

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

Date: Wednesday, 10 September 2014

**Committee:**  
**Central Planning Committee**

**Date:** Thursday, 18 September 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](mailto:linda.jeavons@shropshire.gov.uk)

# AGENDA

## 1 Apologies for absence

To receive apologies for absence.

## 2 Minutes (Pages 1 - 8)

To confirm the Minutes of the meeting of the Central Planning Committee held on 21 August 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 Proposed Residential Development Land off Gorse Lane, Bayston Hill, Shrewsbury, Shropshire (14/00989/OUT) (Pages 9 - 26)

Outline application (all matters reserved) for the erection of 5 dwellings with garages.

## 6 Westside, Welshpool Road, Bicton Heath, Shrewsbury, SY3 8HA (14/02749/OUT) (Pages 27 - 40)

Outline Application for residential development to include the retention of Westside and Westside bungalow with all matters reserved (amended description).

## 7 Land South of Holcroft Way, Cross Houses, Shrewsbury, Shropshire (14/02406/OUT) (Pages 41 - 66)

Outline application for residential development to include means of access.

## 8 The Fox Inn, Ryton, Shrewsbury, Shropshire, SY5 7LS (14/00701/FUL) (Pages 67 - 90)

Erection of six residential dwellings.

## 9 Development Land North East of David Avenue, Pontesbury, Shrewsbury, Shropshire (14/02303/FUL) (Pages 91 - 104)

Outline application (access for approval) for the development of two (open market) dwellings; formation of vehicular access.

## 10 To Consider Planning Applications subject to a S106 resolution having regard to the Council's published 5 years housing supply Land Supply Statement of 12th August 2014 (Pages 105 - 124)

**11 Schedule of Appeals and Appeal Decisions (Pages 125 - 126)**

**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, 16 October 2014 in the Shrewsbury Room, Shirehall.

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## Committee and Date

Central Planning Committee

18<sup>th</sup> September 2014

## CENTRAL PLANNING COMMITTEE

### Minutes of the meeting held on 21 August 2014

2.00 - 4.29 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

**Responsible Officer:** Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 252726

### Present

Councillor Vernon Bushell (Chairman)

Councillors Ted Clarke (Vice Chairman), Tudor Bebb, Pamela Moseley, Peter Nutting, Kevin Pardy, David Roberts, Tim Barker (Substitute) (substitute for Dean Carroll) and Mansel Williams (Substitute) (substitute for Jane MacKenzie)

### 28 Apologies for absence

An apology for absence was received from Councillor Jane Mackenzie (substitute: Mansel Williams).

Apologies for absence were received from Councillor Deal Carroll (substitute: Tim Barker).

### 29 Minutes

#### RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 26<sup>th</sup> June 2014 be approved as a correct record and signed by the Chairman.

### 30 Public Question Time

There were no public questions, statements or petitions received.

### 31 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 application 14/01037/OUT, Councillor Tim Barker stated that, for reasons of pre-determination, he would make a statement and then leave the room during consideration of this item and not vote.

With reference to planning applications 14/00823/OUT, 14/01037/OUT and 14/02385/EIA, Councillor David Roberts stated that, for reasons of a prejudicial nature he would leave the room during consideration of these items and not vote.

With reference to planning application 14/02385/EIA, Councillor Mansel Williams stated that, he would take no part in the debate and would not vote as he had prejudged the issues.

With reference to planning application 14/02425/VAR Councillor Peter Nutting stated that he was a member of the Planning Committee of Shrewsbury Town Council. He indicated that his view on any proposals when considered by the Town Council had been based on the information presented at that time and he would now be considering the proposals afresh with an open mind and the information as it stood at this time.

Following a question from a Member, the Area Planning Manager gave an update on the Council's five year housing land supply and its implications.

**32 Land To The Rear Of 21 Hanley Lane, Bayston Hill, Shrewsbury, Shropshire (14/00823/OUT)**

The Principal Planning Officer introduced the application and confirmed that Members had undertaken a site visit that morning to view the site and assess the impact of the proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting. The Principal Planning Officer drew Members attention to an email from the Councils Arboriculture Officer confirming that there were no objections, however the final layout, submitted at reserved matters must take account tree constraints and a tree protection plan and arboricultural method statement would also be required.

Ms Emma Kay, on behalf of Bayston Hill 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:

- The proposed site was not included as a suitable site as it was outside the development boundary and would fill part of the gap between Bayston Hill and the surrounding settlements;
- There was no local requirement for this type of housing;
- The local doctors surgery and school were already oversubscribed; and
- The commitments made in the Design and Access Statement could not be verified as the application was only for outline planning permission.

Ms Amy Henson, the agent on behalf of the applicant, spoke in support of the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- The proposed site was a designated community hub in the SAMDev Plan;

- The proposed site benefited from excellent highway and infrastructure links and was a logical infill site;
- The visual impact of the development would be minimal;
- Ecological surveys of the site had confirmed that there were no protected species inhabiting the site;
- Affordable housing would integrate well into the community;
- Refuse vehicles were able to access the site more than adequately; and
- The development would provide much needed housing in a sustainable settlement.

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 T Clarke, as the local Ward Councillor, made a statement, took no part in the debate and did not vote. During his statement the following points were raised:

- The type of housing was of no value to Bayston Hill as a community;
- The application was contrary to the Bayston Hill Parish Plan and SAMDev;
- The saved Shrewsbury and Atcham Policy clearly showed the development boundary and this site was not within the development boundary; and
- The quality of the existing cul-de-sac would be spoilt and it would have a huge impact on those already living in a very well designed area.

In response to the comments made by the speakers, the Principle Planning Officer reminded Members that the housing mix and layout were indicative only at this stage.

The majority of Members felt that the proposed development offered affordable housing in a sustainable location.

**RESOLVED:**

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

- A Section 106 Legal Agreement to secure on-site affordable housing and a commuted sum towards off-site affordable housing; and
- The conditions set out in Appendix 1 to the report.

**33 Development Land South Of Brook Cottages, Ford, Shrewsbury, Shropshire (14/01036/OUT)**

The Principal Planning Officer introduced the application and confirmed that Members had undertaken a site visit that morning to view the site and assess the impact of the proposal on the surrounding area. The Principal Planning Officer drew Members attention to the Schedule of Additional Letters.

Ms Kate Couttes, 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 area was prone to flooding;
- Back Lane was a narrow, poorly lit, single track country lane with no pedestrian path;
- There were no employment opportunities within the village and so those living in the proposed new development would be entirely car dependent; and
- The Parish of Ford wished to be designated open countryside.

Councillor Ray Blyth, representing Ford 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:

- The proposed access along Bank Lane was narrow and had no footpath in places and so had poor pedestrian connectivity;
- The site had a propensity to flood;
- Occupants of the properties would take short cuts and be reliant on cars; and
- The proposed development was unsustainable and did not reflect the needs and aspirations of the local community.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor Roger Evans, as local Member, participated in the discussion and spoke against the proposal but did not vote. During which he raised the following points:

- A Housing Needs Survey had not identified a need for further housing in Ford;
- There seemed little role for Members of the Planning Committee if the only criteria was whether a development was sustainable;
- The Housing Land Supply had now been met and this application would set a precedent for others in the future; and
- The development would not be sustainable.

The agent for the applicant was invited to address the Committee, however he indicated that he had no further comments to make.

During the ensuing debate Members expressed concern at the lack of connectivity to the rest of the village for pedestrians and motor vehicles, establishing a link between the development and the rest of the community was critical to the sustainability of the site. Parking at the school was already difficult and would be worsened if the proposals went ahead.

#### **RESOLVED:**

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

The proposed development would comprise an unsatisfactory and unsustainable addition to the existing settlement, outside the current development plan boundary, as it would not provide an acceptable level of connectivity and integration with the existing settlement by means of access to services within the settlement (especially



in flood events) and would thereby fail to encourage the use of alternative means of transport to the car contrary to Policies CS5 and CS6 of the Shropshire Core Strategy and the push for sustainable development within the National Planning Policy Framework (in particular Section 4 – Promoting Sustainable Transport).

**34 Development Land North Side of Station Road, Dorrington, Shrewsbury, Shropshire (14/01037/OUT)**

In accordance with his declaration at Minute No. 31, Councillor David Roberts left the room during consideration of this item and the meeting at this point.

The Principal Planner introduced the application explaining that an appeal against non-determination had been submitted and therefore Officers were requesting a resolution from Committee as to what the decision would have been had the application been determined.

Councillor Edward Marvin, on behalf of Condover 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:

- The application site was outside of the village development boundary and therefore contrary to the Parish Plan and the SAMDev document;
- Station Road was a very narrow single access road with no public footpath, the line of sight onto Station Road was limited and as a result highway safety would be compromised;
- The existing highways network was unsuitable and would not be able to meet the increase in traffic a new development would create;
- Four other sites had already been approved within the village;
- The site would encourage individuals to use their cars to access services and therefore have a harmful effect on the environment.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, and his declaration at Minute No. 31 Councillor T Barker, as the local Ward Councillor, made a statement, took no part in the debate and did not vote. During his statement the following points were raised:

- Consideration should be given to the cumulative impact the development would have on the village of Dorrington;
- The additional sustainability report produced by the applicant did not attempt to justify the cumulative impact of the proposed development;
- He believed that the development should be considered unsustainable for the reasons set out at the previous meeting on 26 June 2014.

Ms. Charis Denham, on behalf of the applicant, spoke in support of the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- Dorrington was a sustainable location,

- A pedestrian crossing would ensure that all services were accessible;
- There was a regular bus service;
- The development would supply a mix of housing type;
- The proposed development was sustainable and complied with the NPPF and the Shropshire Council's Core Strategy

In response to concerns raised by the local member in relation to cumulative impact, the Principal Planning Officer provided an update on the deliverability of other sites within Dorrington.

During the ensuing debate some Members expressed concern about highways safety and the cumulative impact of this and other developments on the village of Dorrington, however they acknowledged that the Council's Highways Team had assessed the scheme and raised no objections. The development was also considered to be sustainable and in accordance with the NPPF.

**RESOLVED:**

Following the submission of an appeal against non-determination, the Committee gave a resolution that they would have been minded to grant planning permission had a decision have been required, as per the Officer's recommendation, and subject to:-

- A Section 106 Legal Agreement to secure an off-site affordable housing contribution; and
- The conditions set out in Appendix 3 to the report.

**35 1 Red Barn Lane, Shrewsbury, SY3 7HR (14/02425/VAR)**

The Principal Planning Officer introduced the report and drew Members attention to the Schedule of Additional Letters, which corrected some of the comments received from Shrewsbury Town Council.

**RESOLVED:**

That planning permission be granted as per the Officer's recommendation, subject to the conditions set out in Appendix 1 to the report.

**36 Foxholes Buildings, Little Ness, Shrewsbury, Shropshire (14/02385/EIA)**

In accordance with his declaration at Minute No. 31, Councillor Mansel Williams took no part in the debate and did not vote on this item.

The Principal Planning Officer introduced the application and confirmed that Members had undertaken a site visit that morning to view the site and assess the impact of the proposal on the surrounding area. He drew Members attention to the Schedule of Additional Letters which detailed comments made by Shropshire Council Archaeology and Ecology. The Principal Planning Officer explained that following

receipt of a query relating to information provided within the Protected Species Survey, Officers were seeking delegated powers to issue planning permission, subject to the satisfactory resolution of outstanding ecology issues.

**RESOLVED:**

That subject to:

- A varied Section 106 Legal Agreement to include the following matters:
  - To secure the routing of traffic associated with the development via the Approved Route as set out in the existing legal agreement and as detailed in the report; and
  - To provide for the regular monitoring and review of the use of the approved route; and
- The conditions set out in Appendix 1 to the report; and
- The Planning Services Manager be given delegated authority to resolve ecological issues.

Planning permission be **granted** in accordance with the Officer’s recommendation.

**37 Schedule of Appeals and Appeal Decisions**

Members considered the Schedule of Appeals and Appeal Decisions for the Central area as at 21<sup>st</sup> August 2014.

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the Central area as at 21<sup>st</sup> August 2014 be noted.

**38 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the Central Planning Committee be held at 2.00 p.m. on Thursday 18<sup>th</sup> September 2014 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed ..... (Chairman)

Date: .....

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Committee and date  
 Central Planning Committee  
 18 September 2014

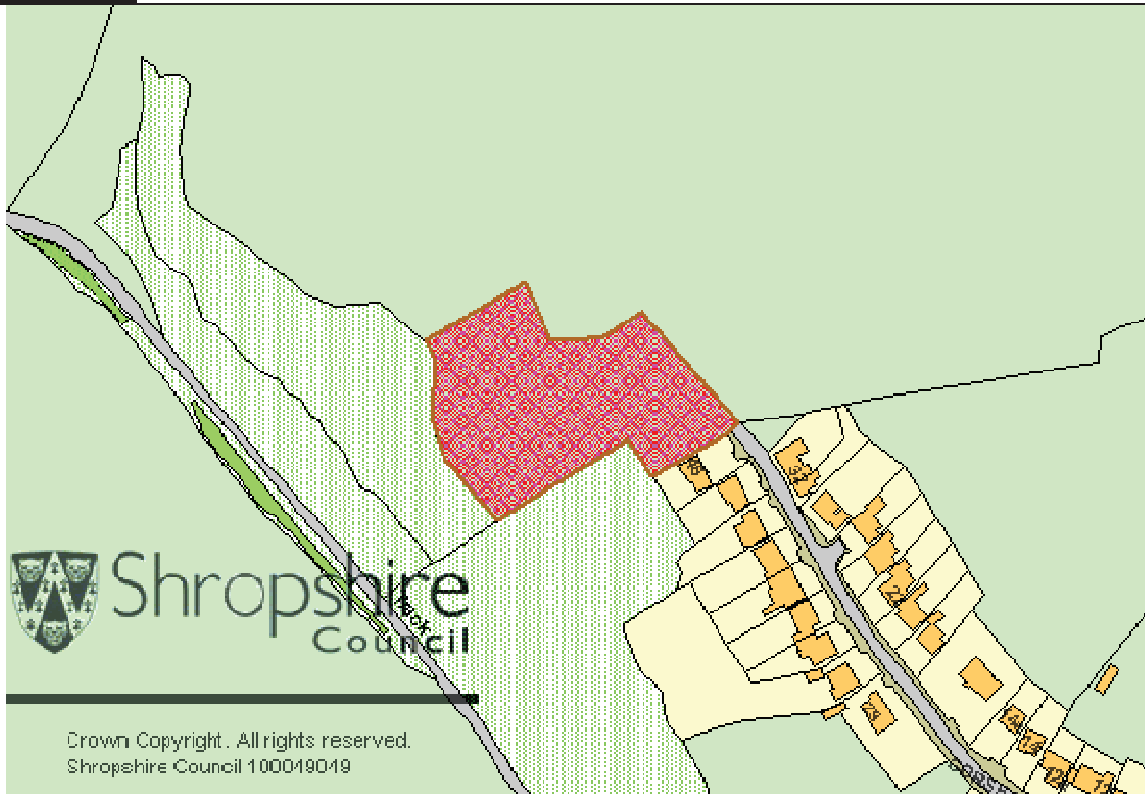
## Development Management Report

Responsible Officer: Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 14/00989/OUT	<b>Parish:</b>	Bayston Hill
<b>Proposal:</b> Outline application (all matters reserved) for the erection of 5 dwellings with garages		
<b>Site Address:</b> Proposed Residential Development Land Off Gorse Lane Bayston Hill Shrewsbury Shropshire		
<b>Applicant:</b> G H Davies Farms Ltd		
<b>Case Officer:</b> Joe Crook	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 347207 - 309475



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**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and Section 106 agreement ensuring affordable housing contribution.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The proposal is an outline application for the erection of 5 dwellings with garages, with all matters reserved.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located at the bottom of Gorse Lane within an open field, with the plot to the south western corner of the field adjacent to the linear residential development on the western side of Gorse Lane. The site is bordered by mature woodland to the site's western and southern boundaries. The topography of the land in this location is such that the open field falls away to the north where it meets the Reabrook and the A5 beyond this.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Following the objections being received from Bayston Hill Parish Council, the Local Member also raised concerns in line with the Parish objections and requested the application be considered for a committee determination. This was agreed by the Committee Chair and Principal Planning Officer.

### 4.0 Community Representations

- Consultee Comments

Bayston Hill Parish Council would like to register an **OBJECTION** to the proposed development.

The proposal made on behalf of G H Davies Farms Ltd to erect five new dwellings and garages on land off Gorse Lane, Bayston Hill is objected to for the following reasons:

#### **BAYSTON HILL DEVELOPMENT BOUNDARY**

The National Planning Policy Framework clearly states within paragraph 17 that authorities should be 'allocating sufficient land which is suitable for development'. In recent years and during the SAMDEV consultation periods Bayston Hill Parish Council has worked together with residents to identify suitable development sites to accommodate new housing. The proposed site for the above planning application was not included as a suitable site as it sits outside of the recognised development boundary and would involve building on a field that forms part of the gap between Bayston Hill and surrounding settlements, including Shrewsbury.

It is interesting to read in the Planning Statement that 'the boundary for Bayston Hill is now regarded as 'out of date'', by whom exactly? The Bayston Hill Parish Plan quite clearly states that the land in this part of the village should not be developed

and although yet to be implemented, the SAMDEV supports protection of this land and the boundary. There is a very real concern that, if successful, this development will set a precedent for further expansion and will reduce the clear definition between Shrewsbury and Bayston Hill.

Additionally in the Shrewsbury & Atcham Local Plan it was recognised that 'it is particularly important to protect the area of countryside lying between Bayston Hill and Shrewsbury, even a small amount of development on either side of the bypass in this area would serve to reduce the gap and contribute to the amalgamation of the two settlements.'

## **HOUSING MIX**

Whilst it is acknowledged that large family homes would attract interest due to the popularity of Bayston Hill, there is no local requirement for this type of housing. A high proportion of the properties in Bayston Hill have three bedrooms or more and a need for affordable homes and retirement properties has regularly been identified and is included in the Parish Plan. This has been reiterated at recent consultation events relating to a site which is due to be developed in the near future and which is likely to provide upwards of 35 new homes. Whilst still in the early planning stages it is thought that development of this central village location will put Bayston Hill well above the 60 new houses it has committed to within the SAMDEV.

Utilising the guidance provided by the NPPF, paragraph 17 refers to identifying the housing need which, as mentioned above, a development of five 4 bedroom detached properties quite clearly does not meet.

## **HOUSING DESIGN**

The NPPF clearly states that new dwellings should be of 'high quality design' and 'sensitively done' to enhance the surrounding area. The Planning Statement for this proposed development has made no reference to the design of the five proposed dwellings, the only information available is that they will all have 4 bedrooms. This is an unsatisfactory basis upon which to make a decision about the proposal. It is impossible to know whether they will fit in with other residential properties in the area and with the local scenery.

With the advent of the Localism Act local communities have been given the right to comment on the design and quality of proposed new developments, this application does not allow Bayston Hill residents this opportunity and as such cannot be deemed a credible application.

The lack of a design statement for the proposed dwellings would suggest that this is another rapidly submitted planning application which is attempting to make use of the current shortfall in the five year housing land supply. In fact the Planning Statement makes several references to it and would appear to be the main argument for the actual proposed development.

## SUSTAINABILITY

The Parish Council is fully aware the location of this proposed development makes it an attractive option in view of sustainability and it cannot be denied that it would be fully supported by the village infrastructure. However with the number of new houses due to be built within the village; 33 new affordable dwellings on Pulley Lane and potentially double that on the central village site due to be developed and proposals in for a further 24 large properties, there could be in excess of 100 extra children to be schooled before the additional 5 properties this application proposes. Whilst there are spaces at the Oakmeadow School it is very unlikely that an increase of this number of children would be able to be accommodated.

## CONCLUSION

To conclude, Bayston Hill Parish Council is registering an **OBJECTION** to planning application 14/00989/OUT because it is situated outside of the recognised Development Boundary, there is no requirement for this type of housing within Bayston Hill and with it only being an outline application it is impossible to guarantee it will meet the social and environmental needs of Bayston Hill. We are disappointed that this is the third application in quick succession which has obviously been rapidly put together to take advantage of the shortfall in the five year housing land supply. We therefore request that you refuse this planning application in support of Bayston Hill Parish Council and residents.

SC Ecology – Following amended indicative layout plan moving all dwellings and garages over 12 metres from the adjacent wooded area and environmental network, and additional planting no objections were made subject to appropriate conditions and informatives relating to protected species.

SC Drainage – Request drainage details via planning condition in the event the application is approved.

SC Trees – Requested Arboricultural Impact Assessment, which has been considered. Concerns raised regarding trees creating excessive shade of amenity space or otherwise unreasonably interfering with the occupiers enjoyment of the properties leading inevitably to requests for consents to fell. However, no objection in principle and advise condition for full assessment of tree impact, though this may lead to reduced number of properties if remains an issue.

SC Affordable Housing – Currently awaiting proforma.

SC Highways – No objections to the scheme. The proposed scheme would inevitably result in additional vehicle movements along Gorse Lane but it is considered that this residential road has the capacity to accommodate those likely to arise from the occupation of the dwellings proposed.

SC Public Protection – Public Protection hold information which indicates that part of the proposed site is on top of a historical landfill. As a result a condition should be attached relating to site investigation should this application be granted approval.



SC Waste Management – Recommend the developer consult waste management guidance to ensure best practice is used in this regard. Will be attached as an informative.

- Public Comments

The Local Member, Councillor Ted Clarke, commented as follows:

Any new build development on this open site will be detrimental to the character, appearance and landscape of the surrounding area. This proposal for further housing on the upper slope of the steep open field(s) will have considerable visual impact when viewed from the A5 and beyond.

The regrettable encroachment out over the long established Bayston Hill development into the important “green buffer” separating the rural settlement from urban Shrewsbury is quite contrary to both the Bayston Hill Parish Plan and to the unequivocal opinion of previous Local Plan Inspectors.

The proposed open market housing type (four bed detached) also disregards other important information in the painstakingly researched and published BHill PPlan, particularly the community need for additional affordable/social dwellings in this predominantly “owner occupied” area.

The increase in traffic generated by this development will have an adverse impact on the residents of Gorse Lane, particularly at its narrow, very poor visibility junction with Overdale/Pulley/Lansdowne.

Finally, there is also the delicate issue of the recommendations for any future development of Bayston Hill contained in the final draft SAMDEV, which clearly does not support this application . . .

11 objections have been received which made the following comments:

- The site is located outside the Bayston Hill development boundary as shown on the Parish Plan, Shrewsbury and Atcham Local Plan and SAMDev proposals.
- Gorse Lane is unsuitable for the increase in traffic proposed to be utilising the lane to access the development. It is a small, narrow, rural lane with inadequate parking and access.
- The mini-roundabout at the top of Gorse Lane is already unsuitable for the amount of traffic using it.
- There have been issues with the drainage system which have worsened since the new dwellings were built here. There will be more frequent blockages created.
- The proposal does not comply with local planning policies as it is outside the village envelope.
- We fail to see how allowing five houses outside the traditional village boundary will in any way help meet housing needs in Shrewsbury or Shropshire, and if allowed will enable the landowner to come back again and again with plans for more homes there. A precedent will be set.
- The development will adversely affect the adjoining woodland and narrow valley. These are important as wildlife habitat and have considerable local amenity value.
- What has happened to localism?

- The proposal is contrary to Core Strategy policies CS4 and CS17.
- Under paragraph 17 of the NPPF, environmental sustainability is described as protecting and enhancing our natural, built and historic environment. This is a prominent, elevated site where the houses would stand out like a sore thumb in the countryside when viewed from the Reabrook valley and will be visible for miles around.
- The proposed development fails to satisfy the test of environmental sustainability.
- The proposal is on countryside land outside the Bayston Hill development boundary. This boundary is not out of date as has been confirmed by the latest SAMDev documents.
- The applicant has failed to quote the entire clause within the Shrewsbury and Atcham Local Borough Plan 2001 which states 'the open countryside surrounding the village is a major attraction for many of the residents. This and a strong desire to maintain a separate identity to Shrewsbury, has led to a widely held belief that the village has grown enough and there should be no more housing.
- There is no current requirement for this type of housing in the village. What is required is one/two bedroom properties/bungalows to free up the large number of privately owned family houses currently under occupied.
- The site notice has not been adequately displayed. The instructions indicate that it should be displayed 'where it can be seen by the passing public'. The notice has been displayed at the end of Gorse Lane attached to the gate leading into the field and therefore unlikely to be seen by the passing public.
- There remains overwhelming local support for the maintenance of the village development boundary and refusal for development proposals which breach the gap between Bayston Hill and Shrewsbury.
- A dangerous precedent will be set for more building and will see the loss of the amenity area and wildlife forever.
- The access is not suitable for large lorries and trucks.
- The land is still producing crops annually.
- There are mineshafts in the field.
- The application hasn't been advertised sufficiently.
- The additional traffic from other developments as well as this will amount to unacceptable levels of vehicles using the highway network.
- There will be an adverse impact on properties with traffic passing very close to the existing dwellings.

## 5.0 THE MAIN ISSUES

Principle of development  
Design, scale and visual impact  
Impact on neighbouring amenities  
Highways and access  
Trees  
Ecology  
Land Contamination  
Other issues

## 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 Council's 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 Following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council's position is that it has identified sufficient land that will address the NPPF 5 year housing land supply requirements. In the calculation of the 5 years' supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF para 49 and these provide the starting point for considering planning applications.

6.1.4 The site is outside of the Bayston Hill Development Boundary as defined by Saved SABC Local Plan Policy HS3. Shropshire Council has an adopted Core Strategy and CS4 which 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.

6.1.5 Bayston Hill has been included as a 'Community Hub' and the Pre-Submission Draft includes a development boundary. This site is just outside the development boundary for Bayston Hill 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 the village and the protection of the remaining

green areas located between Bayston Hill and Meole Brace, Shrewsbury. However prior to the adoption of the SAMDev DPD there is still a strong presumption in favour of sustainable sites for housing where any adverse impacts do not significantly or demonstrably outweigh the benefits of the development as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration.

- 6.1.6 The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development, assessing the visual impact on the open character of the site and whether it is an acceptable scale and design appropriate for the village of Bayston Hill.
- 6.1.7 Bayston Hill is a large village that is located to either side of the A49 that runs in a north-southerly direction, with the larger part of the village located to the west of the A49. There are a range of services and facilities within the village, including a primary school, a precinct of local shops and takeaways, post office, playing fields and a public house and the village is serviced by a regular bus service from Shrewsbury. The site is located at the north western 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.
- 6.1.8 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.
- 6.1.9 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 five 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.

- 6.1.10 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. As part of the SAMDev consultation process Bayston Hill Parish Council has put the village forward as a Community Hub, with a development boundary drawn around the village and with a housing guideline of around 50-60 additional dwellings to be provided by infilling, groups of houses and conversions of buildings on suitable sites within the boundary over the period up to 2026. No proposed sites are to be allocated. It is considered that the additional 5 dwellings now proposed would not provide any significant additional pressure on services over what is envisaged for Bayston Hill that would render them unable to sustain services for residents.
- 6.1.11 Environmental role – The site has no heritage designation but lies adjacent to an environmental network of trees and wildlife to the west and south. Following consultation with the Planning Ecologist, the scheme has been amended to show that an appropriate buffer can be achieved between the development and the strip of mature trees, and further landscaping will be sought as part of a condition. The open agricultural land itself has little ecological value. The proposal is therefore not considered to adversely impact on wildlife and the ecological value of the site itself 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.
- 6.2 Design, scale and visual impact
- 6.2.1 A number of objectors including the Local Member have commented that the site will have a detrimental impact in visual terms given its elevated position which means the scheme will be prominent within its surrounds and visible from some distance given the topography of the land falling away to the north and the proposal projecting into the open field. It is acknowledged that the scheme will not be in keeping with the linear form of the existing development on Gorse Lane, though the site layout plan is only indicative at this stage and the design and layout would be formalised at reserved matters stage. It is also acknowledged that the scheme will project into the existing agricultural fields to the north of Gorse Lane. However, the scheme would be read against the existing development on Gorse Lane and would not therefore appear isolated from Bayston Hill. The positioning of the development would be in the corner of the field and following on from existing modern dwellings at the end of Gorse Lane, and the large trees to the rear would soften the appearance of the proposed dwellings and would help them assimilate within the surroundings, in keeping with the existing properties in this location. On balance it

is considered that the scheme would not be overly detrimental to the visual appearance of the site or surrounding area. Whilst the Parish Council have raised concerns regarding a lack of information regarding the dwellings, the design, scale and layout of the development would be formalised at reserved matters stage but detached dwellings in this location are considered to be in keeping with those properties along Gorse Lane, and would not be excessive in this location. As such the proposal is considered to be acceptable in accordance with policy CS6 of the Shropshire Core Strategy.

### 6.3 Impact on neighbouring amenities

6.3.1 This will be assessed in more detail at reserved matters stage. However, the proposed scheme will be to the north of existing dwellings and will therefore have no adverse impact in terms of sunlight or daylight. The scheme shows that the dwellings can be accommodated on the site well over 21 metres away from existing properties and in this regard there is not considered to be any adverse impact on the existing dwellings in terms of privacy or overbearing impact. As such it is considered that the scheme is achievable without adverse impact on the amenities of neighbouring properties and is acceptable in this regard.

### 6.4 Highways and access

6.4.1 A number of objectors have raised concerns relating to the access to the dwellings through Gorse Lane and utilising the mini-roundabout at the top of Gorse Lane, stating that the highway network is not capable of accommodating the additional vehicles and that Gorse Lane is too narrow with minimal parking. However, evidently the parking will be accommodated within the site, and following consultation with the Highways Officer there have been no objections raised with the Highways Officer commenting that they consider Gorse Lane appropriate to accommodate the additional traffic from the 5 dwellings proposed, which is not considered to be excessive given the relatively small number of new properties.

### 6.5 Trees

6.5.1 Following a request from the Trees Officer for an Arboricultural Assessment, this has been considered by the Trees Officer. Whilst there is no objection in principle following this assessment, the Trees Officer has raised concern that, under the current indicative site layout the garden areas of all the plots would be excessively shaded by the adjacent woodland. The officer has stated that the juxtaposition between trees and dwellings and associated amenity space is an important consideration because incoming occupiers of properties will want trees to be in harmony with their surroundings without casting excessive shade or otherwise unreasonably interfering with their prospects of reasonably enjoying their property leading inevitably to requests for consents to fell.

6.5.2 A condition has therefore been requested for further details with regard to the impact on the trees and the relationship with the proposed development, which is only indicative at this stage. The Trees Officer has commented that some form of development can go ahead on the site however, this would require an alteration to the indicative site layout for the reserved matters submission when this is formalised, and possibly require a reduction in the number and / or type of units proposed, taking account of the tree constraints and factors outlined in BS5837 and making provision to accommodate them into the design.

## 6.6 Ecology

6.6.1 Following the initial response from the Planning Ecologist it was requested that further consideration of the adjacent Environmental Network was made. Following the indicative plan being amended to ensure that there was a 12 metre buffer between the woodland and the new dwellings, and additional planting would be included, there were no objections to the scheme subject to conditions and informatives with regard to protected species.

## 6.7 Land Contamination

6.7.1 The comments of the Public Protection Officer are noted with respect to the historical landfill at the site and this will be conditioned accordingly.

## 6.8 Other issues

6.8.1 Whilst it is noted that the objectors to the scheme have commented that the type of housing is not required in Bayston Hill and smaller units such as 2 bed bungalows are necessary to meet demand in the area, this is not considered to be a reason to refuse the scheme and in any case the type and mix of dwellings would be determined upon submission of the reserved matters application. In addition, financial contribution will be made with regard to affordable housing in the area.

6.8.2 Residents have commented that there have been issues with the drainage system and some blockages. However, this is a matter for the sewerage undertaker.

6.8.3 Concerns have been raised relating to the development setting a precedent for housing on the field. However, the Local Authority can only consider what is submitted and would consider any further applications at the time of submission.

6.8.4 Comments have been made relating to the site notice being sited at the front of the site on a gate fronting onto Gorse Lane, and this is inadequate for the passing public. Furthermore inadequate number of letters have been sent out. However, the advertisement of the application has been in accordance with the Council's approved procedure, and the positioning of the site notice on the gate facing into Gorse Lane at the front of the site has been viewed by the Planning Officer on site and is deemed appropriate for purpose and viewable to passing public.

## 7.0 CONCLUSION

It is acknowledged that approving this development would be contrary to the Parish Councils wishes for the village of Bayston Hill and the development would be outside of the development boundary for the village. However a priority of the NPPF 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, which would be visually read with the existing built environment on Gorse Lane. The proposal is considered to represent a sustainable housing development close to facilities and services, and the existing infrastructure is sufficient to support the proposed development. There is not considered to be an adverse impact with regard to neighbouring amenities, highway safety or access, protected species or trees. As such it is recommended that members support this application and grant planning permission in line with the NPPF. Permission, if granted, should be

subject to the completion of a S106 Agreement to secure 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 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

HS3 - Housing in Villages with Development Boundaries

RELEVANT PLANNING HISTORY:

<b>List of Background Papers</b> (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
<b>Cabinet Member (Portfolio Holder)</b> Cllr M. Price
<b>Local Member(s)</b> Cllr Jon Tandy Cllr Ted Clarke Cllr Jane Mackenzie
<b>Appendices</b> APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Details of the scale, appearance, layout, landscaping and access shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of one year 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 means of enclosure of the site  
The levels of the site  
The means of access for disabled people  
The drainage of the site  
The finished floor levels

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

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

5. a) No development shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by competent person and be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the

site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

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

6. No part of the development hereby approved shall be commenced until an updated Arboricultural Impact Assessment reflecting the finalised proposed layout and including an Arboricultural Method Statement and Tree Protection Plan prepared in accordance with BS 5837 (2012) has been submitted and agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out strictly in accordance with the recommendations within these reports.

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

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

7. 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.

8. A minimum of two 2F Schwegler Bat Boxes, or woodcrete equivalent bat box suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site prior to first use of the building hereby permitted as shown on a site plan. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

### **Informatives**

1. It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material). Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes. It is recommended that the developer look at the guidance that waste management have produced, which gives examples of best practice. This can be viewed at:  
<http://new.shropshire.gov.uk/media/102056/Supplementary-Planning-Guidance-domestic-waste-storage-and-collection.pdf>
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 as part of the reserved matters. 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 (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, or cater for the 1 in 10 year storm event, in which case a flood conveyance drawing for exceedance flows should also be submitted for approval. Flood water should not be affecting other buildings or infrastructure.)

- ' 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.

3. A contoured plan of the finished road levels should be provided as part of the reserved matter 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.
4. Part of the land on the western half is on a historic landfill site. A detailed ground investigation should be carried out to determine if there is any contaminant in the landfill site. Evidence is required ensuring that no migration of surface water to the landfill site takes place.
5. Consent is required from the service provider to connect into the foul main sewer.
6. 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).

Any trees within the hedgerows may have potential for roosting bats. If these trees are to be removed then an assessment and survey for roosting bats must be undertaken by an experienced, licensed bat ecologist in line with The Bat Conservation Trusts Bat Surveys Good Practice Guidelines prior to any tree surgery work being undertaken on these trees.

If a bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

7. 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.

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Committee and date  
 Central Planning Committee  
 18 September 2014

## Development Management Report

Responsible Officer: Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 14/02749/OUT	<b>Parish:</b> Bicton
<b>Proposal:</b> Outline Application for residential development to include the retention of Westside and Westside bungalow with all matters reserved (amended description)	
<b>Site Address:</b> Westside Welshpool Road Bicton Heath Shrewsbury SY3 8HA	
<b>Applicant:</b> Mrs Anne Potts	
<b>Case Officer:</b> Jane Raymond	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 345064 - 313589

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**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a S106 to secure the relevant affordable housing provision.**

## REPORT

### 1.0 THE PROPOSAL

1.1 This application was originally described as 'Outline Application for residential development to include 5No bungalows and 2No retirement blocks to provide 21 apartments and the retention of Westside and Westside bungalow'. However all matters are reserved for later approval so only the principle of residential development of the site can be considered and the description of the proposal has been amended to reflect this.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The site is accessed off the A458 Welshpool Road North West of Shrewsbury. The broadly rectangular plot has a centrally located access drive leading to a pond and two dwellings beyond and associated outbuildings. To the East is a house known as 'Elmar' and to the West is a haulage depot. The surrounding land is agricultural and is allocated for housing within the adopted core strategy and is referred to as the Shrewsbury West Sustainable Urban Extension (SWSUE). The site will be completely enclosed by the SWSUE and is also within the development boundary for Shrewsbury on the proposal map submitted with SAMDev for examination at the beginning of August.

### 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 the application 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 Public Protection – Specialist:** In order to make the properties ready for electric vehicles, charging point installation isolation switches must be connected so that a vehicle may be charged where off road parking is provided. Recommends a condition.

4.1.2 **SC Highways DC:** The highway authority raises no objections to the granting of outline consent. The access to the site from the A458 Welshpool Road was previously improved under an earlier planning application. This now provides a satisfactory entrance that adequately serves the existing occupation of the site and that can also accommodate the proposed scheme. The occupation of the proposed dwellings will be likely to significantly increase the number of vehicle movements at this entrance but I consider that the road layout here is suitable to accommodate



these without unduly compromising highway safety. There is a pedestrian link from the entrance to the relatively nearby bus stop and further on shops/facilities that would be adequate to enable residents to not be dependent on the use of a motor car for their daily needs.

4.1.3 **SC Drainage:** Suggests that drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission is granted.

4.1.4 **SC Affordable Houses:** 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 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 before an application is submitted.

4.1.5 **SC Ecology:**

Bats - On 27th August 2013 an initial bat assessment was carried out on buildings and trees within the proposed development boundary. None of the buildings within the proposed development site provide bat roosting opportunities. All buildings are in a good state of repair and receive regular maintenance. A bat survey of the buildings is not required to support this application. None of the trees on or immediately adjacent to the site offer bat roosting opportunities.

Great Crested Newts - There is an ornamental pond within the proposed development site boundary. RPS ecological consultancy assessed the garden pond for its potential to have GCN in 2012. The pond scored 0.49 in its habitat suitability index. RPS conducted a presence/absence survey for GCN in all ponds within 250m of the proposed development site. No GCN were recorded. Star Ecology concludes that it is not considered likely that GCN would be present on site or within its immediate vicinity.

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

Landscaping - Star Ecology has recommended additional fruit tree planting on site.

Suggest conditions and informatives relating to the above

4.2 - **Public Comments**

4.2.1 **Bicton Parish Council:** Given the circumstances of the Shrewsbury West Sustainable Urban Extension, Bicton Parish Council has no objections to this application.

4.2.2 **Cllr Overall** has requested that this is determined at committee for the following reasons:

- ☐ In this situation the development is totally inappropriate.
- ☐ It is detrimental to the amenity of the neighbouring house “Ellmar”.
- ☐ It is also over intensification of the land applied for.
- ☐ The mention of 21 apartments is quite unacceptable as this is likely to mean higher than two storey houses on what is a small plot.

4.2.3 2 letters of objection received from the occupiers of the adjacent dwelling ‘Ellmar’ and ‘Blackmore Haulage’ summarised as follows:

- ☐ Plans are not detailed enough to make an assessment of the visual impact
- ☐ No indication of how many floors the retirement flats will have
- ☐ Proposal will overlook neighbouring property and lawn
- ☐ There is a deed of covenant
- ☐ There is a storm water pipe running through the land from Gains Park
- ☐ There are not enough parking spaces and gardens and open green areas
- ☐ The proposal is ‘horseshoed in’ making the site overdeveloped
- ☐ Vehicle movement and noise from the adjacent depot will be a problem to any new residents so they would not be able to continue to run their business.
- ☐ Building should not take place until after Phase 1 and 2 of SWSUE as Phase 3 then includes the depot site.
- ☐ Concerned about the visual impact on entrance to a main route into town so no other development should take place until after the Phase 3 development of SWSUE

4.2.3 Two letters of support received summarised as follows:

- ☐ It is very difficult to object to this application which will be in keeping with the high density phase 1 SWSUE application which surrounds this site and if the proposed SWSUE is deemed sustainable then this application must be treated the same.
- ☐ The advantage of this proposal is that it specifically meets the needs of an aging population which is in keeping with current demographic trends in Bicton and is not catered for in the proposed urban extension (SWSUE).

- ② Attempts for a neighbourhood plan in this area have been consistently rejected or delayed over a long period of time so the views of local people working in collaboration with planners and developers cannot sadly be heard or listened to for this application.
- ② Good luck to the owners who are finding their own home potentially decimated by those around them.
- ② The 2 letters of objection are from the owner of the land which has been released to enable the development of the SWSUE that will devastate the area of Bicton Heath and surround the applicant of this current application.
- ② Various other comments are made in reply to the objection comments which can be read in full on the file but they all refer to the objector having sold his land for the SWSUE and that he should have considered the implications of that, and if he is so concerned about this current application he should refuse to sell his land and prevent the SWSUE.

## 5.0 THE MAIN ISSUES

Principle of development  
Access  
Scale, Appearance and Landscaping

## 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 policies the National Planning Policy Framework (NPPF) has been published and also needs to be given weight in the determination of planning applications. 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 The adopted Local Plan for Shrewsbury is the SABC Local Plan and the adopted Shropshire Core Strategy. The site is outside the urban development boundary for Shrewsbury within the adopted SABC local plan but is surrounded by land identified as the Shrewsbury West Sustainable Urban Extension (SWSUE) under adopted Core Strategy CS2. It is also inside the development boundary for Shrewsbury within SAMDev which has recently been submitted for examination. The NPPF states in paragraph 216 that decision-takers should give weight to the relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the

less significant the unresolved objections, the greater the weight that may be given); and

- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 6.1.3 The Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies as there are significant unresolved objections which will not be resolved until the public examination of the SAMDev. Therefore although the Council's view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone very substantial public consultation, that some weight can be attached, this needs to be considered with care alongside the other material considerations. The NPPF is a material consideration and Paragraph 14 advises approving development proposals unless '*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*' and at paragraph 49 states that '*Housing applications should be considered in the context of the presumption in favour of sustainable development*'.
- 6.1.4 Therefore in this period prior to examination sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. Officers consider that it would be difficult to defend a refusal for a site which is considered to constitute sustainable development unless the adverse impacts of granting consent would significantly and demonstrably outweigh the benefits.
- 6.1.5 As the site is within a location affected by the identification of the Shrewsbury West Sustainable Urban Extension (SWSUE) as a strategic location for housing within adopted CS2, development of this site would accord with adopted policy that has already been subject to a sustainability appraisal. In addition the inclusion of this site within the new development boundary for the urban area of Shrewsbury (encompassed by the SWSUE) within the submitted SAMDev demonstrates that the whole of this area has already been assessed as being a sustainable and suitable location for additional housing.
- 6.1.6 The site is within walking and cycling distance of shops, post office, church and public house within Bicton Heath, the business park and is close to a main bus route and the park and ride into Shrewsbury. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services and a range of facilities and employment opportunities without over reliance on the private motor car.
- 6.1.7 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.*

- 6.1.8 Economic role – The proposed development will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The provision of additional houses will also support local businesses, facilities and services. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable to a CIL payment which will help provide financial contributions towards infrastructure and opportunities identified in the Place Plan.
- 6.1.9 Social role - The proposal will help boost the supply of open market housing and affordable housing on site at the prevailing rate at the time of the reserved matters application. The provision of additional housing will help support and maintain existing facilities and services and help meet the needs of present and future generations.
- 6.1.10 Environmental role – The site is not best quality agricultural land and has no heritage, cultural or ecological designation or value. It forms part of the large front garden of two houses and although gardens are not classed as brownfield land the proposal would not result in the loss of a greenfield site and the development would not intrude into open countryside. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible on foot or by cycle and by public transport to services, facilities and employment opportunities nearby and within Shrewsbury.
- 6.1.1 Officers consider that the proposed development is sustainable having regard to the three dimensions of sustainable development. The site is situated within an area already identified as a sustainable location for new development within adopted Core Strategy Policy CS2 and the submitted SAMDev. The development of this site for housing is considered acceptable in principle subject to a satisfactory scale and design, and should be supported provided there are no adverse impacts that would outweigh the benefits.

## 6.2 Scale, Appearance and Landscaping

6.2.1 The application was originally described as 'Outline Application for residential development to include 5 bungalows and 2 retirement blocks to provide 21 apartments' and an indicative layout was submitted. However all matters are reserved for later approval and the density, layout scale, design, appearance and landscaping of the proposal will be determined at that stage. It is considered that an appropriately designed scheme could be achieved that would be in keeping with the existing properties and the proposed urban extension. Approving this outline permission does not give consent for three or four storey apartments that was one of the concerns of the adjacent neighbour.

## 6.3 Access

6.3.1 Access is also reserved for later approval but an existing access off the A458 Welshpool Road that serves the existing dwellings will be utilised. The Highways officer has no objection and confirms that the recently improved access provides a satisfactory entrance that can accommodate the proposed scheme. Although the proposed development will result in some increase in traffic the Highways Officer has also confirmed that the road layout is suitable to accommodate additional vehicle movements without unduly compromising highway safety.

## 6.4 Other Matters

6.4.1 **Residential amenity** – The nearest residential property outside the site boundary is 'Elmar' to the East of the site and the occupier of this property is concerned that the proposal will result in overlooking of his property. The impact on nearby residents cannot be properly assessed without submission of detailed drawings showing the scale and location of the proposed buildings and this will be submitted and considered at the reserved matters stage. However it is considered that a scheme of a satisfactory density, scale and design can be achieved that would not negatively impact on the occupiers of neighbouring properties. There is a haulage depot to the North West owned by the occupier of 'Elmar' who has commented that future occupiers would be subject to the noise and disturbance associated with the business. However the two existing dwellings on the site are already subject to this and anyone planning to occupy the new dwellings would be aware of this and that in the future this land will in any case be developed as part of the SWSUE. The occupier of 'Elmar' has also requested that development of this site should be delayed until after both Phase 1 and Phase 2 of the SWSUE has been completed. This is an unreasonable request and it is considered that there would be no adverse impact of this proposed development being commenced and potentially completed before any work commences on the SWSUE. The concern about the storm water pipe that runs through the site and the deed of covenant is a civil matter and is not a material planning consideration.

6.4.2 **Ecology** – The application is supported by an Ecological Assessment conducted by Star Ecology (November 2013) and a Great Crested Newt Report conducted by RPS (July 2012). The assessment concludes that the site is of low ecological value and that there is no bat roosting potential and that no newts were found in the pond. The conditions and informative(s) suggested by the Councils Ecologist will

be imposed and details to enhance the landscaping of the site will be submitted and considered at the reserved matters stage.

- 6.4.3 **Drainage** – Conditions can be imposed to ensure details are submitted at the reserved matters stage and the suggested informative(s) will advise the applicant of what is required.

## 7.0 **CONCLUSION**

- 7.1 The proposed development is considered to represent sustainable development in a sustainable location having regard to the three dimensions of sustainable development and is therefore considered acceptable in principle. In order to refuse the application it would need to be demonstrated that there would be significant and demonstrable harm that would outweigh the benefits of the proposed development that will provide housing in a sustainable location. It is considered that a suitably designed proposal can be achieved on this site that would have no adverse impact on the character and appearance of the locality or residential amenity. A safe means of access already exists and the proposal would have no adverse ecological or environmental implications. Full details of the scale, design and appearance of the dwellings and landscaping of the site will be considered at the Reserved Matters stage as will the level of affordable housing contribution that will be secured by S106. It is therefore considered that the proposal accords with the NPPF and Adopted Core Strategy Policies CS3, CS6, CS11 and CS17.

## 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

West Midlands Regional Spatial Strategy Policies:

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

### RELEVANT PLANNING HISTORY:

SA/06/0849/F Formation of new vehicular access following closure of existing vehicular access PERCON 10th January 2007

## 11. Additional Information

<b>List of Background Papers:</b> File 14/02749/OUT
<b>Cabinet Member (Portfolio Holder):</b> Cllr M. Price
<b>Local Member:</b> Cllr John Everall
<b>Appendices</b> 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 first submission of reserved matters shall include a scheme of landscaping and these works shall be carried out as approved. 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, including wildlife habitat and features (e.g. bat and bird boxes)

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. Native species used to be of local provenance (Shropshire or surrounding counties).

Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works

Implementation timetables

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

5. Full details, plans and calculations of the proposed SuDS including information on the proposed maintenance regime for any sustainable drainage system proposed and details of who will take responsibility, should be submitted for approval as part of the first

application for reserved matters. The SuDS shall be implemented as approved prior to the first occupation of the dwellings

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner and to ensure that the drainage system remains in good working order throughout its lifetime.

6. On the Pluvial Flood Map, the site is at risk of surface water flooding. As part of the first application for reserved matters the applicant shall provide details of how the surface water runoff will be managed and to ensure that the finished floor level is set above any known flood level and must not be lower than the floor level of the existing building.

Reason: To minimise the risk of surface water flooding.

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

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

Reason: To ensure that no surface water runoff from the driveways runs onto the highway

8. A total of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building 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 ensure the provision of roosting opportunities for bats which are European Protected Species.

9. Any external lighting 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. A total of 2 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

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

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

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

12. No burning shall take place on site including during clearance of the site.

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

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Committee and date  
 Central Planning Committee  
 18 September 2014

## Development Management Report

Responsible Officer: Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

**Summary of Application**

<b>Application Number:</b> 14/02406/OUT	<b>Parish:</b>	Berrington
<b>Proposal:</b> Outline application for residential development to include means of access		
<b>Site Address:</b> Land South Of Holcroft Way Cross Houses Shrewsbury Shropshire		
<b>Applicant:</b> Fletcher Homes (Shropshire) Ltd		
<b>Case Officer:</b> Jane Raymond	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 353756 - 307376



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**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a S106 to secure the relevant affordable housing at the time of the Reserved matters application and to secure the proposed highway improvements and a commuted sum for the future maintenance of the proposed vehicle activated signs.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application relates to Outline permission for residential development to include means of access with layout, scale, appearance and landscaping reserved for later approval.
- 1.2 The access will be off Holcroft Way which is the access road to High Cross Avenue off the main road (the A458). Although layout is not included and therefore not determined at this stage an indicative layout indicates 39 dwellings and public open space around the pond and trees to be retained. Information has also been submitted regarding highway improvements to the A458 including repositioning the 30mph sign, two new vehicle activated repeater 30mph sign and alterations to the mini roundabout and approach roads to the mini roundabout.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is a parcel of land situated between the rear of houses in High Cross Avenue to the North and the disused railway line to the South. To the East and West are open fields.

### 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 the Parish Council have submitted a view contrary to officers and the application 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 Public Protection – Specialist:** No objection in principal however would like to inform the applicant that at reserved matters stage details of how the development will take note of paragraph 35 of the NPPF should be given. Without information which is seen to be appropriate electric vehicle charging points may be recommended as a condition for all dwellings with off road parking.
- 4.1.2 **SC Highways DC:** The local highway authority raised some initial concern over the intensified use of the junction with Holcroft Way and the A458 due to a number of recent collisions at this junction involving right turning vehicles. Whilst the layout of the Holcroft way junction exceeds the requirements of modern design criteria, its proximity to the nearby mini-roundabout for the Atcham road appears to be the

main contributory factor to the recently recorded incidents, as drivers are focusing on this junction and not on the preceding junction and travelled speeds over the mini-roundabout appear to be quite high.

A site meeting was held with the applicant's transport engineer in order to discuss possible options for improvement works to improve safety along this stretch of the A458 and therefore deal with our concerns. Further to these discussions a design has now been provided which includes the following measures:

- Repositioning of the existing 30mph terminal signs when entering Cross Houses from the Shrewsbury direction, as the existing location is on approach to the petrol station and the signs are not very conspicuous to approaching drivers. The signs are proposed to be relocated to the top of the bank near to Russell Place where they will be more conspicuous to approaching drivers.

- Provide two Vehicle Activated Signs (VAS's): one on the approach to the mini-roundabout when travelling from Shrewsbury and one on approach to the zebra crossing when travelling from Cressage. These will flash up the speed limit to drivers who are exceeding the speed limit.

- Improve the layout of the mini-roundabout to increase deflection for vehicles travelling straight-on along the A458 in order to reduce speeds and reposition the junction signs so they're in a more visible location.

- Alter the centre road markings on the A458 alongside Holcroft Way to provide more space for right-turning vehicles and to make the junction more conspicuous to approaching drivers.

The above measures have been investigated by the applicant's engineer and have been laid out on the supplied drawing number HW-RD-100. Having reviewed the design, we confirm that the measures are acceptable in principle to the local highway authority and we are of the opinion that these will help to reduce speeds and improve safety on the A458 and at the junction with Holcroft Way. The proposed access arrangements off Holcroft Way have been set out in accordance with local and national standards/guidance and we take the view that with the proposed safety measures the junction between Holcroft Way and the A458 will be suitable for the additional traffic loading from the proposed development.

In transport terms we consider Cross Houses to be a sustainable location due to a small level of local employment, the ease of access offered by the A458 to Shrewsbury, the availability of some local services/amenities and access to a regular bus service between Shrewsbury and Bridgnorth.

Subject to a condition to obligate the provision of the proposed road safety improvement measures, we have no objection to the proposed development.

The proposed changes to the A458 will require an appropriate agreement with the local highway authority to allow the developer to construct them. It should be noted that the proposed vehicle activated signs will attract a commuted sum for future maintenance. Also, we understand the proposed estate roads will be offered up for

adoption and therefore an agreement will be required under s38 of the Highways Act 1980 with the local highway authority.

#### 4.1.3 **SC Ecology:**

04.09.14

Great crested newts

Turnstone Ecology have confirmed in the September report that there will be no requirement for a licence from Natural England for the exclusion fencing or the development and have recommended a full suite of Risk Avoidance Measures (RAMs) for GCN to be produced prior to the start of any works. The RAM will also need to include installation and removal of the exclusion fencing. Turnstone Ecology recommend that Pond 1 is cleared out and enhanced for wildlife. These works will be included in the RAMs. Conditions and informative(s) are recommended in addition to those recommended 01 September 2014.

01.09.14

Confirmation should be provided by Turnstone Ecology that a Natural England licence in respect of great crested newts is not required for the development and the proposed exclusion fencing. Full Risk Avoidance Measures should be submitted so that they can be conditioned.

Conditions and informative(s) on other wildlife matters are recommended.

Bats

Further to my previous comments on the need to survey mature trees to be removed, the Location Plan and Proposed Block Plan Rev A show retention of existing mature trees. The hedgerows, stream and trees will offer bat foraging and commuting routes for bats. It is important that these are retained and that lighting is sensitively designed. Turnstone (2014) recommend erection of bat boxes and bat bricks.

Badgers

There is an active main badger sett in the immediate vicinity, with details provided in the ecology report, which should be kept confidential for this reason. The June 2014 Ecology report makes detailed recommendations on working methods to avoid any damage or disturbance to the badger sett.

Reptiles

Turnstone (2014) note that the adjacent disused railway line and on-site pond are suitable for reptiles and make recommendations on working methods to discourage reptiles from using the site. I would presume that the amphibian fencing proposed would also prevent reptiles from entering the site and no additional precautions would be necessary.



## Nesting birds

The two mature trees on the site, together with other vegetation along the disused railway line and pond all have good bird nesting potential.

## Great crested newts

There is one pond (Pond 1) in the south west corner of the development site. Pond 2 is around 40m to the south of the former railway line and a further pond is around 250m to the south. Turnstone (2014) carried out six presence/absence surveys for great crested newts (GCN) on the first two ponds in May and June 2014.

One adult female and one adult male was found in Pond 2. No amphibians were found in Pond 1. No GCN eggs or larvae were found which would have confirmed breeding. Turnstone (2014) recommend precautionary mitigation measures including installation of temporary exclusion fencing for GCN before development and removed on completion of the works.

Confirmation should be provided that Turnstone Ecology are satisfied that there will be no requirement for a licence from Natural England for the exclusion fencing or the development.

The on-site Pond 1 has scope to be improved to encourage amphibians. These would need to take place during the GCN hibernation period (November to February). Hand searches by an ecologist would be needed before ground works around the pond. Turnstone (June 2014) have not recommended a full suite of Risk Avoidance Measures for GCN, which would be necessary in the absence of an EPS licence and fencing completely enclosing the site.

This additional information should be submitted and then appropriate conditions can be recommended.

### 4.1.4 **SC Trees:**

01.09.14

No objection in principle to the proposals on the grounds of trees as all the mature Oak trees on site are shown as retained in the indicative layout, with root protection areas (RPA) excluded from development. If the trees are to be situated in POS ownership, the responsibility of the trees should be established. A full application will require a Tree Protection Plan and Method Statement if any work such as surfacing or underground services impact on the RPA's.

26.06.14

There are two mature Oak trees on site and a group of trees around the pond. The Design and Access statement states that the two mature Oaks will be retained however only one of the trees is shown - the second tree sited in approximately plot 24 is not shown on the plan. Further details on the trees would need to be submitted if I was to support a full application. A tree survey, arboricultural implication assessment and a tree protection plan in line with BS 5837 2012 is required. The Oak trees should be sited in public open space not in small back gardens which would lead to proximity issues.

4.1.5 **SC Drainage:** The outline drainage strategy is acceptable. Highway gullies are typically designed to accept flows up to the 5 year rainfall event only, with exceedance flows being generated beyond this return period. A design is required demonstrating that gullies will be able to convey the 100 year plus 30% storm to the piped network. Further to previous comments suggests details, plans and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission is granted.

## 4.2 - Public Comments

### 4.2.1 Cllr Claire Wild – OBJECTS:

1. The development is in open countryside on best agricultural land. Currently there is wheat growing in the field and last year there was oil seed rape. How is this sustainable use of good agricultural land? In the NPPF it states 'Planners should promote land of lesser environmental and economic value'.

2. The development provides no net gain for the natural environment. This again flies in the face of the NPPF.

3. The proposed housing would encroach on the old railway line which has become a wildlife sanctuary with many rare species making it their home including buzzards. This would have a detrimental impact on the natural environment, the NPPF states that 'Developments should enhance the natural environment'.

4. The local school is full; this would mean that the children of the families would have to travel into Shrewsbury for their education.

5. There is no provision for play facilities within this scheme. The only play facilities are the other side of the A458, an incredibly busy road and there have been no offers from the developer to install a pelican crossing to replace the current zebra crossing which has seen numerous near misses. Not providing site based play facilities within the scheme does not make the scheme sustainable.

6. There is very little local employment with the majority of the current residents travelling by car to work. The existing homes in Holcroft Way and High Cross Avenue includes a high level of shared ownership homes as the wage levels in this area are low. The proposed development only provides for two shared ownership homes. Therefore many local people will be unable to afford these residences and therefore I would argue that this development is not sustainable in terms of the local population and their social and economic needs.

7. The surface water from the proposed development would be collected in part in the dry pond at the top of the site. This is likely to increase the frequent incidents of flash flooding when heavy rainfall occurs. The current properties suffer from having their gardens flooded in heavy rain and due to the soil conditions the previous developer has constructed a large stone filled ditch to attempt to alleviate this problem which unfortunately still occurs on a regular basis. With the amount of hard surfaces being proposed and also water from the houses and garages I would question whether the surface water could be dealt with in an environmentally friendly way.

8. The NPPF states that housing developments must have access to high quality public transport infrastructure. The current bus service (the 436) is not a high quality service and the buses do not allow for disabled access. In addition to this the local bus service is heavily subsidised and has already seen reductions in service. The first bus leaves at 8am and the last bus is at 8pm - Monday to Saturday, there are no buses on a Sunday. In the mornings and evenings the service runs hourly, during the middle of the day it is 2 hourly. It is impossible to get to work if you are a shift worker or you do not work in one of the main settlements via the current service. This bus often does not stop in the morning as it is full by the time it reaches Cross Houses with students travelling to the Sixth Form and Shrewsbury colleges.

9. The junction into the development is inadequate. The junction is approximately 20 metres from a mini roundabout and there are no road markings to indicate a right or left hand turn into the development. This has caused a number of accidents over the recent months. As part of the proposed development improvements need to be made to this junction. In the applicant's traffic statement they suggested there would be 39 traffic movements at peak times, this number would, in effect, create tailbacks and prevent access to the Atcham Road causing even more congestion on or about the junction. However given that the applicant has indicated that the development is likely to include 3, 4 and 5 bedroom homes I would suggest that their traffic plan is underestimated. Living in a rural area such as Cross Houses, with poor quality bus service necessitates households having more than one car. It is not uncommon to see three bedroom homes in Cross Houses with 3 or sometimes 4 cars.

10. The Parish have consistently stated that they wish to stay as 'Open Countryside'. In the previous Local Plan period Cross Houses had 188 new dwellings, a large amount for such a small settlement (400). As with all new developments which take place in or adjacent to an existing development the residents need time to form a cohesive community. The A458 already provides a virtual barrier to community cohesion, one which the Parish has worked very hard to ameliorate; the addition of 39 new dwellings will do nothing to improve this situation.

In conclusion this proposed in development is not sustainable in economic, social or environmental terms. I urge you to refuse this application on the grounds above.

- 4.2.2 **Berrington Parish Council:** Does not support this application as Berrington is designated as Open Countryside and this is in conflict with that. A public meeting is to be held on Thursday 19<sup>th</sup> June for residents to meet and express their opinions and concerns. Further details of objections to follow after the Public Meeting

Following a Public meeting and further consultations with the residents of Crosshouses the Parish Council has the following objections to add to its earlier comments on this application:

1. The Parish Council is certain that this application flies in the face of the NPPF as there are no provisions being made for the natural environment

- within the application. The land is also in continual production with Wheat being the crop this year and Oil seed rape last year. This is good quality agricultural land. The Parish Council feels that the Planners should take heed of the NPPF where it says that Planners should promote land of lesser environmental and economic value and that developments should enhance the Natural environment which this application does not. It also takes no account of the natural habitat and sanctuary that the Old Railway line has become with some rare species taking up residence there. This includes a pair of nesting Buzzards.
2. Crosshouses had an increase of 47% development in the last Local Plan with 188 new properties being built which is a huge increase for a small community. The residents of the parish have stated at many public meetings attended by Shropshire Council Officers that they wish to remain as Open Countryside and this application clearly goes against those wishes.
  3. The public facilities which serve the community are at capacity with the local school being full and the public transport system which would be needed to transport any new children to schools in Shrewsbury is often full by the time it arrives in Crosshouses and does not even stop to pick up passengers. The 436 service is inadequate with no disabled access, this service is heavily subsidised and has been reduced and is at risk of further cuts in the current economic climate. The first bus leaves at 8am and the last bus is at 8pm - Monday to Saturday, there are no buses on a Sunday. In the mornings and evenings the service runs hourly, during the middle of the day it is 2 hourly. This makes it very difficult for those who work shifts or work somewhere that is not directly on the bus route and have no transport of their own.
  4. The development has no recreational facilities shown within it and the present play areas within the parish would necessitate the children having to cross the very busy A458. The current pelican crossing would need to be upgraded and there is no offer to do this within the scheme. To make this development sustainable the applicants would need to provide some play facilities.
  5. There is little local employment and most have to travel by car to reach their places of work. The wage levels in the area are low and a high level of homes on Holcroft Way and High Cross Avenue are shared ownership; the proposal is for only two affordable homes which will mean that the homes on this development will not be within the reach of local people. So this development does not fulfil the criteria of sustainability for the local population and their social and economic needs.
  6. The drainage of the development does raise concerns as the existing drainage systems struggle to deal with increases of rainfall after heavy downpours. The current properties do have flooding in the gardens after heavy rain and this is a regular occurrence despite a large stone filled ditch built to help alleviate the problem. This site has been identified as being at risk of groundwater flooding.

7. The proposed development has large areas of hard surfaces and dealing with the excess rainwater would need to be dealt with in an environmentally friendly manner without compromising the existing system in place for the current residents.
8. Lastly the entrance off the junction causes grave concerns for residents and members alike. The suitability of the existing junction must be questioned with the potential extra vehicles exiting on to the A458 at peak periods when it will become a bottleneck for residents creating tailbacks and be almost impossible to gain access to the A458 to start their journeys to work. The junction is approximately 20 metres from a mini roundabout and there are no road markings to indicate a right or left hand turn into the development. This has caused a number of accidents over the recent months. As part of the proposed development improvements need to be made to this junction.
9. Given that the proposal is likely to have 3,4, and 5 bedroom properties there are likely to be in excess of the traffic movements as suggested by the applicants traffic statement. Many of these properties will have more than one vehicle particularly in a rural area with infrequent bus services as we have in Crosshouses.

In conclusion this proposed development is not sustainable in economic, social or environmental terms. The Parish Council would urge you to refuse this application on the grounds above.

4.2.3 34 letters of objection have been received summarised as follows:

#### **Principal/Policy/Need**

- ☐ Against the wishes of the residents of Cross Houses and the PC.
- ☐ The village has already seen significant development in recent years with an increase in the number of homes from approx. 187 in 1990 to approx. 343 in 2014 including 'The Chestnuts' for example.
- ☐ No need for more housing as housing on 'The Chestnuts' is proving hard to sell
- ☐ No demand for larger 4 and 5 bed housing

#### **Sustainability Criteria**

- ☐ Contrary to the Councils sustainability objectives SO2, 6, 9, 11, 13, 14, 15 and 16.
- ☐ The number of dwellings is too large for a village with limited facilities
- ☐ It will not provide a sufficient quantity of good quality housing, which meets the needs of all sections of society as it only includes a very limited number of affordable/social housing dwellings

- ❑ Cross Houses has very little employment opportunities with the majority of residents required to travel to a place of work daily
- ❑ The only employment opportunities are the 'Shropshire Homes Office'. The Bell Inn and the Post Office.
- ❑ The bus service does not support employment unless you work 9 to 5 in Shrewsbury or Bridgnorth and it is already over crowded on its peak services and sometimes doesn't stop.
- ❑ Cross Houses does not have any schools, doctors or dentists and the shop is a small convenience store so residents will have to travel by car to reach services and facilities including weekly shopping needs
- ❑ It will not reduce Shropshires contribution to climate change with most residents having to travel by car to reach services and employment
- ❑ The only facilities Petrol station, shop, post office, Playing field, Playground, Village hall, school bus stop, Phone box and Post box are all on the opposite side of the main road which is dangerous to cross.
- ❑ There is no enhancement but only detriment to the village
- ❑ The agricultural land is currently used for arable farming which has an economic value to the farmer and farm workers and its loss increases the rate at which rural communities lose out financially through employment of local people
- ❑ The 59 construction jobs created will only be for the duration of building works.
- ❑ The village hall and playgrounds would benefit from CIL funds but there is no specific proposal to engage with the community to facilitate an upgrade of existing facilities.

## Environment

- ❑ On the approach from the South-East it would form an unacceptable intrusion into open countryside and any development would be visually detrimental to the rural surroundings of Cross Houses and visually extend the village on its approach.
- ❑ The existing farmland is a valuable habitat for wildlife including protected species
- ❑ The site is opposite an area of Special Landscape Character.
- ❑ The proposed site is approx. 1,000mts from Berrington Pool which is a Site

of Special Scientific Interest and is designated a Ramsar site. It is also within 1,000mts of Venus Pool Nature Reserve and adjacent to a (previously protected) disused railway track which is now overgrown and is home to many species of plants and animals including protected species.

- ❑ Badgers, bats, newts, owls and other wildlife have been observed and there is no ecological survey work or report available to view by the public
- ❑ Any building and light pollution on the proposed site would have a dramatic effect on these valuable natural habitats and biodiversity will suffer
- ❑ The proposal will impact on the air quality in Berrington and result in noise, traffic and light pollution.
- ❑ The site is prime agricultural land
- ❑ Brownfield sites should be developed first
- ❑ The development could impact on the Oak trees on site

### **Highways/Access**

- ❑ Inadequate parking
- ❑ No pedestrian crossing
- ❑ The existing crossing is ignored and it is not safe to cross the main road
- ❑ No safe cycle and pedestrian route to Shrewsbury
- ❑ The traffic report is not realistic and is misleading in terms of the volume of traffic at the junction with the A458 and the speed of traffic on the A458
- ❑ Additional traffic in Holcroft Way will make it more unsafe for existing residents
- ❑ The junction with Holcroft Way and the main road and the nearby mini roundabout is already hazardous and this proposal will exacerbate this
- ❑ 39 houses will result in increased congestion at this junction

### **Residential amenity**

- ❑ Overlooking and a loss of privacy for existing residents due to properties being on a higher level
- ❑ Noise and disturbance from traffic and development compared to the existing tranquil countryside

- ❑ Loss of an open view and countryside
- ❑ Overshadowing and loss of light

### **Drainage/Flood risk**

- ❑ The development will contribute to flood risk.
- ❑ Water run off from this and adjacent fields has been responsible for the flooding of the A458 and this development will exacerbate this.
- ❑ Existing drainage systems can barely cope and this will exacerbate the situation.
- ❑ The site and neighbouring land is at risk of surface water flooding and flash flooding which will be exacerbated with the increased hard surfaced areas
- ❑ The existing gardens already get waterlogged and as the site slopes toward the existing houses and gardens this situation will be worse if developed.
- ❑ The surface water is proposed to flow towards an existing watercourse and existing pond but this would be uphill.
- ❑ The existing foul drain sewerage system already has problems and was not designed to take the amount of houses now feeding it.

### **Infrastructure**

- ❑ The amenities in the village such as schools and roads would not be able to support and accommodate the additional residents.
- ❑ The nearest primary school is oversubscribed
- ❑ The bus service cannot cope with demand at busiest times in the morning and is only 2 hourly during the day
- ❑ It has not been demonstrated that the sewage, telecoms, electricity and water suppliers has sufficient capacity to cater for the development

## **5.0 THE MAIN ISSUES**

Principle of development

Highways/Access

Scale, appearance and layout / visual and residential amenity

Trees, Landscaping and Open Space

Ecology

Drainage

Developer contributions - AHC and CIL



## 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 policies the National Planning Policy Framework (NPPF) has been published and also needs to be given weight in the determination of planning applications. 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 Paragraph 14 of the NPPF states that:

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

*— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the]Framework taken as a whole; or*

*— specific policies in [the] Framework indicate development should be restricted.’*

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

*‘Housing applications should be considered in the context of the presumption in favour of sustainable development’.*

and that

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

The Council has published a revised 5 year land supply statement alongside the submission of the SAMDev plan which demonstrates that the Council currently has a 5 year land supply. However policies may be considered out of date and of limited weight for other reasons (e.g. age of a saved local plan policy and consequent inconsistency with NPPF policies).

6.1.3 The key issue in determining applications is whether adopted and emerging policies are considered up to date and what weight should be given to these policies balanced against the weight that can be given to other material considerations. The relevant Local Plan for Cross Houses is the SABC Local Plan and the adopted Core Strategy in addition to the SAMDev.

6.1.4 Cross Houses is identified as a HS3 settlement within the SABC Local Plan which identifies that residential development would be acceptable subject to satisfying the following list of criteria:

*(i) that the development lies wholly within the settlement as identified by the development boundaries on the proposals map;*

*(ii) that the development does not detract from the character of the settlement and is of an appropriate scale, design and character sympathetic to the immediate environment;*

*(iii) that the development does not result in the loss of any land in open use that is considered important to the setting and character of the settlement;*

*(iv) that adequate provision can be made for essential utilities;*

*(v) that an adequate and safe means of access exists or can be provided.*

It is considered that the proposal meets with (ii) – (v) of the above and will be considered later in the report. However the proposed site is outside the development boundary and therefore this proposal would be contrary to this policy and has been advertised as a departure. However adopted local plan policies are at risk of being considered “time expired” due to their age and the time which has lapsed since the end date of the plan. Officers therefore advise that it is appropriate to assess this site within the context of the ‘presumption in favour of sustainable development’. This site is adjacent to a HS3 settlement where it is considered acceptable to support additional residential development and this demonstrates that it is the Councils opinion that Cross Houses is a sustainable location. It is therefore considered that the proposal should be supported provided it is considered to represent sustainable development, that it accords with (i) - (v) above and that there would be no adverse impact of approving it.

6.1.5 CS4 of the Core Strategy outlines how villages will be identified as Hubs or Clusters within the SAMDev DPD where additional development will be supported. Cross Houses is not identified as a hub or a cluster within the SAMDev DPD that was submitted for examination at the beginning of August. Paragraph 216 indicates that the ‘weight’ that can be attached to relevant policies in emerging plans such as the SAMDev depends on the stage of preparation, extent of unresolved objections, and degree of consistency with the NPPF. With the submission of SAMDev the Council is now in a position that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. However, in calculating the 5 year supply the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies as they have not yet been found sound and consistent with the NPPF and there are significant unresolved objections which will not be resolved until the public examination. The Council’s view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone public consultation, where some weight can be attached but, pending examination and adoption, this needs to be considered with care alongside the other material considerations.

- 6.1.6 In this period prior to examination sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. Officers consider that it would be difficult to defend a refusal for a site which is considered to constitute sustainable development unless the adverse impacts of granting consent would significantly and demonstrably outweigh the benefits (as outlined in paragraph 14 of the NPPF).
- 6.1.7 The principle issue for consideration therefore is whether the development is sustainable or not when considered against the NPPF as a whole. The balance of material considerations is still in favour of boosting housing supply in locations that are considered to be sustainable. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether there would be any significant impact or harm as a result of the proposed development that would outweigh the benefits. This will be considered in the paragraphs below.
- 6.2 Sustainable development**
- 6.2.1 Policy CS6, amongst a range of considerations, requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Policy CS7 states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services. Policy CS9 states that development that provides additional dwellings or employment premises will help deliver more sustainable communities by making contributions to local infrastructure in proportion to its scale and the sustainability of its location.
- 6.2.2 Cross Houses is a large village with a range of services including a shop, post office, pub and petrol filling station and a regular bus service to Shrewsbury and a bus service to the primary school in Conover. The facilities in the village can be accessed on foot or by cycle, and Shrewsbury, which is a short car journey away, can also be accessed by public transport. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services and a range of facilities and employment opportunities without over reliance on the private motor car and is certainly more sustainable than many settlements that have been put forward as Hub and Cluster settlements suitable for development.
- 6.2.3 However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is 'about positive growth – making economic, environmental and social progress for this and future generations'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

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

6.2.4 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 additional houses will also support local businesses as future occupiers are likely to access and use local services and facilities in this and neighbouring villages helping them to remain viable. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable for a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

6.2.5 Social role – The proposal will provide up to 39 houses which will help meet the housing shortage in Shropshire. In addition to boosting the supply of open market housing the proposal will provide affordable housing on site at the prevailing rate at the time of the reserved matters application. The current rate of 15% would provide 5 affordable houses on site with an off-site contribution. Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in settlements where it will support facilities helping to retain services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. It is recognised that increasing the number of dwellings in a settlement without a proportionate increase in the provision of local services risks impacting upon the social integrity of the settlement. Residents are concerned that the infrastructure is not capable of accommodating the new development and that the nearby primary school is already over subscribed and the bus service is at capacity for example. However infrastructure and education are in part funded by CIL contributions and increased housing numbers and population will help ensure services remain viable and that villages and rural communities remain or become more sustainable. Cross Houses is one of the larger settlements in Shropshire and up to 39 additional houses is not considered to be a disproportionate number that would adversely change the structure and character of the community.

6.2.6 Environmental role – The site is prime agricultural land but has no heritage, cultural or ecological designation. It is considered that the development of this relatively small piece of agricultural land of low ecological value would not be a significant loss that would justify refusal. The proposal would not result in any adverse ecological or environmental implications or loss of trees but would provide some ecological enhancements of the site including tree and hedge planting and better management of the existing pond and its surrounding vegetation (drainage, trees and ecology will be considered more fully later within the report). In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible on foot or by cycle to local services and facilities and by a short car journey or public transport to the array of services, facilities and employment opportunities in Shrewsbury.

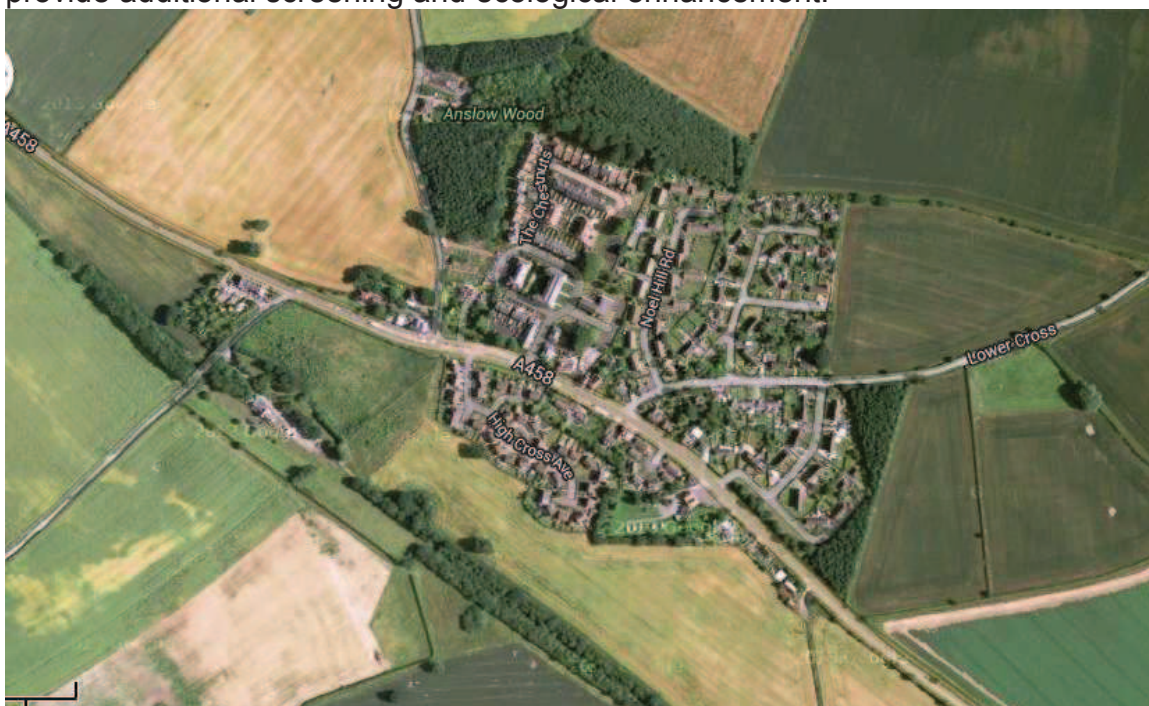
6.2.7 It is therefore considered that the proposed residential development is acceptable in principle and would provide significant benefits having regard to the three dimensions of sustainable development and is in accordance with the NPPFs 'presumption in favour of sustainable development'.

### 6.3 Highways/Access

6.3.1 The vehicular access to the proposed development will be via Holcroft Way that joins the A458 near the roundabout at the Shrewsbury end of the village. Residents have raised concern about the difficulty of accessing the main road at busy times and also highway safety around the existing roundabout and pedestrian crossing due to speeding traffic on the main road. However this proposal will not actually increase the speed of traffic or significantly increase the volume of traffic using the A458 and would therefore not impact on highway safety or make it more difficult to access the highway at this point. The agent has provided a package of measures to help calm traffic and improve highway safety for all road users on the A458. These include repositioning the 30mph sign, two new vehicle activated repeater 30mph signs and alterations to the mini roundabout and approach roads to the mini roundabout and these are considered to be a significant benefit of the proposal. The highways officer has commented that the proposed measures will help to reduce speeds and improve safety on the A458 and at the junction with Holcroft Way. In addition the proposed access arrangements off Holcroft Way have been set out in accordance with local and national standards/guidance and highways take the view that with the proposed safety measures the junction between Holcroft Way and the A458 will be suitable for the additional traffic loading from the proposed development. Some residents have also commented on the impact of traffic from the new houses affecting highway and pedestrian safety on Holcroft Way. However this is an adopted highway and not a private drive or play area and it is not considered that the development would result in a significant increase in traffic or vehicles that would be driving irresponsibly or at speed any different to the traffic already using this road. It is considered that the proposal would not result in a significant increase in traffic using this road and that the proposal would not impact on highway safety at this point. In any case paragraph 32 of the NPPF advises that '*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*'. It is considered that there would be no significant adverse highway impacts of approving this development.

## 6.4 Scale, appearance and layout / visual and residential amenity

- 6.4.1 This proposal is Outline with all matters other than access reserved for later approval. The indicative layout indicates an estate of predominantly family sized detached houses and semi-detached homes. This is only indicative to illustrate how the site might accommodate the number of dwellings indicated and it is considered that the site could accommodate up to 39 dwellings without appearing cramped or over developed and that would be in keeping with the adjacent housing. However as this application is only outline with siting, scale and appearance reserved for later approval the number (and density) of dwellings is not part of the proposal and would not be fixed by approval of this application. The number of dwellings and the layout could change completely and will be considered fully (along with scale and appearance) at the Reserved Matters stage as will the impact on existing residents and residential amenity. However it is considered that a development of an appropriate scale and design could be achieved that would not significantly and adversely affect the character and appearance of the locality and without any significant adverse impact on residential amenity.
- 6.4.2 Whilst it is accepted that development of this field behind existing properties will change the view of open countryside enjoyed by existing residents there is no right to a view. The Public view of the site is already screened from the centre of Cross Houses by the existing development in High Cross Avenue. On approaching the village along the A458 from either the Shrewsbury or Bridgnorth direction the infill of the narrowest part of this field between the disused railway line and the rear of houses in High Cross Avenue will not appear prominent. The proposal would not result in the loss of a protected landscape and it is considered that the proposed site is an appropriate extension of the village up to the boundaries of the disused railway line making efficient use of the narrowest part of this field. Additional tree and hedge planting along the boundaries with the larger field areas either side will provide additional screening and ecological enhancement.



## 6.5 Trees, Landscaping and Open Space

6.5.1 There are two mature Oak trees on site and a group of trees around the pond. The revised indicative layout plan indicates that these will be retained. A tree survey, arboricultural assessment and tree protection plan have been submitted and the tree officer has no objection as all trees will be situated in open space with root protection areas (RPA) excluded from development. However the layout is indicative and simply indicates that the site is developable without the loss of existing mature trees. The layout and landscaping, including open space provision, will be determined at the reserved matters stage. For a development of more than 20 houses recreational open space should be provided on site in accordance with the IPG. Although some residents and the PC are concerned that a play area is not being provided the IPG is clear that equipped play areas should be funded by CIL and that additional developer contributions are not required to fund play areas within the recreational open space provided on site. Detailed landscaping and open space provision will be determined at the reserved matters stage and if it is decided that a larger area of recreational open space is required the number of units will be reduced to accommodate this as the number of dwellings is not fixed by this proposal. A revised tree protection plan will also be required to reflect the layout proposed at the Reserved matters stage but officers consider that the site is developable without the loss of mature trees either within or near the boundaries of the site.

## 6.6 Ecology

6.6.1 Concern has been raised about the ecological implications of the proposal and the impact on protected species and wildlife both on the site and the adjacent disused overgrown railway line and that the proposal does not address this. Some of the concern has been generated due to the original and revised ecology reports not being made public due to the presence of badgers and therefore the public have been unable to appreciate the assessment that has been undertaken. Detailed survey work has been undertaken and an ecological assessment has been provided that assess the impact and also recommends mitigation measures and safe working methods in order to maintain and increase biodiversity of the site and protect adjacent habitat. The Councils Ecologist has no objection to the proposal subject to conditions to ensure that the ecological mitigation and protection measures suggested within the report are adhered to. It is considered that subject to these conditions being imposed the proposal would have no impact on protected species or the adjacent disused railway which will continue to function as a green corridor. Although the proposal will result in the loss of a field this is in agricultural use and therefore of low ecological value compared to the homes and gardens that will replace it and provide a variety of habitat for wildlife. The boundary hedgerow and mature trees within and adjacent the site will be retained and additional tree and hedgerow planting along the new field boundaries and the boundary with the railway line will also provide longer term biodiversity value and enhancement. The condition of the pond is poor and does not currently support breeding amphibians or much other aquatic life and the pond and its surrounds will be enhanced to encourage a greater diversity of plants and wildlife. It is therefore considered that the proposal would have no adverse ecological implications and would actually provide enhancement and improve bio-diversity.

## 6.7 Drainage

- 6.7.1 Surface water drainage - Many of the concerns raised by residents relate to drainage issues and in particular the run off from the existing field. This situation will be improved as the proposed surface water drainage strategy outlined in the amended highways and drainage report reduces run-off rates to less than green field by the use of oversized drains to hold the water and a hydrobrake that will restrict outfall and release water in a controlled manner to the small watercourse to the West. The Councils drainage officer has approved the surface water drainage strategy and it is considered that the proposal will not result in increased surface water run off from the site any greater than already exists and will likely reduce the risk of flooding of adjacent land and properties as the proposed system will capture and collect water flow at source and direct it in a controlled manner to the water course to the West. A condition will be imposed regarding full details of the proposed surface water drainage being submitted for approval as part of the reserved matters that reflects the actual layout at that stage and to ensure its future maintenance.
- 6.7.2 Foul drainage – The agent has confirmed that foul drainage will be collected via a new piped system that will discharge to the existing foul water sewer located in Holcroft Way and A458. The proposed site sewers will be offered for adoption to the Local Water Authority under the terms of a Section 104 Agreement of the Water Industry Act 1991.

## 6.8 Developer contributions - AHC and CIL

- 6.8.1 The proposal is outline only but due to the likely number of dwellings affordable housing will be provided on site and the amount will be determined by the target rate at the time of the submission of an application for Reserved matters. This will be secured by a S106 in accordance with CS11 and the Housing SPD. At the current rate of 15% a development of up to 39 houses would include 5 affordable homes on site together with an off-site contribution. The proposal will also be liable for a CIL payment. Some residents have raised concern about the capacity of the local infrastructure (including school places) to support the additional dwellings. However CIL replaces the need to seek additional developer contributions for education, highway improvements or other infrastructure improvements for example and can also be used to target community improvements identified in the LDF Implementation plan and Place plans. Notwithstanding this proposal does include highway improvements that will be secured by S106 and will benefit existing and future residents.

## 7.0 CONCLUSION

- 7.1 The proposed development is considered to represent sustainable development in a sustainable location having regard to the three dimensions of sustainable development and is therefore acceptable in principle. It is not considered that there would be any significant adverse impacts of the proposal that would outweigh the benefits. Layout, scale, appearance and landscaping of the scheme are reserved for later approval but it is considered that an acceptable and appropriately designed



scheme could be achieved that would have no significant adverse impact on residential amenity and would not result in significant or demonstrable harm to the character and appearance of the locality. The proposal would not result in the loss of any significant trees, and have no adverse highway or ecological implications subject to conditions being imposed, and landscape details and open space provision will be determined as part of an application for reserved matters. The on-site affordable housing provision and any balance of AHC and the proposed highway improvements will be secured by a S106 agreement. It is therefore considered that the proposal accords with Shropshire LDF policies CS6, CS11, and CS17 and the aims and provisions of the NPPF.

## **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 Policies: CS4, CS5, CS6, CS11 and CS17

Saved SABC Policies: HS3

### 11. Additional Information

<b>List of Background Papers:</b> File 14/02406/OUT
<b>Cabinet Member (Portfolio Holder):</b> Cllr M. Price
<b>Local Member:</b> Cllr Claire Wild
<b>Appendices</b> APPENDIX 1 - Conditions

## 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 one year 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. Full details, plans and calculations of the proposed SuDS including information on the proposed maintenance regime for any sustainable drainage system proposed and details of who will take responsibility, should be submitted for approval as part of the first application for reserved matters. The SuDS shall be implemented as approved prior to the first occupation of the dwellings

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner and to ensure that the drainage system remains in good working order throughout its lifetime.

5. As part of the first application for reserved matters 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.

6. As part of the first application for reserved matters a Construction Method Statement shall be submitted to the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- ' the parking of vehicles of site operatives and visitors
  - ' loading and unloading of plant and materials
  - ' storage of plant and materials used in constructing the development
  - ' the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - ' wheel washing facilities
  - ' measures to control the emission of dust and dirt during construction
  - ' a scheme for recycling/disposing of waste resulting from demolition and construction works

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

7. As part of the first application for reserved matters details of the design and construction of any new roads, footways, accesses together with details of the disposal of surface water shall be submitted to the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory access to the site.

8. As part of the reserved matters details of ten bat boxes or bat bricks shall be submitted and shall be erected prior to the first occupation of the dwellings.

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

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

9. No development or earth moving shall take place or material or machinery brought onto the site until Risk Avoidance Measures for great crested newts have been submitted and approved and protective fencing has been erected on site in accordance with the approved Ecological Survey Report by Turnstone Ecology revision 02 report dated September 2014. The approved Risk Avoidance Measures shall be implemented as approved prior to commencement of any work on site.

Reason: To ensure the protection of great crested newts, a European Protected Species

10. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Ecological Survey Report by Turnstone Ecology dated August 2014 and as amended date September 2014.

Reason: To ensure the protection of badgers, a protected species.

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

11. The highway safety measures proposed by the applicant on the adjacent A458 as set out on drawing number HW-RD-100 shall be fully implemented in accordance with the agreed design prior to the first occupation of the proposed residential development hereby proposed.

Reason: in the interests of highway safety.

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

12. 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.

13. 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.

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

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

15. No burning shall take place on site including during clearance of the site.

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

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Committee and date

Central Planning Committee

18 September 2014

## Development Management Report

**This application was deferred at the 26<sup>th</sup> June 2014 meeting of the Central Planning Committee to enable further consideration of the proposed drainage scheme to take place. A report to update the original report will follow. Original report attached and marked 'Appendix A'**





**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 Conover 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 m<sup>3</sup>/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
- Condoval 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 Council's 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-off 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 for 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:

- ② 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.
- ② 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.

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Committee and date  
 Central Planning Committee  
 18 September 2014

## Development Management Report

Responsible Officer: Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b><u>Application Number:</u></b> 14/02303/OUT	<b><u>Parish:</u></b> Pontesbury
<b><u>Proposal:</u></b> Outline application (access for approval) for the development of two (open market) dwellings; formation of vehicular access	
<b><u>Site Address:</u></b> Development Land North East Of David Avenue Pontesbury Shrewsbury Shropshire	
<b><u>Applicant:</u></b> Mr S Lakelin	
<b><u>Case Officer:</u></b> Nanette Brown	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 340452 - 306170

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**Recommendation:- Grant Permission subject to a Section 106 Legal Agreement to secure an off-site affordable housing contribution and the conditions set out in Appendix 1.**

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 This application seeks outline planning permission for the development of two open market dwellings including access to the site. All other matters (landscape, scale, appearance and layout) are reserved for future consideration.
- 1.2 Illustrative site plans have been submitted with the application that show two dwellings situated at the end of a turning head, with turning space for a fire appliance indicated. To the east of the site the existing public footpath is shown to run along outside the edge of the site.

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The proposed development site forms part of a larger agricultural field located directly to the north of Tasburgh House, which is currently the last complete dwelling located along the avenue. To the north side of Tasburgh House a new dwelling is now being constructed, whose northern side elevation runs up close to the southern side of the site.
- 2.2 The identified development boundary for Pontesbury runs along the garden edges of Tasburgh House and along the southern side of the application site area, so that the application site sits outside of the boundary.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 Pontesbury Parish Council have submitted a view contrary to officers recommendation for approval and the locally elected member has also requested determination of this application by committee. The Area Manager in consultation with the committee chairman or vice chairman and the Local Member agrees that the Parish Council and Local Member have raised material planning issues and that the application should be determined by committee.

### **4.0 Community Representations**

#### **- Consultee Comments**

#### **SC Highways – Planning Officer comments**

As this is a private drive the Highway Authority would only have an interest in the junction with the public highway and have no powers over the private driveway itself. There are no apparent issues with the junction on to the A488 and the proposed development would not result in any substantial increase on the numbers of vehicles using the access/private drive.

The Highway Authority has not made a formal response to the consultation on this one, but do advise that the private drive is of a sufficient standard to support the additional two dwellings proposed and a refusal contrary to this is very likely to be unsustainable at appeal.



**SC Drainage: No objections**

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.

**SC Rights of Way – No objections**

The application correctly identifies the location of the public footpath and indicates that it will be retained on its current alignment with a minimum width of 3.5m. We would raise no fundamental objection to the proposal however the proposal would lead to a further enclosure of what has been an open field edge path. I would have some concerns that the exclusion of livestock could result in upgrowth problems and that the enclosure might also prevent walkers from deviating around muddy patches in poor weather. We would prefer to see the enclosed section of path provided with a compact stone surface (not necessarily for the whole 3.5m width) to mitigate these potential problems and would welcome a dialogue with the developer in this regard. We would further recommend that the boundary treatments alongside the path are designed so as to provide for some overlooking of the path, at least from the upper storeys of properties, in order to provide for some natural surveillance to deter any anti-social behaviour that could disturb residents or users of the path.

**Shropshire Fire and Rescue: No objections**

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link:

<http://www.shropshirefire.gov.uk/planning-applications>

**SC Ecology – No objections** subject to conditions.

**SC Affordable housing – No objections**

Core Strategy Policy CS11 requires all open market residential development to contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application.

**Pontesbury Parish Council: Conditional support****Further comments submitted on 22/7/14:**

I see from the planning application that Shropshire Fire & Rescue have responded with reference to a document on their website. The Parish Council is very concerned that the Fire Service physically looks at this site. The practical movability based on the layout dimensions is very relevant as we are very concerned that it would not be possible to access this site and this must be considered prior to any approval and not at building regulation stage.

I would be grateful if you could let me know when the Fire Service has agreed to a site visit.

**Further comments submitted on 8/7/14:**

Pontesbury Parish Council modifies its earlier comments in the light of new information concerning traffic problems on David Avenue. It supports the view that a dangerous situation exists regarding large vehicles which will be exacerbated by the proposed development. The Council's earlier support for the scheme is now conditional upon the following:-

1. Consultation with Fire and Rescue Service to confirm that a satisfactory access exists along David Avenue to the proposed development, particularly the tight bend that exists at the top of the Avenue opposite Tasburgh House.
2. A hammer head turning space is provided within the new development to ensure that large vehicles can turn and exit easily.

**Initial comments submitted: 4/6/14**

Pontesbury Parish Council supports this application. Although the present narrow access along David Avenue is far from satisfactory and there is uncertainty regarding legal rights of access to the proposed development it was considered that these drawbacks did not outweigh significantly the advantages of a very sustainable site. However the Parish Council would be strongly opposed to a larger development in this area because of the unsuitable access and other sites with good access have been identified during the SAMDev consultations.

**- Public Comments**

26 letters of objection from 15 addresses have been received summarised below:

**Access:**

The proposed access is off David Avenue, a narrow (at no point can two vehicles pass) unadopted road; two new dwellings would create issues regarding parking, traffic and safety on the Avenue; the avenue is at saturation point in terms of vehicles accessing the avenue; the applicants have never used this right of access until this planning application was submitted; the avenue is too narrow to accommodate access for emergency vehicles, particularly fire engines; avenue contains right angled bends that prohibit access; the bin lorries do not travel to the end of the avenue as it becomes too narrow; current building works at the end of the avenue illustrate how unsuitable the avenue is for any further development.

**Proposed use:**

The development of two dwellings would result in pressure for further development of the remainder of the field; SAMDev should be given some greater weight in consideration of this application; consider that Shropshire does have a 5 year land supply; this is proposed piecemeal development of the existing green field site, a poorly designed urban extension intrusive in its setting; other allocated sites in Pontesbury should be developed first

**Drainage:**

The site would need to be connected to the shared private sewer that runs along to the Severn Trent sewer on Shrewsbury Road.

**Footpath:**

The indicated permissive footpath would run close to the side elevation of the new dwelling currently under construction (Shalom) and would result in a significant loss of privacy to its future occupants, with opportunities for overlooking through the windows that will be in that north elevation of the building.

Two letters of support from one address have been received and are summarised as follows:

Pontesbury, like the rest of the UK, has a housing shortage and this development will provide two new homes; the two new homes will not result in a significant increase in traffic volume; note that since the development of Shalom house was allowed this proposed development should also be allowed; the NPPF allows for consideration of sites that are in or adjoining villages and rural settlements; future uses of the remaining field is not a relevant consideration.

**5.0 THE MAIN ISSUES**

**Principle of development**  
**Access & Highway Safety**  
**Design/Visual Impact**  
**Residential Amenity**  
**Loss of Agricultural Land**  
**Ecology/Trees**

**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.

Following the submission of the SAMDev Final Plan to the Planning Inspectorate at

the end of July, the Council's position is that it has identified sufficient land that will address the NPPF 5 year housing land supply requirements. In the calculation of the 5 years' supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF para 49 and these provide the starting point for considering planning applications.

- 6.1.3 The site is outside of the Pontesbury Development Boundary as defined by Saved SABC Local Plan Policy HS3. Shropshire Council has an adopted Core Strategy and CS4 which 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 Key Centres and also Community Hubs and Clusters within the SAMDev DPD.
- 6.1.4 Pontesbury along with Minsterley have been included as a 'Key Centre' and the Pre-Submission Draft includes a development boundary. This site is just outside the development boundary for Pontesbury 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 the village. However prior to the adoption of the SAMDev DPD there is still a strong presumption in favour of sustainable sites for housing where any adverse impacts do not significantly or demonstrably outweigh the benefits of the development as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration.

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 Pontesbury.

- 6.1.5 Pontesbury is a large village that is located to the south west of Shrewsbury located on the A488 that leads south west towards Minsterley and Bishops Castle. There are a range of services and facilities within the village, including a secondary school, local shops and restaurants, a post office, playing fields and public house. The village is serviced by a regular bus service from Shrewsbury. The site is located at the north eastern end of the village, with David Avenue accessed directly off the A488 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 local employment for the construction phase of the development supporting small local builders and building suppliers. The provision of two 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. As part of the SAMDev consultation process Pontesbury Parish Council has put the village forward as part of a Key Centre with sites identified within Pontesbury Village for housing. It is considered that the additional 2 dwellings now proposed would not provide any significant additional pressure on services over what is envisaged for Pontesbury 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 Pontesbury, Minsterley or Shrewsbury.

## **6.2 Access & Highway Safety**

- 6.2.1 The site is proposed to be accessed via the shared private roadway, named David Avenue. This access road already serves several houses and is of a single vehicle width, joining with the northern side of Shrewsbury Road, the A488, as it enters the built area of Pontesbury. The application details confirm that the applicants considers that they have a legal right of way to access their land via David Avenue and have also now included the avenue within the application site red outline joining onto the public highway and have served notice of the application on all parties located along David Avenue.
- 6.2.2 The majority of the objections received to this proposal relate to concerns held by the existing residents of David Avenue regarding the safety of the use of the access by an increasing number of vehicles. These specifically relate to their concerns that the avenue is of insufficient width, with sharp bends, which would not allow for safe access for larger vehicles, including delivery vehicles and emergency vehicles. They also raise objections that existing vehicle and cars belonging to the current occupants cannot easily/safely pass within the avenue.
- 6.2.3 Pontesbury Parish Council have supported the application in principle subject to Shropshire Fire & Rescue Service confirming their approval that satisfactory access exists along David Avenue and that a hammer head turning space is provided within the new development to ensure that large vehicles can turn and exit easily.
- 6.2.4 Amended plans have been submitted that show an illustrative layout of the development site including a hammer head style turning area that demonstrates that such a facility could be provided to allow vehicles, including larger vehicles to turn.
- 6.2.5 Shropshire Fire & Rescue Service have made no objections to the submitted application but have suggested that consideration be given to the advice given in their guidance document for developers 'Fire Safety Guidance for Commercial and Domestic Planning Applications'. The planning agent for the application has confirmed that whilst the matter of emergency vehicle access is one that is controlled by Building Regulations, the amended illustrative plans that now show a turning head provided that would meet with current building regulation requirements. Within the guidance document produced by the fire service it also refers to the potential use of sprinkler systems/fire suppression systems that could be used to improve fire safety.
- 6.2.6 The Highway Officer has confirmed that the existing junction of David Avenue and the A488 is satisfactory for use by traffic that could be created by the development proposed. Although David Avenue is limited in width and involves a 90 degree bend to pass along its length is considered that the use of the avenue for traffic moving to and from an additional two dwellings would not result in any significant detriment to highway safety.

### **6.3 Design/Visual Impact**

6.3.1 The layout, scale and appearance of the development are proposed to be reserved matters to be considered at a later date and so the principal of the development and its potential visual impact on the surrounding area need to be considered.

6.3.2 The site is situated to the north of David Avenue and just outside of the identified development boundary of the village. The site would relate to the properties built at the end of David Avenue, with its access taken from the end of the private roadway. The site would also utilise a corner of an existing field, set against an existing field boundary and the route of a public footpath, the properties would be viewed in context of the existing houses along David Avenue. 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.

### **6.4 Residential Amenity**

6.4.1 There is only one immediately adjacent property whose occupants could be directly affected in terms of residential amenity and it is the new dwelling, Shalom, that is currently being constructed. This property was granted planning permission in 2011 and the approved plans for this dwelling show a total of 5 windows to be inserted into its north (side) elevation that would face towards the site (3 at ground floor level and 2 at first floor). All of the windows will be secondary windows to the internal rooms they serve, with larger main windows located onto the front and rear elevations of the house. The amended plans for this application now show the garden area of Shalom extended to allow for a 3 metre wide garden area.

6.4.2 It is considered that the whilst Shalom will have 5 windows looking out towards the application site, the proposed illustrative layout plan does demonstrate that a sufficient distance could be left between the properties not to result in any significant and detrimental loss of privacy to the occupants of either property.

### **6.5 Loss of Agricultural Land**

6.5.1 The site lies on a Grade 3 (good to moderate quality – Scale 1-5) 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 The Council’s ecologist has confirmed that they have no objections to the submitted application.

## 7.0 CONCLUSION

7.1 It is appreciated that approving this development would be contrary to the SAMDev allocation for the village of Pontesbury. However a priority of the NPPF 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 adjacent to 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 Pontesbury is a sustainable location for a limited number of new houses (over and above that put forward as part of SAMDev) due to its range of essential services and facilities 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 payment towards 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 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

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS4, CS5, CS6, CS9, CS11, CS17

### RELEVANT PLANNING HISTORY:

14/02303/OUT Outline application (access for approval) for the development of two (open market) dwellings; formation of vehicular access PDE

11/03140/FUL Erection of a detached dwelling following demolition of single storey extension, garage and shed to existing dwelling GRANT 21st December 2011

**11. Additional Information**

[View details online:](#)

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

Planning File 14/02303/OUT

**Cabinet Member (Portfolio Holder)**

Cllr M. Price

**Local Member**

Cllr Tudor Bebb

**Appendices**

APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Details of the scale, appearance, landscaping and layout (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 one year 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 development shall be carried out strictly in accordance with the deposited plans and drawings as amended by the revised plan Number SA14197/01RevC received on 10th July 2014.

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

5. The first submission of reserved matters shall include a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:
  - a) Planting plans, including wildlife habitat and features (e.g. hibernacula)
  - b) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties)
  - c) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works

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

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

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

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

7. No burning shall take place on site including during clearance of the site.

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

### **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. 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. As part of the SuDS, consideration should employ measures such as the following: Water Butts; Rainwater harvesting system; Permeable surfacing on any new driveway, parking area/ paved area; Attenuation; Grey water recycling system; Green roofs; Details of the use of SuDS should be indicated on the drainage plan.
3. Consent is required from the service provider to connect into the foul main sewer.
4. In order to make the properties ready for electric vehicles, the applicant should consider the installation of charging point isolation switches should be connected so that a vehicle may be charged where off road parking is provided. This should involve the provision of an independent 32 amp radial circuit isolation switch at each property for the purpose of future proofing the installation. The charging point must comply with BS7671. A standard 3 pin, 13 amp external socket will be required. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.



Committee and date  
Central Planning Committee  
18 September 2014

## **Development Management Report to Consider Planning Applications subject to S106 resolution having regard to the Council's published 5 years housing supply Land Supply Statement of 12th August 2014**

Responsible Officer: Ian Kilby

email: [ian.kilby@shropshire.gov.uk](mailto:ian.kilby@shropshire.gov.uk) Tel: 01743 258718 Fax: 01743 252619

### **Summary**

This report seeks Members support in respect of planning applications Central Planning Committee has previously resolved to approve where a decision has not yet been issued pending conclusion of a S106 agreement and where there may have been a change in the balance of considerations arising from the publication of the revised 5yr Housing land Supply Statement on 12<sup>th</sup> August.

### **Recommendation:-**

**Grant Permission for the applications set out in Appendix A subject to the recommendations for each item, Section 106 Legal Agreement and conditions as set out in the original reports to Central Planning Committee and as recorded in the minutes of these meetings**

#### 1.0 BACKGROUND

- 1.1 It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point decision is taken. The Council published a revised 5 year housing land supply statement on 12<sup>th</sup> August to demonstrate that, based on data up to 31<sup>st</sup> March 2014, it has a 5.5 year housing land supply.
- 1.2 A number of planning applications for residential development have been referred to this Planning Committee for consideration in recent months where the committee were advised that the Council did not at that time have a five year supply of housing land, this being the position since September 2013. The absence of a five year housing land supply was therefore one of the factors taken into consideration and affecting the weight given to Development Plan policies.
- 1.3 In cases for residential development Planning Committee has resolved to permit the application subject to a S106 legal agreement to provide for affordable housing contributions and any other measures required to make the development acceptable that could not be subject to a planning condition, these applications remain undetermined until the agreements are signed. This report seeks members views on how the published 5year land supply affects the overall balance of considerations to ensure that at the point the S106 is completed and the decision is issued all relevant material considerations have been taken into account.

- 1.4 The planning applications for housing development where the 5year land supply issue was a material consideration and where there is a resolution to permit the application subject to a S106 agreement that has not been completed are included in Appendix A. In each case these are applications that the Committee will have applied the presumption in favour of sustainable development and therefore will have been considered to be sustainable having regard to the social, environmental and economic considerations set described in the NPPF.
- 1.5 Paragraph 14 of the NPPF states that “*At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*” For decision taking the NPPF confirms that “**For decision-taking this means:**
- **approving development proposals that accord with the development plan without delay; and**
  - **where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:**
    - **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or**
    - **specific policies in this Framework indicate development should be restricted.”**
- 2.0 OFFICER APPRAISAL
- 2.1 NPPF Paragraph 49 states 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. This had been the position in Shropshire since September 2013 when the last 5 years’ supply statement was published and this meant that on the housing supply point, Shropshire Councils *relevant* policies were then out of date, and so had less weight as part of the overall consideration.
- 2.2 For decision taking, the applications where there is a resolution to permit but the S106 agreement has not been signed are presented in Appendix A having regard to the following considerations:
- The presumption in favour of sustainable development described in paragraph 14 of the NPPF applies in any event – all the schemes presented to committee will have been assessed first on this point having regard to the social, environmental and economic considerations;
  - The NPPF aim of boosting significantly the supply of housing is a material consideration and “*housing applications should be considered in the context of the presumption in favour of sustainable development*” (NPPF paragraph 49) and this needs to be considered in relation to the positive and negative impacts of the scheme;
  - Policies may be considered out of date and of limited weight for other reasons (e.g. age of a saved local plan policy and consequent inconsistency with NPPF policies) therefore simply having a 5year land supply does not mean full weight can be given to saved housing policies or emerging SAMDev policies (the weight to these policies also being

dependent on the extent of unresolved objections and degree of consistency with the NPPF);

- There is a strong likelihood of continuing under delivery against the county-wide Core Strategy target for another few years, meaning that the overall requirement at each update would be higher, even though the number of sites available will be increasing. Consequently, in the balance of considerations if more acceptable sustainable and suitable sites that are permitted impact of under-delivery is offset to a greater degree;
- Now that the SAMDev Plan has been submitted to the Secretary of State for its examination, the Plan is at an advanced stage of preparation. However, the Plan has not been through the examination stage and there are unresolved objections to elements of it (e.g. sites contributing to the housing supply), so the weight that can be attached has to be considered with care alongside the other material considerations and having regard to specific circumstances of particular planning applications.

2.2 In relation to determining planning applications outlined in Appendix A, the main issues to consider are

- whether a particular proposal is in accordance with the Development Plan,
- how it sits in relation to the emerging SAMDev Plan, and
- whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.

The fact of having a five year land supply can never be a reason in itself for refusing a planning application; it simply affects what other policy considerations are applied as set out above.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

The applications included in Appendix A were referred to committee for consideration in accordance with the Council's scheme of delegation. There is no provision in the scheme of delegation in cases where the balance of material planning considerations may have changed for these "minded to approve" decisions to then be delegated to officers.

### 4.0. RELEVANT PLANNING POLICIES

Central Government Guidance:  
National Planning Policy Framework 27<sup>th</sup> March 2012  
National Planning Practice Guidance 6<sup>th</sup> March 2014

Shropshire Council Core Strategy and Saved Policies:

SAMDev Plan (submitted for examination)  
MD Policies (submitted for examination)

**Appendix A – An assessment of how the balance of considerations is affected in each case in the context of a 5yr supply of housing land. The original reports to committee and minutes of those meetings are available to view via the online planning register following the link below:**

<http://planningpa.shropshire.gov.uk/online-applications/>

**1. 11/03087/OUT Outline application (access) for residential development (including affordable homes); creation of vehicular access and estate roads; creation of an 'eco-park' and play areas, Proposed Residential Development Site Off Shillingston Drive Berwick Grange Shrewsbury Considered by Planning Committee on 7<sup>th</sup> November 2013**

- This is considered to be a site where sustainable development can be accommodated within existing housing immediately adjoining the built up area of Shrewsbury. A development of up to 230 dwellings is proposed.

- **Development Plan Considerations**

The site is located outside of the Shrewsbury Urban Area as defined by the development boundary on the Proposals Map of the Borough Local Plan, which remains in effect as a saved local plan policy although is now out of date. Core Strategy Policy CS2 Shrewsbury Development Strategy is 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 Development Plan Document, 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.

- **How the proposal sits in relation to the emerging SAMDev Plan**

The site was a SAMDev Plan Preferred Option site (March 2012), with changes then put forward in July as part of the Revised Preferred Options consultations (July 2013), the site remains included and the final plan and has been included in the calculation for the purposes of calculating the 5 year land supply position. The emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain unresolved objections to the plan. This site is allocated for development in the emerging SAMDev and has therefore been identified through the plan making consultation process as an appropriate and sustainable location for housing development.



- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**

The site is located outside of the Shrewsbury Urban Area and the proposal is therefore classed as a departure from the development plan. However, in accordance with paragraph 216 of the National Planning Policy Framework weight should be given to relevant policies in emerging plans. The site is included in the Site Allocations and Management of Development (SAMDev) final. There is therefore no objection in principle to the development of the site for a residential use. Having regard to the impacts officers are satisfied that the new vehicular access can be provided safely without detriment to highway safety or traffic flows in the locality, subject to final details being obtained prior to entering in to a s278 agreement with the developer. The indicative plans demonstrate that it is possible to develop the site in a form that will be sympathetic to local context and character and without any adverse impact upon local or residential amenity. The development can be provided without risk of flooding and surface water and foul drainage can be addressed at the reserved matters stage. The development can include suitable measures to safeguard protected trees, hedgerows and local landscape character and will not be harmful to local habitats or biodiversity.

The development includes the satisfactory provision of affordable housing in accordance with Policy CS11 and infrastructure provision in accordance with policy CS9. The provision of land for community/recreational uses is considered to be of benefit to the local community. In addition the proposal will be of significant benefit in terms of boosting the local housing supply. Accordingly, it is considered that the proposal complies with existing and emerging development plan policies together with Policies CS6, CS9, CS11, CS17 and CS18 of the Shropshire Core Strategy and the requirements of the National Planning Policy Framework.

Having regard to the Council's 5yr housing land supply this site has been counted in the Council's assessment of housing land supply and therefore taken into consideration in the calculation published on 12th August. There are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme.

**Recommendation:- Grant Permission subject to the conditions set out in the report to Committee of 7<sup>th</sup> November 2013, an additional condition limiting the outline permission to a period of 12 months, satisfactory completion of a S106 Agreement to secure community benefits in accordance with the Council's adopted policies**

**2. 13/04483/FUL Erection of four dwellings with associated garages following demolition of existing shed; formation of vehicular access 88 The Mount Shrewsbury SY3  
Considered by Planning Committee on 6<sup>th</sup> February 2014**

- This is considered to be a site where sustainable development can be accommodated within an established residential area.
- **Development Plan Considerations**
- The site is currently outside of the development boundary for Shrewsbury and is not being allocated as a potential housing site within the emerging SAMDev Plan. It is within the built up area of the town.
- **How it sits in relation to the emerging SAMDev Plan**
- The site and the whole of the land around Rowton Lodge was put forward as an allocated site (SHREW148) and has gone through the SAMDev Stage 1, 2a and 2b assessment. Although the overall sustainability appraisal was positive and judged as good the site was not progressed due to Highways/Access issues, the topography of the site and the impact on the setting of Rowton Lodge (a non-designated heritage asset). This application relates to a much smaller part of the site area than was put forward for site allocation as it does not include the steeply sloping part of the site to the rear and the land around Rowton Lodge but it is still classed as being in open countryside.
- The emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain unresolved objections to the plan. This site is not allocated for development in the emerging SAMDev plan but has been considered to be sustainable having regard to the social, environmental and economic impacts.
- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**
- Although four dwellings cannot be said to significantly boost the supply of housing the impacts arising from this scale of development are not significant. This site is a sustainable location, within an established residential area. The proposed development is considered to be acceptable in principle as the having regard to the three dimensions of sustainable development. This is a full application and consequently it is eminently deliverable and the impacts can be assessed in detail. The proposal would preserve and enhance the character and appearance of the Conservation area as the open view and open space which provides a visual and physical link from the street through to the larger areas of open space beyond will be maintained and the appearance of the site will be enhanced by the removal of the dilapidated structures. In addition the three dwellings proposed to be set back behind the existing front wall and hedgerow but facing the road will be in keeping with the pattern and scale of development that is prevalent along 'The Mount' and the provision of a single larger dwelling set back and situated within a larger

landscaped plot will be in keeping with the adjacent Rowton Lodge. The design of the buildings has also been carefully considered to incorporate features found in the properties surrounding the site and conditions will ensure that the materials and detailing will be to a high standard. The proposal would also have no adverse highway or ecological implications or have an adverse impact on existing trees and hedgerows as all existing trees and the existing front wall and hedgerow is to be retained. Conditions will be imposed to ensure an appropriate landscape scheme and that tree protection measures and suggested ecological enhancements are implemented.

- Having regard to the Council's 5yr housing land supply, there are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme.
- **Recommendation: That planning permission be granted in accordance with the Officer's recommendation, subject to a Section 106 Agreement in respect of an affordable housing contribution.**

**3. 13/03920/OUT Outline application (including access with mini island off Longden Road) for a residential development of up to a maximum of 175 dwellings; amenity space and associated works (amended description). Land Between Mousecroft Lane And Longden Road Shrewsbury Shropshire Considered by Planning Committee on 3<sup>rd</sup> April 2014**

- This is considered to be a site where sustainable development can be accommodated.
- **Development Plan Considerations**

The site is for up to 175 dwellings on land outside of the Shrewsbury Urban Area as defined by the development boundary on the Proposals Map of the Borough Local Plan, adopted in 2001, which remains in effect as a saved policy. This can however be given little weight as the plan period concluded in 2011 and pre-dates the NPPF published in 2012.

- **How the proposal sits in relation to the emerging SAMDev Plan,**

The site is included in the SAMDev final plan – land west of Longden Road, proposed for approximately 175 dwellings and is considered suitable in principle to form one of the 'other sustainable housing land releases on the edges of Shrewsbury' to be identified in the SAMDev DPD, The emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain unresolved objections to the plan.

- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**

- The site has been carried through into the Revised Preferred Options stage of the Site Allocations and Management of Development (SAMDev) Plan. The proposal is considered to address the concerns of respondents in respect of impact on the local road network, congestion and safety, the loss of wildlife habitat and green space whilst complying with saved and emerging development plan policies and the NPPF.

Having regard to the Council's 5yr housing land supply position, given that the site has been considered to be sustainable, the balance of considerations rests with the objective of significantly boosting the supply of housing and having regard to the fact that this is a site for up to 175 dwellings, included in SAMDev and therefore has been included in the Council's calculations for 5year land supply purposes. Consequently, there are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme. In order to promote delivery of the scheme an additional condition limiting the outline planning permission to a 12month period is recommended.

**Recommendation: That, subject to an additional condition limiting the outline to 12months and satisfactory agreement being reached on a Section 106 Agreement relating to affordable housing provision as per the Officer's recommendation.**

4. **13/02776/OUT Outline application for the erection of 19 dwellings to include access from Falkland Road and pedestrian footway through Lower Fold / The Fold (amended description). Residential Development Site Land Off Falkland Road Dorrington Shrewsbury Shropshire 14/00062/OUT Considered by Planning Committee on 3<sup>rd</sup> April 2014**

- This is considered to be a site where the issue of sustainability has been considered in some detail. Committee has concluded previously that sustainable development can be accommodated on this site

- **Development Plan Considerations**

It is acknowledged that the proposal is outside the development boundary, is not a preferred option in the SAMDev process and is not therefore an aspiration of existing residents. However neither the existing housing land supply policy (SABC Policy HS3) nor emerging land supply policy (SAMDev) can be considered up to date and the application should be assessed on the grounds of sustainability and whether any adverse impacts of approving the scheme would significantly and demonstrably outweigh the benefits outlined above. Furthermore although the council now has a 5 year supply of housing land the under delivery of housing by the development sector will continue to be a consideration.

- **How the proposal sits in relation to the emerging SAMDev Plan,**
- The site is not included as an allocation in the SAMDev Plan. It would provide for 19 dwellings on a site adjacent to the southern edge of Dorrington adjacent to the A49 trunk road. This is not a location preferred by the community so far as its contribution to the

plan making process is concerned. However, although the emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit this should not be significant weight at this stage due to the fact there remain unresolved objections to the plan.

- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**
- It is appreciated that approving this development would be contrary to the Parish Councils site allocations for the village of Dorrington. 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 'ribbon' development or elongate the village. The proposal would have no adverse environmental or ecological implications and would not impact on highway safety. The detailed appearance, landscaping, layout and scale will be considered at the reserved matters stage. 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 Church Stretton 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'.

### **Five year land supply considerations**

Having regard to the position regarding land supply, the key points to consider are that the land supply calculation includes a number of sites in SAMDev and brownfield locations yet to be developed. Under delivery on the ground will continue to erode the 5 year land supply figure until such a time as development activity on the ground increases. In principle the site is considered to be sustainable and the impacts of the development can be addressed. Furthermore the agent has confirmed that the development will be brought forward to delivery and has agreed in principle to a shorter time frame for the submission of reserved matters. A planning condition will be included to this effect. The officer recommendation, having regard to these factors and the changing balance of considerations in the context of a 5 year housing land supply is to therefore to maintain a recommendation for approval.

### **Recommendation**

**Recommendation:- Grant Permission subject to an additional condition limiting the permission to a period of 12 months, a Section 106 Legal Agreement to secure the affordable housing and subject to the conditions set out in Appendix 2.**

**5. 13/04757/OUT Application for Outline Planning Permission (access for approval) for residential development and associated works Development Land Opposite The Crescent Nesscliffe Shrewsbury Shropshire Considered by Planning Committee on 3<sup>rd</sup> April 2014**

- This is considered to be a site where sustainable development can be accommodated and has been considered in some detail in the original report to committee.

- **Development Plan Considerations**

The application site is currently 'countryside' in planning policy terms. Nesscliffe was a Policy HS4 village in the Shrewsbury and Atcham Borough Local Plan (due to the presence of facilities including the primary school), but that policy is no longer in effect and cannot be given weight, having been replaced by Core Strategy Policies CS4 and CS5.

- **How the proposal sits in relation to the emerging SAMDev Plan,**

Further to Core Strategy Policy CS4, Nesscliffe is proposed to be identified as a Community Hub under emerging Policy MD1 of the emerging SAMDev Plan. Furthermore, the application site is proposed as a housing allocation ('Land west of Holyhead Road' for approximately 15 dwellings), within a housing guideline for the village of around 30 additional dwellings over the period to 2026. The emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain unresolved objections to the plan. The current outline application relates to the same area of land as that proposed to be allocated, but it is noted that reference is made to the potential for up to 26 dwellings in the submitted material, rather than the 15 indicated in the emerging SAMDev Plan.

- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**

- The proposal is considered to represent a sustainable form of development and the adverse impacts of granting permission for higher housing numbers would not significantly or demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Having regard to the Council's 5yr housing land supply position, given that the site has been considered to be sustainable, the balance of considerations rests with the objective of significantly boosting the supply of housing against the impacts of the development in this location as a site not included in the SAMDev plan. In order to promote delivery of the scheme it is proposed that the grant of outline planning permission is restricted to one year and a planning condition will be included to this effect. The officer recommendation, having regard to these factors is to therefore to maintain a recommendation for approval.

## Recommendation

**Recommendation:- Grant Permission subject to an additional condition to limit the permission to a period of 12 months, the conditions recommended previously and Section 106 legal agreement to secure affordable housing.**

**6. 14/00254/FUL Erection of nine dwellings and associated garages; formation of vehicular access, Development Land Adjacent to Leylands, Pulley Lane Bayston Hill Shrewsbury  
Considered by Planning Committee on 3<sup>rd</sup> April 2014**

- This is considered to be a site where sustainable development can be accommodated.
- **Development Plan Considerations**
- 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 site is located immediately adjacent, but outside of the Bayston Hill Village Development Boundary as defined by the Inset Proposals Map which forms part of the SABC Local Plan and saved Policy HS3: Housing in Villages with Development Boundaries
- **How it sits in relation to the emerging SAMDev Plan**
- The site has not been included within the Site Allocations and Management of Development (SAMDev) Plan in which Bayston Hill is being proposed as a Community Hub with a housing target of 39-49 dwellings after taking into account existing housing commitments. The SAMDev includes the retention of the development boundary for Bayston Hill as in place the site remains outside of this boundary. As such allowing this proposal would therefore be contrary to the emerging SAMDev plan and although its policies can be given some weight now SAMDev is on deposit this should not be significant weight at this stage due to the fact there remain unresolved objections to the plan.
- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**
- Although the Council has a five year land supply the 'presumption in favour of sustainable development' and the need to boost the housing supply (a government priority) is a significant material consideration when determining planning applications for Housing. 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 Bayston Hill. It is considered that the site is within a sustainable location close to a variety of services and amenities and the size of the site is sufficient to accommodate the development. The proposal is not considered to have any adverse impact in terms of ecology, highway safety or

neighbouring amenities. The design and scale of the properties is considered to be acceptable, along with the contribution to and allocation of affordable housing. The impact on neighbouring amenities and local highway safety is considered to be minimal, and there is not considered to be an adverse impact in regard to drainage or protected species. As such the proposed development is considered to accord with the relevant Core Strategy policies and the National Planning Policy Framework

- **Recommendation: That planning permission be granted as a departure in accordance with the Officer's recommendation, subject to a Section 106 Agreement in respect of an affordable housing contribution in accordance with the Council's affordable housing policy.**
  
- 7 **14/00188/OUT Outline planning application for the erection of 2 detached dwellings Land At Jubilee Farm Church Road Dorrington Shrewsbury SY5 7JL Considered by Planning Committee 3<sup>rd</sup> April 2014**
  
- This is considered to be a site where sustainable development can be accommodated within an established residential area.
  
- **Development Plan Considerations**
  
- **The site is currently outside of the development boundary for Shrewsbury and is not being allocated as a potential housing site within the emerging SAMDev Plan. It is within the built up area of the town.**
  
- **How it sits in relation to the emerging SAMDev Plan**
  
- 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 emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain unresolved objections to the plan. This site is not allocated for development in the emerging SAMDev plan but has been considered to be sustainable having regard to the social, environmental and economic impacts.
  
- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**
  
- Although two dwellings cannot be said to significantly boost the supply of housing the impacts arising from this scale of development are not significant. The NPPF sets out that the priority is therefore 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 an appropriate location for two additional dwellings as it is situated adjacent to existing houses adjacent to the edge of the village and could be accessed off the existing private drive serving Jubilee Farm. The proposal would also have no adverse environmental or ecological implications and would not impact on highway safety. The detailed character and appearance of the buildings will be considered at the reserved matters stage as well as any impact on residential amenity of neighbours. It is considered that the proposal represents sustainable development as the site is adjacent to the edge of Dorrington where there are a range of local services within walking distance and a regular bus service to Shrewsbury and Ludlow. The development will therefore not result in over reliance on the private motor car and it will provide an additional dwelling and would help support existing facilities and services and therefore promote 'strong, vibrant and healthy communities'. The existing infrastructure is sufficient to support the proposed development and the proposal will provide an Affordable Housing Contribution (AHC) and will be liable for the required CIL payment. It is therefore recommended that members support this application and grant planning permission in line with clear guidance within the

- Having regard to the Council's 5yr housing land supply position, given that the site has been considered to be sustainable, the balance of considerations rests with the objective of boosting the supply of housing against the impacts of the development in this location as a site not included in the SAMDev plan. The impacts of the development have been considered acceptable although in order to promote delivery of the scheme it is proposed that the grant of outline planning permission is restricted to one year and a planning condition will be included to this effect. The officer recommendation, having regard to these factors is to therefore to maintain a recommendation for approval.

- **Recommendation: That planning permission be granted in accordance with the Officer's recommendation, subject to an additional condition limiting the outline permission to a period of 12 months and a Section 106 Agreement in respect of an affordable housing contribution.**

**8 13/04790/FUL Erection of two detached dwellings (within walled garden) to include the erection of detached garden rooms and alterations to existing vehicular access (amended description) Bicton Hall Bicton Lane Bicton Shrewsbury SY3 8EU**

**Considered by Planning Committee on 3<sup>rd</sup> April 2014**

- This is considered to be a site where sustainable development can be accommodated within an established residential area.
- **Development Plan Considerations**
- 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.

- **How it sits in relation to the emerging SAMDev Plan**
- 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 emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain unresolved objections to the plan. This site is not allocated for development in the emerging SAMDev plan but has been considered to be sustainable having regard to the social, environmental and economic impacts.
- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**
- Although two dwellings cannot be said to significantly boost the supply of housing the impacts arising from this scale of development are not significant. The NPPF sets out that the priority is therefore 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 an appropriate location for two additional dwellings as it is situated adjacent to existing houses adjacent to the edge of the village and could be accessed off the existing private drive serving Jubilee Farm. The proposal would also have no adverse environmental or ecological implications and would not impact on highway safety. The detailed character and appearance of the buildings will be considered at the reserved matters stage as well as any impact on residential amenity of neighbours. The existing infrastructure is sufficient to support the proposed development and the proposal will provide an Affordable Housing Contribution (AHC) and will be liable for the required CIL payment.
- Having regard to the Council's 5yr housing land supply position, given that the site has been considered to be sustainable, the balance of considerations rests with the objective of boosting the supply of housing against the impacts of the development in this location as a site not included in the SAMDev plan. The impacts of the development have been considered acceptable although in order to promote delivery of the scheme it is proposed that the grant of outline planning permission is restricted to one year and a planning condition will be included to this effect. The officer recommendation, having regard to these factors is to therefore to maintain a recommendation for approval.
- **Recommendation: That planning permission be granted in accordance with the Officer's recommendation, subject to an additional condition limiting the outline permission to a period of 12 months and a Section 106 Agreement in respect of an affordable housing contribution.**

**9 14/01105/FUL Erection of 6 No dwellings and formation of access Land Adj. Field House Shepherds Lane Shrewsbury Shropshire Considered by Planning Committee on 1<sup>st</sup> May 2014**

- This is considered to be a site where sustainable development can be accommodated within an established residential area.
- **Development Plan Considerations**
- 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.
- **How it sits in relation to the emerging SAMDev Plan**
- Bicton and Four Crosses is coming forward as a 'Community Cluster' and the Draft SAMDev DPD indicates a development boundary. This site is outside the development boundary 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 Bicton. The emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain unresolved objections to the plan.
- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**
- Although six dwellings cannot be said to significantly boost the supply of housing the impacts arising from this scale of development are not significant. This site is a sustainable location, within an established residential area. The proposed development is considered to be acceptable in principle as the having regard to the three dimensions of sustainable development. This is a full application and consequently it is eminently deliverable and it is an extension to a site currently under development. the impacts can be assessed in detail. It is considered that the proposal represents sustainable development as the site is within Bicton and Four Crosses where there are a range of local services and facilities within walking and cycling distance and a regular bus service to Shrewsbury and Oswestry. The development will therefore not result in over reliance on the private motor car and it will provide six additional dwellings and would help support existing facilities and services. The existing infrastructure is sufficient to support the proposed development and the proposal will provide an AHC and will be liable for the required CIL payment. 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.

- Having regard to the Council's 5yr housing land supply, there are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme.
- **Recommendation: That planning permission be granted in accordance with the Officer's recommendation, subject to:-**
  - **A Section 106 Legal Agreement to secure the relevant affordable housing contribution;**
  - **To the conditions as set out in Appendix 1 to the report; and**
  - **The additional requirement of Construction Traffic Management Plan.**

**10. 14/00629/OUT Outline application for the erection of a single detached dwelling to include access Proposed Dwelling Adj Lower Wigmore Farm Wigmore Lane Wattlesborough Heath Shrewsbury Shropshire Considered by Planning Committee on 29<sup>th</sup> May 2014**

- This is considered to be a site where sustainable development can be accommodated. The site lies to the south of the settlement of Wattlesborough Heath. When considering the sustainability of the settlement, the NPPF allows services in adjacent settlements to be taken into consideration and in this respect, Wattlesborough and Halfway House can be considered in conjunction. Together, the settlements contain a basic level of service provisions including a village shop, a café, a small number of businesses including a motor repair garage, a village hall and a public house. In terms of accessibility, there are good links to both Shrewsbury and Welshpool in the form of a local bus service and proximity to the A458 Shrewsbury to Welshpool trunk road.

#### **Development Plan Considerations**

- The site is located to the south of the settlement of Wattlesborough Heath which is not a settlement in the saved Shrewsbury and Atcham Borough Local Plan Policy HS3 (identified for residential development) and it has not been identified as a hub or cluster in the emerging LDF SAMDev document. This document has undergone periods of consultation and is expected to be adopted in spring 2014 and therefore can be afforded some weight. In accordance with the development plan sites which are not located with 'HS3 settlements', market towns or settlements identified as community hubs or clusters are considered to be located within open countryside. Policy CS5 of the Shropshire Core Strategy does not support the provision of new open market residential development in the countryside.
- **How it sits in relation to the emerging SAMDev Plan**
- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**

The site is located within close proximity to basic service provisions and employment within Wattlesborough Heath and Halfway House, and both settlements have public transport links to Shrewsbury. The proposal would make a contribution towards the local economy during the construction process and once completed through the increased spending power locally. Socially, the proposal will provide new residential accommodation within the area and will include a financial contribution towards local needs affordable housing. Environmentally, the proposal will not result in the loss of highest quality agricultural and can be landscape to ensure it fits discreetly within its surroundings. The proposal will be sited between the settlement and the field and will not result in isolated or sporadic development within the countryside, nor will it impact detrimentally upon the amenities of nearby residents or the local wildlife habitats or European Protected Species. Accordingly, the proposal is considered to comply with Policies CS6, CS11, CS17 and CS18 of the Shropshire Core Strategy and the principal of residential development of the site is considered acceptable. Further detailed assessment of the proposal will take place at the reserved matters stage

Having regard to the Council's 5yr housing land supply, there are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme. In order to promote early delivery of the scheme an additional condition is recommended to limit the outline permission to a period of 12 months

**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;**

**11 13/05124/FUL Mixed residential development of 75 dwellings (including 8 affordable units), formation of vehicular access; provision of open space and associated landscape and infrastructure improvements Land Opposite Ellesmere Drive Ellesmere Road Shrewsbury Shropshire  
Considered by Planning Committee on 26<sup>th</sup> June 2014**

- 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. A development of up to 75 dwellings is proposed.
- **Development Plan Considerations**

The site is located outside of the Shrewsbury Urban Area as defined by the development boundary on the Proposals Map of the Borough Local Plan, which remains in effect as a saved local plan policy although is now out of date. Core Strategy Policy CS2

Shrewsbury Development Strategy is 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 Development Plan Document, to provide the balance of the housing land required'.

- **How the proposal sits in relation to the emerging 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 constraints including the large pool on the southern part of the site and the potential impact of additional traffic on Ellesmere Road/Chester Street. The emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain unresolved objections to the plan.

- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**

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 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. 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

Having regard to the Council's 5yr housing land supply it is understood that the intention is to bring this site forward for development which would help to address the impact of under delivery. In addition this is a full planning application where all details have been considered for consideration and found to be acceptable . There are considered to be no

other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme.

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

- **A Section 106 Legal Agreement to secure the developer contributions and provisions as outlined in paragraph 6.9 of the report to committee of 26<sup>th</sup> June 2014; and**
- **The conditions as set out in Appendix 1 to that report.**

**12 13/04967/OUT Outline planning application for up to 20 dwellings (indicative) to include access Development West Of Caradoc View Hanwood Shropshire Shropshire  
Considered by Planning Committee on 26<sup>th</sup> June 2014**

- This is considered to be a site where sustainable development can be accommodated and has been considered in some detail in the original report to committee.

- **Development Plan Considerations**

The application site is currently 'countryside' in planning policy terms. 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.

- **How the proposal sits in relation to the emerging SAMDev Plan,**

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. Hanwood and Hanwood Bank are coming forward as a 'Community Cluster' and the submitted plan 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 Parish Council's aspirations regarding the location of new development within Hanwood.

- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**

The proposal is considered to represent a sustainable form of development and the adverse impacts of granting permission for housing would not significantly or demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. Approving this development would be contrary to the Parish Council's wishes for the village of Hanwood/Hanwood Bank. 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 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'.

Having regard to the Council's 5yr housing land supply position, given that the site has been considered to be sustainable, the balance of considerations rests with the objective of significantly boosting the supply of housing against the impacts of the development in this location as a site not included in the SAMDev plan. In order to promote delivery of the scheme it is proposed that the grant of outline planning permission is restricted to one year and a planning condition will be included to this effect. The officer recommendation, having regard to these factors is to therefore to maintain a recommendation for approval.

### **Recommendation**

**Recommendation:- Grant Permission subject to an additional condition to limit the permission to a period of 12 months, the conditions recommended previously and Section 106 legal agreement to secure affordable housing.**





Committee and date

Central Planning Committee

18 September 2014

## SCHEDULE OF APPEALS AND APPEAL DECISIONS

<b>LPA reference</b>	13/00626/OUT
<b>Appeal against</b>	Appeal against Refusal
<b>Appellant</b>	Baytown Properties PCC Limited
<b>Proposal</b>	Outline application for residential development to include access.
<b>Location</b>	Land Adjacent 27 Darville, Shrewsbury.
<b>Date of application</b>	20.02.2013
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	29.01.2014
<b>Date of appeal</b>	25.07.2014
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

<b>LPA reference</b>	13/03709/FUL
<b>Appeal against</b>	Appeal against Refusal
<b>Appellant</b>	Mr & Mrs J Kwaterski
<b>Proposal</b>	Erection of six bedroom dwelling following demolition of existing dwelling and garage.
<b>Location</b>	Spring Cottage, Lyth Hill, Lyth Bank, Shrewsbury.
<b>Date of application</b>	13.09.2013
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	01.07.2014
<b>Date of appeal</b>	21.08.2014
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

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