the local planning authority. The submitted scheme shall include:
- Means of enclosure
 - Hard surfacing materials
 - Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)
 - Planting plans
 - Written specifications (including cultivation and other operations associated with plant and grass establishment)
 - Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
 - A timetable for the implementation of the agreed scheme.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

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

8. All first floor windows in the south west facing (rear) elevation of the three properties located in the south west corner of the site (nearest the highway), and the first floor window in the south west facing (side) elevation of the block of properties located at the rear of the site shall also be fitted with obscure glazing and shall permanently be retained as such.

Reason: To protect the privacy of occupants of Wisteria Cottage and holiday lets.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class A, B and C, (or any Order amending or revoking and re-enacting that Order), the enlargement, improvement or other alteration of the dwelling shall not be carried out without the express written consent of the Local Planning Authority.

Reason: To maintain the appearance and character of the development.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class E, (or any Order amending or revoking and re-enacting that Order), the erection of any freestanding structure within the curtilage of the property shall not be carried out without the express written consent of the Local Planning Authority.

Reason: To maintain the appearance and character of the development.

Informative(s)

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.

2. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.
3. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.
4. Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

5. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of birds nests then an experienced ecologist should be called into carry out the check. Only if there are no active nests present should work be allowed to commence.

6. Consent or an exemption certificate is required as appropriate from the Environment Agency for discharging treated foul effluent into the watercourse. However, if the ditch/ watercourse is occasionally dry, the treated foul effluent should discharge into a drainage field.



Committee and date
 Central Planning Committee
 26 June 2014

Item
8
 Public

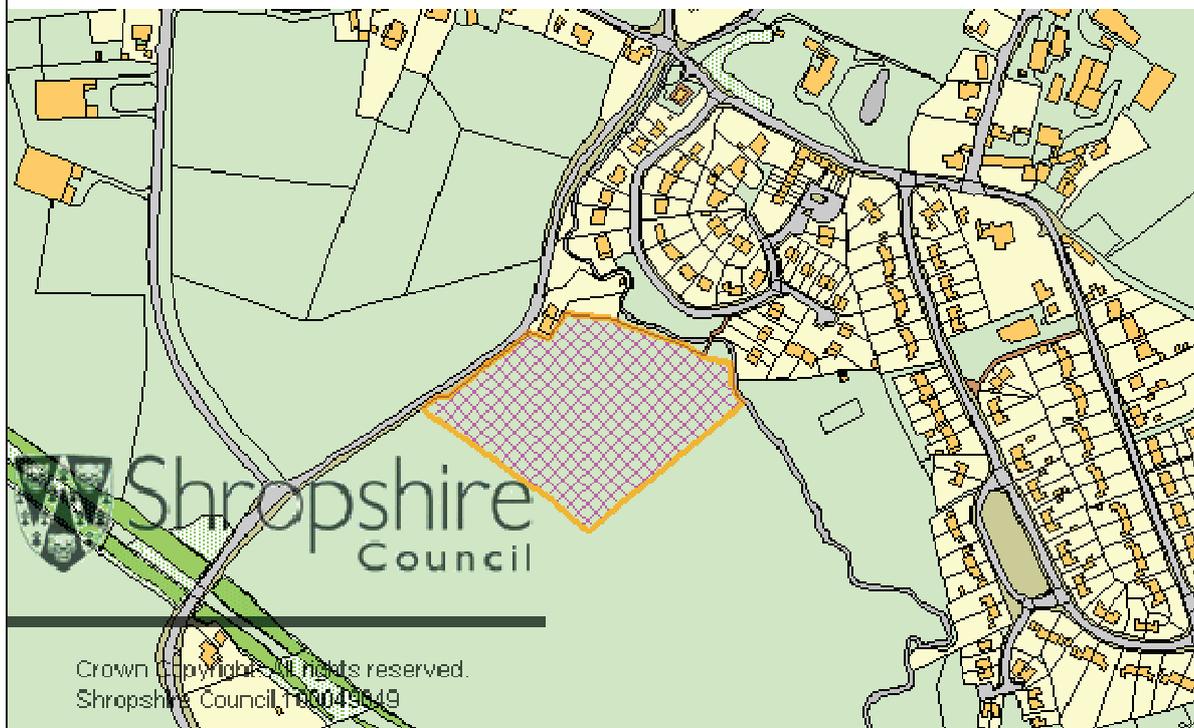
Development Management Report

Responsible Officer: Tim Rogers
 email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 14/01036/OUT	Parish:	Ford
Proposal: Outline application for residential development (upto 30 dwellings) to include access.		
Site Address: Development Land South Of Brook Cottages Ford Shrewsbury Shropshire		
Applicant: Oak Street Properties Ltd		
Case Officer: Nanette Brown	email: planningdmc@shropshire.gov.uk	

Grid Ref: 341182 - 313546



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Recommendation:- Grant Permission subject to a section 106 legal agreement to secure an off-site affordable housing contribution and to the conditions set out in Appendix 2.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for the residential development of the site. This application is outline with matters of access to be considered, with all other matters reserved (layout, scale, appearance and landscaping) for later consideration. An indicative site plan shows provision of a green buffer along the eastern site boundary adjacent to the brook and a possible new pedestrian link running north/south along this green buffer.
- 1.2 The proposed access to the site has been discussed with Highways Officers since this application was submitted and a revised access plan has been submitted for consideration. The revised plans show the provision of the site access onto Back Lane, with visibility splays and also the widening of the existing narrow section of Back Lane to at least 5.1 metres by realigning the field boundary.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site consists of part of an agricultural (arable) field situated to the south of Back Lane and to the west of the village of Ford. To the west and south of the site lie more fields with the A458 running to the south of these fields. A public footpath crosses the eastern corner of the site, the footpath running in a north/south direction linking the A458 to the village (Manor Crest). The brook that runs to the north west of the site is well screened by existing vegetation and trees.
- 2.2 The closest residential properties are located immediately to the north of the site, Brook Cottages, who front the lane. Other residential properties are located further from the site on the other side of the Brook, to the north east along Manor Crest.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Ford Parish Council have submitted a view contrary to officers recommendation for approval based on material planning reasons that cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman or vice chairman and the Local Member agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 Community Representations

- Consultee Comments

SC Conservation (Historic Environment) – No objection

Background to Recommendation:

The subject lands lie just outside of but immediately south and west of the westerly boundary of the Ford Conservation Area. There are no listed buildings within the

subject area and an overview of the relevant circa 1900 archival Ordnance Survey mapping suggests that there may be no heritage assets within the subject area, but this should be confirmed by the agent. Brook Cottage immediately north of the subject lands are not statutorily listed however the building appears on the archival mapping layer so is at least a pre-1900 dwelling.

Principles of Scheme:

In terms of the historic environment, the proposal needs to be in accordance with policies CS6 Sustainable Design and Development and CS17 Environmental Networks, and with national policies and guidance, including the Historic Environment Planning Practice Guide published by English Heritage and the National Planning Policy Framework (NPPF).

As these lands are sited at an important position adjacent to the Conservation Area immediately outside of the historic settlement of Ford, any development here will need to be sensitively designed in terms of access, building layout, scale of development, elevational detail and materials. A very high quality of design will be expected here and the materials and landscaping need to both reflect and enhance the adjacent Conservation Area, the settlement as a whole and any heritage assets nearby. External materials will need to harmonise well with the built form in the area, and it will need to be demonstrated that the proposal will not have a significant detrimental impact on the adjacent Conservation Area.

RECOMMENDATION:

In terms of historic environment matters, the submission of full design details including external materials and means of enclosure/boundary fencing should be required and conditioned. I would raise initial concerns over the proposed development layout for house 2 in particular.

SC Archaeology (Historic Environment) – No objection

Background to Recommendation:

Initial SC Archaeology comments on this application on 2 April 2014 I indicated the proximity of the proposed development site to two archaeological cropmark sites: a ring ditch (HER PRN 03718) and single ditched rectilinear enclosure (HER PRN 03719). On this basis it was advised that the results of an archaeological field evaluation should be submitted prior to determination of the application. Information has now been provided by the applicant to satisfy this requirement in the form of a Geophysical Survey Report by Stratascan and an Archaeological Statement by Castlering Archaeology.

RECOMMENDATION:

Despite the proximity of the crop mark features recorded on the Historic Environment Record, the geophysical survey has not identified any anomalies of archaeological origin on the proposed development site. It is understood that the character of superficial geology in this area has previously proved responsive to the particular survey technic used and therefore conclude that the archaeological interest of the site it likely to be lower than previously expected. In this respect, the additional information which has now been submitted meets the requirements of Paragraph 128 of the National Planning Policy Framework (NPPF).

Given that the archaeological potential of the site appears to be lower than previously anticipated, confirm agreement to the request set out in Castlering Archaeology's Archaeological Statement that further archaeological evaluation, and any appropriate mitigation thereafter, be secured as a condition of any planning consent. In line with Paragraph 141 of the NPPF, therefore recommend that a phased programme of archaeological work be made a condition of any planning permission for the proposed development. This should comprise an initial field evaluation followed by further mitigation as necessary. An appropriate condition of any such consent would be: -

Suggested Conditions:

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

Reason: The site is known to hold archaeological interest.

SC Highways DC – No objection

The highway authority raises no objection to the granting of consent.

Technical Approval

Prior to the commencement of the development full engineering details of the site access works, new access road, existing highway/road works, structures, foot/cycleways, surface water drainage, street lighting and carriageway markings/signs, shall be submitted to and approved by the planning authority; the works shall be fully implemented in accordance with the approved details prior to the development hereby permitted being first brought into use.

Reason: To ensure the construction is to an adequate standard in the interests of road safety.

Site Access Works

The widening and improvement works required on the road known locally as 'Back Lane' are to be completed prior to the first occupation at the development.

Reason: To ensure a suitable means of access is established for the development and in the interests of road safety.

Informatives

We understand that the proposed estate roads will be offered up for adoption under s38 of the Highways Act 1980 and therefore these roads are to be designed and constructed in accordance with the Shropshire Council Estate Roads design guide and an agreement will be required with the local highway authority. An agreement under s278 of the act will be required for the proposed site access works on the existing public highway. No works are to be undertaken on the adjacent public highway without obtaining prior approval from the highway authority via the appropriate means.

Key Issues

The proposed access layout first provided with the application was not supported by the local highway authority, as the section of the road known locally as 'Back Lane' proposed to be used for vehicular access to the site was deemed to be unsuitable for the scale of development proposed.

Through negotiation with the applicant's agent a design has now been provided which is acceptable in principle to the local highway authority, as this addresses our previous concerns.

A new footway connection is proposed across The Leasowes playing field which is supported by the local highway authority as this would provide a direct and convenient connection to the village centre. However this work is proposed over land leased to the parish council and we understand they are yet to agree to this.

Background

Concern was raised with the applicant regarding the suitability of a section of Back Lane of to provide an adequate access to the proposed development to the strategic road network; our concern was primarily regarding the narrow section of the lane to the north east of the junction with the private road leading to the poultry units. Following this a site meeting was held with the applicant's agent in order to discuss possible local highway improvement works in order to address the issues raised.

A revised access design has since been provided by the applicant that proposes to widen Back Lane to at least 5.1m throughout the existing narrow section running along the field boundary, which is sufficient for a car and a large vehicle to pass each other. We have requested that a verge also be provided and that drainage enhancements will be required along this section in order to secure vehicular access to the site from the A458 at the Cross Gates junction. We don't consider that any works are required on the remaining length of Back Lane as this appears to have been widened and improved in the past, possibly to accommodate the existing poultry and industrial units. Whilst the old railway bridge does restrict forward visibility and the carriageway narrows to a single lane, this does act as a control feature to help restrict vehicle speeds on the lane.

We understand that the Highways Agency has provided a response over the suitability of the Cross Gates junction and no objection has been made. Visibility from this junction is generally good so it should provide a suitable means of access to the strategic road network from the development.

No improvement works are considered necessary on the section of Back Lane up to But Lane, as any enhancements may lead to increased use where the more appropriate and convenient route for traffic accessing the site is via Back Lane and the Cross Gates junction. However, some people will inevitably travel along this route but any increases as a result of the development are likely to be minor.

The design of the proposed access works is subject to technical approval and hence a condition is requested for this, however the design is now acceptable in principle to the local highway authority.

Pedestrian links are proposed to be provided from the development to Manor Crest and also to The Leasowes recreation ground. We understand that Ford Parish Council who hold the lease for the recreation ground are yet to be directly consulted over the latter route, however we are of the opinion that establishing this link will be critical to the success of the development and to the integration with the local community and therefore we urge the applicant to hold early discussions over this. This link would also provide a direct and convenient route from the site to the primary school and nearby bus stops on The Leasowes and we are open to the notion of adopting this route as a footway.

The sloped topography of this site lends itself well to a landscape-based SUDS scheme and we have requested that should the application be approved early discussions are held with the applicant's designers, our drainage team and the local highway authority to look to maximise the benefit and to minimise the costs of the drainage scheme. If designed well, SUDS schemes can offer wider ecology and amenity value whilst being cheaper to construct and maintain than traditional piped systems.

SC Rights of Way – awaited.

SC Ecologist – No objection

Have read the above application and the supporting documents including the Phase 1 Environmental Survey by Greenscape Environmental dated February 2014. The following conditions and informatives should be attached to any consent

Watercourses

Greenscape (2014) found no evidence of otter and considered the brook unsuitable for water voles. However they recommend a 7 metre undeveloped buffer is retained to the brook to protect the watercourse and its riparian trees. The brook corridor is part of the Environmental Network under Policy CS17.

Condition

1. Prior to the commencement of work on site a 7m buffer shall be fenced off parallel to the banks along the length of the water course, put in place within the site to protect the watercourse during construction works. No access, material storage or ground disturbance should occur within the buffer zone.
Reason: To ensure the protection the Environmental Network function of the brook

Great crested newts

There is one mapped pond within 500 metres of the application site, approximately 200 metres to the north east. This is separated from the application site (an arable field) by housing development, a brook and a lane. Greenscape (2014) consider the barriers will inhibit great crested newt dispersal and do not recommend further survey work is needed in view of the low risk.

Bats

The trees, hedgerows and watercourse on the site boundaries are likely to be used for bat foraging and commuting. A condition on lighting is recommended to avoid affecting bat behaviour.

Condition

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

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

Informative

All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

Badger

Greenscape (2014) report the presence of a badger sett over 150 metres from the application site. The following informatives are recommended to avoid injury to any badgers crossing the site.

Informative

Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Informative

Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

Nesting birds

The trees and hedgerows on the site are likely to be used by nesting birds. The following condition and informative are recommended:

Condition

3. Prior to the first occupation of the dwellings details of ten woodcrete 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

Informative

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

SC Drainage – No objection

The drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted:

1. The use of soakaways should be investigated in the first instance for surface water disposal. The SuDs applicability for the area is Infiltration PLUS treatment as the development lies within a groundwater Source Protection Zone. Surface water run-off must be treated through a filtration unit prior to entering the soakaway and also pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

2. On the EA Flood Map, the eastern boundary is shown to be in Flood Zone 3. No building work should take place within Flood Zone 3. A Flood Risk Assessment in accordance with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework should be completed and submitted for approval. The applicant should complete the FRA using Shropshire Councils Strategic Flood Risk Assessment (SFRA) documents for guidance. The SFRAs 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)

Flood compensation storage, finished floor levels and evacuation plan should be detailed.

Reason: To ensure that it complies with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework and to ensure that all potential flood risk to the development has been addressed

3. The site is identified as being at risk of groundwater flooding. The applicant should provide details of how groundwater will be managed. The level of water table should be determined if the use of infiltration techniques are being proposed.
Reason: To minimise the risk of groundwater flooding.

4. A contoured plan of the finished ground levels should be provided to ensure that the design has fulfilled the requirements of Shropshire Councils Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.
Reason: To ensure that any such flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.

5. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway
Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

6. Informative: The applicant should consider employing measures such as the following:

Water Butts

Rainwater harvesting system

Permeable surfacing on any new driveway, parking area/ paved area

Greywater recycling system

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

7. The layout of the proposed foul sewage system should be submitted for approval, along with details of any agreements with the local water authority. Due to the scale of the development the foul drainage should connect to a mains system and the use of septic tanks or package treatment plants are not deemed acceptable.

Reason: To ensure that the proposed foul water drainage complies with the Building Regulations 2000(as amended) and Sewers for Adoption 7th Edition.

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

SC Affordable Houses – No objection

If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full application or a Reserved Matters application. The current prevailing target rate for affordable housing in this area is 15%. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. The size, type and tenure of the affordable homes will need to be agreed with the Housing Enabling Team before any further application is submitted.

SC Trees – No objection, subject to condition

The proposed site is to the south west of the village of Ford. It is currently used for agricultural purposes. A small brook runs adjacent to the north boundary. This acts as a green corridor and there are a number of trees growing on the banks of this brook, which are important in the landscape and help to visually separate the proposed site from existing residential housing to the north.

No Arboricultural impact assessment (AIA) has been provided with this application so it is not possible to properly assess the impact of the development on the existing trees or to understand the opportunities for improving the existing arboreal environment that may arise from the development of this land. The applicant has submitted a planning statement that considers that an AIA is not required at this stage as they have provided a 'green buffer' along the north of the development. Given that the only trees that could be affected by or potentially affect the site are on the north boundary, I would accept this approach provided that the buffer is extended far enough to ensure that not trees can be damaged or are likely to negatively impact on the development, and that a full AIA is submitted with the Reserved Matters. The green buffer must be extended to a depth into the site of 20 metres measured from the stem base of the nearest tree. It would be expected that the tree survey and tree constraints plan forming part of the AIA was used to inform the site layout and provision made to retain and protect any significant tree and to accommodate new landscape planting, allowing space for new trees to be established and develop to maturity.

Highways Agency West Midlands – No objection

The proposed development is unlikely to generate a significant number of additional vehicles using the A458 trunk road, and does not border the trunk road boundary. Therefore, it is unlikely to have a significant impact on the strategic road network.

Ford Parish Council – Strong Objection

Ford Parish Council wishes to record its **strong objection** to this application for up to 30 dwellings on prime agricultural land within the rural village of Ford. Ford Parish has clearly stated its wish to be designated open countryside and this has been accepted by Shropshire Council in their final draft of the emerging SAM.Dev plan. The designation as open countryside was requested following extensive consultation with the community, through a Rural Community Toolkit event in 2010 and a comprehensive Parish Plan review in 2012. The requirement for additional affordable housing was further tested in October 2013 through a Parish Housing Needs Survey, which revealed a minimal need within the community that is able to be met by the existing social housing stock. The size of the village is considered by the majority of residents to be optimal and sustainable. Further expansion by 8% of the housing stock is neither wanted nor needed to maintain the services and quiet enjoyment of the community.

The Parish Council objects to this application on the following material planning grounds:

Highways safety and capacity:

The proposed access is from the single track rural road known locally as Back Lane. This is a poorly surfaced road, with passing spaces, constricted by a disused railway bridge, giving access to the A458 at the Cross Gates Public House. The road is used by large, slow moving agricultural vehicles for access to farmland and by a small number of residents to access the cottages on Back Lane and Jackson's Bank. The road is unsuitable for heavy commuter traffic as there is poor visibility and little space for vehicles to pass each other. The development of 30 houses can be expected to introduce up to 60 cars to the lane and generate a huge increase in vehicle movements. There will be significant conflict between residents' cars and agricultural vehicles on a daily basis. There have already been accidents in the current year requiring the attendance of the emergency services, with vehicles colliding whilst trying to pass each other on this lane. Furthermore, there is an existing planning permission for 9 business units on the disused poultry farm site, accessed via Back Lane. If the employment site is developed it is likely to generate a steady stream of medium sized vans and trucks. These vehicles are likely to be in direct conflict with residential traffic, coming into the site just as commuters are attempting to leave for work and vice versa.

Back Lane is regularly used by pedestrians, both for access to the pub and village services and by ramblers, horse riders and dog walkers gaining access to the many rural footpaths and bridleways encircling the village, including the recently completed Humphrey Kynaston Way. The poultry farm access is a key access

point for the new bridleway. There is no space for two vehicles to pass between the proposed entrance and the chicken farm site and there is no footpath, so walkers are forced to step onto the narrow grass verge if vehicles are passing. Visibility is poor due to blind bends so an increase in vehicle movements will make the lane dangerous for pedestrians and cyclists.

The developer suggests that vehicles from the development will access the main A458 trunk road via the junction at the Cross Gates PH. This junction is of a poor quality, being in close proximity to the junction with the busy Alberbury Road which has an acceleration lane approaching the Cross Gates junction. Speed compliance on this section of the A458 is poor, being at the bottom of a hill and only just within the 40mph speed limit. There was a fatal accident on this stretch of the A458 in December 2013 and this stretch of road has been the subject of a range of speed enforcement measures in the last three years. For these reasons and because many residents are likely to wish to travel in an easterly direction, towards the employment centres of Shrewsbury, Telford and Wolverhampton, the Parish Council predicts that the majority of vehicles will in fact turn right from the development and access the A458 via Butt Lane.

Butt Lane is also a narrow, rural road, with no footpaths along its northern stretch. It passes over a narrow stone, hump-backed bridge which is unsuitable for heavy vehicles. Children walk to school along this route and there is no space to build a footpath. Butt Lane joins the A458 close to Trinity C of E Primary School. This school serves the wider rural communities of Ford, Yockleton and Cardeston and therefore attracts a large number of vehicles at the start and end of the school day. The parking issues associated with these cars have been well documented but in summary, they cause considerable congestion at the junction during busy periods. There is a traffic calming feature outside the school, obliging vehicles to wait for oncoming cars. The addition of up to 60 vehicles approaching the junction from the north will result in school traffic queuing back to the junction with the A458, blocking the main carriageway and increasing the danger to both pedestrians and through traffic. The Parish Council considers that this is an unacceptable risk when the need for housing at this site is not demonstrated.

The developer has indicated a proposal to construct a footbridge from the site across the Ford Brook into the recreation ground at The Leasowes. The recreation ground is leased to the Parish Council and no request has been received to gain access to the land. There is also no established footpath across the recreation ground. If this route is proposed as an alternative route to the school and parish hall a suitable path would need to be created and a right of way negotiated. Without such arrangements being agreed in principle, pedestrian access to the site must be deemed to be only via Manor Crest or Back Lane.

Housing Need and Sustainability:

The developer has stressed the countywide shortfall in housing land identified by Shropshire Council and suggested that Ford has a moral obligation to address the matter by identifying itself as a Community Hub, on grounds of sustainability. The

inclusion of figures for housing targets in Shropshire is of academic interest only and appears to have been included with the intention of clouding the planning issues relevant to the site and the community. The Parish Council has tested the views of the residents on a number of occasions since 2010, using robust and publicly verifiable methods. The views of the Parish Council can be seen to reflect the up to date views of the electorate of the parish as to housing need and growth. The Parish Council will continue to keep these under review in the coming months. The Parish Council stands by its comments as to CIL priorities and understands that without market housing the Parish will have limited access to funds for infrastructure development. The infrastructure priorities of the parish will also be kept under annual review to ensure the community does not risk stagnation or decline. Reference to the identification of Ford as a development village in 2001 by Shrewsbury & Atcham BC, (now a defunct institution) is out of date and should be disregarded.

The sustainability argument presented as the overriding justification for the development proposal is based on the number of key services enjoyed by Ford. These services are presently at full capacity and do not require additional housing to support them at this time. The primary school has no space to expand and limited outside space to play. The bus service, which is at best a 2-hourly service on 6 days, is barely adequate to prevent new households being heavily dependent on their private cars. There is great pressure on rural bus services, which are heavily subsidised and there is no guarantee that the present level of service can or will be maintained.

There is very little employment in Ford so any new housing is likely to be occupied by commuters travelling to the employment centres of Shrewsbury, Telford and Wolverhampton with the result of an increase in carbon footprint. Despite including a 'conceptual' document suggesting the inclusion of a community centre and recreational facilities, there are no improvements to community services proposed by the developer. Indeed the addition of 30 houses will simply overwhelm the present services enjoyed by the community. In recent years Ford has embraced the need for affordable housing by promoting the development of 10 new homes on a Rural Exceptions Site. This demonstrates that the community is aware of its wider social obligations and the changing needs of society and has responded in a proportionate fashion.

Furthermore, Ford lies within 3 miles of the major urban expansion project planned for Bicton, which will provide extensive housing and employment land. The small demand for affordable housing that cannot be met within the parish can comfortably be met within the Western SUE, without increasing the need for commuting.

Ford does not have a supply of natural gas and as such any new development will be reliant on fuel oil or low pressure gas for heating. The limited choice of suppliers will result in higher prices for heating these homes than would be the case if they are built within the Western SUE and would tend to lead to an increase in fuel poverty, which goes against Adopted CS8.

Environmental Damage and loss of amenity:

The NPPF supports development where it is sustainable and promotes the use of brownfield sites over high quality agricultural land. The site is presently in use for food production and simultaneously supports a wide variety of wildlife. Badgers, buzzards, bats and hares have been recorded on the site and all of these species have protected status. Footpath 13 crosses the eastern tip of the development site and is regularly used by walkers, enjoying an uninterrupted rural outlook. This amenity would be destroyed by the development of housing.

The site slopes up from the brook, which creates a natural sound bowl trapping noise originating from the site. At present, agricultural vehicles are clearly audible from Manor Crest and if approval were to be granted for this site, the noise of construction over many months would be extremely intrusive to the residents of both Manor Crest and Brook Cottages. Once construction is completed, noise from residential vehicles will continue to be an issue, impacting on the amenity of neighbouring properties. The proposals do not include any landscaping features likely to mitigate the effects of this noise nuisance.

Flooding and drainage:

It is acknowledged by the developer that part of the site is subject to flooding and this has been extensively demonstrated over the past 3 months. Back Lane is regularly flooded between Brook Cottages and the sewage pumping station adjacent to the bridge on Butt Lane. The developer would be expected to ensure that surface water run-off from the site equated to that of a green-field site, however in this case it should be a condition of approval that surface water run-off be significantly reduced, to prevent the continued flooding of the highway.

The developer proposes that foul drainage from the site will be disposed of via the existing mains sewer or that an additional sewage treatment plant could be installed. The latter scenario is likely to be the only one achievable without overwhelming the capacity of the existing pumping station, which is already supported by supplementary pumps to prevent overflowing into the stream. This will be required to protect public health. The site is within a groundwater protection zone and any drainage solution must therefore be designed to ensure no contamination of groundwater or surface water systems.

- Public Comments

24 letters of objection have been received to the application and are summarised as follows:

Highway Safety

Back Lane is a narrow single track country lane with no pedestrian path; the developer has shown a pedestrian pavement on either side of the access road being installed; these pavements would go nowhere as there is no space for a pavement on Back Lane; Back Lane has two exits - one directly onto the A458 where to the right, traffic not only comes from the A458 but also from the Alberbury Road slip road that enters the A458 immediately before the Crossgates Pub that is

on the corner of Back Lane and to the left is a blind bend; quite recently a woman was killed in a vehicle accident at this dangerous section of road and this increased use of the junction would add to the existing danger; the other exit from Back Lane is via a small hump backed bridge (that has a preservation order on it) to Butt Lane, this route involves an acute right turn and this is a blind turning onto a very narrow bridge that also serves as the pedestrian route to Butt Lane; Butt Lane is a two lane village road that is actually single lane for at least a third of its length due to permitted parking along one side of the road; the pedestrian path is very narrow only being wide enough for one person and passing involves stepping into the road; increased use of this limited village road network is unacceptable; a decision on the Hotel proposal on another part of the site (believed to be by the same applicant) is still outstanding, potentially adding more traffic disruption to the area around the village; the local bus service is insufficient, restrictive and too unreliable to service local residents who may wish to use it to travel to employment, education or other amenities in Shrewsbury; there can be every certainty that the proposed new development will be car dependant.

Noise

The topography of the land at Manor Crest, Cardeston Brook and the field for the proposed development site forms a large sound bowl; at present, this is not too much of a problem as the field is used only by the occasional agricultural vehicle; a new housing development would introduce an unacceptable level of noise and disturbance to the residents of Manor Crest and to the residents of Brook Cottages.

Drainage/Flooding

Back Lane lies in a valley between two higher sloping fields that in the event of rain, results in water running down Back Lane from Jackson's Bank and from the fields on either side; this is a regular feature and this flooding is not confined to alluvial water, raw sewage regularly flows into Back Lane and even the two extra pumps that have been deployed to the pumping station at the corner of Back Lane have not been able to prevent foul water making Back Lane completely impassable; any further development in this area would be unacceptable and would exacerbate the existing inadequate situation; the sewage pumping station would be put under even more pressure; the brook is often polluted with sewerage and also regularly floods the road.

School

The village school at the top of Butt Lane results in parents taking their children to school or picking them up with all roads in the vicinity used for parking and naturally chaos reigns at each end of the school day; whilst the school is officially not totally full to all intents and purposes the school is at capacity with just enough outside space for children to exercise; increasing the number of pupils would not only cause even more traffic problems but it could very well result in this now successful school becoming overstretched with the result that there would be underperforming children.

Local Ecology

Back Lane has a hedgerow running along both sides providing an invaluable habitat for the many birds that presently roost, nest and feed in it as well as providing a safe backdrop for rabbits, foxes and badgers, all of which live in the

area; badgers have been followed along Back Lane; the application site is of great environmental value with the boundary hedgerows, wild grass area, trees and brook containing a huge variety of wildlife; these wildlife areas and corridors are currently undisturbed on the edge of a quiet agricultural greenfield site and any form of residential development will cause a huge disturbance and irreversible damage to the valuable ecosystems present in the area.

Localism/Sustainability

The villagers of Ford overwhelmingly feel that there is no need for further housing in the village; this is the villager's decision; the village already has a school, a church, a village hall, a seniors building with function room and a large recreation field - no need for any new community centre; this is not a sustainable development, there are no jobs in Ford for occupants of any new housing meaning all residents will be commuting out of the village on already strained small roads; the telephone exchange is already at capacity and residents already often lose broadband due to faults on the line.

Shropshire Council have refused applications In Worthen and Montford Bridge already (14/00398/OUT & 14/00518/OUT) for reasons relating to adverse impacts on the character and setting of the rural area by reason of location and proposed scale, failing to promote or reinforce the local distinctiveness of the area and the proposed built form would not reflect the scale and proportions of the existing nearby housing; both the Worthen application and the Montford Bridge application are similar in size and nature to the application for housing development on the field to the rear of Brook Cottages, Ford and the material reasons for objection to the development proposal at Worthen apply to an even greater extent to the application for development at Ford; Ford has a unique historical character and distinctiveness, particularly at the end of the village for which development is being proposed; allowing this development to take place at Ford will irreversibly ruin the historical character and tranquil nature of the village for good.

The NPPF states that "decision making may also give weight to emerging policy". Ford is due to be classified as "open countryside" in emerging development plans following extensive consultations with the local population; two key objectives of the NPPF are to "put power in the hands of local communities" and "to protect places of value"; core planning principals in the NPPF include that decision makers should "take account of different roles and character of areas" and "recognise the intrinsic character and beauty of the countryside."

There are currently two plots of land for sale in Ford; neither has been sold despite being up for sale for over 2 years; there are several houses up for sale, both private and part ownership properties, which remain unsold, demonstrating there not being a need for additional housing in the village.

One additional letter received from the Access and Bridleway Representative of the Shrewsbury & District Riding Club and the Chairman of the Nesscliffe Hills & District Bridleway Association P3 Group summarised as follows:

Back Lane, which is put forward as the access route to this proposed development site for 30 houses, forms part of the recently launched Humphrey Kynaston Way with Circular Routes off it; this is a project that is promoted by Shropshire Council with funding from Natural England's Paths for Communities Project; Back Lane links the off road sections of the route in both directions from the proposed development site entrance; Back Lane is therefore used by horse riders to access the bridleways in the vicinity and is highlighted on the published leaflets, as it forms an essential part of the Humphrey Kynaston Circular Ford route, as well as providing a link for the linear route from the Kittyoak Lane Bridleway via Back Lane to Ford; occupiers of the proposed houses will need to use vehicles to access many facilities, including the local shops and work and there will also be extra traffic brought onto this narrow lane for deliveries and to service the households; extra traffic generated by this large housing development will put non motorised users on Back Lane at risk, including equestrians and there are no measures put forward for their safe passage, nor for the cyclists who use this lane, should the development be granted; Back Lane is currently a narrow country lane with blind bends and the improvements are only planned for a very short distance by the development.

5.0 THE MAIN ISSUES

Principle of development
Access
Drainage
Archaeology
Design/Visual Impact
Loss of Agricultural Land
Ecology
Open Space Requirements

6.0 OFFICER APPRAISAL

6.1 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. Paragraph 12 of the NPPF states 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'

6.1.2 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.'

6.1.3 Shropshire Council has an adopted Core Strategy and CS4 outlines that housing development that is of a scale that is appropriate to the settlement will be allowed in villages in rural areas that are identified as Community Hubs and Clusters within the SAMDev DPD. The SAMDev DPD is at the 'Revised Preferred Options' stage and 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).

The Council's view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone substantial public consultation, where some degree of weight can be attached.

6.1.4 Ford has not been promoted as part of any 'Community Cluster' and therefore the Revised Preferred Options' proposal does not indicate any development boundary. This site is therefore located within open countryside and allowing this proposal would be contrary to the emerging SAMDev DPD and contrary to the PCs aspirations regarding no new development within Ford. However in the absence of a five year land supply a 'presumption in favour of sustainable development' and the need to boost the housing supply (a government priority) is now the most significant material consideration when determining planning applications for housing and takes precedence over adopted and emerging local planning policy in relation to the supply of housing due to those policies not being considered up to date. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether it is an acceptable scale and design appropriate for the village of Ford.

6.1.5 Ford is a village mostly located to the north side of the A458, with some housing and a petrol station, shop and restaurant and private business located to the east of the village fronting the southern side of the A458. Including these services close by the villagers have access to a range of services and facilities, including a primary school, shop, petrol station, restaurant, public house, bowling club, church and playing fields and it is serviced by two regular bus services from Shrewsbury. The site is located at the western end of the village and it is considered that these services that are all within an easy walking distance of the application site. 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 without over reliance or long journeys by private motor car.

6.1.6 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:

- ② 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;
- ② 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
- ② 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.

- 6.1.7 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide local employment for the construction phase of the development supporting small local builders and building suppliers. The provision of up to thirty additional houses will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also make a financial contribution to the supply of affordable housing in addition to a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.
- 6.1.8 Social role – 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 smaller settlements where it will support facilities within the settlement and those nearby, thereby helping to retain services and enhancing the vitality of rural communities. Providing housing will support and maintain existing facilities and will benefit both the existing and future residents and help meet the needs of present and future generations. It is considered that the additional 30 dwellings now proposed would not provide any significant additional pressure on services that would render them unable to sustain services for residents.
- 6.1.9 Environmental role – The site has no ecological designation and whilst it is currently utilised as open agricultural it has little ecological value. The brook running to the east of the site is of greater ecological value and the proposal states that any development would be kept away from this area so as to cause no impact on the existing ecology of this area. The proposal would have no adverse impact on wildlife and the ecological value of the site could potentially be improved by relevant conditions. The site has been identified as a potential heritage value in terms of archaeology and a report to investigate this issue has been submitted by the applicants agent and this is discussed below. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible to

local services and facilities on foot or by cycle and by public transport to the array of services, facilities and employment opportunities in Shrewsbury.

6.1.10 Affordable Housing - There is a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full or Reserved Matters application. The current prevailing target rate for affordable housing in this area is 15%. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. The number, size, type and tenure of the on-site affordable units would be discussed and agreed with the Housing Enabling Team prior to the submission of a full or reserved matters application.

6.2 Access

6.2.1 The proposed access layout first provided with the application was not supported by the local highway authority, as the section of the road known locally as 'Back Lane' proposed to be used for vehicular access to the site was deemed to be unsuitable for the scale of development proposed. Through negotiation between the applicant's agent and SC Highways Officers a design has now been provided which is acceptable in principle to the local highway authority. This revised access design proposes to widen Back Lane to at least 5.1m throughout the existing narrow section running along the field/application site boundary, which is sufficient for a car and a large vehicle to pass each other. SC Highways officers have requested that a verge also be provided and that drainage enhancements will be required along this section in order to secure vehicular access to the site from the A458 at the Cross Gates junction.

6.2.2 The design of the proposed access works is subject to technical approval and highways officers have requested that this be covered by conditions. However the design is now acceptable in principle to the local highway authority.

6.2.3 The Highways Officers have not requested or looked for any improvement works to the section of Back Lane leading from the application site up to But Lane, as any enhancements may lead to increased use. It is considered that if the more appropriate and convenient route for traffic accessing the site is via Back Lane and the Cross Gates junction with the A458 then people will more likely travel along this route. It is considered that any increases in traffic towards But Lane as a result of the development are likely to be minimal on this basis.

6.2.4 As well as the existing public footpath that crosses part of the site giving pedestrian access into the village, the submitted indicative plans also indicate pedestrian links proposed to be provided from the development to The Leasowes recreation ground. It is understood that that Ford Parish Council who hold the lease for the recreation ground have not yet been directly consulted over this route, however the Highways Officers are of the opinion that establishing this link will be critical to the success of the development and to the integration with the local community and therefore urge the applicant to hold early discussions over this with the Parish

Council. This link would also provide a direct and convenient route from the site to the primary school and nearby bus stops on The Leasowes. Highways Officers have confirmed that they are open to the notion of adopting this route as a footway.

- 6.2.5 The Highways Agency has not made any objections to the application. They consider that the proposed development is unlikely to generate a significant number of additional vehicles using the A458 trunk road, and does not border the trunk road boundary. Therefore, it is unlikely to have a significant impact on the strategic road network.
- 6.3 Drainage
- 6.3.1 The Shropshire Council Drainage Engineer has raised no objections to the proposal subject to requesting that conditions are added to any consent granted that require further details of surface water drainage and groundwater management to be submitted for approval, as well as a final foul sewage system design that will likely need to connect to the main sewerage system due to the size of the development.
- 6.2.2 On the Environment Agency Flood Map, the eastern site boundary is shown to be within Flood Zone 3. No building work should take place within Flood Zone 3 and it has been confirmed within the application submission that this will be the case.
- 6.3 Archaeology
- 6.3.1 Initial comments to this application from this Council's Archaeology Team requested that an archaeological field evaluation should be submitted prior to determination of the application as the site lies in close proximity to two archaeological cropmark sites: a ring ditch (HER PRN 03718) and single ditched rectilinear enclosure (HER PRN 03719). Information has now been provided by the applicant's agent to satisfy this requirement in the form of a Geophysical Survey Report by Stratascan and an Archaeological Statement by Castlering Archaeology.
- 6.3.2 The SC Archaeologist has confirmed that from the submitted reports it can be concluded that the archaeological interest of the site is likely to be lower than previously expected and that any further archaeological evaluation, and any appropriate mitigation thereafter, could be secured as a condition of any planning consent granted, in line with Paragraph 141 of the NPPF.
- 6.4 Design/Visual Impact
- 6.4.1 The application site lies just outside of Ford, immediately south and west of the westerly boundary of the Ford Conservation Area. The site is situated at an important position adjacent to the Conservation, although the brook and its mature planting does provide a visual break between the site and the existing built area of Ford. Shropshire Council's Conservation Officer notes that any development here will need to be sensitively designed in terms building layout, scale of development, elevational detailing and materials but does not raise any objections to the development in principle. These are all details which would be considered carefully at reserved matters stage.

6.5 Loss of Agricultural Land

6.5.1 The site lies on a Grade 3 agricultural land. The NPPF states at paragraph 112 that “Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.” This factor needs to be weighed in the balance of considerations in relation to this site and taking account of the guidance in the NPPF taken as a whole. In view of the significant weight which must be given to the lack of a 5 year housing land supply in Shropshire, explained in section 6.1 above (Principle of Development), it is considered that a refusal on the grounds of loss of high quality agricultural land could not be sustained.

6.6 Ecology

6.6.1 A Phase 1 Environmental Survey report has been submitted with this application. The Council’s Ecologist has raised no objections to the findings and proposals in relation to ecological matters, subject to conditions including a condition that would seek to protect the brook’s ecology by the provision of a protected zone.

6.6.2 The Council’s Tree & Landscape Officer has identified that the trees running along the north eastern site edge should be protected by a buffer zone within which no development should take place. They also recommend that an Arboricultural Impact Assessment (AIA) should be submitted with any subsequent reserved matters application for layout details, forming part of the design process for the development of the site. This can be required by condition.

6.7 Open Space Requirements

6.7.1 Open space – IPG requires developments of 20 or more dwellings to provide open space on site, to 30sq metres per person. This application design and layout are reserved matters and the provision of open space will therefore have to be designed into a final scheme at the reserved matters stage.

7.0 CONCLUSION

7.1 It is appreciated that approving this development would be contrary to the Parish Councils wishes for the village of Dorrington and would go against the ideals of ‘localism’. However the NPPF is clear that where there is a lack of a 5 year land supply local policies relating to housing are considered to be out of date and that the priority is to boost housing supply and to approve sustainable development in appropriate locations provided there are no adverse impacts of doing so. It is considered that the site is of a sufficient size to accommodate the proposed number of dwellings and would not result in an unacceptable form of development within the village. The proposal would have no adverse environmental or ecological implications and would not impact on highway safety. The detailed, appearance, landscaping, and scale designs will be considered at the reserved matters stage.

7.2 The existing infrastructure is sufficient to support the proposed development and the proposal will provide local needs affordable housing and will be liable for the required CIL payment. It is considered that Ford is a sustainable location for a limited number of new houses (over and above the view put forward by the Parish

as part of SAMDev) due to its range of essential services and facilities and its proximity to Shrewsbury and Pontesbury with good access to all essential services and facilities without over reliance or long journeys by private motor car. It is considered that the proposal represents sustainable development that will contribute to providing a balance of available housing and would help support facilities and services in this and neighbouring towns and villages and therefore promote '*strong, vibrant and healthy communities*'. It is therefore recommended that members support this application and grant planning permission in line with clear guidance within the NPPF. Permission, if granted, should be subject to the completion of a S106 Agreement to secure the provision of affordable housing in accordance with the Councils adopted policy.

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, i.e. written representations, hearing or inquiry.
- ❑ The decision may be 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 made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS4, CS6, CS9, CS11 & CS17

RELEVANT PLANNING HISTORY:

-

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</p>
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<p>See planning file</p>

<p>Cabinet Member (Portfolio Holder)</p>

<p>Cllr M. Price</p>

<p>Local Member - Cllr Roger Evans</p>

<p>Appendices</p>

<p>APPENDIX 1 - Conditions</p>

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

1. Details of the layout, scale, appearance and landscaping (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 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

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

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

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

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

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 drainage of the site

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

5. The details submitted as part of any reserved matters application for 'layout' shall contain a full Arboricultural Impact Assessment (AIA) that shall include a tree survey and tree constraints plan in order to retain and protect any significant trees.

Reason: In the interest's amenity and to ensure a satisfactory form of the development.

6. The development shall be carried out strictly in accordance with the deposited plans and drawings as amended by the revised plan Numbers 1257-01-A, 1257-02-A, 1257-03-A _ 1257-04-A received on 12th May 2014.

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

7. No development approved by this permission shall commence until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.
Reason: The site is known to hold archaeological interest.
8. Prior to the commencement of the development full engineering details of the site access works, new access road, existing highway/road works, structures, foot/cycleways, surface water drainage, street lighting and carriageway markings/signs, shall be submitted to and approved by the planning authority; the works, including the widening and improvement works required on the road known locally as 'Back Lane' shall be fully implemented in accordance with the approved details prior to the development hereby permitted being first brought into use.
Reason: To ensure the construction is to an adequate standard in the interests of road safety.
9. No development shall take place until a scheme of surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.
Reason: To ensure satisfactory drainage of the site and to avoid flooding
10. No development shall take place until a scheme of Groundwater drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.
Reason: To ensure satisfactory drainage of the site and to avoid flooding
11. Prior to the commencement of work on site a 7m buffer shall be fenced off parallel to the banks along the length of the water course, put in place within the site to protect the watercourse during construction works. No access, material storage or ground disturbance should occur within the buffer zone.
Reason: To ensure the protection the Environmental Network function of the brook

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

12. Prior to the occupation of any part of the development the layout of the proposed foul sewage system along with details of any agreements with the local water authority should be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the proposed foul water drainage complies with the Building Regulations 2000(as amended) and Sewers for Adoption 7th Edition and to ensure satisfactory drainage of the site and to avoid flooding.
13. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small,

privately owned, domestic gardens shall be submitted to and approved by the local planning authority prior to the occupation of the first dwelling. The landscape plan shall be carried out as approved and retained thereafter.

Reason: To ensure the long term maintenance of the amenity green space.

14. Prior to the first occupation of the dwellings details of ten woodcrete 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

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

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

Informative(s)

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
2. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.
3. We understand that the proposed estate roads will be offered up for adoption under s38 of the Highways Act 1980 and therefore these roads are to be designed and constructed in accordance with the Shropshire Council Estate Roads design guide and an agreement will be required with the local highway authority. An agreement under s278 of the act will be required for the proposed site access works on the existing public

highway. No works are to be undertaken on the adjacent public highway without obtaining prior approval from the highway authority via the appropriate means.

4. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.
5. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.
6. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.
7. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.
8. Consent is required from the service provider to connect into the foul main sewer.
9. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
10. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

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Committee and date
 Central Planning Committee
 26 June 2014

Item
9
 Public

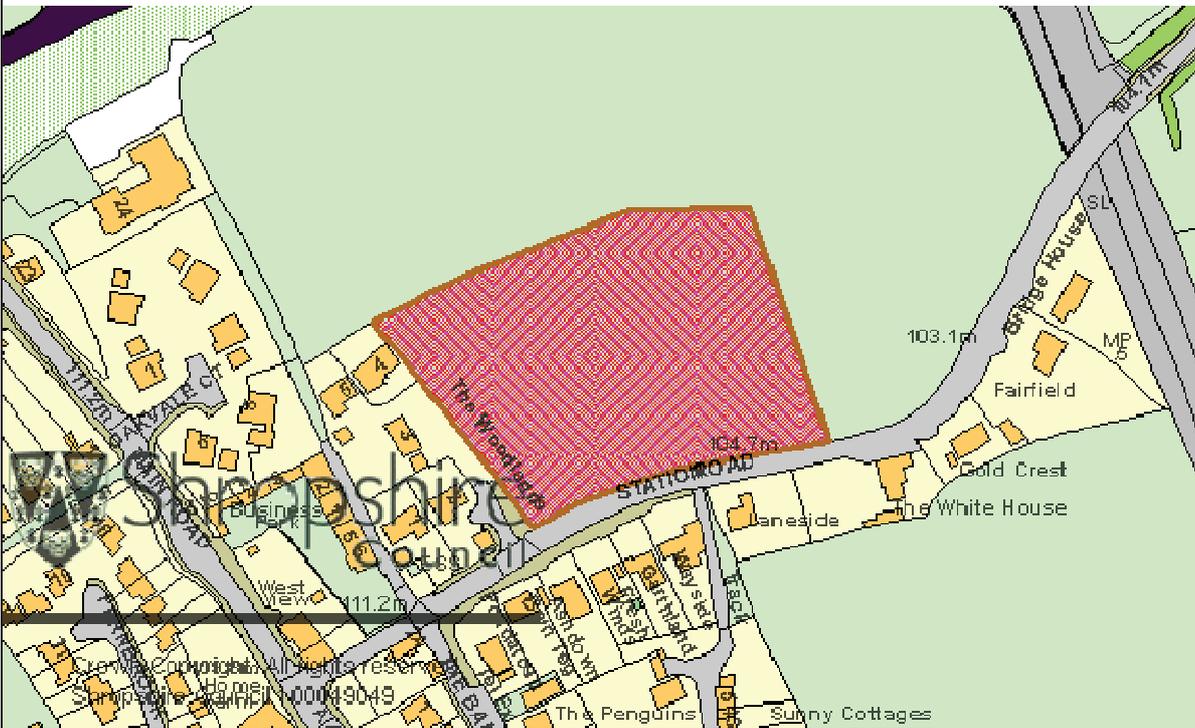
Development Management Report

Responsible Officer: Tim Rogers
 email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 14/01037/OUT	Parish:	Condover
Proposal: Outline planning application (all matters reserved) for mixed residential development		
Site Address: Development Land North Side Of Station Road Dorrington Shrewsbury Shropshire		
Applicant: Messrs. Davies		
Case Officer: Nanette Brown		email: planningdmc@shropshire.gov.uk

Grid Ref: 347839 - 303120



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Recommendation:- Grant Permission subject to a section 106 legal agreement to secure an off-site affordable housing contribution and to the conditions set out in Appendix 2.

REPORT

1.0 THE PROPOSAL

1.1 This application seeks outline planning permission for the residential development of the site. This application is outline with all matters reserved for consideration at a later date. An indicative site layout plan shows a layout of twenty four dwellings accessed off Station Road via a single shared access and Y shaped shared driveway.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site forms the south western corner of a large open field set to the north of Station Road. To the west of the site are 5 detached modern dwellings accessed off a private shared driveway (The Woodlands). Other residential dwellings containing a mixture of design and sizes are located to the south side of Station Road, their front elevations facing north towards the application site. The sites southern boundary with Station Road is currently defined by a tall mature hedgerow.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Condover Parish Council have submitted a view contrary to officers recommendation for approval based on material planning reasons that cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman or vice chairman and the Local Member 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

SC Highways DC – No objections

The highway authority raises no objection to the granting of consent.

Suggested Condition - Technical Approval

Prior to the commencement of the development full engineering details of the site access works, new access road, existing highway/road works, structures, foot/cycleways, surface water drainage, street lighting and carriageway markings/signs, shall be submitted to and approved by the planning authority; the works shall be fully implemented in accordance with the approved details prior to the development hereby permitted being first brought into use.

Reason: To ensure the construction is to an adequate standard in the interests of road safety.

Informatives

As the proposed estate roads are to be offered for adoption a therefore a s38 agreement with the local highway authority will be required. No works are to be undertaken on the adjacent public highway without obtaining prior approval from the highway authority via the appropriate means.

Background

The local highway authorities consider this site sustainable for development due to its proximity to the existing Dorrington Village centre. Station Road is a bus route and existing stops are located a short distance from the site. Whilst a continuous footway is not provided on Station Road, due to the 30mph speed limit and built up rural nature here people are able to walk the short distance in the carriageway to the nearby footways with relative safety.

The applicant has not annotated the proposed visibility splays on the supplied drawing, however from the scale we assume these are 43m in length which are appropriate for this location. The details of the splays would be ratified in the discharge of the technical approval condition should the site be approved.

Whilst ultimately it is for the Highways Agency to comment on the adequacy of the junction with Station Road and the A49, we are of the opinion that the junction is of a sufficient standard to accommodate the development hereby proposed.

SC Ecologist – No objections

Conditions and informatives are recommended as set out below.

Badgers

A survey in 2011 of land south of Station Road found no evidence of badger setts within 50 metres. As badgers have been recorded in the wider area, the following informatives are recommended:

Informative

Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

Informative

Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Bats

The hedgerows on site are likely to be used for bat foraging and commuting. A condition on lighting is recommended to avoid affecting bat behaviour.

Condition

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

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

Nesting birds

The hedgerows on the site are likely to be used by nesting birds. The following condition and informative are recommended:

Condition

2. Prior to the first occupation of the dwellings details of two woodcrete 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

Informative

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

SC Drainage – No objection

The following drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission is to be granted:

1. The development site is greater than 1.0 Ha. and a Flood Risk Assessment in accordance with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework should be completed and submitted for approval.

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)
- The potential impact of flood water from the new site on adjacent properties should be considered, and mitigation proposals described.
- Reason: To ensure that it complies with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework.

2. The application form states that surface water drainage from the proposed development is to be disposed of via a sustainable drainage system (SuDS). No details of the proposed SuDS have been provided. Full details, plan and calculations of the proposed SuDS should be submitted for approval. This should illustrate how the development will comply with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework for the particular flood zone / site area and Shropshire Council's Interim Guidance for Developer, and how SUDs will be incorporated into the scheme. As part of the SuDS, the applicant should consider employing measures such as the following:

- ' Surface water soakaways (Designed in accordance with BRE Digest 365)
- ' Swales
- ' Infiltration basins
- ' Attenuation ponds
- ' Water Butts
- ' Rainwater harvesting system
- ' Permeable surfacing on any new driveway, parking area/ paved area
- ' Attenuation
- ' Greywater recycling system
- ' Green roofs

Details of the use of SuDS should be indicated on the drainage plan.

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

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

3. If non permeable surfacing is used on the new driveway and parking area and/or the driveway slopes toward the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway.

Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

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

Reason: To ensure that any such flows are managed on site.

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

SC Affordable Houses – No objection

If this site is deemed suitable for residential development, then there would be a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full or Reserved Matters application. The current prevailing target rate for affordable housing in this area is 15%. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. If this site is deemed suitable for residential development, then the number, size, type and tenure of the on-site affordable units must be discussed and agreed with the Housing Enabling Team prior to the submission of a full or reserved matters application.

SC Public Protection – Specialist – No objection

Suggested condition:

Before the development commences, details of the means of construction which safeguards the development from possible landfill gas shall be submitted to and approved by the Local Planning Authority, unless the Local Planning Authority are satisfied following the submission of results of investigations and tests for landfill gas, that such safeguards are unnecessary. The development shall be carried out in strict accordance with any details submitted and approved under the foregoing condition.

Reason: The site lies within 250 metres of a landfill site and the Local Planning Authority wishes to ensure that the site can be developed and occupied with adequate regard to environment and public safety.

Highways Agency West Midlands – No objection

The development site is 0.99 Ha of agricultural land located to the north of Station Road, Dorrington, Shropshire. It is located some 100m to the east of the A49, there is no direct boundary with the Trunk Road. Access to the site is proposed from Station Road.

- ☐ There are no boundary related issues likely to affect SRN interests due to the distance of the development from the A49.
- ☐ Although A49/Station Road junction is not to current design standards, the level of visibility is acceptable and there are no evidenced operational issues with the junction warranting Highways Agency intervention.
- ☐ Due to the relatively small size of the development, traffic impact is unlikely to affect the safe or efficient operation of the A49/Station Road junction.

Accordingly, the Highways Agency has no objection to the proposals.

Condover Parish Council - Objection

Following a meeting of the Parish Council on 1/4/2014 which was well attended by members of the public, the Parish Council decided to oppose the above application. In principle the Parish Council cannot support the application as it contravenes the Dorrington Village Design Statement and development boundary of Dorrington shown in the Parish Council's SAMDev submission.

The site is considered to be unsuitable for the following sustainability issues which are based primarily on: **Environmental and Access issues** which exist at the location:

- ☐ The narrow lane Station Road is already under pressure as it is already required to sustain a high volume of heavy goods/plant movements and domestic traffic movements. It is therefore regarded as being totally unsuitable to sustain the additional traffic movements arising from the proposed development.
- ☐ There is no public footway to village amenities which would result in pedestrians having to either risk walking along the road side or using their cars. The latter is not regarded as environmentally friendly.
- ☐ The access point on to the A49 at Station Road is particularly dangerous, as it is extremely narrow and restricted. It is therefore unsuitable to meet the demands of the resulting increase in traffic movements.

Social issues:

- ☐ Community cohesion/ integration issues would arise with the introduction of such a densely populated plot. The Dorrington Village Design Statement stresses the need for gradual and phased development in a village which has undergone a great deal of change and expansion in the last 20 years.
- ☐ The development of the site is also likely to open the door to further development which will result in a further expansion of Dorrington village; which is not supported by the Community.

Drainage:

- ☐ It is also noted that no drainage or FRA had been submitted with the application; this is required for such a substantial development and their absence questions the sites sustainability.
- ☐ The Parish Council and Community trust that Shropshire Council will give significant weight to the Parish Council's SAMDev submission. The submission was arrived at through extensive public consultation which began in 2010 and has involved many public meetings since. These have been well attended by its Community; and supported by SC planning officers; SC councillors and parish councillors. This represents a belief in "Localism"; planning from the bottom up and a huge investment in people's time, and resource which should not be overlooked.
- ☐ Dorrington's Village Design Statement is robust and detailed; identifying two development areas within the village boundary and central to village services. Providing the potential to build 30/32 additional homes which will meet the economic and social needs of the village. Developers detailed plans as presented to the Community and Council include a healthy mix of house types which include affordable homes and bungalows which the Community identified as a need in the 2009 Parish Plan. This has been incorporated into the SAMDev document.

The Parish Council trusts these comments will be considered before a planning decision is made. Should the Planning Officer be minded to recommend approval of this application the Parish Council would like to recommend that the application be referred to the Central Planning Committee and that the PC is given the opportunity to address the Committee.

4.2 - Public Comments

16 letters of objection from 14 addresses have been received and are summarised as follows:

Principle of Development:

The application site is outside of the village development boundary and therefore contrary to Condover Parish Council's Parish Plan and Shropshire Council's not yet fully adopted plan (SamDev); during the consultation process the Parish Council accepted that housing development would be needed within the village in the future and sites were identified which meet access and community needs and which are felt suitable and acceptable, this site is not one of them; Dorrington's housing need has been shown to be exceptionally low and there are already several empty properties available to let; SAMDev proposal is a 5 year plan to deliver sustainable housing implemented following local resident consultation and should not be revisited until 2018 as intended.

Highway Safety:

Station road already has difficulty coping with the many large vehicles using this narrow road, particularly at the very narrow junction onto the A49; access to and egress from the site would be almost impossible without encountering large vehicles; Station Road is already overloaded with Plant Hire vehicles, quarry

lorries, euro-sized tankers, RSPCA vehicles and horseboxes, chicken lorries, buses and Conover Industrial Estate traffic; if each of the proposed properties has just one vehicle, that results in twenty-four vehicles trying to pull out into all this traffic that would be difficult and extremely dangerous; cars regularly have to reverse back on the A49 at the junction when they meet an on-coming vehicle and cannot get past; any kind of incident on the A49 between Bayston Hill and Dorrington results in all traffic being diverted from the A49 through Conover and along Station Road; Continuous public footpath to village cannot be maintained; roadway is not wide enough to give adequate line of sight for emerging traffic from driveways for 41 cars (1.7 per household is national average x 24 houses)

Sustainability:

We want our village to grow in a sustainable way, but we want that growth led by local people, on sites that make planning sense, on sites that local people know well, on sites that have safe access; the application states that It is considered that all the village services are within safe walking distance of the application site; All local services apart from the local shop are on the opposite side of the A49; do not consider the site too be sustainable; insufficient employment within village to support increase in population making commuting inevitable.

Services:

The existing properties along Station Road are on septic tanks and there is a lack of capacity in the village's current sewerage system.

Land Contamination:

The application site also immediately backs on to an Inert Landfill Tip; understand that there is an exclusion zone around tips which prohibits habitable building; understand that methane monitoring is ongoing.

5.0 THE MAIN ISSUES

Principle of development
Access
Drainage
Land contamination
Design/Visual Impact
Open Space Requirements

6.0 OFFICER APPRAISAL

6.1 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. Paragraph 12 of the NPPF states 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'

6.1.2 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.’

6.1.3 Shropshire Council has an adopted Core Strategy and CS4 outlines that housing development that is of a scale that is appropriate to the settlement will be allowed in villages in rural areas that are identified as Community Hubs and Clusters within the SAMDev DPD. The SAMDev DPD is at the ‘Revised Preferred Options’ stage and 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).

The Council’s view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone substantial public consultation, where some degree of weight can be attached.

6.1.4 Dorrington is coming forward as a ‘Community Cluster’ and the Revised Preferred Options’ proposal indicates a development boundary. This site is just outside the development boundary for Dorrington and therefore allowing this proposal would be contrary to the emerging SAMDev DPD and contrary to the PCs aspirations regarding the location of new development within Dorrington. However in the absence of a five year land supply a ‘presumption in favour of sustainable development’ and the need to boost the housing supply (a government priority) is now the most significant material consideration when determining planning applications for housing and takes precedence over adopted and emerging local planning policy in relation to the supply of housing due to those policies not being considered up to date. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether it is an acceptable scale and design appropriate for the village of Dorrington.

6.1.5 Dorrington forms a community that is split to either side of the A49. There are a range of services and facilities within the village, including a primary school, shop, post office, public house, restaurant, butchers shop, doctor’s surgery and Dorrington Business Park. It is serviced by a regular bus service from Shrewsbury

and Church Stretton/Ludlow. The site is located at the eastern side of the village and it is considered that these services that are all within an easy walking distance of the application site. 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 without over reliance or long journeys by private motor car.

6.1.6 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:

- ② 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;
- ② 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
- ② 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.

6.1.7 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide local employment for the construction phase of the development supporting small local builders and building suppliers. The provision of twenty four more additional houses will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also make a financial contribution to the supply of affordable housing in addition to a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

6.1.8 Social role – 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 smaller settlements where it will support facilities within the settlement and those nearby, thereby helping to retain services and enhancing the vitality of rural communities. Providing housing will support and maintain existing facilities and will benefit both the existing and future residents and help meet the needs of present and future generations. Whilst the 35 houses envisaged on the identified site through SAMDev (not yet subject of any planning approval) and the other developments recently granted planning approval within Dorrington (approximately 38 in total) will add some pressure to existing facilities, it is considered that the additional 24 dwellings now proposed would not be likely to provide any significant

additional pressure on the existing well established services in Dorrington that would render them unable to continue to sustain services for residents.

6.1.9 Environmental role – The site has no heritage, cultural or ecological designation. Whilst it is currently utilised as open agricultural it has little ecological value. The proposal would have no adverse impact on wildlife and the ecological value of the site could potentially be improved by relevant conditions. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible to local services and facilities on foot or by cycle and by public transport to the array of services, facilities and employment opportunities in Shrewsbury and Church Stretton & Ludlow.

6.1.10 Affordable Housing - There is a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full or Reserved Matters application. The current prevailing target rate for affordable housing in this area is 15%. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. The number, size, type and tenure of the on-site affordable units would be discussed and agreed with the Housing Enabling Team prior to the submission of a full or reserved matters application.

6.2 Access

6.2.1 The application site is located close to the centre of the village and Station Road is on a bus route with existing bus stops located a short distance from the application site. Whilst a continuous footway is not provided on Station Road, due to the 30mph speed limit and built up rural nature here people are able to walk the short distance in the carriageway to the nearby footways with relative safety. The Highways Officer has raised no objections to the proposal or the indicative access arrangements, although would wish to see full technical details of the proposed access as part of any subsequent reserved matters application.

6.2.2 The Highways Agency has provided comments on this application and make no objections to the proposed scheme. They have noted that although the A49/Station Road junction does not meet current design standards, the level of visibility is acceptable and there are no evidenced operational issues with the junction warranting any Highways Agency intervention. Due to the relatively small size of the development, the Highways Agency also considers that traffic impact is unlikely to affect the safe or efficient operation of the A49/Station Road junction.

6.3 Drainage

6.3.1 The site area for this application is under 1ha and so there is no requirement for a Flood Risk Assessment to be submitted, in line with Environment Agency Standing Advice. The SC Drainage Engineer has raised no objections to the proposal and has requested that conditions be added to any consent given that require details of surface water drainage be submitted and approved.

6.4 Land Contamination

6.4.1 The Council's Public Protection Officers have raised no objections to the submitted application although have noted that the site lies within 250 metres of a landfill site. They have requested a condition be added to any planning permission granted that requires details of the means of construction be approved prior to commencement of development in order to safeguard the development from possible landfill gas.

6.5 Design/Visual impact

6.5.1 The application site is situated to the east of existing housing along Station Road, and to the north of residential properties that front the south side of Station Road. Whilst the site is located outside of the identified development boundary for Dorrington, the site is situated immediately adjacent to the built up area of the village and would be seen in context with the adjacent properties. It is considered that the proposed development of this site for housing would not have any significant detrimental impact on the surrounding landscape enough to justify the refusal of planning permission contrary to the recommendations of the NPPF and its requirements for a presumption of approval for sustainable developments.

6.6 Open Space Requirements

6.6.1 Open space – IPG requires developments of 20 or more dwellings to provide open space on site, to 30sq metres per person. This application design and layout are reserved matters and the provision of open space will therefore have to be designed into a final scheme at the reserved matters stage.

7.0 CONCLUSION

7.1 It is appreciated that approving this development would be contrary to the Parish Councils wishes for the village of Dorrington and would go against the ideals of 'localism'. However the NPPF is clear that where there is a lack of a 5 year land supply local policies relating to housing are considered to be out of date and that the priority is to boost housing supply and to approve sustainable development in appropriate locations provided there are no adverse impacts of doing so. It is considered that the site is of a sufficient size to accommodate the proposed number of dwellings and would not result in an unacceptable form of development within the village. The proposal would have no adverse environmental or ecological implications and would not impact on highway safety. The detailed access, appearance, landscaping, and scale designs will be considered at the reserved matters stage.

7.2 The existing infrastructure is sufficient to support the proposed development and the proposal will provide local needs affordable housing and will be liable for the required CIL payment. It is considered that Dorrington is a sustainable location for a limited number of new houses (over and above that put forward by the Parish as part of SAMDev) due to its range of essential services and facilities and its proximity to Shrewsbury and Pontesbury with good access to all essential services and facilities without over reliance or long journeys by private motor car. It is considered that the proposal represents sustainable development that will contribute to providing a balance of available housing and would help support facilities and services in this and neighbouring towns and villages and therefore promote '*strong, vibrant and healthy communities*'. It is therefore recommended that members support this application and grant planning permission in line with

clear guidance within the NPPF. Permission, if granted, should be subject to the completion of a S106 Agreement to secure the provision of affordable housing in accordance with the Councils adopted policy.

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, i.e. written representations, hearing or inquiry.
- ☐ The decision may be 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 made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS4, CS6, CS9, CS11 & CS17

RELEVANT PLANNING HISTORY:

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 Tim Barker

Appendices

APPENDIX 1 - Conditions

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

1. Details of the access, layout, scale, appearance and landscaping (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 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

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

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

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

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

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 drainage of the site

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. No development shall take place until a scheme of surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

6. Before any development commences, details of the means of construction which safeguards the development from possible landfill gas shall be submitted to and approved by the Local Planning Authority, unless the Local Planning Authority are satisfied following the submission of results of investigations and tests for landfill gas,

that such safeguards are unnecessary. The development shall be carried out in strict accordance with any details submitted and approved under the foregoing condition.
Reason: The site lies within 250 metres of a landfill site and the Local Planning Authority wishes to ensure that the site can be developed and occupied with adequate regard to environment and public safety.

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

7. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens shall be submitted to and approved by the local planning authority prior to the occupation of the first dwelling. The landscape plan shall be carried out as approved and retained thereafter.
Reason: To ensure the long term maintenance of the amenity green space.
8. Prior to the first occupation of the dwellings details of two woodcrete 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

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

Informative(s)

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
2. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at:

<http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

3. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
4. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

5. Consent is required from the service provider to connect into the foul main sewer.
6. If the proposed estate roads are to be offered up for adoption under s38 of the Highways Act 1980 they will need to be designed and constructed in accordance with the Shropshire Council Estate Roads design guide and an agreement will be required with the local highway authority. No works are to be undertaken on the adjacent public highway without obtaining prior approval from the highway authority via the appropriate means.
7. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.
8. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

9. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

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Committee and date

Central Planning Committee

26 June 2014

Item

10

Public

Development Management Report

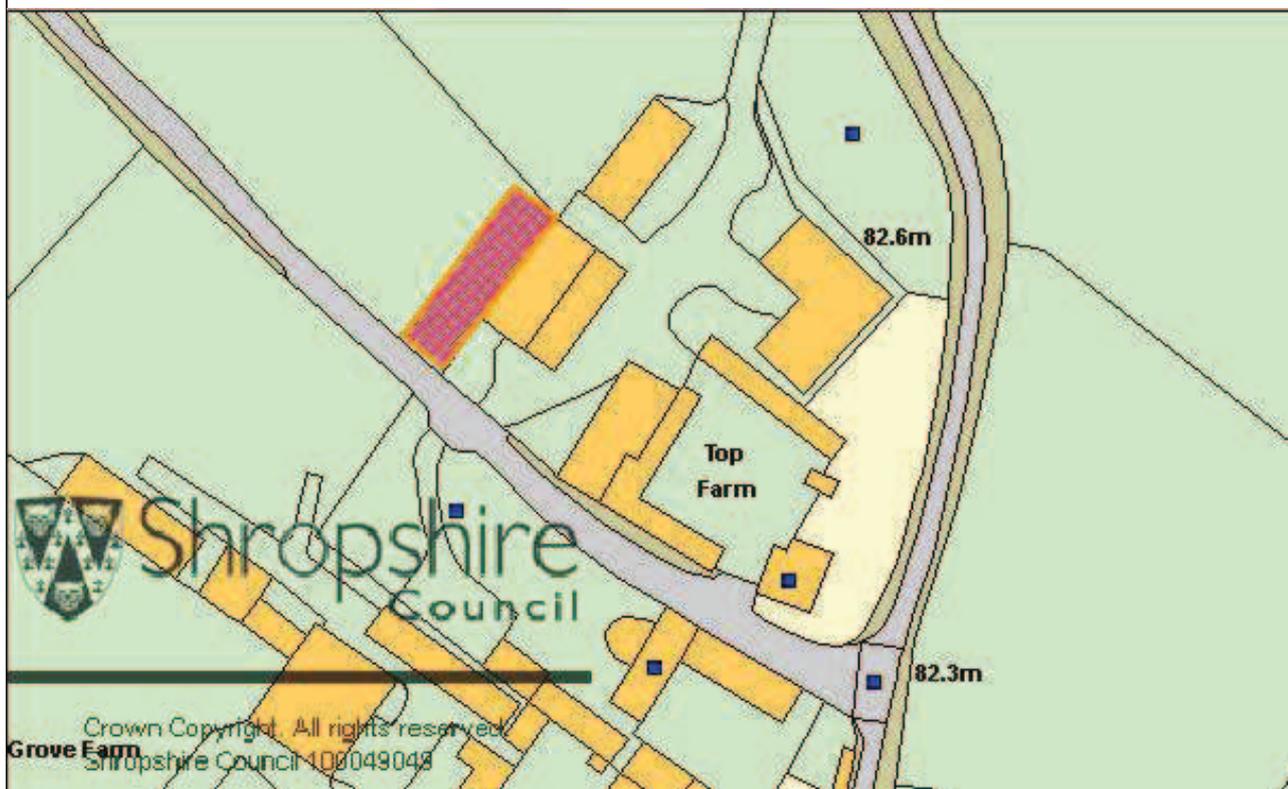
Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 14/01840/FUL	Parish:	Great Ness
Proposal: Erection of extension to existing agricultural building		
Site Address: Top Farm Kinton Shrewsbury Shropshire SY4 1AZ		
Applicant: Mr J Hitchen		
Case Officer: Eleanor Moss	email: planningdmnw@shropshire.gov.uk	

Grid Ref: 336961 - 319660



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

REPORT

1.0 THE PROPOSAL

- 1.1** This application seeks planning permission for the erection of an extension to an existing agricultural farm building. The proposed extension to the existing agricultural building is to provide additional space for general farm use.
- 1.2** The proposed extension measures 35m long by 11.5m wide on the south west elevation (road side) in stepping around the existing grain store to be 9.1m wide on the north east elevation.

2.0 SITE LOCATION/DESCRIPTION

- 2.1** The application site lies within an established farm unit located close to the village of Kinton. The main range of farm buildings are located at the north end of the village and the proposed building is to be sited to the north west of the main collection of farm buildings, accessed off the existing hardcored stackyard, at this point it adjoins a permanent grass field, which is currently used for grazing land. The building is shown to be located on its own within the corner of an existing field to the north of an existing boundary hedge and track.
- 2.2** The adjacent lane is an unclassified road. The nearest classified road is that which runs past the main farm buildings and through Kinton itself.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1** The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as it relates to an application made by a member of staff who either directly or indirectly reports to the Head of Economic Growth and Prosperity.

4.0 Community Representations

- Consultee Comments

SC Drainage: SuDS Applicability for the site is Infiltration. The roof water from the extension is to be disposed of to the existing land drainage system is acceptable.

- Public Comments

The application has been advertised by a notice at the site and neighbouring properties have been individually notified. No representations have been received in response to this publicity.

5.0 THE MAIN ISSUES

- ② Principle of development
- ② Impact of the siting, scale and design of the extension on the character and appearance of the application site and wider area.

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Policy CS13 of the Shropshire Council Core Strategy recognises the importance of agriculture and farming within the County and as such supports development associated with agricultural purposes. This policy also requires any agricultural development to comply with the requirements of Policy CS5, which states that the development should demonstrate that there are no unacceptable environmental impacts.

6.1.2 Development should also comply with policy CS6, which seeks to ensure that it is appropriate in scale and design and takes into account the local context and character of an area, and policies CS17 and CS18, which state that development should integrate measures which protect the natural environment and provide for sustainable water management.

6.2 Impact of the siting, scale and design of the extension on the character and appearance of the application site and wider area.

6.2.1 The application advises that the building extension is required for addition space for general farm use, whilst also improving livestock security by closing off the existing farm gate into the grazing land. The need for the building is justified and it will support the Applicant's business, which is consistent with Core Strategy Policy CS13 in terms of supporting rural enterprise.

6.2.2 The proposal itself is a straight forward extension to a building which is located within the existing farm complex and close to other agricultural farm buildings. Its location is suitable and the scale is proportionate to other buildings already on the site. The existing building will be extended in the same design and proportions and similar materials will be used in its construction. The proposed should therefore blend in well to its surroundings.

6.2.3 There are no public footpaths or bridleways close by and a mature hedgerow runs along the boundary of the site with the road, effectively screening the existing buildings, the extension will only be viewable from the road when passing the gateway for access into the farm yard complex. The extension will be read as part of the farm complex and amongst other buildings already in place and it is not considered that it will have a detrimental visual impact on the surrounding countryside or locality.

6.2.4 There are existing buildings on site which are used for livestock, however, the application advises that the extension will be used for general farm purposes and has been confirmed that animals will only be kept within the proposed extension in periods of emergency, e.g. heavy snow fall. No additional foul effluent will therefore be produced and only the management of surface water drainage needs to be considered. The Design and Access statement advises that surface water from the

roof will be discharged into the existing land drainage system. Details of this have been submitted and approved by the Drainage Engineer.

7.0 CONCLUSION

The proposed extension to this agricultural building is considered to meet the criteria of Core Strategy Policies CS5, CS6, CS13, CS16 and CS17. It is considered appropriate in scale and design and will support an existing agricultural business whilst not having a detrimental impact on the visual amenity of the surrounding countryside or the residential amenity of the closest neighbouring properties. Delegated approval is therefore recommended.

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, i.e. written representations, hearing or inquiry.
- ☐ The decision may be 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 made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Core Strategy and Saved Policies:

CS5 – Countryside and Greenbelt

CS6 – Sustainable Design and Development Principles

CS18 – Sustainable Water Management

RELEVANT PLANNING HISTORY:

12/00773/AGR Erection of a steel framed barn for storage of fodder PNR 14th March 2012

SA/91/0067 Conversion of existing disused outbuilding to provide two private dwellings. For Mr and Mrs Hitchen. PERCON 22nd May 1991

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)
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Cllr M. Price

Local Member

Cllr David Roberts

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.



<u>Committee and date</u>
Central Planning Committee
26 June 2014

<u>Item</u>
11
Public

SCHEDULE OF APPEALS AND APPEAL DECISIONS

LPA reference	13/04608/FUL
Appeal against	Refusal
Appellant	Mr D Parton
Proposal	Erection of five detached dwellings following demolition on existing bungalow to include associated access improvements and landscaping.
Location	Vashlyn, Woodfield Road, Shrewsbury.
Date of application	14.11.2013
Officer recommendation	Grant Permission
Committee decision (delegated)	Committee
Date of decision	24.02.2014
Date of appeal	12.05.2014
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	14/00022/FUL
Appeal against	Refusal
Appellant	Mr D Crow
Proposal	Erection of an agricultural storage shed.
Location	Land At Strawberry Fields Farm, Dorrington, Church Stretton, Shropshire.
Date of application	03.01.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	14.04.2014
Date of appeal	16.05.2014
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	14/00433/OUT
Appeal against	Refusal
Appellant	Mr Stephen Mulloy
Proposal	Outline application for a detached dwelling (all matters reserved).
Location	Land South Of Barnfields, Shrawardine, Shrewsbury.
Date of application	30.01.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	24.03.2014
Date of appeal	22.05.2014
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	14/00268/FUL
Appeal against	Refusal
Appellant	Mr & Mrs D Brander
Proposal	Erection of extension to existing single storey annexe with new roof creating first floor rooms.
Location	Stapleton Cottage, Dorrington, Shrewsbury.
Date of application	23.01.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	14.04.2014
Date of appeal	21.05.2014
Appeal method	Householder Appeal
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	