



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

Date: Wednesday, 5 November 2014

**Committee:
Central Planning Committee**

Date: Thursday, 13 November 2014
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

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

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

Members of the Committee

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

Substitute Members of the Committee

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

Your Committee Officer is:

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

AGENDA

1 Apologies for absence

To receive apologies for absence.

2 Minutes (Pages 1 - 10)

To confirm the Minutes of the meeting of the Central Planning Committee held on 16 October 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 Development Land East of Station Road, Condover, Shrewsbury (14/00335/OUT) (Pages 11 - 36)

Outline application (access, layout and scale) for the erection of 47 dwellings (7 affordable), school hall, car parking area and enlarged school playing field for existing school, allotments, village green and informal open space (amended description).

6 Proposed Development Land South Of Plealey Lane, Longden, Shropshire (14/01704/OUT) (Pages 37 - 62)

Outline application for the erection of 35 dwellings to include means of access, together with resiting of school football pitch, provision of extended school car park and new school access (amended description).

7 Development Land North Of A458 Ford Shrewsbury Shropshire (14/01819/OUT) (Pages 63 - 78)

Outline application (access for approval) for mixed residential development.

8 Shropshire Ambulance Service Ambulance Station, Abbey Foregate, Shrewsbury, SY2 6LX (14/03303/FUL) (Pages 79 - 94)

Change of Use of former ambulance station to A1 retail including the provision of two C3 residential units and the erection of thirteen dwellings.

9 Land West Of Mulberry House Great Ryton Shrewsbury Shropshire SY5 7LW (14/03338/OUT) (Pages 95 - 110)

Outline Application for the erection of 2No dwellings (to include access).

10 Proposed Residential Development to the NW Of Ford, Shrewsbury, Shropshire (14/03451/FUL) (Pages 111 - 128)

Erection of 2 no. dwellings with associated garages; formation of vehicular access.

11 Schedule of Appeals and Appeal Decisions (Pages 129 - 134)

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, 11 December 2014 in the Shrewsbury Room, Shirehall.

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Committee and Date

Central Planning Committee

13 November 2014

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 16 October 2014

2.00 - 5.25 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

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

Present

Councillor Vernon Bushell (Chairman)

Councillors Ted Clarke (Vice Chairman), Andrew Bannerman, Dean Carroll, Miles Kenny, Pamela Moseley, Peter Nutting, Kevin Parry and Tim Barker (Substitute) (substitute for Tudor Bebb)

51 Apologies for absence

Apologies for absence were received from Councillors Tudor Bebb (Substitute: Councillor Tim Barker), Jane MacKenzie and David Roberts.

52 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 18 September 2014 be approved as a correct record and signed by the Chairman.

53 Public Question Time

There were no public questions, statements or petitions received.

54 Disclosable Pecuniary Interests

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

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

With reference to planning application 14/00335/OUT, Councillor Tim Barker stated that he had advised and supported the Parish Council in opposing this application. He would make a statement and withdraw from the table and take no part in the consideration of, or voting on, this application.

With reference to planning application 14/00246/OUT, Councillor Miles Kenny stated that he had attended pre-meetings in respect of this application but remained open-minded.

55 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

The Principal Planner introduced the application.

RESOLVED:

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

- An amendment to Condition No. 2 to limit the submission of the Reserved Matters application to a period of two years after approval of this Outline;
- The additional Conditions recommended previously; and
- A Section 106 Legal Agreement to secure affordable housing.

56 Development Of Land At Churncote/Bicton/Bicton Heath Off Welshpool Road, Shrewsbury, Shropshire (14/00246/OUT)

The Area Planning and Building Control Manager introduced the application and confirmed that Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location, layout, elevations and access. He suggested that, if Members were minded to approve, additional conditions be added to give Officers delegated authority to agree with the applicant the amount of hedgerow to be removed and to vary conditions subject to them not being substantially different to those stated in the report.

Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting, and which detailed an amended recommendation and further comments from the Planning Officer and agent.

Mr D Kilby, a local resident and representing SWRA, SPFA and Bicton Neighbourhood Plan Steering Group, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- Contrary to the National Planning Policy Framework (NPPF) – applications should take into account the economic, social and environmental factors and reflect community needs.

- There would be a shortage of school places by 2015 and this proposal would exacerbate this;
- In places there would be no footpath and insufficient space for two vehicles to pass;
- No Health Impact Assessment, Needs Assessment or Environment Assessment had been submitted;
- Trees would be lost;
- Strong and sustainable development should respect the character of the countryside, so would contrary to planning policy;
- Oxon Touring Park might close in the future as a result of this development;
- Would create congestion;
- Inadequate open space provision; and
- Contrary to the NPPF - A collective and collaborative approach should be undertaken to planning.

Councillor P Adams, a local Councillor, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- Due to an unsatisfactory consultation exercise, he requested deferral of the application so that everyone could have a chance to put forward their preferences; and
- The number of accesses onto Shepherd Lane would be excessive and to reduce the number of accesses he suggested that houses along this Lane should be as the initial proposal.

Ms K Else, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- Would be a sustainable and would provide housing and employment growth;
- Detailed discussions had taken place with Planning, Highways and Drainage Officers prior to submission;
- Proposal took into consideration the proposed link road;
- The layout had been designed to take account of the restrictions along Shepherds Lane and would provide a betterment;
- Would provide open public space; and
- Would not be contrary to the NPPF, national guidance or local planning policies.

In response to comments, the Area Planning and Building Control Manager explained that notwithstanding the quality of consultation undertaken by the applicant, Shropshire Council had fulfilled its own consultation requirements and the public had been afforded the opportunity to comment. The level of consultation undertaken by the developer would not be a material consideration in the determination of the application and the proposal should be considered on its own merits.

The Senior Specialist – Planning Policy in referring to the report provided clarification on the infrastructure contributions, which included contributions towards education.

In the ensuing debate, some Members suggested deferral of the application in order that the applicant could address issues regarding rights of way, drainage, affordable housing provision, density, trees, inadequate and inappropriately placed open space/play areas, highways, impact on the hedgerows, the number of access/egresses onto Shepherds Lane, pedestrian/cycle routes, design of the houses and allocation of parking spaces per dwelling. Some Members questioned if the demand for two-bedroom dwellings had been acknowledged and resolved and had enough been done to mitigate the use of cars.

In response to further comments, the Area Planning and Building Control Manager explained there would be no intention of blocking-up any rights of way; no objections had been received from Rights of Way and Drainage Officers; location of the play area had been deemed to be appropriate; and the boulevard had been created to protect trees.

Members considered the submitted plans, noted the comments of all speakers and on the Chairman's casting vote it was

RESOLVED:

That planning permission be granted as per the amended Officer's recommendation as detailed in the Schedule of Additional Letters, subject to:

- The completion of a S106 Legal Agreement to secure affordable housing, infrastructure contributions and land as set out in the report and to ensure that funding is provided for mitigation works to be provided to Churncote Island in the event that these are not delivered through planned junction improvement works within the next 10 years;
- The Conditions set out in Appendix 1 to the report, subject to amendment by the Area Planning Manager as set out below;
- An additional Condition relating to the amount of hedgerow to be agreed which will be dealt with through delegated powers to finalise Conditions; and
- The Area Planning Manager be given delegated authority to vary conditions subject to them not being substantially different to those stated in the report.

57 Proposed Development Land East of Station Road, Condover, Shrewsbury, Shropshire (14/00335/OUT)

The Principal Planner introduced the application and confirmed that Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location and layout.

Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting which detailed comments from Shropshire Council's Archaeologist.

Mr J Casewell, 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:

- Would not be sustainable;
- Would lose agricultural land;
- Not included in Site Allocations and Management Development (SAMDev) Plan. Other sites had been identified. Local views should be taken into account;
- Would alter the character of Condover;
- The cumulative impact of this application and other new developments in the area would lead to a substantial increase in traffic;
- Pedestrians/cyclists already at risk from current traffic levels;
- The lane regularly floods and access cut-off as a result;
- Sewerage already struggles to cope with storm water; and
- Contrary to the NPPF.

Councillor David Lane, representing 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:

- Development would be outside village boundary;
- Some of the land was classified as Grade 2;
- Alternative sites should be considered if Greater Crested Newts present;
- High archaeological potential so would be contrary to the NPPF;
- This was a Greenfield site; and
- The cumulative impact of this and other applications would be detrimental to the area.

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

- Officers were recommending approval;
- In accordance with the NPPF and CS4;
- Would provide a range of dwellings including affordable housing, open space, allotments and additional school facilities;
- New school facilities supported by School Governors;
- No technical objections from drainage, archaeology and highways;
- Proposal submitted following consultation with Planning Officers; and
- Would be sustainable.

In accordance with his declaration at Minute No. 54 and 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 Tim Barker, as the local Ward Councillor, made a statement and then left the table, took no part in the debate and did not vote. During his statement the following points were raised:

- Following extensive consultation in the area, other sites for development had been identified in the SAMDev process;
- Drainage, surface water flows and archaeology issues;
- No prospect of employment in the area, so residents would have to commute to work;
- School was full;
- The development had some elements of sustainability, however, the aspects of unsustainability far outweighed the positives; and
- Cumulative impact of this and other developments would be detrimental to the area and social cohesion.

In response to comments and questions, the Principal Planner confirmed that the application site:

- Was classified as being a mix of Grade 2 and 3 quality agricultural land;
- The village benefitted from a range of essential services and facilities, including school, social club, Post Office, village shop, butchers, sporting facilities;
- The school could accommodate additional pupils;
- Drainage provision had been deemed to be adequate;
- Would provide affordable housing and CIL monies;
- Minsterley Motors ran 10 daily bus services approximately every hour;
- No objections had been received from Shropshire Council's Highway Officers or the Highway Agency;
- There were a number of large agricultural employers in the area;

And referred to:

- The NPPF, Paragraph 112 which indicated that development should not be precluded on agricultural land when any economic benefits of housing outweighed the loss of agricultural land;
- Following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council's position (as published in an amended Five Year Housing Land Supply Statement on 12/08/14) was that it had identified a housing supply of 5.47 years for Shropshire which was sufficient to address the NPPF five year housing land supply requirements. In the calculation of the five years' supply, the Council recognised that full weight could not yet be attributed to the SAMDev Final Plan housing policies where there were significant unresolved objections. Full weight would be applicable on adoption of the Plan following examination but, even as that document proceeded closer to adoption, sustainable sites for housing where any adverse impacts did not significantly and demonstrably outweigh the benefits of the development would still have a strong presumption in favour of permission under the NPPF, as the five year housing supply was a minimum requirement and the NPPF aim of significantly boosting housing supply remained a material consideration; and

- The local community through the Parish Council had expressed an aspiration for 20-25 dwellings over the remaining plan period (up to 2026) in the SAMDev pre-submission draft.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

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

- The proposal will represent an unsustainable form of development as the cumulative harm caused by the loss of good quality agricultural land; inadequate public transport provision; the inability of small scale facilities in Condover to cope with additional demand; the safety of the vehicular junction of Station Road and the A49; and together with ecological, archaeological and drainage issues will significantly and demonstrably outweigh the benefits. As such Members consider that the proposal is contrary to the policies in the NPPF taken as a whole.

58 Land South Of Holcroft Way Cross Houses, Shrewsbury, Shropshire (14/02406/OUT)

With reference to Minute No. 45, the Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and access.

Members had undertaken a site visit on a previous occasion and had viewed the site and assessed the impact of the proposal on the surrounding area.

Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting which detailed comments from the agent, Parish Council and the Planning Officer.

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

- She reiterated her concerns made at the previous meeting regarding highway safety and access;
- Further development would follow; and
- If minded to approve, she requested that two additional Vehicle Activated Signs (VAS's) be provided to ensure that there would be two on the approach to the mini roundabout when travelling from Shrewsbury and two on the approach to the zebra crossing when travelling from Cressage; and
- Any subsequent application for reserved matters be considered by this Committee.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

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

- A S106 Legal Agreement 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;
- In the interests of public and highway safety, two additional Vehicle Activated Signs (VAS's) be provided to ensure that there will be two on the approach to the mini roundabout when travelling from Shrewsbury and two on the approach to the zebra crossing when travelling from Cressage;
- The publically adoptable road on the NW side of the site as shown on the Indicative Site Plan being retained as such in the Reserved Matters application to enable future road link options;
- The conditions set out in Appendix 1 to the report; and
- Any subsequent application for reserved matters being considered by this Committee.

59 The Old School, Hookagate, Shrewsbury, Shropshire, SY5 8BE (14/03059/FUL)

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

Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting, and which detailed further comments from an objector and a supporter. Members also noted that a request had recently been forwarded to English Heritage requesting that consideration be given to designating the Old School House as a Listed Building.

Mrs J Allen, 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:

- Longden Road already suffered from a high volume of traffic and the additional traffic resulting from this proposal would further exacerbate this;
- Insufficient parking provision on site would result in an increase in on-street parking;
- The access would be widened within inches of a public bench;
- The proposed extension would be very close to her boundary and would impact on her privacy;
- Trees had already been removed; and

- Would suffer from exhaust, light and noise pollution and all the associated health risks.

Councillor P Carter, representing Longden 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:

- Originally a small school with relatively low traffic flow;
- The phone box had been designated as a public facility but had been removed by the applicant;
- Would impact on the ability of residents to access their properties;
- Would increase flow of traffic through village;
- Impact on privacy;
- The entrance required the use of common land; and
- Many trees had already been removed.

Mrs J Phillips, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- Already ran a successful nursery in Bayston Hill;
- The proposal constituted an investment in facilities and staff; and
- Sustainable, would provide long-term employment and would return the building to its intended use.

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:

- This nursery would be situated in a totally different environment to that of the nursery in Bayston Hill;
- Site entrance would be situated on a slope, which would be very dangerous in icy weather; and
- This was already a very busy road and further traffic would impact on highway safety and would create congestion.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Some Members expressed concerns regarding the potential for an increase in traffic movements, the limited turning area and its associated impact on the Yew tree, and the impact of the proposal on neighbouring properties. Other Members acknowledged that that the building was designated as a school and on the Chairman's casting vote it was

RESOLVED:

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

60 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the central area as at 16 October 2014 be noted.

61 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Central Planning Committee would be held at 2.00 p.m. on Thursday, 13 November 2014 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:



Committee and date
 Central Planning Committee
 13 November 2014

Development Management Report

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

Summary of Application

Application Number: 14/00335/OUT	Parish:	Condover
Proposal: Outline application (access, layout and scale) for the erection of 47 dwellings (7 affordable), school hall, car parking area and enlarged school playing field for existing school, allotments, village green and informal open space (amended description).		
Site Address: Proposed Development Land East Of Station Road Condover Shrewsbury Shropshire		
Applicant: Morris Property		
Case Officer: Andrew Gittins	email: planningdmc@shropshire.gov.uk	

Grid Ref: 349180 - 306317



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ADDENDUM to 16th October 2014 Report

Members gave a resolution to refuse the application on the following grounds:

“The proposal will represent an unsustainable form of development as the cumulative harm caused by the loss of good quality agricultural land; inadequate public transport provision; the inability of small scale facilities in Condover to cope with additional demand; the safety of the vehicular junction of Station Road and the A49; together with ecological, archaeological and drainage issues will significantly and demonstrably outweigh the benefits. As such Members consider that the proposal is contrary to the policies in the NPPF taken as a whole.”

However in accordance with Part 5, Section 17.4 of the Shropshire Council Constitution Officers refer this item to Members to explain the risks and implications of the contrary decision.

- As outlined by the Principal Planning Officer at the October Committee Meeting the fact that the site is a mix of grade 2 and 3 quality agricultural land is not a stand alone reason to refuse consent for the reason outlined in paragraph 6.1.10 of the October Committee Report:

Grade of Agricultural Land

The application site is classified as a mix of Grade 2 and 3 quality agricultural land which represents very good – moderate. Paragraph 112 of the NPPF advises Local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land and outlines that where significant development of agricultural land is demonstrated to be necessary as in this case, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. This is a single consideration in the balance of whether the any harm significantly and demonstrably outweighs the benefits. Part of this consideration must take into account the benefits of delivering housing, including affordable, contributions to community infrastructure, provision of improved and new community facilities in a highly sustainable location immediately adjacent to a proposed Community Cluster with a range of services and facilities with good transport links to larger settlements. As such officers must advise that proportionate weight should be given to the agricultural land quality.

- Members considered that public transport provision was inadequate. However paragraph 6.1.6 of the October Committee Report outlines that:

Minsterley Motors run the 435 bus service through the village between Shrewsbury, Church Stretton and Ludlow, with 10 daily services approximately every hour on Monday-Friday between 07:15 and 17:40 from Shrewsbury and 07:00 and 17:50 from Ludlow with 6 services on a Saturday.

It is therefore contended by Officers that Condover is well served by public transport, and that the development is sustainable due to the village benefiting from a range of essential services and facilities including Primary School, social club, village shop with post office and butchers. The village also has a church, 18 hole golf course, cricket and football pitch and Condover Hall which currently hosts children’s residential adventure holidays. In addition to local employment provided by a number of large agricultural employers including G.H Davies (Farms Ltd and Home Farm, (Cartwright family), which specialises in growing potatoes and rearing Kelly Bronze turkeys and has converted some barns into a Farm Friends Children’s Day Nursery

together with a well-established rural industrial estate. Officers would therefore advise Members that a reason for refusal based on lack of public transport and lack of services would not be defensible at appeal.

- Members stated that the facilities in Condover are small scale and would be unable to cope with additional demand. However there has been a systemic decline in rural services over the last few decades due to the bulk buying power of large supermarkets offering more products at a cheaper price, the rise of internet shopping and the lack of new housing in rural areas. It is reasonable to assume that occupants of the proposed development would conduct a weekly shop in Shrewsbury or Church Stretton which may be in association with other trips for work or leisure purposes, and that they would not be solely reliant on the local shop for all of their convenience goods. However this does not render the development unsustainable as occupants have access to a plethora of other services which would be accessible on foot. Furthermore, any additional demand created could lead to employment opportunities for local residents. As such Members are advised that refusal on these grounds would be unsustainable.
- No objections have been received from Shropshire Council Ecology, Archaeology, Drainage or Highways or the Highways Agency and therefore refusal on these grounds could not be defended.

In addition following, the previous committee the applicant/agent has submitted the following information in support of the application:

Plans illustrating:

- Additional footpath proposed 'on site' to link with the sports ground
- Existing proposed 'on site' footpath
- Proposed footpath linking site to village center along existing grass verge
- Employment locations in the vicinity / region to counter this concern

The applicant has met with the Head Teacher of Condover Primary School who has outlined that the school has a need for a double classroom unit. The Council's Learning and Skills Officer has confirmed that Shropshire Council as the land owner would adopt this building which could then be transferred to the school by way of a separate legal agreement.

In addition, then applicant/agent has been in contact with the landowner regarding the loss of farmland, who has provided the following comments:

'From a farming point of view the field is relatively small in size for today's large machinery. The awkward shape of the field means many operations are overlapped. Therefore the land is operationally inefficient. The existing pond adds to this as it is an environmental issue when using insecticides and pesticides. The boundaries along people's gardens and the school are again an issue for the use of insecticides and pesticides.'

It was suggested in the Committee meeting that the landowner was owner of the two allocated sites in Condover which should be built on first. Whilst this is not a material planning consideration, the applicant/agent has confirmed that this is not the case and that the landowner does not own the other allocated sites.

Accordingly Officers advise Members to re-consider the resolution and if minded to issue a further refusal that this must be based on defensible reasons.

REPORT

Recommendation:

Grant permission subject to conditions attached in Appendix 1 and a Section 106 legal agreement to secure:

- **Affordable housing**
- **Provision of allotments, school / community hall, playing field and school drop-off / pick-up area in accordance with an agreed timetable.**

1.0 THE PROPOSAL

1.1 The proposal is an outline application to include access, layout and scale for the erection of 47 dwellings to include 7 affordable units, school hall, car parking area and enlarged school playing field for existing school, together with 16 half size allotments (standard size of 5 poles - approximately 125m²), village green, semi-natural / informal open space and play area. This is an amended description following the omission of the sports clubhouse and bar; however the land has been retained within the application site boundary for the future provision of these facilities should the community aspiration to develop these facilities arise. The layout of the cluster of dwellings on Station Road has been amended on the 7th October 2014 to take into account the results of a geophysical survey which identified the alignment of former pits which are a feature of archaeological interest.

1.2 The scheme proposes 16 x two-bed, 16 x three-bed, 6 x four-bed, 2 x five-bed, 4 x six-bed houses and 3 x three-bed bungalows. 15% of these dwellings will be affordable which include 5 x socially rented and 2 x shared ownership properties provided in the form of 4 x two-bed and 3 x three-bed properties creating a 47 dwelling development. The plan illustrates that the dwellings would be delivered in two distinctly separate areas with 23 dwellings accessed off Station Road to the west with the remaining 24 accessed off Allfield Lane to the east.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is a 3.10 hectare piece of grade 3 (good to moderate quality) agricultural land located immediately adjacent to the village of Condover. The site is separated from the Conservation Area to the south-east by the playing field of Condover Primary School.

2.2 The whole 5.3 hectare site was submitted by the land owner for consideration under the SAMDev process and progressed to the Stage 2b Assessment but did not progress beyond this stage as the release of land on this scale was not deemed necessary to meet the community aspirations for local development.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Condover Parish Council have submitted a view contrary to officers recommendation for approval based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area

Manager in consultation with the committee chairman, vice chairman and the Local Member agree that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Condover Parish Council (7th July 2014) – In response to amended plans.

At Condover Parish Councils full meeting on 1st July 2014, councillors again agreed to object to this planning application. We refer you to our previous objection which are displayed on the planning website (dated 6/3/14). Additional comments:- **1) Hedging.** We note that the hedge has been reinstated to the east of the proposed development but it has not been reinstated to the west. **2) SC Archaeology (Historic Environment).** We note both the detail and the designation of the site as having “high archaeological potential”. At this stage we do not want to comment until the recommended follow up activities are completed and final reports available. **3) Surface water.** We note that the proposed development includes the addition of 1.45ha of impermeable surface and that more than 5 months after the original application there is still no specific plan on how surface water will be dealt with. At this stage we do not want to comment until a detailed plan is available. **4) Foul water.** We note that it is intended to pump into the village sewerage system. However we also note that there is no detail provided on the capacity of the existing system or any budget identified for required upgrades. **5) Spending of CIL money.** The Parish Council will not support the spending of any CIL money on the proposed school parking area or the proposed school hall or required drainage/sewerage upgrades. **6) Environmental.** A) We note that the required environmental surveys are still not completed. B) We note that Natural England have not made any specific comments reference this proposed development. We trust that they will be invited to do so after the final environmental surveys are available. C) We note that the migration of any potential Great Crested Newt population back to the pond for breeding was made almost impossible by the introduction of sheep on the 10/3/14 and exacerbated by localised feeding next to the pond (see photographs below). D) We note that following the ploughing of the site and subsequent sowing of wheat that we have not seen any Barn Owl’s visiting/hunting on the site this spring/summer. E) At this stage we do not want to comment further until all the environmental reports are available. We trust that Shropshire Council planning will not be making any recommendations on this development until the Parish Council have had the opportunity to comment on pending reports/plans (archaeology, environmental and surface water)

7th March 2014:

The Parish Council wishes to oppose the above application based on the following:
1) Environmental (reference NPPF 27/3/12 section 11).

The land proposed for development is rough un-grazed grassland, to the North it is sloping and to the South it is flat, waterlogged and has a pond.

The developer’s environmental report points out that the pond on the site is an “excellent” habitat for Great Crested Newts. It would surprise us greatly if their residence is not proven as we already have GCN populations confirmed at both nearby quarries.

When you put this together with the potential of bats living on the site (also included in the developers environmental report) and local knowledge that the site is hunted by Barn Owl's (which can be seen quartering the field during early morning and late evening during the spring/summer in particular). We consider that it would be far more suitable to have the site declared an SSI rather than build on it.

The NPPF references that land for development should prefer land of lesser environmental value. We would point out that alternative brownfield land is already identified within the village VDS. Also that if the land included in the Village Design Statement (VDS) were to be developed instead, there would no requirement to compensate for lost habitat by creating new equivalent areas nearby (also referenced in the NPPF).

2) Neighbourhood Plan

This application breaches Condover Village Design Statement (VDS) which was adopted in 2010.

This VDS was based on local community consultation in the preparation of the 2009 Condover Parish Plan and ratified through two further public consultations between 2010 and the current day.

Specifically the proposed development breaches:-

- a) The Village development boundary.
- b) The proposed 47 homes is double the number included in the VDS.
- c) The VDS calls for housing development to be phased over the next 15 years (not in one big chunk).

Note that the land covered by this application is owned by the same landowner who owns (or until recently owned) two sections of land which are currently supported in the VDS for development.

3) Shropshire Council - Local Plan

We formally registered a concern by letter to Keith Barrows (with copy to Clive Wright, Mal Price, Tim Barker and Dave Wallace) dated 06/02/13 that delay in adopting SAMDEV was creating an opportunity for developers to sidestep all of the hard work which had been done in the drafting of the Policy and preparation of neighborhood plans.

At all stages our VDS has been promptly submitted to Shropshire Council as part of the continually ongoing SAMDEV process.

4.1.2 SC Highways (8th October 2014): No objection subject to conditions and s106.

The local highway authority makes no objection to the granting of consent.

We raised some initial concern regarding a number of aspects to the application including the increased use of Station Road, the position of the proposed footway along Shrewsbury Road, which was originally shown behind the existing hedge so would have been isolated from the road and the proposed school drop-off parking. These issues have now been addressed by the applicant as we have agreed in principle to a section 106 agreement, or an appropriate planning condition to secure

the formalisation of a number of passing places along Station Road and amendments have been made to the scheme along Shrewsbury Road to meet our requirements.

From an infrastructure perspective, the proposed development would appear to be a sensible extension to Condoover and the applicant has included details of how the development will connect with existing walking routes into the village. By splitting access between Station Road and Shrewsbury Road this should spread any resulting additional traffic movements in the area, which are not expected to be significant from the number of units proposed. We would comment that whilst it could be considered undesirable to increase vehicle movements along Station Road, the Highways Agency whilst acknowledging the shortcomings of the junction with the A49 have not objected to the development. We expect that any increase in vehicle movements along Station Road will be minimal, but nevertheless we expect some increase and therefore some mitigation works are required to widen localised areas of the road where traffic is currently overrunning the verge to pass one another.

A layby has been proposed by the applicant on Shrewsbury Road near the school to address some of the parking problems that currently occur in this area and we anticipate that this would be adopted as part of the highway.

We understand that the proposed estate roads will be offered up for adoption and therefore a s38 agreement under the Highways Act 1980 will be required with the local highway authority. Due to this a condition is required for the technical approval of the access works:

4.1.3 SC Ecology (4th September 2014): No objection subject to the attachment of conditions and informative(s).

Great Crested Newts

Worsfold (2014) carried out great crested newt (GCN) presence/absence surveys of two ponds between the 31st March and 1st June 2014. Six visits were carried out on both ponds. The maximum count at Pond 1 was one and at Pond 2 six, indicating a 'small' population. Eggs were found in both ponds so breeding is confirmed.

A licence from Natural England will be necessary before the development can go ahead. Mitigation will entail fencing and trapping GCN from the site. Compensation will be needed in the form of at least one hibernaculum, indicated in the south east corner of the site close to Pond 2. The amended Site Plan indicates retention of Pond 1 with Pond 2 just outside the site boundary.

The Proposed Site Layout indicates an area of semi-natural informal open space to the north of Pond 1. This is welcomed, particular if it can be managed to be suitable for barn owl feeding (see bird section below). However in order to maintain the favourable conservation of GCN at the site, it will be necessary to manage Pond 1 in a sympathetic manner and also manage the GCN mitigation area where the hibernaculum is proposed as a natural grassland area. It is recommended that the following condition is imposed to require details of a habitat management plan.

I have provided a European Protected Species 3 tests matrix. The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered. The form provides guidance on completing sections 1 and 2 but please get in touch if additional assistance is required.

4.1.4 SC Drainage (7th March 2014): The drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission is granted.

4.1.5 Highways Agency: No objection.

4.1.6 SC Learning & Skills (5th Aug 2014): Shropshire Council Learning and Skills would emphasise that any enhancements to the school building and site, undertaken as part of this scheme, need to be fully agreed by the LA and the school before its commencement. Those enhancements depicted on the applicants current plan may not necessarily be those ultimately agreed.

(11th Mar 2014):

: The Local Authority (Shropshire Council Learning and Skills) objects to the proposed development on the following grounds:

' the LA has received no prior consultation on these proposals, which involve land to which it owns the freehold;

' the LA has concerns over the access to proposed car parking and drop-off areas which, positioned on a busy, narrow country road in and out of the village and directly opposite private housing, may become busy and hazardous. The school would, presumably, be expected to take on the management of its daily activity and any problems that would ensue;

' the provision of a school hall is not considered a priority by the LA. Other shortfalls in essential provision are considered to be more pressing;

' should the development ultimately go ahead as proposed, then the school hall would not be desirable as a freestanding unit discrete from the school, as depicted, but would need to be an integral part of the school building;

' overall, the likely increase in traffic activity generated by such a development, being very much in the vicinity of the school, would cause significant concern at peak school times.

4.1.7 SC Archaeology (7th October 2014): No objection subject to attachment of conditions.

Background to Recommendation: Further to my previous consultation responses, the applicant has now provided a geophysical survey report of the proposed development site by Headland Archaeology. Whilst this does not provided any further confirmation of the line of the pit alignment currently recorded on the Shropshire Historic Environment Record (HER PRN 04919), it has identified a series of anomalies on the western side of the development site which are likely to represent a previously unrecorded pit alignment. The only other anomalies identified have been interpreted as being of agricultural features of either medieval or more recent origin.

As a consequence, the proposed development site is deemed to have low-moderate archaeological potential overall, but with localised areas of high potential relating to the possible pit alignments. The applicant had previously amended the layout of the proposed development to avoid the pit alignment currently recorded on the HER. They have now further amended the site layout so that no buildings would be constructed over the line of the newly identified pit alignment on the western side of the site. RECOMMENDATION: It is advised that together the Heritage Impact Assessment by Richard K Morriss & Associates and the Geophysical Survey report by Headland Archaeology now provide a satisfactory level of information about the archaeological interest of the proposed site, and likely impact of the proposed development on that interest, in relation to Paragraph 128 of the NPPF. It is recognised that the further amendment to the site layout will mean that preservation in situ will be achieved for the possible pit alignment currently recorded on the HER near the centre of the site. Likewise, the impact on the newly identified pit alignment on the western side of the site will be minimised. It is advised that this could be further reduced if permitted development rights were removed for the plots along the length of this feature. Given the archaeological potential of the site as outlined above, and in line with Paragraph 141 of the NPPF, it is advised that that a phased programme of archaeological work be made a condition of any planning permission. This should consist of an initial field evaluation comprising targeted trial trenching to test and assess the possible pit alignments. This should be followed by further mitigation as appropriate but comprising a minimum of a watching brief during the construction of the estate roads.

- 4.1.5 SC Trees (19th February 2014):** The proposal does not appear to affect any protected or important amenity trees. A pond and small copse of trees on site are shown as retained. The proposal includes planting of new trees and hedges. **As such there is no objection on the grounds of trees.**
- 4.1.6 Sport England:** No comments received.
- 4.1.7 SC Affordable Housing (19th February 2014):** 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. As the Outline proposal includes both layout and scale for consideration, we have considered the submission in accordance with the current prevailing target rate of 15%. The affordable housing contribution requires 7 dwellings to be affordable together with a financial contribution for the remaining fraction (.05). Our Policy requires a 70:30% split between rented housing (70%) and low cost home ownership (30%). The proposal identifies the whole of the affordable provision as being social rented. We suggest that the proposal is amended to include 2 of the affordable dwelling as being available for low cost home ownership. Also, further information is requested with regard to the location of the proposed affordable dwellings. The affordable dwellings will be required to be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme.

4.1.8 SC Conservation:

Background to Recommendation:

The subject lands lie immediately outside of, but adjacent to, the northerly most boundary of the Condover Conservation Area. The Conservation Area boundary line here runs behind the 19th Century part of the Condover Primary School building as part of the northerly most arm of the Conservation Area. There are no statutorily listed buildings within the site boundary however the Grade II listed Farriers Cottage, a former smithy, located on the north side of Station Road, is just to the south of the site.

Principles of Scheme:

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

These lands are sited at an important gateway entrance to the Condover Conservation Area. Given the proximity of the Conservation Area, the proposed buildings would need to be built to a high quality of design with external materials that harmonise well with the built form in the area, and it would need to be demonstrated that the proposal would not have a significant detrimental impact on the character and appearance of the adjacent Conservation Area. One of the features evident along the entrance into the Conservation Area here from the north is the continuous row of hedging running along the easterly boundary of the site adjacent to the roadway. At least six access points appear to be proposed along this easterly boundary which would disrupt the continuity of this continuous feature hedge which is of some concern with respect to its impact on the setting of the Conservation Area.

Detail:

The submission and approval of external materials should be conditioned. The details of any boundary treatments along the Conservation Area boundary line should be reviewed and approved.

RECOMMENDATION:

In terms of historic environment matters, given that the lands are adjacent to and at a gateway into the Conservation Area, the submission of full design details including external materials and means of enclosure/boundary fencing should be required and conditioned. I would raise initial concerns over the proposed development layout and access points in terms of the easterly site boundary as described in more detail above.

4.2 Public Comments

- 4.2.1** The application has been advertised as a Major form of development and as a Departure from the Development Plan in the Shropshire Star on the 18th February and 20th May 2014 respectively. A Site Notice was also displayed on the 18th February 2014. Neighbouring notification letters were sent to 27 properties which a

common boundary on the 7th July 2014. 27 letters have been received objecting to the proposal. The arguments for opposition can be summarised into the following key points:

- The development is on a greenfield site, there is an owl that hunts there, newts, ancient oak trees and other valuable wildlife. It is a pleasant area, for example, to walk a dog. It is suggested that there are ample brownfield sites in Telford and Shropshire for housing development.
- The land may also be of agricultural value, whilst it hasn't been farmed for several years it may well be fertile and therefore there is potential for agricultural development.
- The traffic into the village would increase dramatically. This would be a concern in the village, for example many existing roads are narrow and struggle to accommodate passing traffic (for example Station Road), many roads do not have street lights, something which is considered desirable by villagers, and many roads do not have proper pavements. Furthermore there is a local school and that increased traffic would be particularly dangerous around school children. Furthermore it would increase traffic coming onto and off the A49. The main junction to Condover off the A49 is already considered dangerous by some, it is already difficult to turn onto the A49 at peak times and the speed limit on this section of the A49 is too high at 60mph. However the school acknowledges that the new parking area may actually increase traffic safety around the school and another individual acknowledges that some of these issues could be addressed with the introduction of a 20mph in Condover.
- The development would spoil the rural feel of Condover. It would represent a 20% increase in size and the removal of an attractive rural field. Many residents moved to Condover precisely for this rural feel and for a rural way of life.
- There is an objection to the inclusion of a public house in the development. There are two licenced premises in the village, although there is not a pub, and it is felt that business would suffer, particularly in the current economic climate. It is suggested (albeit without evidence) that the majority of village residents do not want a new pub at all. It is also suggested that the village does not want a clubhouse and does not need allotments.
- It is acknowledged that there is a need for affordable houses; however of the 47 properties being built, just 7 are affordable. Some of the others are particularly large and will have up to 6 bedrooms. It is felt that this development will not help young people and will not address the existing housing crisis.
- It is suggested that the infrastructure, for example the primary school, of Condover will be unable to cope with the population increase. It should be noted however that the governors of the primary school have written a letter of support welcoming the development and relishing the opportunity for the school to expand.
- There is a concern as to whether the sewage and water pipe system will be able to cope.
- Some have expressed personal concern that the development will decrease the value of their property.

- There is a worry that there is simply too much development planned around Conover, in addition to this housing development there are planned developments of solar panels and wind turbines locally.

There was also a single letter of support, from the governors of the local primary school, as mentioned previously, and three neutral comments regarding speed limits and rural preservation.

5.0 THE MAIN ISSUES

Principle of development

Layout and Scale

Access

Impact on local residential amenity

Other matters

- **Affordable Housing**
- **Surface Water Drainage**

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** When assessed against saved SABC Local Plan Policy *H3: Housing in Villages with Development Boundaries* the site is located outside but immediately adjoining the northern boundary of the Condover Village Development Boundary. Therefore under the existing development plan the site would be considered to be located within countryside. Policy CS5 of the Shropshire LDF Core Strategy does not generally support the provision of new open market residential development in the countryside.
- 6.1.4** Shropshire Council has adopted Core Strategy and *CS4: Community Hubs and Community Clusters* which outlines that 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** Within the SAMDev Pre-Submission Draft submitted to the Secretary of State for examination on the 31st July 2014 the village of Condover has been included as a Community Cluster under Core Strategy Policy CS4 along with Dorrington and Stapleton. Emerging policy S16.2 (vii) *Community Hub and Cluster Settlements* outlines that development by infilling, groups of houses and conversions may be acceptable on suitable sites within the development boundary identified on the Policies Map, with housing guidelines of around 20-25 in Condover. There are allocated housing sites in Condover which are identified on the Policies Map (insert below) with the Parish Council's Village Design Statement seeking to phase development of the two sites whilst stressing the need for the sites to include an element of affordable housing. The allocated sites are (CON006) Land opposite School and (CON005) Land east of the Shrewsbury Road and both have provision for 5-10 dwellings.
- 6.1.6** Condover is a village comprised of approximately 310 dwellings accommodating 721 residents located with the Condover Parish which has 857 properties accommodating a population of 1,957. The village is accessed off the A49 along Station Road and Allfield Lane. The village benefits from a range of essential services and facilities including Primary School, social club, post office and village shop and butchers. The village also has a church, 18 hole golf course, cricket and football teams and Condover Hall which currently hosts children's residential adventure holidays. The nearest Secondary Schools are at Meole Brace, Shrewsbury or Church Stretton. Minsterley Motors run the 435 bus service through the village between Shrewsbury, Church Stretton and Ludlow, with 10 daily services approximately every hour on Monday-Friday between 07:15 and 17:40 from Shrewsbury and 07:00 and 17:50 from Ludlow with 6 services on a Saturday. Regional Cycle Route 32/33 which runs from, Betton Strange to Great Ryton passes through the village. There are a number of large agricultural employers including G.H Davies (Farms Ltd and Home Farm, (Cartwright family), which specialises in growing potatoes and rearing Kelly Bronze turkeys and has converted some barns into a Farm Friends Day Nursery. In additional 5.170 of the Explanation to *Area Wide Policies* the SAMDev Pre-

Submission Draft outlines that there are a number of well-established existing rural industrial estates and employment sites in the rural area, including the complex of rural buildings at Condover and Dorrington. The SAMDev documents notes how these sites make an important contribution to the overall provision of employment land and buildings, and to the rural economy.

The site is located immediately adjoining the northern boundary of the village development boundary and it is considered that these services that are all within an easy walking distance of the application site. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services without over reliance or long journeys by private motor car.

6.1.7 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:

- 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.

6.1.8 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 47 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.

6.1.9 Social role – Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in smaller settlements where it will support facilities within the settlement and those nearby, thereby helping to retain services and enhancing the vitality of rural communities.

Providing housing will support and maintain existing facilities and will benefit both the existing and future residents and help meet the needs of present and future generations. It is considered that the additional 47 dwellings now proposed would not provide any significant additional pressure on services that would render them unable to sustain services for residents. The proposed allotments, semi-natural / informal recreational space, play area, school car park and hall will actually enhance the service level provision within Condover.

6.1.10 Environmental role –

Grade of Agricultural Land

The application site is classified as a mix of Grade 2 and 3 quality agricultural land which represents very good – moderate. Paragraph 112 of the NPPF advises Local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land and outlines that where significant development of agricultural land is demonstrated to be necessary as in this case, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. This is a single consideration in the balance of whether the any harm significantly and demonstrably outweighs the benefits. Part of this consideration must take into account the benefits of delivering housing, including affordable, contributions to community infrastructure, provision of improved and new community facilities in a highly sustainable location immediately adjacent to a proposed Community Cluster with a range of services and facilities with good transport links to larger settlements. As such officers must advise that proportionate weight should be given to the agricultural land quality.

Ecology

The site has no ecological designation and it is currently utilised as a ploughed agricultural field. Whilst the scheme includes the removal of the hedge adjacent to Allfield Lane, this is not considered to be of any significant ecological value and will be replaced with a mixed species hedge providing enhanced ecological value. A Great Crested Newt and Bat survey has been submitted on the 28th July 2014 which has been assessed by the Council's Ecologist who has no objection subject to mitigation measures such as the hibernaculum and enhancement measures including bird and bat boxes. Accordingly the proposal is considered to maintain and enhance the ecological value of the site in accordance with CS17.

Archaeology

The applicant submitted a Heritage Impact Assessment in May 2014 which was assessed by the Council's Archaeologist and subsequently the requested geophysical survey was undertaken and the result submitted on the 3rd October 2014. This survey has led to a minor amendment to the layout of dwellings adjacent to Station Road in order to avoid a pit alignment which is of archaeological interest. Accordingly there is no objection from an archaeological perspective subject to the attachments of conditions including a requirement for an Archaeological Watching Brief as the development is considered capable of safeguarding these features in accordance with the CS6 and CS17. This response is considered to address the Parish Council's concerns about determination prior to the submission of the reports / surveys.

Sustainability

In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible on foot or by cycle and to local services and facilities in Condover and Dorrington, and by public transport to the array of services, facilities and employment opportunities in Shrewsbury and Church Stretton.

6.2 Layout and scale

6.2.1 Development should meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles. This policy states that development should be appropriate in scale, density, pattern and design and should also safeguard residential and local amenity.

6.2.2 The plan illustrates that the proposed dwellings will be in two distinct areas, separated by an area of semi natural informal open space. The area to the west is accessed from Station Road and the area to the east is accessed from Allfield Lane. The scheme proposes a varied mix of house size, design and tenure across the two areas separated by a large area of recreation which creates an extremely low density development which is considered to enhance the gateway entrances into Condover. Accordingly the layout and scale of the proposal are considered in accordance with the requirements of CS6.

6.3 Impact on local residential amenity

6.3.1 The site will have boundaries with the rear gardens of properties on Station Road and will be opposite properties on Allfield Lane. The development has been designed to ensure sufficient distance between habitable rooms and private amenity space so as not to result in any unacceptable overlooking or overbearing impact. Conditions will be imposing restricting construction to standard accepted hours and prevent any burning on-site to protect residential amenities during construction.

6.3.2 The scheme will be beneficial to local amenity as it includes a dedicated off-street car park for the school which will reduce indiscriminate parking on the car outside residential properties; a footpath along Allfield Lane from the centre of the village to the edge of the development, allotments, natural recreational space and children's play area as well as a school hall. Accordingly the proposal is considered to safeguard and enhance residential and local amenity in accordance with CS6.

6.3 Access

6.3.1 The development will served off Allfield Lane (Shrewsbury Road) and Station Road, with a dedicated access to the school car park. The access arrangements have been subject to an iterative process involving Council Planning, Highways and Conservation Officers. The scheme proposes passing places on Station Road which will prove a significant benefit to existing residents as well as benefit of removing on-street school parking and the installation of the highway footpath along Allfield Lane. The Highway's Officer has no objection to the latest revision subject to the attachment of conditions and provision within the section 106 legal agreement for the passing places along Station Road.

6.4 Other matters

6.4.1 Affordable Housing

The application has been referred to the Council's Affordable Housing Officer who has noted that there is a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a Reserved Matters application. The current prevailing target rate for affordable housing in this area is 15%. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. The size and tenure mix of the proposed affordable units is outlined in the introductory section of this report.

6.4.2 Surface Water Drainage

The application has been referred to the Council's Flood and Surface Water Management Team who confirmed on the 7th March 2014 that the drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted. The reserved matters will have to explore the use of soakaways for surface water disposal with 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. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate would have to be submitted for approval. The attenuation drainage system will be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity which will address the element of the existing issue of surface water flooding of Station Road as a consequence of run-off from this site although it must be accepted that this scheme cannot rectify run-off from other surrounding land. However, this scheme will meet its requirements in respect of surface water drainage through the submission and approval of appropriate details at the reserved matters stage which will be implemented prior to any occupation of the dwellings and the scheme will accord with CS18. This addresses one of the concerns of the Parish Council who have also raised concern about the use of the existing mains pumping station to dispose of foul sewerage, which is not a material planning consideration as it has no implications on the authority's statutory duty which relates to surface water drainage only.

7.0 CONCLUSION

The planning application relates to the provision of a mixed residential development in open countryside and would be contrary to Development Plan policies CS4 and CS5 and saved Local Plan Policy HS3 restricting such development. The village of Condover is being promoted as a Community Cluster within an aspiration for 20-25 dwellings on allocated sites in the emerging SAMDev plan. However, the proposed site is located adjacent to the built up area of Condover, which has a number of local facilities and services, and as such the proposal would represent sustainable development for which there is strong support in the NPPF. On balance it is considered that this location can be supported in principle.

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 immediately adjacent to the village. The proposal would have no adverse environmental or ecological implications and would not impact on highway safety. Significant consideration has been given to the layout, scale and access arrangement with only appearance and landscaping reserved for later approval. In addition the developer has confirmed that they are willing to accept a condition requiring the submission of reserved matters within one year as opposed to the normal three, which is a further commitment to the timely delivery of the scheme. It is therefore considered that the developer is committed to implementing a deliverable scheme which will significantly boost housing supply.

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 Conover is a sustainable location for the 47 mixed residential dwellings (over and above the 20-25 put forward by the Parish as part of SAMDev) due to its range of essential services and facilities and its proximity to Dorrington, Shrewsbury and Church Stretton with good access to all public transport reducing reliance on long journeys by private motor car. It is considered that the proposal represents sustainable development that will contribute to providing a balance of available housing and would help support facilities and services in this and neighbouring towns and villages and therefore promote '*strong, vibrant and healthy communities*'. It is therefore recommended that members support this application and grant planning permission in line with clear guidance within the NPPF. Permission, if granted, should be subject to the completion of a S106 Agreement to secure the provision of affordable housing, highway improvement works to Station Road, and community facilities including school car park, hall, allotments, recreation and play facilities in accordance with the Council's 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.

EUROPEAN PROTECTED SPECIES – Consideration of the three tests

Application name and reference number:

14/00335/OUT

Land East of Station Road - Outline application (access, layout and scale) for the erection of 47 dwellings (7 affordable), school hall, car parking area and enlarged school playing field for existing school, allotments, village green and informal open space (amended description).

Date of consideration of three tests:

1st September 2014

Consideration of three tests carried out by:

Alison Slade
Planning Ecologist (01743 252578)
Alison.Slade@Shropshire.gov.uk

1 Is the development ‘in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?

The scheme will deliver 47 new dwellings including 7 affordable housing. Together with a new school hall, dedicate off road parking area (drop off, pick up) which will reduce on street parking beneficial to pedestrian safety. The scheme includes a large area of semi natural open space, retention of a pond, allotments and a play area which are beneficial to the social amenities of the village.

The scheme proposes a great crested newt hibernaculum and requires the works to be undertaken in accordance with a European Protected Species licence and the submission of a habitat management plan which will ensure satisfactory protection of protected species.

2 Is there ‘no satisfactory alternative’?

The onsite benefits provided by this scheme can only be delivered due to its proximity to the school and village and there are no other sites currently under consideration which would provide all the benefits outlined in the answer to question 1.

3 Is the proposed activity ‘not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range’?

Worsfold (2014) carried out great crested newt (GCN) presence/absence surveys of two ponds between the 31st March and 1st June 2014. Six visits were carried out on both ponds. The maximum count at Pond 1 was one and the count at Pond 2 was six, indicating a ‘small’ population. Eggs were found in both ponds, so breeding is confirmed.

Mitigation will entail fencing and trapping GCN from the site. Compensation will be needed in the form of at least one hibernaculum, indicated in the south east corner of the site close to Pond 2. The amended Site Plan indicates retention of Pond 1 with Pond 2 just outside the site boundary. No built development is proposed between the two ponds.

In order to maintain the favourable conservation of GCN at the site, it will be necessary to manage Pond 1 in a sympathetic manner and also manage the GCN mitigation area where the hibernaculum is proposed as a natural grassland area. It is recommended that a condition is imposed to require details of a habitat management plan.

The proposed development will not be detrimental to the maintenance of the populations of great crested newts at a favourable conservation status within their natural range, provided that the conditions and informatives detailed in the response from Alison Slade to Andrew Gittins dated 1st September are attached to any consent and thereafter implemented.

Conditions

1. No development, demolition or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

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

2. Work shall be carried out strictly in accordance with the Great Crested Newt and Bat Activity Surveys by Worsfold and Bowen dated June 2014.

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

3. A habitat management plan shall be submitted to and approved by the local planning authority prior to the occupation of the development. The plan shall include:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Monitoring and remedial/contingencies measures triggered by monitoring.

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance including great crested newts and barn owls.

10. Background

Relevant Planning Policies

Central Government Guidance:

NPPF

Core Strategy and Saved Policies:

HS3: Housing in Villages with Development Boundaries

- CS4 – Community Hubs and Community Clusters
- CS5 – Countryside and Green Belt
- CS6 – Sustainable Design and Development Principles
- CS9 – Infrastructure Contributions
- CS11 – Type and Affordability of Housing
- CS17 – Environmental Networks
- CS18 – Sustainable Water Management

SUPPLEMENTARY PLANNING DOCUMENTS

- Type and Affordability of Housing
- Sustainable Design (Part 1)

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)
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Cabinet Member (Portfolio Holder) - Cllr M. Price

Local Member - Cllr Tim Barker

Appendices- APPENDIX 1 - Conditions

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

1. Details of the External 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 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 levels of the site
The drainage of the site
The finished floor levels

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

5. 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.

6. 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.

7. Work shall be carried out strictly in accordance with the Great Crested Newt and Bat Activity Surveys by Worsfold and Bowen dated June 2014.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

8. Prior to construction and/or demolition activities occurring on site a dust management statement detailing how the developer will reduce dust from spreading off the site shall be submitted to the local planning authority for approval in writing. Any methods contained within any approved statement shall be implemented on site.

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

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

Reason: The site is known to hold archaeological interest.

10. 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.

11. No development, demolition or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

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

12. 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.

13. No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water have been submitted to, and approved by 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.

14. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning

authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- 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.

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

15. A habitat management plan shall be submitted to and approved by the local planning authority prior to the occupation of the development. The plan shall include:
- a) Description and evaluation of the features to be managed;
 - b) Ecological trends and constraints on site that may influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
 - g) Personnel responsible for implementation of the plan;
 - h) Monitoring and remedial/contingencies measures triggered by monitoring.
- The plan shall be carried out as approved and retained for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance including great crested newts and barn owls.

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

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken on the plots surrounded by the blue boundary on plan number 11058-11 Rev E received on the 7th

October 2014 without express planning permission first being obtained from the Local Planning Authority:-

- extension to the dwelling
- free standing building within the curtilage of the dwelling

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building.



Committee and date
 Central Planning Committee
 13 November 2014

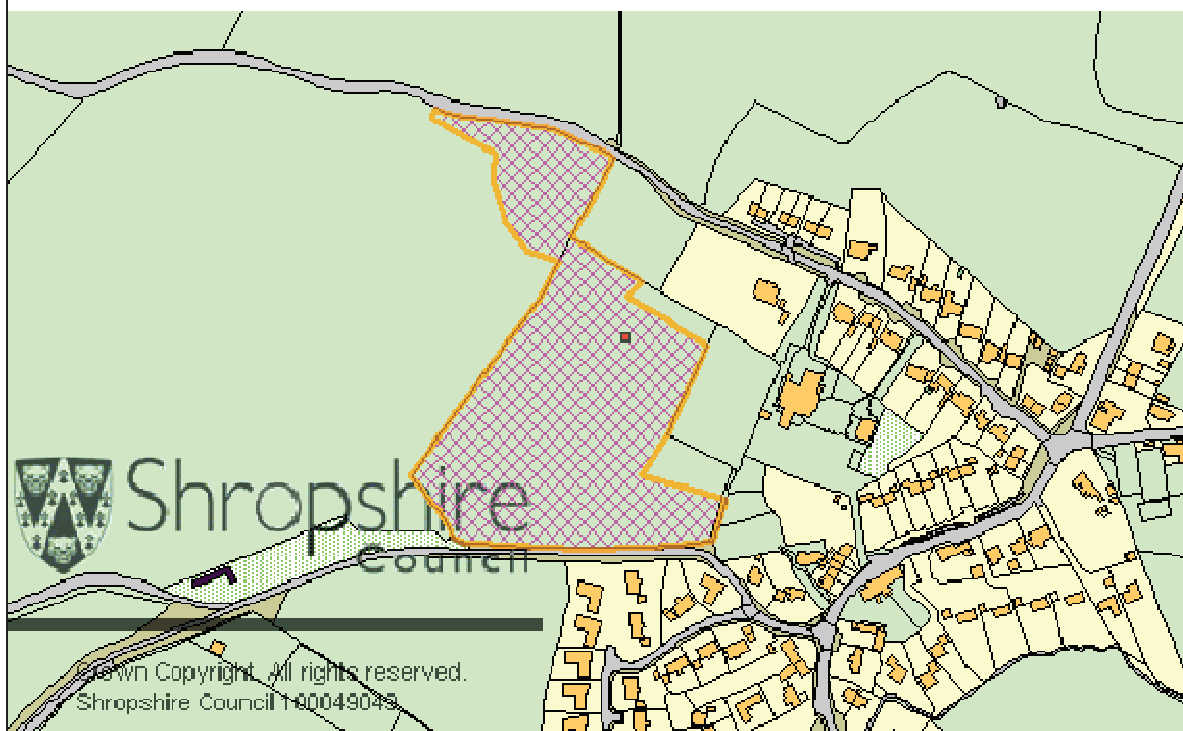
Development Management Report

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

Summary of Application

Application Number: 14/01704/OUT	Parish:	Longden
Proposal: Outline application for the erection of 35 dwellings to include means of access, together with resiting of school football pitch, provision of extended school car park and new school access (amended description)		
Site Address: Proposed Development Land South Of Plealey Lane Longden Shropshire		
Applicant: Mr & Mrs D Jones		
Case Officer: Steve Drury	email: planningdmc@shropshire.gov.uk	

Grid Ref: 344020 - 306547



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a Section 106 legal agreement to secure the provision of on-site affordable dwellings, the provision of school car park, repositioning of school playing field, enhancements to school site and transfer of land to school.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks outline permission for residential development on land at Plealey Lane, Longden. The application includes a consideration of access with all other matters reserved for later consideration.
- 1.2 The proposal includes the provision of 35 dwellings and includes the provision of a 51 space secure car park for use by Longden C of E Primary School together with the relocation of the existing school playing field, relocation and provision of a new equipment store/changing and alterations to the existing school car park layout.
- 1.3 The scheme will also involve the enhancement of a public footpath linking the site to Plealey Lane to the north together with the diversion of part of the public footpath around the relocated school football pitch.
- 1.4 The proposal includes an agreement to provide the necessary provision of affordable housing in accordance with Policy CS11 of the Core Strategy. The nature of the provision will be set at the date of the submission of the reserved matters application.
- 1.5 The scheme has been amended to address a number of concerns raised by officers. The number of dwellings proposed has been reduced from 50 to 35 and dwellings have been omitted from the parcel of land immediately adjacent the site entrance.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site consists of land on the western edge of Longden village, approximately 7 miles south west of Shrewsbury. It is situated to the west of Longden C of E Primary School and comprises one whole field together with the north east corner of a larger field to the west. Both fields are currently used as arable agricultural land, consisting of Grade 3 classification.
- 2.2 The south of the site is bordered by a private lane which serves as an access drive to Longden Manor. A number of single storey properties are located beyond the lane to the south on land at a lower level. Longden C of E Primary School is located to the east of the site and the site wraps around the school football pitch which will be moved further south to accommodate the extended car park. The north of the site is bordered by The Rectory and a smaller grazed field which both separate the site from Plealey Lane to the north. The site is bordered on all sides by a well established, native hedgerow and a number of mature trees along the northern side of the site. A public footpath, FP33 Longden, extends along the eastern side of the site and onto Plealey Lane through the school grounds to the north east.

2.3 The site extends into the north east corner of the adjacent field from where vehicular access onto Plealey Lane will be provided. A mature hedgerow and 3 Oak trees are located along the southern side of Plealey Lane and form the existing field boundary.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with Part 8 of the Shropshire Councils Scheme of Delegation, a request to consider the application at Central Planning Committee has been received from the local member for the Longden ward, based on material planning considerations following an objection from Longden Parish Council.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 Longden Parish Council: Object

Object on the grounds that the development contravenes SAMDev and would spoil the character and balance of the village. Furthermore, the Parish Council desire family and affordable homes, and have specifically requested developments of between 6 and 10 properties. There are also access and drainage issues with the development.

Following reconsultation: -

After discussion it was agreed that the Parish Council still opposed this application, It does not believe it is in compliance with the SAMDev the Parish Council was consulted on. Also the Parish Council wanted family homes and affordable homes. It is in an area within the village which was highlighted as not for development when the residents were consulted in 2012 on where development was to be within the village. The Parish Council specifically requested developments of between 6 and 10 properties and not large scale developments which will change the character of the village. There are also many access issues with this development.

4.1.2 SC Highways:

Initially recommended objection on following grounds: -

- Transport Assessment not submitted
- Improvements to footpath are on private land outside of developers control
- Works would alter status of footpath to footway and would compromise security at the school
- Consent of education provider is required.
- All ability access must be provided along the footway
- Proposed development relies upon delivery of pedestrian route through school to achieve pedestrian connection with village.
- Parking area will not be adopted by highway authority.
- Applicant needs to hold discussions with the school to establish who will carry out maintenance/management of the proposed car park.

Following reconsultation: -

Confirm objection now withdrawn on following grounds: -

- Improved connectivity with village through upgrading of public footway following no objection from the school as landowner
- Also proposes new school parking and improvements to address on-going issues within Plealey Lane

- Transport Assessment no longer required following reduction in dwelling numbers
- Provision of pick up and drop off points within school grounds will mitigate parking issues on Plealey Lane
- Still question whether Longden is a sustainable site for a development of the scale proposed.

No objection subject to use of conditions relating to footway link provision, details of access roads and a construction method statement.

4.1.3 SC Rights of Way:

FP 33 Longdon abuts the eastern boundary of the site as shown on the attached plan. I note that it is intended to surface the path throughout which we would not object to in principle in view of its use as an access to the adjacent school. The applicant would need to apply for a temporary closure of the footpath for the duration of the surfacing work and the future maintenance of the route would need to be discussed with the outdoor recreation team prior to any works being carried out.

Further comments received in response to reconsultation:-

The Mapping and Enforcement Team does not object to the proposed development but any diversion of the public footpath under section 119 of the Highways Act 1980 would have to satisfy the test that the new route will be as 'substantially as convenient' for use by the public and the circuitous nature of the proposed footpath diversion around the school playing field and through a proposed car parking area may attract objections from user groups. It is noted that the proposed new route would include a new pedestrian crossing within the new school parking area and we would like further details of the nature of this crossing and confirmation as to its future maintenance since we do not have the resources to accept additional maintenance responsibilities for the route which is currently an unfenced rural footpath in character. We would also like further details and the intended extent of any proposed surfacing of the footpath as this should not be carried out without the agreement of the Mapping and Enforcement Team.

4.1.4 SC Ecology:

Raise no objections, subject to conditions and informatives relating to Bats, Great Crested Newts and Nesting wild birds. A landscaping plan is also requested to ensure the provision of amenity and biodiversity afforded by appropriate landscaping design.

4.1.5 SC Trees:

Tree report requested 25th July 2014. Following submission of a Tree Report, the Councils Trees Officer commented as follows:-

"There are a number of trees on this site. An Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has been prepared in accordance with BS 5837 (2012) and includes an assessment and categorisation of the tree based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate.

The AIA notes that the proposed development would result in the loss of 4 mature category A2 (Highest Value) trees, however, the accompanying tree removal plan SR2 show 5 cat A2 trees to be removed and, from an examination of the submitted site layout plan LVS/PP/05 and the tree removal plan SR2, it would also appear that the proposed site access road would be constructed within the Root Protection Area of T2, a category A2 mature oak tree and that this tree and T14, Cat. A2 mature oak tree would be within the required visibility splay. It is therefore considered that there is the potential for the loss of both these specimens in addition to the 4 trees already identified. The proposal also requires the removal of two sections of species rich hedgerow. As noted all these specimens are mature trees of high value and long future life expectancies. Trees T1, 2 & 14 are roadside trees and are significant features in the street scene and important components in the character of the local landscape. They are large canopy, native species trees and this is significant as trees of this type have the greatest potential to make a positive contribution to the local landscape, biodiversity and in providing ecosystem services. As mature trees, these benefits are already being realised and their loss would be very difficult to mitigate.

Para 118 of the NPPF recognises the benefits that mature trees bring and states that 'planning permission should be refused for development where this would result in the loss or deterioration of irreplaceable habitats such as ancient woodland and aged or veteran trees unless the need for, and the benefits of the development in that location clearly outweigh the loss'. In addition to the roadside oak trees, the development will result in the loss of a mature oak tree T21, which forms part of a row of trees adjacent to the existing school access road. This tree is an important component of this group of this significant arboricultural feature and its loss will diminish the value of the group in terms of its landscape quality and its contribution to ecosystem services through a significant reduction in canopy cover. The 3 other trees shown to be removed are mature poplars planted along the existing boundary of the school playing field where they provide a prominent and attractive landscape feature.

The proposed development would result in the loss of a significant number of mature trees with high amenity values. It would appear that little attempt has been made to accommodate these important trees into the site design though altering the layout or seeking alternative access routes. It is also not accepted that the replanting scheme proposed could in any way compensate or mitigate the loss of the mature trees. It is recommended that planning permission be refused as it is contrary to policies CS6 & CS17 of the core strategy and to NPPF guidance".

4.1.6 SC Drainage:

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

granted.

Requests details of surface water, finished ground levels and the incorporation of sustainable drainage measures.

4.1.7 SC Affordable Housing team:

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

4.1.8 SC Learning and Skills:

Object to this proposal because no consultation prior to submission of the application was received, despite being the principal landowner in relation to the elements of the scheme that affect the school.

Following reconsultation, confirmation has been received that this objection has now been resolved following further discussions between the school and the agent.

4.1.9 Sport England:

The planning application involves development that would result in the loss of playing field. As such a statutory objection to the application is raised because it has not been clearly demonstrated that the development would accord with any of the exceptions to Sport England's playing field's policy or the NPPF. Objections would be reconsidered should further / amended information be provided to address the policy requirements.

Following further reconsultation: -

- Satisfied that the playing field will not be lost and the development will ensure maximum continuity of the playing field provision
- However, concerned about uncertainty regarding the footpath diversion and resurfacing
- Also limited information provided regarding the proposed equipment store and changing room
- Therefore maintains current objection.

4.2 Public Comments

4.2.1 At the time of writing, a total of 62 objections have been received from members of the public in response to the application. All comments are available in full on the planning file but the key issues have been summarised as follows: -

Highway Safety:

- ☒ Plealey Lane is too narrow for the proposed access to be safe.
- ☒ Plealey Lane would not cope with the increased traffic. In particular, new residents would likely flock to Pontesbury for many services. This would exacerbate existing traffic problems along the connecting road and would potentially lead to a bottleneck at Plealey.
- ☒ The lanes and roads in the surrounding area would not be able to cope with the increase in traffic. The safety of cyclists, walkers and horse riders,

- commonly found in the locality, is of particular concern.
- ❑ Vehicular access to the new development would be gained by driving past a primary school, posing a threat to children.
 - ❑ Passing cars travel faster than the 35mph stated in the application.
 - ❑ Local parking issues would be exacerbated.
 - ❑ There are not many employment opportunities in Longden and the majority of new residents would probably work in Shrewsbury. More traffic entering Shrewsbury would also create issues. Longdon Road passes two secondary schools on the outskirts of Shrewsbury and feeds into a nearby, already congested round-a-bout.
 - ❑ If the plan goes ahead, it should be ensured that traffic exiting the new housing estate cannot access Plealey Lane via the school car park.
 - ❑ Increase in commuter traffic
 - ❑ Nearby roads need to be upgraded or resurfaced in order to divert local traffic away from Longden

Damage to the Community:

- ❑ The capacity of the local school may be inadequate to accommodate the increase in population.
- ❑ Whilst the land is potentially suitable for development, the current proposal is for too many houses. The number of dwellings in the village would almost double and there are no proposals to improve village services. Furthermore, it exceeds the Council's recommended number of new houses for the village. In particular, the proposal may contravene SAMDev.
- ❑ Parish Plan 2010 stated 25 to 30 houses be built by 2026, by infill or small developments of a few houses spread throughout the Parish
- ❑ Total of 31 planning applications in the village and 24 nearby, which would exceed the Parish Councils number of units projected for 2026.
- ❑ The proposed improvements to parking at the local school would only be useful for a fraction of the day and would only benefit a small section of the community.
- ❑ The rural character of the village would be destroyed.
- ❑ Loss of village community
- ❑ Due to the location and size of the development, there would be difficulty in integrating with the existing village. The development risks creating a community separate to Longdon.
- ❑ Amenities, such as shops and public houses, have traditionally struggled in Longdon. Therefore Longdon fails to have sufficient amenities to justify acceptance of this new development.
- ❑ Local medical services would be unable to cope.
- ❑ There may be issues with power and telecommunication systems.
- ❑ The application contains numerous inaccuracies and contravenes national and local planning policy.
- ❑ The proposal is draconian and should have a greater provision of affordable housing.
- ❑ Potential for future extension of the site, increasing the number of houses further

Damage to the Landscape and Environment:

- ☐ Wildlife concerns have not been addressed.
- ☐ The development site is outside the village boundary and prime agricultural land.
- ☐ The proposed development site is situated on higher ground than the village. The development would create an eyesore for anyone approaching the village by road or foot. It would spoil the existing attractive countryside.
- ☐ Great Crested Newts living in the school pond may be endangered.
- ☐ The proposed playing fields are unnecessary and further increase the proposed development's encroachment on the countryside.
- ☐ Protected trees may be endangered.

Personal Concerns:

- ☐ Some residents may suffer a loss of privacy as a result of new houses 'overlooking' their property.
- ☐ Many elderly and / or unwell people will suffer as a result of the development.

Transport:

- ☐ Only public transport is by bus, which is limited to Shrewsbury and Pulverbatch
- ☐ Heavy reliance on cars
- ☐ At least 2 cars per household (70+ cars) entering and leaving Plealey Lane

Water and Drainage:

- ☐ It would potentially be difficult to install adequate water and sewage systems.
- ☐ There may be an increased risk of flooding in the village, as a result of the loss of open fields and inadequate drainage provision.

4.2.2

A letter of objection has also been received from A.F. McDonald & Partners, which has been endorsed by Longden Parish Council, raising further concerns, which have been summarised as follows: -

- Suitability of junction with Plealey Lane
- Standard of Existing School Access
- Need for Transport Assessment and Highway Improvements
- Impact of Possible Widening of lane
- Predicating further development of land to west of site
- Proposed School Car Park
- Provision of Acoustic Fence on boundary with The Rectory
- Diversion of Public Footpath
- Cost of Construction and Maintenance

5.0

THE MAIN ISSUES

Principle of Development
Access and Highways Issues
Layout and Scale
Impact upon Residential Amenity
Trees and Landscaping Issues

Ecology Issues
Alterations to School Grounds
Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of Development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight.

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

- 1) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- 2) specific policies in the NPPF indicate that development should be restricted.

6.1.3 With regards to housing development paragraph 49 of the NPPF is relevant and states that:

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

and that

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

6.1.4 Following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council’s position (as published in an amended Five Year Housing Land Supply Statement on 12/08/14) is that it has identified a housing supply of 5.47 years for Shropshire which is sufficient to 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.

- 6.1.5 The starting point for consideration of housing proposals is therefore the Development Plan but as this can only be given limited weight, 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.
- 6.1.6 When assessed against saved SABC Local Plan Policy H3: Housing in Villages with Development Boundaries the site is located outside but immediately adjoining the western boundary of the Longden Village Development Boundary. Therefore under the existing development plan the site would be considered to be located within countryside. Policy CS5 of the Shropshire LDF Core Strategy does not generally support the provision of new open market residential development in the countryside.
- 6.1.7 Shropshire Council has an adopted Core Strategy which contains Policy CS4: Community Hubs and Community Clusters which outlines that 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.
- 6.1.8 Within the SAMDev Pre-Submission Draft submitted to the Secretary of State for examination on the 31st July 2014 the village of Longden has been included as a Community Cluster under Core Strategy Policy CS4 along with settlements of Hook-a-gate, Annscroft, Longden Common and Lower Common/Exfords Green. Emerging policy S16.2 (xi) Community Hub and Cluster Settlements outlines that development by infilling, groups of houses and conversions may be acceptable on suitable sites within the development boundary identified on the Policies Map, with housing guidelines of around 25-30 in Longden. The Longden Parish Development Statement (2013) advises that no individual site should be of more than 10-15 houses and indicates a preference for lower cost, 2-3 bedroom properties for development in Longden. There are no allocated housing sites within the village.
- 6.1.9 Notwithstanding the above, weight must be given to the requirements of the NPPF and the presumption in favour of sustainable development. Longden is a village comprising approximately 129 dwellings and 331 residents which is located approximately 7 miles south west of Shrewsbury. The village benefits from a range of essential services and facilities including a Primary School, post office and village shop and public house. It also has a church and a village hall. The nearest Secondary Schools are at Pontesbury, Meole Brace, Shrewsbury or Church Stretton. The village is also served by the 546 Pulverbatch to Shrewsbury bus service which runs 7 services per day Monday to Friday and on Saturdays.
- 6.1.10 The site is located immediately adjoining the western boundary of the village and it is considered that the above services that are all within an easy walking distance of the application site. Furthermore, the proposal includes provisions to upgrade the

footpath link to the village, thus improving pedestrian connectivity from the 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.

6.1.11 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.

6.1.12 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 35 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.

6.1.13 Social role – Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in smaller settlements where it will support facilities within the settlement and those nearby, thereby helping to retain services and enhancing the vitality of rural communities. Providing housing will support and maintain existing facilities and will benefit both the existing and future residents and help meet the needs of present and future generations. It is considered that the additional 35 dwellings now proposed would not provide any significant additional pressure on services that would render them unable to sustain services for residents. The proposed school car park extension and improvements, provision of new equipment store/changing block and footway upgrade will be of benefit to the school the local community.

6.1.14 Environmental role –

The site comprises Grade 3 Agricultural land and has no official heritage, cultural or ecological designation. The proposal will not have any detrimental impact upon local wildlife and any loss of significant or protected trees can be mitigated through a suitable landscaping scheme to involve the provision of replacement planting and the two significant areas of landscaping indicated on the site plan. A consideration of the likely visual impact upon the surrounding area will take place at the reserved matters stage.

6.2 Access and Highways Issues

6.2.1 The proposed development has been the subject of on-going discussions between the developer, the highways Authority and the primary school, given that the proposal involves the provision of additional school car parking and alterations to the school access and egress, in addition to access arrangements for the proposed residential development.

6.2.2 The proposed development will involve the provision of a new vehicular access onto Plealey Lane, to be formed in the north west corner of the site, utilising the corner of an adjacent, larger field. The access has been positioned to achieve maximum visibility and will contain visibility splays measuring 79 metres in each direction which Highways officers consider adequate for the speed of traffic on Plealey Lane.

6.2.3 The proposed residential development has been amended to reduce the number of units from 50 to 35 dwellings and as such, does not require the submission of a Transport Assessment. Highways officers have considered the proposal and are satisfied that the road network surrounding the site will be able to accommodate the additional vehicle movements likely to be generated by the development.

6.2.4 The local highway authority initially questioned the sustainability of the development due to a lack of a suitable accessible walking connection to the village centre. The proposal has now been amended to provide an enhanced footway link to Plealey Lane to the north east of the site. The works will include the provision of a tarmaced surface and erection of a 1.8 metre high fence to provide security for the primary school. The upgraded footway would then be adopted by the local highway authority. It is understood that the school/education authority raise no objection to the proposed works.

6.2.5 The proposed development also includes the provision of a new school car parking facility to be provided in the north east corner of the site. The proposal will involve the provision of a 51 space car park, together with alterations to traffic flows within the site which will see school traffic enter the site via the proposed new entrance, travel through the site in an anti-clockwise direction and exit the site via the existing school entrance. The proposal will allow parents to drop off and collect children away from Plealey Lane where there have been ongoing issues at school opening and closing times for many years. The local highway authority raise no objection to this aspect of the scheme which it is considered is unlikely to solve all of the issues around the school on Plealey Lane, but will help to mitigate any potential conflict with additional traffic resulting from the proposed development. The land on which

the car park will be sited will be gifted to the school as part of the development and confirmation has been provided by the developer that the cost of the provision of the car park will also be met by the developer together with alterations to the car park layout including the provision of a coach park and pick up point. The new car park and access will not be adopted by the local highway authority therefore maintenance responsibility will fall upon the school, which has been acknowledged by the Council's Learning and Skills section.

6.2.6 The local highway authority raise no objection to the proposal which it is considered can be provided without detriment to local highway or pedestrian safety. In addition, the proposal will contain significant benefits to highway safety given that the proposed 51 space car park which will significantly reduce problems associated with on-street parking within Plealey Lane at school pick up and drop off times.

6.2.7 Notwithstanding the above comments, officers will seek to impose conditions to any planning approval requiring the submission of details of the design and construction of new roads and access, surface water drainage, a construction method statement, prior to the commencement of the development.

6.3 Layout and Scale

6.3.1 Development should meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles. This policy states that development should be appropriate in scale, density, pattern and design and should also safeguard residential and local amenity. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

6.3.2 All matters other than the access onto Plealey Lane are reserved for later approval in this case and it would be these submissions, in the event of outline planning permission being given, that would consider the appropriateness of the layout and detailed design issues. The submitted Design and Access Statement does, however, indicate a mixture of 2-3 bedroom properties together with some larger 4-5 bed units.

6.3.3 Whilst an indicative plan was initially submitted with the application, this indicated a total of 50 dwellings to be provided. The application has subsequently been amended to reduce the number of dwellings to a maximum of 35, however, no further indicative layout has been submitted. Officers are, however, satisfied that the site is of a size capable of accommodating the number of dwellings proposed without appearing cramped or overdeveloped.

6.3.4 The submitted plans do show two areas of landscaping to be provided in the south east and the north west corners of the site. Precise details of the contents of these areas will be provided as part of a landscaping condition attached to any planning approval. It is considered that the area of planting in the south west corner will act as a buffer between the existing properties to the south of the site on Well Mead Lane.

6.3.5 The proposed development will also include a 51 space car park to be provided in the north east corner of the site on land which will be gifted to the school. To

accommodate the car park, the existing school football pitch will need to be moved further south which will also involve land to be gifted to the school. The new playing field will be enclosed by a 1.8m high perimeter fence, details of which will be agreed with the planning department prior to erection. FP33 Longden which currently runs inside the school curtilage will be diverted around the perimeter of the relocated playing field as part of the proposal.

6.4 Impact upon Residential Amenity

6.4.1 The nearest residential properties to the site are 4 properties located on Well Mead Lane, which are located across the private driveway which runs along the south site boundary, and The Rectory which is located immediately to the north of the site. The existing school access is located between The Rectory and Inscape and adjoins Plealey Lane immediately opposite Floradene and No. 6 Little Barnyard.

6.4.2 As all matters other than the access onto are reserved for later approval, it would be the layout, scale and appearance of the development which would consider the likely impact upon the amenities of nearby residents.

6.4.3 The proposed school car park and footpath improvements will be provided adjacent the boundary with The Rectory, however, whilst it is likely that such items will involve an increase in noise and activity during school hours, the applicant has indicated that a 2 metre fence will be erected along the boundary with The Rectory in order to mitigate any potential disturbance to the occupants of that property. Furthermore, gates will be installed at the car park entrance to prevent use out of school hours in order to prevent unauthorised access and activity at more unsociable hours. The gates will be the responsibility of the school and are also necessary to maintain security at the school.

6.4.4 Officers note that the provision of a car park within the site and the associated one-way system is likely to increase the number of vehicles egressing the site via the existing access located between The Rectory and Inscape. As a result, the occupants of those properties may experience some additional noise and disturbance during school hours, however, given that proposal will should reduce the problems caused by parents parking along Plealey Lane, the scheme is considered to have significant wider benefits to the amenities of residents along Plealey Lane, and this will outweigh the inconvenience experienced by the occupants of those properties immediately adjacent the school driveway. In addition, vehicle movements will largely be limited to school hours and are unlikely to take place during evenings or weekends.

6.5 Trees and Landscaping Issues

6.5.1 An arboricultural impact assessment has been submitted with the application which identifies and classifies the trees on the site in accordance with BS 5837: 2012 recommendations.

6.5.2 The proposal has the potential to impact upon a number of significant trees within and adjacent to the site. As a result, Tree Protection Orders have been placed upon 3 Oak trees within the hedgerow in the north west corner of the site where the new vehicular access is to be provided. Whilst only one of the trees (T1) will need to be removed to accommodate the necessary visibility splays, the Trees Officer is

of the opinion that the two remaining Oaks (T2 and T14) will also be compromised. The Trees Officer has also raised concerns that the proposal will require the removal of 3 mature poplar trees (T4, T5 and T6) within the site together with a mature Oak (T21) along the boundary with The Rectory which are all considered to be of high amenity value. The Trees Officer does not consider that the replanting scheme proposed could compensate or mitigate the loss of these mature trees.

- 6.5.3 The applicant is aware of the concerns raised and has submitted additional comments in response. An additional plan (SR4) proposes a semi-mature replacement Oak to replace T1 and together with measures to ensure the long term survival of trees T2 and T14. In addition, the planting of 60-90cm whips will take place either side of the entrance to ensure prolonged tree cover should the trees not survive.
- 6.5.4 Whilst no justification has been provided for the removal of the Oak and Poplars within the site, it is clear that their removal is necessary to facilitate the provision of the car park and access. Whilst the concerns raised by the tree officer are noted, a number of significant trees including Oak and Poplar will remain in the rows along the side of the existing access and along the side of the football pitch and as a result, it is not considered that the loss of the 4 trees would result in significant harm to the character and appearance of the school site and immediate locality.
- 6.5.5 The proposed works to provide the new school car park and to upgrade the public footpath in the north east of the site will take place alongside the boundary with The Rectory where a number of trees are located on neighbouring land. The submitted tree report identifies mitigation measures necessary to avoid damaging the trees which include appropriate construction methods and the use of protective fencing around the crown spread of the trees concerned.
- 6.5.6 The proposal will also require the removal of 158 metres of hedgerow in order to accommodate the 2.4m by 79m visibility splays in each direction. Whilst such a loss would have a significant impact upon the character of the area, a new hedgerow will be replanted behind the visibility splays, in a species mix to the agreement of the Trees Officer and as such, it is considered that the proposed replanting will prevent significant adverse impact to the character of the street scene and wider landscape character.
- 6.5.7 The proposal will also include the provision of two areas of landscaping within the development site in the south east and north west corners. Precise details of the contents of these areas will be provided as part of a landscaping condition attached to any planning approval, however, it is considered that the area of landscaping to be provided in the north west part of the site will help to soften the impact of the vehicular entrance upon the surrounding landscape which is rural and agricultural in character. The area of planting in the south west corner will help to act as a buffer between the existing properties to the south of the site on Well Mead Lane.

6.6 Ecology Issues

6.6.1 Bats:

A bat survey was carried out of the trees with bat potential including the Oak tree to be removed at the site entrance and no bats activity was recorded. The Planning

Ecologist has requested that works are carried out in accordance with the recommendations of the Environmental Survey and that 6 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species are installed on site prior to first occupation of the dwellings permitted. Lighting control will be needed to prevent impact on commuting and foraging bats.

6.6.2 Great Crested Newts:

A historic record of Great Crested Newts has been recorded at Longden Primary School and full GCN surveys have been conducted as part of the application. No presence of GCN was recorded on site, however, Greenscape Environmental Ltd has provided a method statement in order to ensure the protection of amphibians and reptiles as part of the development and a condition will be imposed to ensure this is complied with.

6.6.3 Nesting Birds:

The site has the potential to support nesting birds therefore a condition will be imposed requiring the erection of 6 artificial bird nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow prior to occupation of the development.

6.7 Alterations to School Grounds

6.7.1 In order to accommodate the proposed school car park, it will be necessary to relocate the existing school football pitch approximately 25 metres further to the south. The developer has therefore agreed to gift a further parcel of land located to the south of the existing pitch measuring approximately 270 sq metres to the school and has agreed to carry out and meet the cost of the proposed works. In addition, the developer has agreed with the school to provide further facilities including a relocated and enlarged equipment store/changing block, to be situated to the east of the relocated pitch, a 1.8m high fence around the perimeter of the pitch to provide increased security, and the provision of gates for maintenance and access around the pitch and also at the entrance to the proposed car park.

6.7.2 It is noted that an objection has been received from Sport England, initially in relation to the relocation of the playing field, and subsequently regarding the diversion of the footpath and the relocation of the equipment store. Following the submission of a further plan by the agent, Sport England are satisfied that there will be no net loss in playing field at the school, however, a condition will be imposed controlling the timing of the delivery of the relocated playing field and the standard of the pitch to be provided. Sport England have raised concerns that any resurfacing of the diverted footpath could impact upon the quality of the playing field as a result of additional surface water runoff, however, as the Council's PROW team are not willing to adopt the footpath, it is intended that to leave the footpath as bare earth or a basic porous surface such as crushed stone. Further Sport England concerns have been raised concerning the relocated equipment store and a lack of information submitted, however, officers are mindful that this has been proposed at the request of the school and full elevational plans would not be required as the application is for outline consent only. Officers do, however, consider that the building will be located a sufficient distance from the pitch to avoid compromising the quality of the surface. Whilst the above information has been provided to Sport England, further comments have not been received at the time of writing and it is

assumed that their objection continues to stand. Any subsequent comments will be reported to members as additional representations.

6.7.3 Officers are of the opinion that the proposal will not result in the loss of playing field space or compromise the quality of existing facilities at the school, in accordance with Policy CS8 and para 74 of the NPPF.

6.8 Other matters

6.8.1 Flood Risk and Drainage Issues:

The site is not located within Flood Zones 2 or 3 and is not within an area known to be at risk of flooding.

6.8.2 The application has been referred to the Council's Flood and Surface Water Management Team who confirmed on the 2nd May 2014 that the drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.

6.8.3 Officers note the concerns raised with regard to potential runoff and flooding of neighbouring land at lower levels to the south of the site. The reserved matters application will need to explore the use of soakaways for surface water disposal with percolation tests and the sizing of the soakaways 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. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate would have to be submitted for approval. The attenuation drainage system will be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

6.8.4 This scheme will meet its requirements in respect of surface water drainage through the submission and approval of appropriate details at the reserved matters stage which will be implemented prior to any occupation of the dwellings and the scheme will accord with Policy CS18.

6.8.5 Public Rights of Way:

The proposal will involve the diversion of public footpath FP33 Longden which currently runs along the east site boundary, linking Plealey lane to the north with the private driveway to the south of the site. The footpath will be diverted around the perimeter of the relocated football pitch and will then cross the new school car park before turning east, then north where it will re-join its original course towards Plealey Lane. The Council's Public Rights of Way team have inspected the proposal and whilst they do not raise any objection in principle, they do advise that granting of planning permission would not constitute a formal diversion of the footpath which will need to be obtained separately under section 119 of the Highways Act 1980.

6.8.6 The PROW team have also confirmed that they would not be willing to adopt the diverted footpath should the surface be improved as part of the diversion works.

6.8.7 Affordable Housing:

Policy CS11 of the Core Strategy requires an appropriate contribution to made local needs affordable housing, either in the form of on-site provision or a financial contribution towards off site provision. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing housing target rate at the time of Reserved Matters application.

- 6.8.8 The applicants have agreed to make the necessary contribution in accordance with the requirements of the Type and Affordability of housing SPD and in this respect the application is considered to accord with Policy CS11.

7.0 CONCLUSION

- 7.1 The planning application relates to the provision of a residential development comprising 35 dwellings on land outside of the Longden Development Boundary as shown in saved Policy HS3 of the SABC local plan and is therefore located in open countryside and contrary to Core Strategy Policies CS4 and CS5. Limited weight can be given to the SAMDev Plan in which Longden is being promoted as a Community Cluster with an aspiration for 25-30 dwellings over the plan period to 2026, with no individual site consisting of more than 10-15 houses. Notwithstanding this point, the application must also be considered in accordance with the NPPF which has a presumption in favour of sustainable development. Longden is a village which has a number of local facilities and services, and as such the site is considered to represent a sustainable site for residential development in principle.

- 7.2 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 immediately adjacent to the village. The proposal would have no adverse environmental or ecological implications and would not impact on highway safety or the amenity of nearby residents. Any loss of significant or protected trees can be mitigated through a suitable landscaping scheme to involve the provision of replacement planting and the two significant areas of landscaping indicated on the site plan.

- 7.3 Whilst concerns have been raised regarding the size of the proposed development, it is considered that existing infrastructure is sufficient to support the proposed development and the proposal will provide local needs affordable housing and CIL payment towards local priorities. The scheme will also include significant enhancements and additions to facilities at the primary school including the provision of a 51 space car park, alterations and improvements to the existing car park layout, relocation of school playing field and provision of a new equipment store and the additional land involved will be gifted to the school. The proposal will therefore include significant benefits to the local community and will help to address existing parking problems along Plealey Lane presently occurring at school drop off and pick up times.

- 7.4 It is considered that Longden is a sustainable location for the 35 dwellings (over and above the 25-30 put forward by the Parish as part of SAMDev) due to its range of essential services and facilities and access to public transport reducing reliance on 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'.

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 and the provision of the school car park and relocated playing field 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:
National Planning Policy Framework (NPPF)

Core Strategy and Saved Policies:
CS1: Strategic Approach
CS4: Community Hubs and Community Clusters
CS5: Countryside and Green Belt
CS6: Sustainable Design and Development Principles
CS8: Facilities, Services and Infrastructure Provision
CS9: Infrastructure Contributions
CS11: Type and Affordability of Housing
CS17: Environmental Networks
CS18: Sustainable Water Management

SABC Local Plan (Saved Policies)
HS3: Houses in Villages with Development Boundaries

Relevant Planning History:

None

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 Roger Evans
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of 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 number of units
The means of enclosure of the site
The levels 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. No development shall take place until details of the design and construction of any new roads, footways (including the new link through the school grounds), accesses together with details of the disposal of surface water have been submitted to, and approved by 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.

6. Prior to the commencement of any works on the existing school playing field to provide the new school car park, the new school playing field shall have been repositioned as

indicated on the approved plans and in accordance with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011).

Reason: To ensure the continued provision of sports facilities for the school and wider community.

7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- 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.

8. 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

9. 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) Means of enclosure, including all security and other fencing
- b) Minor artefacts and structures (e.g. lighting)
- c) Planting plans, including wildlife habitat and features (e.g. bat and bird boxes)
- d) 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)
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- f) Implementation timetables

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

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

10. Prior to the first occupation of the residential development hereby approved, the proposed footway link through the school grounds shall be fully implemented and opened for use in accordance with the agreed design and shall thereafter permanently be retained as such.

Reason: To provide a safe walking route for the future residents of the site.

11. A total of 6 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species and a total of 6 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 dwellings hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

12. Prior to construction and/or demolition activities occurring on site a dust management statement detailing how the developer will reduce dust from spreading off the site shall be submitted to the local planning authority for approval in writing. Any methods contained within any approved statement shall be implemented on site.

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

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

13. Work shall be carried out strictly in accordance with the Phase 1 and Phase 2 Environmental Survey conducted by Greenscape Environmental Ltd (April 2014).

Reason: To ensure the protection of 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.

16. No residential development shall be provided in the two areas of landscaping indicated on the proposed site layout plan reference LVS/PP/05.

Reason: In order to preserve the amenities of nearby residents and to protect the character of the countryside through the prevention of built development on the part of the site containing the new vehicular access.

17. The development shall be carried out in accordance with the recommendations of the Arboricultural Report carried out by Sylvan Resources Ltd received 9th September 2014.

Reason: To ensure the satisfactory preservation of retained trees on the site and neighbouring land in accordance with BS5837:2012.

Informatives

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. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

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

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. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.
6. On the site to which this consent applies the storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.
7. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

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

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

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Committee and date
 Central Planning Committee
 13 November 2014

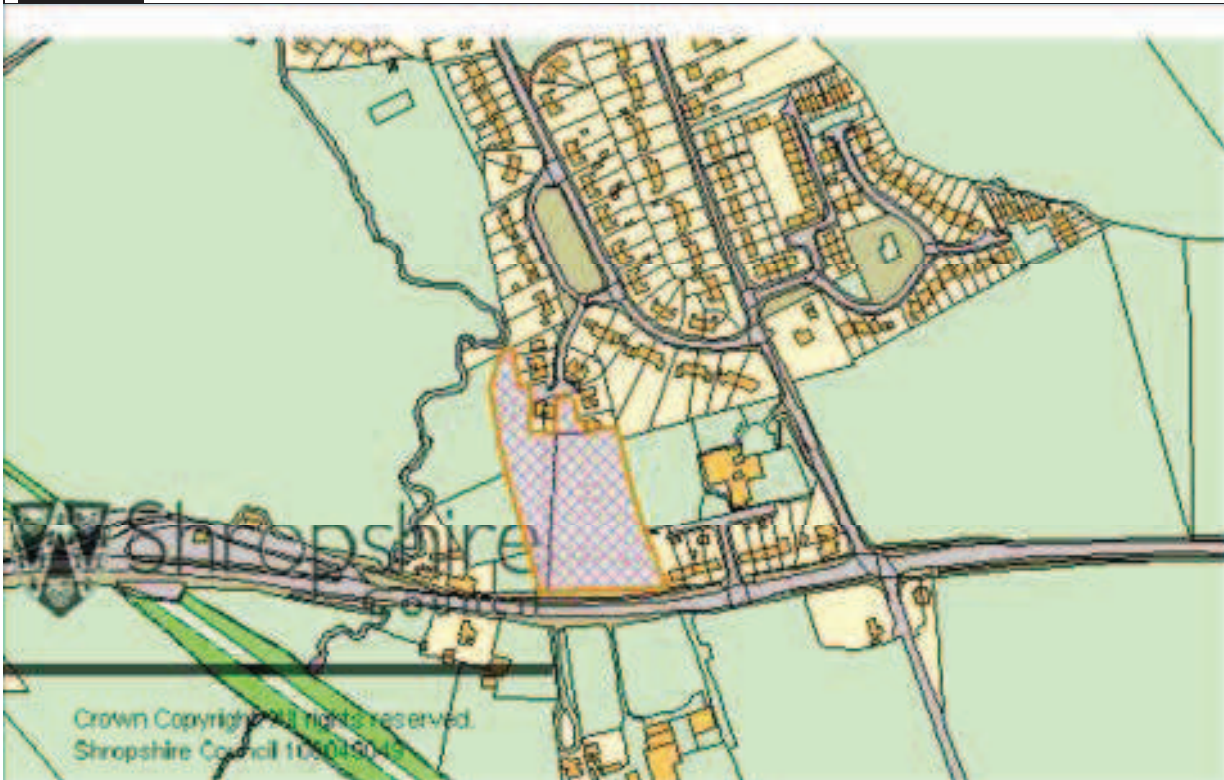
Development Management Report

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

Summary of Application

Application Number: 14/01819/OUT	Parish:	Ford
Proposal: Outline application (access for approval) for mixed residential development		
Site Address: Development Land North Of A458 Ford Shrewsbury Shropshire		
Applicant: Shropshire Homes Ltd		
Case Officer: Andrew Gittins	email: planningdmc@shropshire.gov.uk	

Grid Ref: 341491 - 313231



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RECOMMENDATION:

Grant permission subject to a legal agreement to secure affordable housing in accordance with the prevailing rate at the time of submission of reserved matters.

REPORT**1.0 THE PROPOSAL**

- 1.1** This application seeks outline planning consent for mixed residential development on land in Ford, Shropshire. The application includes access onto the A458 truck road with all other matters reserved for later consideration. An indicative layout has been submitted illustrating a development of 26 dwellings.

2.0 SITE LOCATION/DESCRIPTION

- 2.1** The site is located approximately 6 miles West of Shrewsbury town centre. The site is situated on the Northern side of the A458 and West of Butt Lane. The development site is set back from the A458 and comprises a parcel of land set to grass, which is currently used for agricultural purposes. The site meets the residential curtilages of existing dwellings to the North of the boundary and Trinity Primary School to the East. The site gently slopes down to the northern boundary.
- 2.2** Ford consists of a mixture of housing types, including Victorian cottages and 20th century housing. The Design and Access Statement (DAS) outlines that the proposed houses will be two-storey and will either be detached or semi detached. Ford has good local facilities, such as a primary school, Local pub, village hall and a local shop (within the petrol station). There are bus services from Ford to Shrewsbury and Welshpool.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 Community Representations**4.1 Consultee Comments****4.1.1 Ford Parish Council (16th July 2014): Strongly object:**

Further to our earlier comments I can confirm that Ford Parish Council maintains its strong objection to this scheme. Material planning issues giving rise to our objection are as follows: Ford designation as Open Countryside - Despite the ongoing uncertainty as to the standing of the SAM.Dev Plan, Ford Parish Council maintains its desire to be treated as open countryside for planning purposes. A development of

market housing, particularly of this size would be refused if the SAM.Dev Plan was deemed 'up to date'. We trust that this situation will be resolved by the time this application is determined and expect the Planning Authority to act in accordance with its own policies. Highways Safety - The comments of the Highways Agency, suggesting that access be considered via the County Road network would be strongly opposed by local residents and the Parish Council. The access would have to be via Brook Gardens, which opens onto The Leasowes. Both roads are unsuitable for additional traffic and when Brook Gardens was approved the Highways division of Shropshire County Council observed that visibility splays from Brook Gardens were sub-standard (see comments against Planning Reference SA/09/0107/F). The addition of approximately 60 additional vehicles using this access is totally unacceptable and would present a risk to pedestrians, many of which are primary school children. The Parish Council has already expressed concern about the original proposal to access the site from the A458 and note the comments of the Highways Agency confirming this should be discouraged in the interests of highway safety. The size of the development, whilst not as dense as might be proposed, is still disproportionate in scale to the size of the existing community. Ford village consists of less than 300 properties and this would represent a 10% increase in size. This is a large number of families to integrate into the community at one time. The development site is within Ford Conservation Area, which is very important for the protection of the character of the village. Part of that character is derived from the open spaces permitting views of the village from the surrounding countryside. The development of this site would largely restrict such views and impact negatively on the rest of the conservation area. The layout of the development gives concern as the access road has been taken to the extreme western perimeter. The three pairs of semi-detached houses along the western perimeter, (plots 12 - 17), are facing west and accessed via a service road along the edge of the site. There is considerable concern that this layout has been proposed to enable the site to be extended at a future date into the undeveloped land bordering the site to the west. It appears that there is sufficient space to the eastern side of these houses to provide access and this would be more acceptable. This would also enable the access road to terminate near the centre of the site with the service road serving plots 18 - 21 being extended to serve plots 22 - 24. Accessing plots 12 - 17 from the east would enable these properties to face into the centre of the development, creating a more cohesive communal environment. This could be extended to include plots 3, 4, 9, 10 and 11.

27th May 2014

Objects strongly to this outline planning application for the following reasons:

Proposal contrary to Development Plan

The proposal is contrary which is contrary to the stated desire for Ford Parish to be treated as Open Countryside under the emerging SAMDev Plan.

Insufficient detail to assess impact

The submitted application contains insufficient detail to gauge the number, size or layout of the proposed housing development and its impact on the Ford Conservation Area cannot therefore be assessed. The application should therefore be refused.

Highway safety

The Parish Council also has grave concerns about the safety and suitability of the proposed access, which is onto the busy A458 trunk road. The access is close to the main Butt Lane junction and Trinity Primary School. The A458 is often blocked by vehicles attempting to turn into Butt Lane to drop off children, so permitting an unspecified number of additional vehicles to join the road at this point will cause extensive delays to through traffic.

Drainage

The parish council is also concerned about the proposed drainage from the site. The D&AS proposes that run-off will be disposed of to the existing watercourse running close to the site. This brook already suffers from flooding downstream of the development and increased run-off will steepen the hydrograph, increasing the rate and extent of such flooding. The pumping station in Ford is already supported by additional pumps due to insufficient capacity at peak flows.

Loss of greenspace

Finally, the Parish Council objects to the loss of valuable green space.

4.1.2 SC Conservation (Historic Environment) 1st July 2014: Overall at this stage we are satisfied with the information now provided and generally the scheme is not expected to have a detrimental impact on the Conservation Area.

Since my previous comments dated May 7th regarding this Outline Application, we have met with the applicants to discuss the issues raised and additional indicative schematic plans and typical house designs have been provided along with a revised site plan. Principles of Scheme: Overall at this stage we are satisfied with the information now provided and generally the scheme is not expected to have a detrimental impact on the Conservation Area. As the scheme is expected to have a high standard of design and excellent quality materials, conditions should be imposed so that all architectural and landscape details and materials and finishes will be agreed at the formal full application stage. Detail: The rear and southerly side elevation of the first dwelling proposed to the west of the entrance to the site should be well designed as these elevations would be visible from public views into the Conservation Area from the highway.

7th May 2014

I have reviewed the site layout plan which really seems to be the same as the location plan for this Outline Application, and has no information on it except for a potential access point to this site. As these lands are fully within the boundaries of the Ford Conservation Area, at a highly visible location adjacent to the highway, and on a potential major access route into and through the Conservation Area towards the more traditional part of the village, we need to request more detail on this proposal to ensure that any development here a) does not negatively impact on the Conservation Area (including views into and out of the Conservation Area), and, b) actually enhances the character and appearance of the Conservation Area. Access details from the highway, building and access road layout, building set backs, elevation drawings including materials, number of dwellings and associated garages, any enclosure details and landscaping details should all be provided at an early stage to better assess the proposal and any impacts it might have.

RECOMMENDATION:

More information is required at this stage to adequately assess this proposal and its potential impacts on the Conservation Area.

4.1.3 SC Highways: No objection

The highway onto which this development would access is the A458 Trunk Road which is under the control of the Highways Agency as Highway Authority and not Shropshire Council. I must therefore recommend that you consult them regarding this application.

4.1.4 SC Ecology (22nd July 2014): A condition based on the requirements that Drainage set out in their 7th May 2014 comments would be sufficient to prevent a detrimental impact on the SSSI. When it comes to discharging this condition SC Ecology should be consulted. (Amendment to comments made on 10th July 2014).**4.1.5 SC Drainage (18th June 2014): No objection subjects to conditions/informative(s).****4.1.6 SC Learning and Skills: No comments received.****4.1.7 SC Archaeology (14th May 2014): No comment / objection.****4.1.8 Highway Agency (29th Oct 2014): No objection****4.2 Public Comments****4.2.1** One letter of objection has been received from a local residential raising the following points:

- The village has already met its demand for housing
- Loss of valuable green space
- Drainage concerns and increased flood risk
- Loss of privacy to existing properties
- Concerns about the access to the site
- High density housing, not in keeping with the village

5.0 THE MAIN ISSUES**Housing Land Supply Policies****Sustainable Development****Layout, external appearance and scale****Highways / Access****Other Matters**

- Ecology
- Landscaping and open space
- Drainage
- Developer Contributions

6.0 OFFICER APPRAISAL

6.1 Housing Land Supply Policies

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 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 Ford is the SABC Local Plan and the adopted Core Strategy in addition to the SAMDev.

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

6.2.3 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;

- ② a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- ② an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

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

6.2.5 Social role – Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in smaller settlements where it will support facilities within the settlement and those nearby, thereby helping to retain services and enhancing the vitality of rural communities. Providing housing will support and maintain existing facilities and will benefit both the existing and future residents and help meet the needs of present and future generations. It is considered that the addition of 26 dwellings as shown as indicatively proposed would not provide any significant additional pressure on services that would render them unable to sustain services for residents.

6.2.6 Environmental role – The site has no ecological designation and whilst it is currently utilised as open agricultural land it has little ecological value. The brook running to the west of the adjoining site is potentially of greater ecological value but an appropriate buffer zone is provided by the intervening agricultural field. As such the proposal would have no adverse impact on wildlife and the ecological value of the site could potentially be improved by relevant conditions. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible to local services and facilities on foot or by cycle and by public transport to the array of services, facilities and employment opportunities in Shrewsbury.

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 application has been assessed by the Highways Agency (HA) as access is proposed off the A458 Truck Road. The Agency has confirmed that they are able to lift their holding objection following the receipt of additional information. The application has also been assessed by Shropshire Council's Highways Development Control who has no objection as the development is not considered to have any adverse impact on the local highway network under their control. The applicant has formally confirmed in writing that they would be willing to prepare a Unilateral Undertaking to transfer £25,000 to the Parish Council to install traffic calming measures primarily on Butt Lane outside the school to mitigate the impacts of any increased traffic movements on highway safety. However, as Officers do not consider this necessary this is not being sought through a Section 106 Legal Agreement and Members should not give this any weight in the decision making process. For information, the occupants of the development will gain access to the school via either the existing lit and hard-surfaced footpath along the A458 or via a proposed footpath link into the recently constructed residential development off The Leasowes.

6.4 Layout, external appearance and scale / Impact on residential amenities

6.4.1 The site is located within the Ford Conservation Area as outlined by the Conservation Area above. The application was originally assessed on the 7th May 2014 by the Council's Conservation Officer who requested more detail to assess the impact on the character of the Conservation Area. An indicative site layout plan was submitted for consideration on the 18th June, with the Conservation Officer providing subsequent comments on the 1st July confirming that "*overall at this stage we are satisfied with the information now provided and generally the scheme is not expected to have a detrimental impact on the Conservation Area*". Accordingly officers are content that the Reserved Matters application will be of a high standard design and excellent quality materials, and include architectural and landscape details, materials and finishes. The Reserved Matters application should pay particular regard to the rear and southerly side elevation of the first dwelling proposed to the west of the entrance to the site should be well designed as these elevations would be visible from public views into the Conservation Area from the highway. However in principle the proposed development is considered to capable of respect the character of the Conservation Area and the amenities of neighbouring properties in accordance with Core Strategy Policies CS6 and CS17.

6.5 Other Matters

6.5.1 Ecology

The application has been assessed by the Council's Planning Ecologist who has no objection subject to a condition based on the requirements that SC Drainage set out in their 7th May 2014 comments which would be sufficient to prevent a detrimental impact on the SSSI (one mile away at Montford). In addition the Ecologist has requested the attachment of conditions which will protect and enhance opportunities for bats and nesting birds. As such the proposal is considered to comply with Core Strategy Policies CS6 and CS17.

6.5.2 Landscaping and open space

The indicative layout does not propose any formal recreational space due to the proximity of The Leasowes Recreational Ground to the north of the development which will be accessed via a footpath link into a recently constructed development off The Leasowes. This pragmatic approach is fully supported by Officers and the Open Space IPG as this will result in more CIL money being available to enhance the existing facility and result in more efficient maintenance. Details of the informal landscaping of the site will be submitted at reserved matters stage, and as outlined above will be a high quality to enhance the character of the Conservation Area. As such the proposal is considered to comply with Core Strategy Policies CS6 and CS17.

6.5.3 Drainage

Core Strategy Policy CS18 - Sustainable Water Management states that development should integrate measures for sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity within Shropshire. The application has been assessed by the Council's Flood and Water Management Team who have confirmed that the drainage details, plan and calculations can be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted. Accordingly, the development is considered capable of integrating measures for sustainable water management to reduce floor risk in accordance with the requirements of CS18.

6.5.4 Developer Contributions

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 either a S106 or Unilateral Undertaking in accordance with CS11 and the Housing SPD. At the current rate of 15% a development of up to 26 houses would include 3 on-site affordable homes together with an off-site contribution of 0.9. 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 unless it is necessary to make the development unacceptable and can also be used to target community improvements identified in the LDF Implementation plan and Place plans.

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 legal 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
NPPG

Core Strategy and Saved Policies:

HS3: Housing in Villages with Development Boundaries
CS5 – Countryside and Green Belt
CS6 – Sustainable Design and Development Principles
CS9 – Infrastructure Contributions
CS11 – Type and Affordability of Housing
CS17 – Environmental Networks
CS18 – Sustainable Water Management

SUPPLEMENTARY PLANNING DOCUMENTS

Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

N/A

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)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Roger Evans
Appendices APPENDIX 1 - Conditions

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

1. Details of the Appearance, Landscaping, Layout and Scale (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 12 months from the date of this permission.

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

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

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

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

The number of units
The means of enclosure of the site
The drainage of the site

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

5. This permission does not purport to grant consent for the layout shown on the deposited Proposed Site Plan F0-P-01i submitted with this application.

Reason: To enable the Local Planning Authority to consider the siting of the development when the reserved matters are submitted.

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

6. 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.

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

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

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

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

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Committee and date
 Central Planning Committee
 13 November 2014

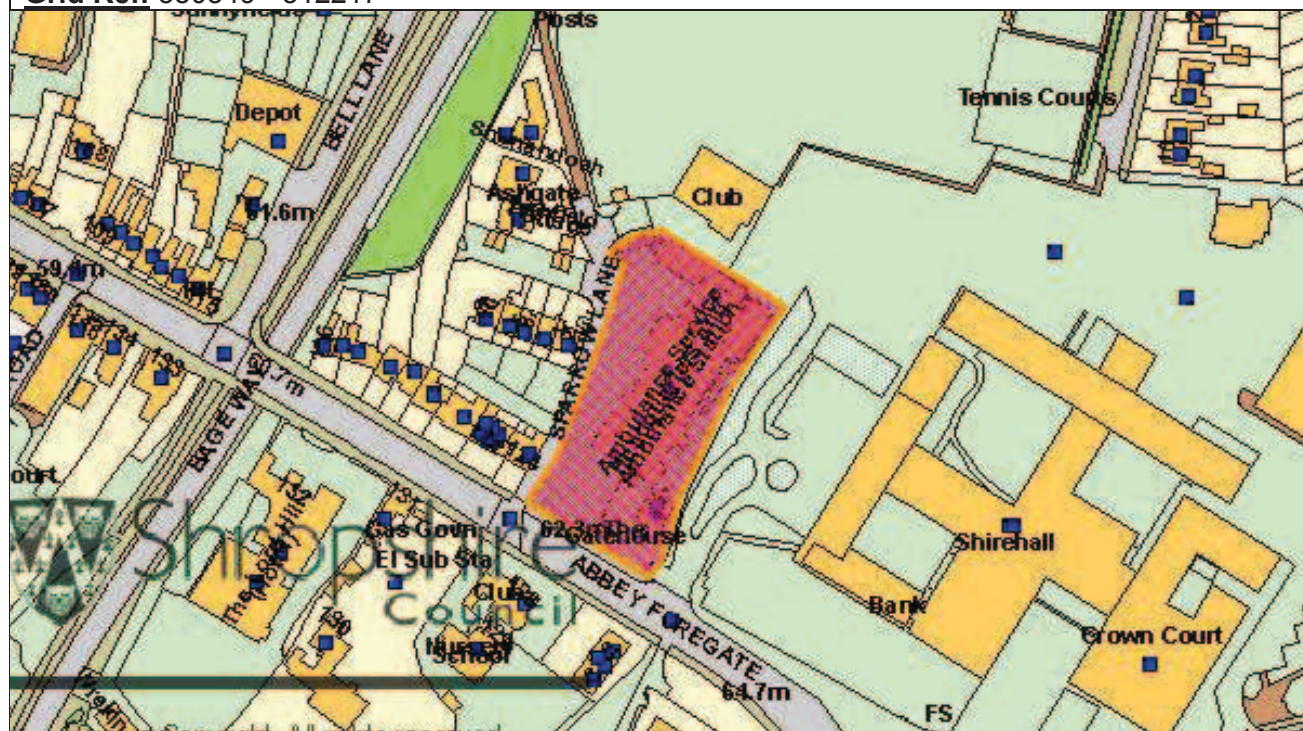
Development Management Report

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

Summary of Application

Application Number: 14/03033/FUL	Parish:	Shrewsbury Town Council
Proposal: Change of Use of former ambulance station to A1 retail including the provision of two C3 residential units and the erection of thirteen dwellings		
Site Address: Shropshire Ambulance Service Ambulance Station Abbey Foregate Shrewsbury SY2 6LX		
Applicant: Johal Dairies Holding Co Ltd		
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk	

Grid Ref: 350549 - 312217



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Recommendation: Approve subject to the conditions set out in Appendix 1 and a S106 agreement to secure the affordable housing on site.

REPORT

1.0 THE PROPOSAL

- 1.1 This planning application seeks full planning permission for the change of use of the front two storey part of the former ambulance station to form two A1 retail units (400sqm and 93sqm) on the ground floor and two apartments above and the erection of thirteen dwellings to the rear.
- 1.2 The re-development also includes the demolition of the single storey buildings to the rear.
- 1.3 The proposed vehicular access to the retail units will be via the existing entrance off Abbey Foregate and to the proposed dwellings at the rear via Sparrow Lane.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Abbey Foregate is located approximately 2 miles east of Shrewsbury Town Centre and is adjacent to the Shrewsbury Conservation area. The application site is located on the northern side of Abbey Foregate and is on land currently housing the former ambulance station.
- 2.2 The site is located adjacent to the Shirehall to the East of the site and the car park and UNISON club building to the North and rear of the site, with Sparrow Lane along its boundary to the West and fronts Abbey Foregate to the South. The existing building is set back from the road with parking area and semi mature trees to the front and mature trees on the boundary to the East. The red outline of the site extends outside of the current ambulance station curtilage and also includes three parking spaces to the rear of the building that are currently part of the Shirehall visitor long-stay car park and this land is being sold by the Council to the applicant. There is also a footpath link from the car park to Sparrow lane to the rear but the proposal would not result in the loss of this pedestrian link

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 The proposed development does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as it relates to land owned by the Council and is not in line with statutory functions.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Shrewsbury Town Council:

Shrewsbury Town Council objects to this application as they consider the proposals to be overdevelopment of the site, particularly the dwellings at the back. Being a conservation area, members also felt the plans neither preserved or enhanced the area, and therefore cannot support it.

4.1.2 **SC Trees:**

Accepts the arboricultural report which has justified that redevelopment of the site will not affect the condition of T1 (a mature, protected Sweet Chestnut tree of high public amenity in third party ownership) since roots will be largely absent from the development site due to the hostile conditions and changes in levels made approximately 50 years ago when the ambulance station was built. The report also states that “The RPA can only be improved by demolishing the existing building and de-compacting the ground below it to encourage root growth. Converting the existing building or replacing it with another within its footprint is not detrimental to the trees RPA as it merely maintains the status quo”. Still has concerns regarding the juxtaposition of the veteran Sweet Chestnut tree (T1) with the property and potential for conflict. A more thoughtful appropriate design would have been to include an area of public open space to benefit the tree and avoid long term issues with future prospective residents. Accepts that the raised part of the garden of the end terrace will receive sufficient sunlight in the afternoons to be considered adequate so as not to deny reasonable enjoyment of the garden. However, the building will remain shaded along with the lower part of the garden and the border to the side of the property and will also be affected by detritus from the tree. Therefore whilst not supporting the application fully does not have a case against the proposal which is confident would be upheld at an appeal. In order for the property to be constructed facilitation pruning will be required to the west of the tree and this will require either a separate TPO application or a schedule of works to be prepared by a competent arborist and submitted as part of the current planning application. No objection to the proposed removal of trees, but as the submitted tree report does not have a Tree Protection Plan, which could be enforced recommends a tree protection condition.

4.1.3 **SC Highways:**

Sparrow Lane is a narrow street serving a small number of residential dwellings and a walking connection between Abbey Foregate and Dark Lane. The proposed development looks to increase the numbers of residential units accessed off Sparrow Lane, which we consider to be suitable to support this level of development with the improvement works proposed at the Abbey Foregate junction as these will improve inter-visibility at this junction and provide a widened section for passing vehicles. This work must be carried out prior to the first occupation of the new dwellings and hence we have requested a condition for this. The level of proposed car parking and the layout of the proposed retail development appears to be suitable for the intended usage and we note the applicant has included a pedestrian route to the unit frontage from Abbey Foregate. Clearly the standard of the junction with Abbey Foregate is suitable when considering the former use of the

site, but the supplied transport statement demonstrates this junction would operate well within theoretical capacity. No cycle parking stands have been indicated on the site layout, but 'Sheffield' type stands must be provided along the site frontage to provide convenient and secure cycle parking for staff and customers of the retail units. We would recommend that a minimum of four stands be provided.

No objections, subject to conditions and informatives

4.1.4 **SC Drainage:**

Suggests drainage details, plans and calculations to be subject to condition

4.1.5 **SC Waste Management:**

From looking at the plans for this estate there is nowhere for the vehicle to turn to come out of the houses at the rear of the retail units. If there is nowhere to turn residents will have to present their bins at the junction with Sparrow Lane.

Waste Management would recommend the developer reads our guidance on bin collections and access for vehicles.

4.1.6 **SC Affordable Housing:**

The current affordable housing contribution rate for this area is 20% and as such a proposal for 15 new open market dwellings would be liable to make a contribution equivalent to 3 whole affordable units. The application form notes the correct provision of affordable housing and therefore satisfies the Policy requirement. During the pre application discussion, it was suggested by the applicants agent that the three units were proposed to be discounted rental tenure and that Block C will comprise the affordable provision.

4.1.7 **SC Conservation:**

The subject lands are located just outside of, but directly adjacent to and across from, the Abbey Foregate Special Character Area which makes up part of the larger Shrewsbury Conservation Area. There are no listed buildings on these lands however there is a substantial brick wall running along Sparrow Lane along the westerly property boundary which is a local feature of historic interest, and which likely delineated the westerly walled garden of the now demolished 1850s villa named Nearwell (removed in 1963 to make way for the new Shirehall). Immediately to the west, and within the Conservation Area, the ashlar faced substantial terraces along Abbey Foregate are Grade II listed.

Considers this to be a key site along a busy gateway route into and out of the Conservation Area, adjacent and near to a number of important designated and non-designated heritage assets, and just west of the major road junctions around

the Grade II* listed Lord Hill Column. The site has deteriorated recently and is visually detrimental to the area at present, and efforts to improve the site are welcome. Development should not however impact detrimentally on adjacent heritage assets and overall will need to visually enhance the character and appearance of the adjacent Conservation Area and the street scene including Sparrow Lane.

The plans indicate that much of the site would be taken up by extensive areas of paving for parked cars and access routes along with a predominance of buildings, both existing and new, with very little amenity space provided both to the street frontage and over the site as a whole. In this regard, the site appears over developed. Additional amenity area should be provided and consideration of reducing the amount of new build on the site is needed. Previously commented that as much of the brick boundary wall as possible along Sparrow Lane should be retained and repaired as part of the redevelopment of this site as a feature of historic interest and visual character adjacent to the Conservation Area boundary and additional details are required on this aspect of the proposal.

Efforts to better visually enhance the proposal are required at this key location adjacent to the Conservation Area boundary.

On submission of revised plans confirmed that initial comments have now been generally addressed and makes recommendations for conditions regarding materials to be imposed on any approval.

4.1.8 **SC Public protection:**

Contaminated land: The application is supported by Phase II Geo-Environmental Investigation dated June 2014 MA9791/2/V1. It refers to an A Phase I Geo-Environmental Assessment (also undertaken by millward) and was produced for the site in May 2014 (ref. MA9791/1) however this document is not included and a copy is required. At the time of reporting ground gas monitoring was on-going hence this remains outstanding at this moment in time.

Lead (Pb) has been compared to the former SGV of 450mg/kg however; this value was withdrawn along with the guidance that underpinned its derivation. A site specific value should be derived using CLEA or refer to recent guidance in respect of proposed category 4 screening values.

Arsenic was recorded at 44mg/kg in WS04 at 0.30m. This is a statistical outlier in terms of the main data set and therefore cannot be ignored and requires remediation.

The area around and beneath the fuel tanks still require investigation and assessment but this can't be carried out until the tanks are removed.

As a result recommends a condition in respect of contaminated land

Noise: The design and access statement suggests that careful positioning of plant and equipment is required to control noise. As no details of plant and equipment have been provided proposes a condition regarding this. In addition the club to the north of the site could cause there to be issues with noise and recommends a condition to ensure that activities at the club are not impacted by residential receptors encroaching on them.

4.1.9 **West Mercia Police:**

Comments on this proposal as Crime Prevention Design Advisor for West Mercia Police and draws attention to Section 17 of the Crime and Disorder Act 1998 which clearly states:

'It shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions of, and the need to do all that it reasonably can to prevent crime and disorder in its area'.

Does not object to the application but outlines opportunities to design out crime and/or the fear of crime and to promote community safety.

4.2 **Public Comments**

4.2.1 Eleven letters of objection and two neutral letters have been received including one from the local member on behalf of the residents of Abbey Foregate. Comments are available in full on the file but have been summarised as follows:

- There has been some support for a local mini-market type outlet in the community for some time, as the residents of Belvidere have a long walk to the nearest grocers.
- Not appropriate to site dwellings adjacent to the social club
- The site encroaches onto the footpath connecting the car park with Sparrow Lane
- The trees should be retained to enhance the appearance of the site and provide shade for parking areas and there is no mention of replanting trees that have been removed.
- Drainage for the site will be routed to an existing drain on Sparrow Lane, but this regularly blocks and floods adjacent properties and will be exacerbated if this proposal connects to it
- Increase in traffic on Sparrow Lane which is not wide enough to accommodate two cars passing and will be hazardous at the junction with Abbey Foregate
- Concerns about the rubbish produced by the retail units
- The main building should be re-developed to be more in keeping with neighbouring buildings and should be more appealing and creative

- Houses should be more sympathetic to the surrounding properties, i.e. Georgian or early Victoria style terrace or square
- No need for more retail facilities
- Dispute over the ownership of a strip of land at the back of the site
- Overdevelopment and inappropriate for a conservation area

4.2.2 A letter of objection has been received on behalf of the Salop Unison Club. Comments are available in full on the file but have been summarised as follows:

- Terraced houses A and B are directly facing and only 10m from the clubhouse
- Noise disturbance (parties/events are held by the club late at night)
- No consideration has been given as to where the foul and storm drainage from the clubhouse will go
- Retail units will increase traffic in the area
- Plans show the development encroaches over an existing footpath, which could be a right of way

5.0 THE MAIN ISSUES

Principle of development

Layout, scale and appearance, residential amenity

Highways

Trees and landscape

Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The proposal includes conversion of the ground floor to provide two retail units and the provision of two flats above and the erection of 13 dwellings to the rear including 3 affordable to be secured by S106 which is an overprovision under CS11. The site is located within the Shrewsbury urban area and is therefore within both the SABC adopted urban development boundary and the proposed SAMDev development boundary. The development of this site accords with CS2 which identifies that Shrewsbury will provide a primary focus for development in Shropshire including housing and development of its role as Shropshire's primary retail, office and commercial provider, with the vitality and viability of the town centre to be promoted, protected and enhanced.

6.1.2 The provision of housing on this site therefore accords with adopted and emerging policy and also the NPPF presumption in favour of sustainable development being

situated close to Shrewsbury Town Centre.

6.1.3 With regards to the retail aspect of this proposal Policy CS15 identifies that in accordance with national planning policy preference will usually be given to town centre retail and office development along with other town centre uses, taking into account sequential and impact assessments. Relevant policies contained within the emerging SAMDev document include Policy MD10 that also relates to Town Centre Impact Assessments. This policy identifies that proposals for new retail development will require a retail impact assessment for developments that have a gross floorspace of over 500 sqm. As this proposal is for two units of 400sqm and 93sqm a sequential and retail impact assessment is not required in this instance. Policy CS15 also states that the provision of neighbourhood based shopping and other community facilities will be supported where this will help consolidate and improve existing provision or will serve significant new developments. Whilst this is not a significant residential development the proposed site is situated within an established residential area with limited neighbourhood shopping and services and it is considered that the provision of two small retail units to compliment the existing facilities on offer in the area is considered acceptable and would have no adverse impact on the vitality and viability of Shrewsbury Town Centre.

6.1.4 With regards to the specific retail use at the site Policy MD10 advises that where retail proposals on the edge of or outside town centres are permitted, restrictive conditions will normally be applied to the percentage of floor space dedicated to the sale of comparison retail items in order to protect the primacy of town centres as the preferred retail destination. Convenience goods relate to food and non-alcoholic beverages, tobacco, alcoholic beverages, newspapers and non-durable household goods whereas comparison goods relate to any other goods, including clothing, shoes, furniture, household appliances, tools, medical goods, games and toys, books and stationery, jewellery and other personal effects. This proposal does not stipulate what type of A1 retail sales is being applied for but it is not considered necessary to restrict the use to food sales/convenience style retail only or to limit the amount of Comparison goods. Members may recall that they have allowed the change of use at the old 'Mullins' site to A1 retail but have restricted it to comparison goods contrary to MD10. Therefore unrestricted retail use at this site to include convenience goods will compliment the retail opportunities in the area. It is considered that an open A1 retail use is appropriate in this instance and the market and/or the needs of the community will reflect the end user and will promote economic growth in accordance with the NPPF and without a negative impact on the Town Centre.

6.2 **Layout, scale and appearance**

6.2.1 The submitted site plans show the two storey front section of the building retained and altered to allow for the proposed retail use at ground floor and residential use above. The proposal includes very little alteration to the front of the building and the drawings of the front elevation show the insertion of shop front windows reflecting the dimensions and scale of the vehicle opening that already exists in the centre and the door and window either side. The Town Council and some local residents have

expressed concern about the appearance of the main building and that it should be more appealing and creative and should be re-developed to be more in keeping with neighbouring buildings. However the LPA cannot dictate that the building should be demolished and replaced and it is considered that the proposed minimal alterations will not have a negative impact on the character and appearance of the building and the area but that the new use for the site coupled with the proposed landscaping will improve the appearance of the locality and the view of the site from Abbey Foregate.

6.2.2 With regards to the proposed new build at the rear of the site some public comments express concern that this represents an over development of the site. However the footprint of the built development is less than the existing built development to be demolished. The proposal has been amended to include a terrace of three and the terrace of ten has been split into two terraces of five. The terraces have been designed to pick up the design features and character and appearance of terraces in the locality including eaves detailing with traditional overhang, Edwardian style symmetrical vertical emphasis fenestration with bay windows, canopies and dormers incorporating stone mullions, cills and lintels and the inclusion of chimneys and front boundary walls. The layout and density of the proposal including small front gardens and larger rear gardens is in keeping with the scale and density of terraces in the locality. It is considered that the layout, scale and design of the proposal is acceptable and in addition to the proposed landscaping will enhance the character and appearance of the area.

6.3 Residential Amenity

6.3.1 The proposed new dwellings would benefit from private rear garden/amenity areas in addition to small front gardens. To the rear of the site is the Shirehall car park and the UNISON Club building. Concern has been raised that due to the potential noise disturbance from late night parties and events at the club that this might result in complaints from the future occupiers. Public Protection has noted this and recommends a condition regarding details of the glazing and ventilation for the rear facing windows to ensure that activities at the club are not impacted by residential receptors encroaching on them. The Public Protection team have also highlighted the potential of noise and disturbance of the proposed commercial uses on the occupants of the new dwellings through extraction equipment and delivery/opening times. Conditions regarding restricted delivery times and the details of any equipment to be submitted for approval can be imposed. One neighbour has commented that some of the land within the red line of the application is where he currently parks a mobile home and that it belongs to him. Land ownership is a civil and not a planning matter but in any case the land is considered to be Shropshire Council land that is to be sold to the applicant. There is concern that the proposal will result in the loss of a footpath that connects the Shirehall and Unison car park with Sparrow lane. However although the proposal will result in the loss of three parking spaces and the current footpath the pedestrian route will be maintained to the rear of the development site.

6.4 Highways

6.4.1 Some residents have raised concern about the suitability of Sparrow lane and the safety of the junction with Abbey Foregate to accommodate additional traffic and also

the increased traffic on to Abbey Foregate from the proposed retail units. The proposal includes widening Sparrow Lane at the junction with Abbey Foregate and Highways have no objection to the proposal. They have commented that Sparrow Lane is suitable to support the level of development with the improvement works proposed at the Abbey Foregate junction as these will improve inter-visibility at this junction and provide a widened section for passing vehicles. In addition considers that the standard of the junction at the front with Abbey Foregate is suitable when considering the former use of the site and that the supplied transport statement demonstrates this junction would operate well within theoretical capacity. The proposal includes 18 parking spaces for the proposed retail units and three cycle stands and 28 spaces for the proposed 15 residential units. It is considered that the level of parking proposed both for the residential properties at the rear and the retail use at the front is satisfactory. Waste collection vehicles already access Sparrow Lane and there is adequate turning space for these vehicles, and bin collection points have been located at the junction with the proposed terraces of new houses.

6.5 Trees and landscaping

6.5.1 The proposal includes the removal of seven trees on the site to which the tree officer has no objection. Significant mature trees on the boundary with the Shirehall access road are to be retained and appropriate tree protection measures proposed. However the tree officer has commented that an additional tree protection plan is required and has recommended a condition regarding this. The tree officer was concerned about the proximity of the mature Chestnut tree (T1) with the end property and potential for conflict. However due to the orientation of this terrace and the distance of the end property from this tree it is considered that it would not appear overbearing or overshadow any windows or the rear garden. Although the proposal includes the loss of trees at the front the proposed landscaping scheme includes a row of 5 Liquidamber (Sweet Gum) trees to match those along Abbey Foregate which will provide a continuous tree frontage between Sparrow Lane and the trees at the front of the Shirehall. The detailed landscaping proposal also indicates landscaped areas within the site along the boundaries of the site and planted beds behind the low boundary walls in front of the terraces. It is considered that the proposed landscaping will green the site and provide visual enhancement.

6.6 Drainage

6.6.1 The submitted drainage report indicates that the ambulance station already has a foul connection to the adopted sewer and that the proposed foul sewage for the retail units will utilise this existing connection. A new foul sewer to connect to the existing manhole in Sparrow Lane is proposed for the proposed new dwellings and it is anticipated that it will not require any pumping facility and the final detailed proposal will be subject to Severn Trent approval and will also require Building Regulation approval. Further details regarding foul drainage to be submitted as part of the planning application is therefore not required and any impact on the existing public sewer is a matter for Severn Trent. The Council drainage team have however requested that the surface water drainage details will be required to be submitted and approved and can be subject to condition.

7.0 CONCLUSION

7.1 The redevelopment of this site for retail and residential use (including 3 affordable houses) is acceptable in principle and in accordance with adopted and emerging policy. The proposed alterations to the ambulance station building would have no adverse impact on its character and appearance or impact on the character and appearance of the locality or the adjacent Conservation area. The loss of less significant trees will be compensated for by new planting and the proposed design and detailing of the proposed terraces to the rear is also considered acceptable and to a high standard and coupled with the proposed landscaping and boundary improvements will enhance the appearance of the site. The proposal will provide adequate car parking, improvements to the access onto Abbey Foregate and would have no highway safety implications. The proposal therefore accords with the NPPF and Core Strategy policies CS2, CS6, CS11, CS15 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

Core Strategy and Saved Policies: CS2, CS6, CS11, CS15 and CS17

List of Background Papers: File 14/03033/FUL
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member : Cllr. Hannah Fraser
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. Prior to the commencement of any phase of the development full details, plans and calculations of the proposed surface water drainage including information on the proposed maintenance regime for any sustainable drainage system proposed and details on how the surface water runoff will be managed and a contoured plan of the finished ground levels 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 shall be submitted for approval. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway the proposed surface water drainage shall include a drainage system to intercept water prior to flowing on to the public highway. The proposed drainage system shall be implemented as approved prior to the first occupation of the dwellings and maintained for the lifetime of the development in accordance with the agreed details.

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

4. Prior to commencement of development (including ground clearance, demolition and construction work) a Tree Protection Plan (TPP) should be submitted in accordance with British Standard 5837: 2012 - "Trees in Relation to Design, Demolition and Construction - recommendations for tree protection". The TPP should describe, specify and plot the position and type of protective fencing and the protective ground measures to be taken, as specified in the Sylvan Resources tree report and root protection areas. All tree protection measures specified in the submitted tree report and TPP shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. No works or alterations to existing ground levels or surfaces shall be undertaken within the RPAs without the prior written approval of the local planning authority. No materials, equipment or vehicles are to enter or be stored within the RPAs. No materials that are likely to have an adverse effect on tree health such as oil, bitumen or cement will be stored or discharged within the RPAs. No fires will be lit within 20 metres of the trunk of any tree that is to be retained.

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

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

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

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

6. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out prior to the occupation of each relevant phase of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

7. The proposed highway improvement works at the junction with Sparrow Lane and Abbey Foregate shall be completed prior to the first occupation of the proposed residential development accessed from Sparrow Lane.

Reason: in the interest of safety for the users of the public highway.

8. Prior to the occupation of any buildings on the relevant phase details of all walls, fences and hedges (including specifications regarding the modifications and improvements to the existing brick boundary walling) shall have been submitted to and approved by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site and thereafter retained.

Reason: To provide adequate privacy and an acceptable external appearance.

9. Prior to the first occupation of the proposed residential development accessed off Sparrow Lane the repair work required to the existing retaining boundary wall shall be carried out in accordance with the details approved under condition 8 above and with the recommendations made in the supplied Structural Assessment report, with the work being carried out to the satisfaction of the local highway authority.

Reason: to protect the users of the adjacent public highway from debris falling from the wall.

10. No built development on the relevant phase shall commence until samples of all external materials 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.

11. No windows or doors shall be installed on the development without details plans and sections at a scale of 1:20 having been first submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To protect and enhance the appearance of the building and the area.

12. Prior to glazing being installed into windows in Terrace A and Terrace B shown on diagram 1019-110 submitted with this application a statement shall be submitted stating what glazing shall be used including its noise reducing properties. This shall be accompanied by a statement of how ventilation will be installed to allow windows to remain closed when required.

Reason: to protect the health and wellbeing of future residents.

13. Prior to the installation of any plant and equipment including condenser units and fans, details of any such equipment and their position shall be submitted with a statement assessing the impact of any noise from such activities on residential units proposed for approval in writing from the local planning authority. Where noise levels do not fall within

target levels suggested in World Health Organisation Guidelines on Community Noise mitigation measures must be detailed and implemented.

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

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

14. Deliveries to the proposed retail units shall not occur outside of the following times: Monday to Friday 07:00-19:00, Saturday-Sunday 07:00-13:00.

Reason: to protect the amenity of the area.

15. 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.

16. 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.



Committee and date
 Central Planning Committee
 13 November 2014

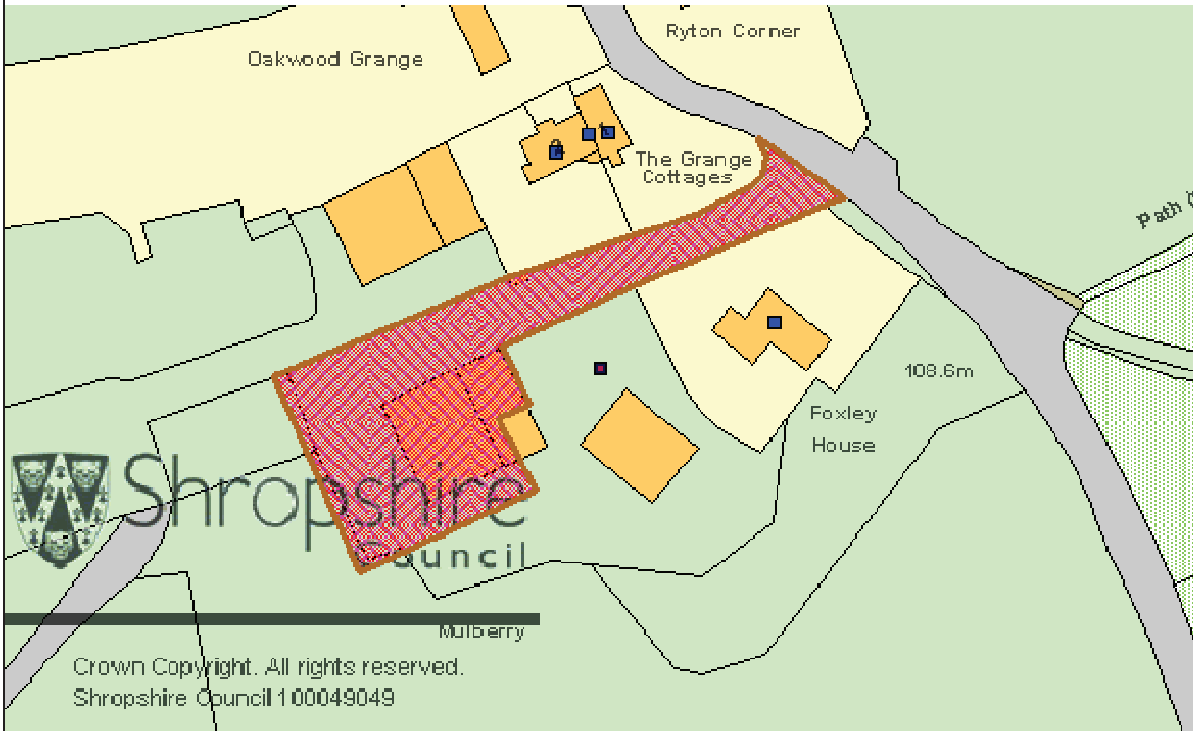
Development Management Report

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

Summary of Application

Application Number: 14/03338/OUT	Parish:	Condover
Proposal: Outline Application for the erection of 2No dwellings (to include access)		
Site Address: Land West Of Mulberry House Great Ryton Shrewsbury Shropshire SY5 7LW		
Applicant: Mr P Morris		
Case Officer: Steve Drury	email: planningdmc@shropshire.gov.uk	

Grid Ref: 348861 - 303437



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a Section 106 legal agreement to secure the provision of on-site affordable dwellings

REPORT

1.0 THE PROPOSAL

1.1 This application seeks outline planning permission for the erection of two dwellings on land adjacent Mulberry House, Ryton. The application includes a consideration of access with all other matters reserved for later consideration.

1.2 The proposed vehicular access to the site will be provided from an existing entrance, to the north of Mulberry House connecting the site with the highway running through the centre of the village.

1.3 The application includes an agreement from the applicant to provide the necessary financial contribution towards local needs affordable housing in accordance with Policy CS11 of the Core Strategy.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located in the settlement of Ryton, approximately 1 mile east of Dorrington and approximately 8 miles south of Shrewsbury. Ryton is made up of the settlements Great Ryton and Little Ryton and the site is located at the southern end of Great Ryton, which is the northernmost of the two settlements.

2.2 Ryton is a fairly dispersed settlement with a traditional character. It contains a mixture of housing types and sizes, including traditional rural cottages and more modern detached dwellings. The majority of properties are of brick construction.

2.3 The site is part of a working farm which is located in the centre of the settlement and accessed via a private driveway. The site comprises a 1970's steel framed agricultural building, originally built to accommodate dairy livestock and equipment. Residential properties are located to the north and east of the farm complex and fields are located to the south and west. A substantial dwelling has recently been erected immediately to the east of the development site. This property is known as Mulberry House and is also within the ownership of the applicant. There are no other neighbouring properties within the vicinity of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 SC Drainage:

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

The 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.

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. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change.

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

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

The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

If main foul sewer is not available for connection, full details and sizing of the proposed septic tank/ package sewage treatment plant including percolation tests for the drainage field soakaways should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water 'Flows and Loads: 4' should be used to determine the number of persons for the proposed development and the sizing of the septic tank/ package sewage treatment plant and drainage fields should be designed to cater for correct number of persons and in accordance with the Building Regulations H2. These documents should also be used if other form of treatment on site is proposed.

4.1.2 SC Affordable Housing:

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.

4.1.3 SC Public Protection:

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.

Due to the close proximity of neighbouring residents I would recommend construction time conditions are placed on this application.

4.1.4 Condover Parish Council: (2 comments):

1. Condover Parish Council agreed to object to the application at its meeting held on 5-8-2014. The proposed application for two market houses is in an area which had been designated Countryside (as per Shropshire Council's CS5 policy) and does not meet the Parish Council's SAMDev submission which has been arrived at through considerable public consultation in 2010 and 2013. In addition sustainability issues as outlined by NPPF exist: These principally relate to Rytons distance from services (such as school/doctors/shops/playground/etc.), and an infrequent bus service means that practically everything has to be accessed by car. The hamlet has been recognised by SC Planning Officers as unsustainable when determining recent applications in the village as quoted by a Planning Officer in 2013:

"The countryside status of Ryton denotes an area which is not served by a sufficient range of services and facilities for it to be regarded as sustainable. The low level of service provision promotes rather than reduces the need to travel." The recent deluge of planning applications received in both Ryton and its neighbouring villages Condover & Dorrington have a cumulative effect which should not be overlooked. The potential (and ever increasing) number of new build housing, (mostly market housing) will if all are passed have a detrimental impact on the small hamlet of Ryton and its neighbouring villages. Amenities and services upon which communities depend are unlikely to meet the increased demands of its ever growing population.

8th August 2014:

2. Condover Parish Council objects to the application and wishes to make the following additional comments:
 - The two 4 bedroom houses proposed in the application do not meet the housing needs of the village.
 - The outline application does not show where the two houses would be sited, and may extend to beyond the curtilage of the existing barn, extending the settlement towards Dorrington.
 - This is noted as having been the 4th application to have been made in as many years. (As agreed at the Council's meeting held on 5-8-2014)

4.1.5 SC Ecology:

- Further information requested in respect of Great Crested Newts
- Following submission of a GCN assessment by Greenscape Environmental (2014) it is considered that works can proceed without an

EPS licence provided Risk Avoidance Measures are adopted.

- The proposal does not meet the trigger for requiring a Bat Survey
- An appropriate landscaping condition should be attached to the decision notice.

4.1.6 SC Highways:

You will note that the local highway authority has not objected to the previous (refused) applications which also proposed to utilise the existing private access on to the public highway and were of a similar scale to the development now proposed. The existing access is quite wide, has adequate visibility and is surfaced in tarmac, so we consider this to be appropriate for the development proposed.

4.2 Public Comments

4.2.1 One letter of objection has been received from a local resident, which is available in full on the file but has been summarised as follows:-

Site History:

- 3 previous applications on the site. All refused on grounds of insufficient range of services and facilities in the village, promoting the need to travel.

Lack of Information:

- Impossible to assess the impact upon the countryside
- Size of dwellings are unclear
- Unclear whether access is to be altered

SAMDev:

- The application is contrary to Policy CS5.
- The application opposes Rytons Samdev submission and the wishes of the majority of Ryton residents

Lack of Sustainability:

- 1.2 miles by road from Dorrington Primary School and 1.9 miles from Condover Primary School
- Only facilities in Ryton are the public house, village hall and mission church.
- Poor connectivity to Dorrington or Condover, no roadside footpaths and Station Road carries HGV and large vehicles to Gonsal quarry.
- Bus times are not convenient for school children

Layout and Scale:

- Development would encroach into open countryside and would be visible from some distance away
- Will not enhance the character and setting of the settlement

Ecology:

- Ponds are located within 100m of the site. An ecological assessment should be carried out.

Highways:

- It is noted that comments made in response to an earlier application for Mulberry house suggested the access was not favourable and other options should be explored. How is this access now suitable for 2 more dwellings?

5.0 THE MAIN ISSUES

Principle of Development
Site History
Proposed Development
Access Issues
Impact upon Residential Amenity
Ecology Issues
Drainage
Affordable Housing

6.0 OFFICER APPRAISAL

6.1 Principle of Development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight.

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

- 1) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- 2) specific policies in the NPPF indicate that development should be restricted.

6.1.3 With regards to housing development paragraph 49 of the NPPF is relevant and states that:

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

and that

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

- 6.1.4 Following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council's position (as published in an amended Five Year Housing Land Supply Statement on 12/08/14) is that it has identified a housing supply of 5.47 years for Shropshire which is sufficient to 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.
- 6.1.5 The starting point for consideration of housing proposals is therefore the Development Plan but 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.
- 6.1.6 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) has not been designated a market town, key settlement or Community Hub or Cluster and is therefore classed as open countryside in planning policy terms under Policy CS5. As such, in terms of local planning policy, the site is not in a location where open market development can be supported.
- 6.1.7 Notwithstanding the above, weight must be given to the requirements of the NPPF and the presumption in favour of sustainable development. In terms of the sustainability of the development, the settlement has a fairly limited range of services comprising The Fox Inn public house, a church and a village hall, but 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 (1.8km) to the village of Dorrington where a greater range of services are available including a primary school, village shop/post office, pub/restaurant, Persian restaurant, business park, butchers, bowling green and football pitch.
- 6.1.8 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'. 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.

6.1.9 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.

6.1.10 A consideration of the relevant issues will take place in the following sections of this report but have also been summarised below. As required by Paragraph 14 of the NPPF, any adverse impacts of granting permission must significantly and demonstrably outweigh the benefits when assessed against policies in the framework.

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 two dwellings 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 that 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 sits within an existing farmyard and will replace an existing portal framed building. The site has no official heritage, cultural or ecological designation and the proposal will not have any detrimental impact upon local wildlife. A consideration of the likely visual impact upon the surrounding area will take place at the reserved matters stage.
- 6.1.14 In addition to the requirements of the NPPF, the proposed development will also need to accord with Policies CS6, CS11, CS17 and CS18 of the Shropshire Core Strategy.
- 6.2 Site History
- 6.2.1 11/00316/OUT - Outline application for the erection of 2 detached dwellings to include access, layout and scale following demolition of existing redundant farm buildings – REFUSED 11.03.2011
- 6.2.2 The application was refused on the grounds that it was located in the countryside and not in a settlement with an acceptable level of service provision and would promote rather than reduce the need to travel, and result in a dispersed pattern of development considered to be wholly unsustainable. Hence the proposal was contrary to LDF Core Strategy Policies CS1, CS4 and CS5, and National Planning Guidance PPS1, PPS3 and PPS7.
- 6.2.3 11/04469/OUT - Outline application for the erection of one detached dwelling with garage to include access, layout and scale following demolition of existing redundant farm buildings (revised scheme) – REFUSED 13.01.2012
- 6.2.4 Although the proposal was reduced from two dwellings to one dwelling, the revised application was refused for the same reasons as the initial application above.
- 6.2.5 13/02591/FUL - Replacement building to provide 2 holiday lets and associated garaging – REFUSED 18.10.2013
- 6.2.6 As with the initial two applications, this application was also refused on the grounds that the site was located in the countryside and not an area serviced by a sufficient range of services and facilities, promoting the need to travel, and resulting in a dispersed built environment pattern. It was therefore not considered to be a sustainable site on which new holiday lets would bring local economic and community benefits. Hence the proposal is contrary to Local Development Framework Core Strategy Policies CS5 and CS16, and the National Planning Policy Framework.
- 6.2.7 Whilst officers are mindful of the site history, the policy situation has changed and the application must now be determined against the context of the NPPF and the presumption in favour of sustainable development.

- 6.2.8 In addition, officers are mindful that a dwelling immediately to the west of the development site also contains a newly erected dwelling which was granted outline approval on 23rd September 2008 under ref. 08/08710/O and subsequent reserved matters approval on 25th March 2009 under 09/0114/RM.
- 6.3 Proposed Development
- 6.3.1 As this is an outline application, details of layout, scale, appearance and landscaping will be considered at the reserved matters stage. To be acceptable, any buildings provided on the site will need to be appropriate, taking into account the local character and context. The only information provided at this stage is that the dwellings will be family dwellings.
- 6.4 Access Issues
- 6.4.1 The proposed development will be accessed using an existing vehicular driveway to the north east of the site which currently serves the existing property at Mulberry House and farm complex. The access drive is 7m wide and has a tarmaced surface and is considered sufficient to accommodate the vehicle movements associated with 2 new dwellings.
- 6.4.2 Whilst officers note the concerns raised by local residents regarding the suitability of the access and comments raised in relation to previous applications, it is noted that the Highways Officer did not raise objection to any of the three previous applications. Furthermore, the Central Highways Manager has assessed the current proposal and considers the proposed means of access suitable to accommodate vehicle movements generated by the two dwellings proposed.
- 6.5 Impact upon Residential Amenity
- 6.5.1 As stated above, as the proposal is only for outline consent at this stage, it will not be possible to assess the full impact upon neighbouring properties until the submission of the reserved matters application. This will involve details of the siting, scale and appearance of the proposed dwellings.
- 6.5.2 Officers do note that the application site is located immediately adjacent the applicants own property (Mulberry House) therefore any design will need to respect the amenities of the future occupants of that property.
- 6.5.3 The nearest neighbouring properties are Foxley House, located to the east of the applicants own property and 1 and 2 Grange Cottages are located to the north east of the site and to the north of the access drive. Having regard to the distance those properties will be located from the development site, it is not considered that the proposal will have a significant adverse impact upon the amenities of the occupants of those properties, either through a loss of privacy, light or overbearing impact.
- 6.5.4 Whilst it is noted that the access drive passes the three neighbouring properties listed above, it is not considered that the resulting increase in vehicle movement would significantly harm the amenities of the occupants of those properties through associated noise and disturbance.

6.6 Ecology Issues

6.6.1 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 and confirmed that whilst the proposal did not meet the trigger for requiring a bat survey, further information would be required to consider the potential impact upon Great Crested Newts. Following submission of a GCN survey by Greenscape Environmental (2014), officers are satisfied that the works can proceed without requiring an EPS licence provided Risk Avoidance Measures proposed in the submitted report are adopted.

6.6.2 It is therefore considered that the proposal can be provided without harm to any statutorily protected species or habitats, however, they do request that conditions and informatives are attached to any planning permission granted which notifies the applicants of their duties with regard to protecting bats and wild birds.

6.7 Drainage

6.7.1 No drainage details have been submitted with the application, however, the applicants agent has confirmed that the surface water will be disposed of via soakaways and foul drainage will be by way of septic tanks. Further details can be provided at the reserved matters stage.

6.8 Affordable Housing

The applicant has confirmed in writing an agreement to make the necessary financial contribution towards the provision of local needs affordable housing in accordance with Policy CS11. The contribution will be set at the time of the submission of the reserved matters application.

7.0 CONCLUSION

7.1 Whilst it is noted that Ryton has not come forward as a Community Hub or Community Cluster in the forthcoming in the forthcoming SAMDev document, and it is the wish of the Parish Council that the village is designated as 'open countryside' under policy CS5, however, regard must also be given to the requirements of the NPPF and the presumption in favour of sustainable development. The settlement is located a relatively short distance from the village of Dorrington where a basic range of services are available and whilst it is acknowledged that Dorrington is not easily accessible on foot, paragraph 55 of the NPPF advises that where there are groups of smaller settlements, development in one village may support services in a village nearby'. As such, it is considered that the development site does represent a sustainable site for residential development and would not involve an overreliance on long journeys by car.

7.2 The proposal will be located to the rear of an existing residential property and on land comprising an existing agricultural yard and will not result in the loss of good quality agricultural lane or encroachment into the open countryside. It will also have no adverse environmental or ecological implications. The development can be accessed safely and accommodated by the local highway network without detriment to highway safety. The proposal will provide a financial contribution in accordance with Policy CS11 and will require a CIL contribution towards locally significant projects. Further assessment of the visual impact resulting from the

design will take place at the reserved matters stage.

- 7.3 Whilst the concerns of the Parish Council are noted, the proposal is considered to represent sustainable development where the benefits of the proposal outweigh any potential harm. As such, the proposal is considered to accord with the requirements of the NPPF together with policies CS6, CS17 and CS18 of the Core Strategy and is therefore recommended for approval.

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. BackgroundRelevant Planning Policies

Central Government Guidance:

National Planning Policy Framework (NPPF)

Core Strategy and Saved Policies:

CS1: Strategic Approach

CS4: Community Hubs and Community Clusters

CS5: Countryside and Green Belt

CS6: Sustainable Design and Development Principles

CS9: Infrastructure Contributions

CS11: Type and Affordability of Housing

CS17: Environmental Networks

CS18: Sustainable Water Management

RELEVANT PLANNING HISTORY:

PREAPP/12/00139 Erection of a triple garage with stores and holiday let above following demolition of redundant agricultural buildings and yards PREAIP 14th May 2012

12/01177/DIS Discharge of condition 8 (Details of the means of access, including layout, construction and sight lines) attached to planning ref. SA/08/0710/O. Outline application for the erection of a dwelling to include means of access to the site and siting following demolition of existing commercial buildings DISAPP 16th May 2012

14/03338/OUT Outline Application for the erection of 2No dwellings (to include access) PDE

SA/09/0114/RM Reserved Matters pursuant to Outline permission ref: 08/0710/O dated 23rd September 2008 for the erection of a dwelling to include appearance, landscaping, layout and scale PERCON 25th March 2009

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) - See Planning file
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr Tim Barker

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of 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 be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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

- The number of units
- The means of enclosure of the site
- The levels of the site
- The 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. 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

6. 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

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 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

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

9. 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.

10. 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

11. Work shall be carried out strictly in accordance with the Assessment for Newts by Greenscape Environmental dated November 2014

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

Informatives

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. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

5. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

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

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

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

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

7. 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.



Committee and date
 Central Planning Committee
 13 November 2014

Development Management Report

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

Summary of Application

Application Number: 14/03451/FUL	Parish:	Ford
Proposal: Erection of 2 no. dwellings with associated garages; formation of vehicular access		
Site Address: Proposed Residential Development To The NW Of Ford Shrewsbury Shropshire		
Applicant: Mrs M Jones		
Case Officer: Joe Crook	email: planningdmc@shropshire.gov.uk	

Grid Ref: 340989 - 313769

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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a Section 106 Agreement to ensure the affordable housing contribution is made.

REPORT

1.0 THE PROPOSAL

1.1 The proposed development is for the erection of 2 no. dwellings with associated garages and the formation of a vehicular access

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located to the north west of Ford, and is a section of agricultural land adjacent to Clifton Coach House. The site is located within the Ford Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Following detailed objections being received from the Parish Council, the Local Member confirmed his objections to the scheme and requested the scheme be considered for determination by the Central Planning Committee. The Committee Chair and Principal Planning Officer are due to consider this report and confirm whether the application merits a committee determination.

4.0 Community Representations

- Consultee Comments

Ford Parish Council - Ford Parish Council strongly objects to this planning application on a number of material planning grounds.

Following extensive consultation via a Rural Toolkit event and Parish Plan review, including a Housing Needs Survey, the Parish has confirmed its desire to be treated as Open Countryside under the emerging SAMDev Local Development Plan. This plan has been submitted to the Planning Inspectorate for scrutiny and demonstrates in excess of 5 years housing supply, so must be given appropriate weight as a material planning consideration. The principles of Core Strategies CS5 and CS6 should therefore be applied to this application.

The site fails to comply with CS5 as the proposed development is for open market housing which fails to improve economic diversity in the rural economy. The housing fails to meet any identified local need for agricultural, forestry or other essential countryside workers.

The proposal fails to comply with CS6, Sustainable Design and Development Principles on the grounds of poor connectivity to the amenities of the community. The site was assessed under SHLAA as site Ford 014 in 2010. The site was rejected due to its 'detached location from the settlement centre'.

The Council noted that a number of other objections raised by residents were pertinent. The Council noted the submission of a petition signed by 72 residents

and the online comments of objectors, which together with the personal representations at the Parish Council meeting demonstrated the strength of local opposition to the application. In particular they are concerned that the site has no apparent right of access for vehicles and that access is proposed over a narrow bridleway, used regularly by horses and pedestrians as of right. The safety of pedestrians and riders both on the bridleway itself and on the narrow highway approach up Jackson's Bank is a matter of great concern.

The Parish Council urges that the officer recommends refusal, however should the officer be minded to recommend approval the Parish Council would wish the matter to be referred to the Planning Committee for a decision.

SC Conservation - Generally no objection in principle to the proposal subject to the inclusion of conditions to ensure the external appearance of the development is satisfactory.

SC Drainage – Recommend conditions/informatives relating to drainage.

SC Affordable Housing - The affordable housing contribution proforma accompanying the application indicates the correct level of contribution and/or on site affordable housing provision and therefore satisfies the provisions of the SPD Type and Affordability of Housing

SC Archaeology – No comments to make.

SC Rights of Way - Bridleway 7 Ford runs along the proposed access to the development site. The developer must be able to show that private access rights exist along this route to enable it to be used as access to the proposed housing. If any changes to the surface of the public right of way are intended permission must be sought from the Rights of Way department.

The applicant should also be aware of the following

- ' The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
- ' Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
- ' Building materials, debris, etc must not be stored or deposited on the right of way.
- ' There must be no reduction of the width of the right of way.
- ' The alignment of the right of way must not be altered.
- ' The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
- ' No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

SC Public Protection – Recommend condition relating to details of the means of construction which safeguards the development from possible landfill gas.

SC Highways – No objections to the scheme subject to works to upgrade the surface of the bridleway. Confirm that the provision of a suitable and safe vehicular access between the development and the public highway is a matter for consideration under the planning process, contrary to the details submitted by the agent with regard to this matter. Recommend that this is conditioned.

SC Ecology – No objections to the scheme following receipt of an ecology report, subject to conditions and informatives.

SC Trees – Requested further information relating to trees. This has been provided though the works to the bridleway for the access could still have a detrimental impact on the prominent and attractive trees on the opposite side of the bridleway to the development. As such if a condition is added to protect these trees it will need to ensure a suitable method of constructing the access road that would minimise damage to the trees and comply with the recommendations of BS5837:2012.

- Public Comments

The following comments were received from the Local Member:

The application is in effect in open countryside with no adopted road immediately adjacent to it. A housing needs survey was recently carried out in the area and it was identified that no more houses were needed. The Parish wishes and have asked for its area to be declared as open countryside. Notwithstanding this wish there have been a number of recent applications to build houses granted. These were prior to the declaration that there was now a five year land supply of housing in Shropshire.

The site is in what can be called with justification a detached location and far from the main settlement. Access is via a Bridle Way and along a path much walked along by local residents wanting to enjoy the open countryside nature of the area. Where this proposed new access eventually joins the public road network it does so where there are no safe paths to walk along and where many motor vehicles drive along. The bridleway which it is identified as giving access to the site is very narrow and often overgrown. Access I understand to the field by vehicles and tractors has normally been via other adjacent fields and very rarely if ever down that now proposed. Photographs have been supplied to me showing the state of this proposed access which shows it as being very much open countryside.

As is shown a petition signed by 72 local residents has been submitted objecting to this application. This is the first petition sent in, in response to a housing application in the Ford area, even though there have been other applications that have been objected to. Residents are so much against this application to build in open countryside that they wanted to show their opposition to it. This was also demonstrated when the application was discussed at the appropriate Parish council. The room was packed and everyone present objected to the application.

This application though small in comparison to many others is of such an intrusive nature it needs to be seen by members who will see why it needs to be rejected.

This site is in an unsustainable location with very little if any connectivity with village amenities. I also urge the objections made by the Parish Council and others be read.

Roger Evans
Shropshire Councillor for the Ford Area.

12 objections have also been received which raise the following issues:

- Ford has been designated as open countryside in the SAMDev plan following extensive community consultation. Houses currently for sale in Ford have not sold for a number of years.
- The site is unsustainable given its distance to the community core of Ford. This was considered within the SAMDev evaluation and deemed unsustainable. Under the Shropshire Strategic Housing Availability Assessment, the site was considered to perform poorly in sustainability terms and was rejected due to its detachment from the settlement centre.
- If there is no private right of access, the planning department cannot grant planning permission.
- The block plan fails to show the full extent of Clifton Coach House. The distance between this and the proposed dwelling would be closer than is shown on the block plan and would be 13 metres.
- A tree survey should be submitted.
- The development is within Conservation Area for the village of Ford, and outside the Ford development boundary.
- Along with other approved applications this development would increase the overall level of residential development within this area of Ford by 25%. This will in turn increase the level of vehicular movements which will pose a danger to pedestrians as there is no footpath in this area.
- The development would severely impact on the use of Bridleway No.7 which is used by pedestrians and horse riders for the purpose of recreation.
- The proposal contravenes policy CS5 as the development is located within open countryside and this policy restricts residential development in open countryside.
- The development will create a serious impact on residential amenity in terms of an overbearing impact, overshadowing and loss of light.
- The development makes a mockery of the details required to match existing etc when the barn conversion was approved at Clifton Coach House.
- There is no historically recorded vehicular use of the bridleway.
- There is a lack of parking space proposed, for only two spaces per dwelling.
- There is no provision for lighting, pathways, disabled access, rubbish and recycling and also excessive distance to fire hydrant.
- The development contravenes the right to quiet enjoyment of homes through the development phase and once completed with all the necessary service vehicles and associated car movements travelling up and down the bridleway
- There is no natural gas in Ford, and therefore the oil or gas for heating etc would be provided by tankers which would be unable to turn round and therefore would need to reverse down the lane.

- The development will have a detrimental impact on the wildlife in particular the birds within the hedgerow.
- The development would be incongruous with this part of the village.
- The development represents a harmful intrusion into open countryside and will have a detrimental impact on the sensitively converted Clifton Coach House.
- The adverse impact of the development outweighs any benefits to the village.
- The bridleway is too narrow and would be damaged by large vehicles accessing the site.
- The development would destroy the rural nature of the bridleway.
- Hedgerows have already been removed to the detriment of the wildlife and nesting birds etc
- Rainwater harvesting and reuse are more sustainable and concerns are raised relating to potential groundwater pollution in the groundwater protection zone.

Nesscliffe Hills and District Bridleway Association – Object to the scheme as there are no vehicular access rights over the bridleway. These have not been acquired by usage given that the access to the field was only cut open in May this year. Concerns relate to the lack of turning area, delivery vehicles and visitors blocking the track for users, and vehicles damaging the surface. It is one of the few routes for horse riders and will be detrimental to their use of this route. The bridleway must remain clear and useable at all times. Bridleway 7 forms an important off road link in the Humphrey Kynaston Way long distance bridleway. This is a leisure route promoted by Shropshire Council, which was put in with volunteer help from our Association, and other local volunteers. It was funded by Natural England as part of its 'Paths for Communities' project to connect rural communities and promote tourism.

A petition signed by 71 residents was also submitted which raised the above issues and added that the use of the bridleway for vehicular access is illegal, and raised concerns that it will be utilised for parking associated with the dwellings.

Full objections to the scheme are available on the Council's public access system.

5.0 THE MAIN ISSUES

Principle of development
Design, scale and impact on the character of the Conservation Area
Impact on residential amenity
Highways
Bridleway
Ecology
Drainage
Trees
Contributions

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The National Planning Policy Framework (NPPF) constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 Development Plan: In relation to the current application, the site is located outside of the development boundary of Ford, as identified within the Shrewsbury and Atcham Borough Local Plan. The area is therefore defined as 'countryside' for the purposes of planning policy. Core Strategy Policy CS5 is therefore applicable. Policy CS5 controls new development in the countryside, and seeks to restrict open market dwellings from such areas.

6.1.3 Core Strategy Policy CS4 (Community Hubs and Clusters) states that developments outside of the Community Hubs and Community Cluster settlements will not be allowed unless it meets Policy CS5. The Pre-Submission Draft of the SAMDEV does not propose to identify Ford as a Community Hub or Community Cluster. Saved Policy HS3 of the Shrewsbury and Atcham Borough Local Plan restricts residential development which is located outside of the development boundary of the settlement. Therefore the proposed open market dwellings do not comply with Policies CS4 or CS5 of the adopted Core Strategy, or saved Policy HS3.

6.1.4 National Planning Policy Framework: The National Planning Policy Framework (NPPF) constitutes guidance for local planning authorities which is a material consideration to be given significant weight in the decision making process. The NPPF imposes a presumption in favour of sustainable development, and states that this should be seen as a golden thread running through plan-making and decision-taking. It 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.

6.1.5 The NPPF aims to boost significantly the supply of housing, and this is a material consideration in determining this application.

6.1.6 The village of Ford benefits from a range of community services and facilities, and these are within walking distance of the application site. These include a primary school, local convenience store, village hall, church, public house, and restaurant. It is considered that these services and facilities contribute to enhancing the sustainability of this location for the proposed dwelling. The site also lies approximately 3 miles from the edge of Shrewsbury, which provide a large and wide range of facilities

- 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 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 the proposed dwellings would be expected to 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.
- 6.1.9 Social role – Settlements need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the settlement 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.
- 6.1.10 Environmental role – The site forms part of an agricultural field adjacent to the built up area of Ford, and is not located within or in the vicinity of any area with specific land-use designation in respect of landscape or ecological value. The impact of the proposal on the Conservation Area is considered below, however there is no reason in principle to prevent additional residential development within such an area. Whilst a small section of hedgerow would be lost in order to form vehicle access, additional landscape planting is proposed within the development site which would compensate for this. In terms of assessing the proposal in relation to the three dimensions of sustainable development it is therefore considered that in principle the proposed site represents a sustainable location for open market

dwellings.

- 6.1.11 It is recognised that the site lies outside of the development boundary and would not comply with Development Plan policies which seek to restrict open market dwellings from such locations. Nevertheless it is considered that the proposal is consistent with the aims and objectives of the NPPF in respect of the presumption in favour of sustainable development and the need to boost significantly the supply of housing. It is considered that these are material considerations which can be given significant weight. On balance therefore it is considered that this location can be supported in principle.
- 6.2 Design, scale and impact on character of the Conservation Area
- 6.2.1 Objections have referred to the proposed scheme having a detrimental impact on the surrounding Conservation Area, and being out of keeping with the adjacent Clifton Coach House. However, following consultation with the Conservation department they have not objected to the scheme in principle and commented they did not consider that the scheme was detrimental to the character or setting of the Conservation Area and the scale, proportion and design were generally acceptable provided that they are completed to a high standard with appropriate materials. These can be conditioned for approval prior to development. The scheme includes a variety of architectural detailing on the dwellings in keeping with other properties close by including external chimney breasts, brick plinths, exposed rafter feet, timber storm porches, bay window and timber joinery. It is acknowledged that these are 4 bedroom properties but they are not excessive in scale and will be located within relatively generous plots, fronting the adjacent lane. The proposal incorporates garages for the properties and allows for requisite turning areas within the site. On balance it is considered that the design, scale and character of the proposed development are acceptable and the scheme will preserve the character and setting of the Conservation Area. The scheme is therefore considered to accord with policies CS6 and CS17 of the Shropshire Core Strategy.
- 6.2.2 An objector to the scheme has commented that the block plan does not accurately depict Clifton Coach House and the distance between the Coach House and the proposed dwelling would be closer than is shown on the proposed drawing. However, the Coach House position shown on the plan matches that on the Councils computer mapping system and in any case the distance of 13 metres referenced within the objection is considered to be acceptable when taking into consideration the impact on the adjacent dwelling which will be assessed further below.
- 6.3 Impact on residential amenity
- 6.3.1 The proposed site for the dwellings will be to the west of Clifton Coach House, and will be approximately 15 metres from the existing property. This is considered to be appropriate and it is noted that there is a gap between the two sites. Whilst the objector has raised the issue of this distance being closer than shown, the distance between the proposal and the existing property to the east is considered acceptable given the gap left between the two sites and the overall distances involved. The objector from the neighbouring property has raised the issue of overshadowing from the proposed dwellings but given that these will be located directly to the west, it is considered that overshadowing will be minimal as the sun will be setting and very low in the sky when it faces the side of the dwellings and

the adjacent Clifton Coach House. In addition, there will be no windows on the facing elevation to the east towards Clifton Coach House and therefore no adverse impact in privacy terms. On balance it is considered that the impact on residential amenity will be minimal and therefore the scheme is acceptable in this regard.

6.4 Highways

6.4.1 The Highways Officer has confirmed that the highways department has no objection to the granting of consent. They also confirmed that the surfacing of the bridleway between the site and the entrance to the adjacent property would require upgrading as part of the scheme and details of this is requested as a condition to ensure it is carried out appropriately.

6.5 Bridleway

6.5.1 A number of the issues have been raised by the objectors, Rights of Way team and Bridleway association and these largely relate to the use of the bridleway for vehicular access to the site, mainly with regard to restricted (or illegal) access rights and the potential for a detrimental impact on the safety of the users of the bridleway including pedestrians and horse riders.

6.5.2 The planning application cannot be refused on the basis of the bridleway being utilised for a vehicular access as this is outside the remit of the planning authority. In terms of the consideration of this application, it is considered that an access to the site is in place and whilst the application does not provide evidence that vehicle rights to access the site currently exist, this is a private matter for the applicant and it is considered that the granting of planning permission would not imply the existence of any such right for the applicant. An informative can be imposed to ensure that the applicant is aware of this.

6.5.3 Whilst the owner of the bridleway has not been confirmed, and all reasonable steps taken to find the owner including an advertisement in the Shropshire Star paper, the Council as the Highways Authority has the right to maintain the surface of the public right of way, and it is considered that this should not be an obstacle to securing the re-surfacing via condition. In addition to this, the future maintenance of the right of way can be undertaken by the Highways Authority for the purposes of access by horse and on foot, but it has been confirmed that the responsibility for maintaining the condition of the bridleway for vehicular uses would fall to the owners of the dwellings, and this is not a concern given that it will be in their interests to ensure it is suitable for passing vehicles. In addition to this, it is anticipated that the re-surfacing will allow for an improved surface over that existing for a significant period of time in any case.

6.5.4 The natural speed of a vehicle in this location given the nature of the bridleway means it is not considered to be dangerous to users of the right of way and the level of vehicular use created by the two dwellings is not considered to be excessive. An informative will be included outlining the applicant's responsibilities. Overall it is considered that the access via the Bridleway is sufficient for planning purposes and conditions and informatives will be attached.

6.6 Ecology

6.6.1 Whilst concerns have been raised relating to the impact of the development on

wildlife and protected species, following the submission of an ecological assessment the Council's Planning Ecologist has confirmed that there are no objections to the scheme subject to conditions and informatives.

6.7 Drainage

6.7.1 The drainage engineer has not objected to the scheme subject to full soakaway details being submitted for approval via condition.

6.8 Trees

6.8.1 Following the trees officer requesting further details in the form of an Arboricultural Impact Assessment, a revised block plan identifying the trees in and around the site and confirmation that these will be unaffected other than those on the opposite side of the bridleway, and that the track surfacing required will be done using a hand dig procedure to avoid any damage. The Trees Officer responded to the detail by confirming that these were prominent and attractive trees and as if a condition is added to protect these trees it will need to ensure demonstration of a suitable method of constructing the access road that would minimise damage to the trees and comply with the recommendations of BS5837:2012 to be provided prior to the commencement of development.

6.9 Contributions

6.9.1 The scheme will be liable for both the affordable housing contribution and community infrastructure levy and the appropriate forms have been submitted in this regard. Any permission granted will be subject to a Section 106 agreement to ensure the affordable housing contribution is paid.

7.0 CONCLUSION

The planning application relates to the provision of open market dwellings in open countryside and would be contrary to Development Plan policies CS4 and CS5 and saved Local Plan Policy HS3 restricting such development. The village of Ford is not being promoted as a Community Hub or Cluster under the emerging SAMDev plan where residential development would be considered acceptable. However, the proposed site is located adjacent to the built up area of Ford, which has a number of local facilities and services, and as such the proposal would represent sustainable development for which there is strong support in the NPPF. On balance it is considered that this location can be supported in principle.

The proposed development is of an acceptable design and scale, and can be provided without adverse impact upon residential and local amenity or upon the character of the Conservation Area. Whilst there is uncertainty over the public rights that exist to use a vehicle on the track which would form the access to the site, it is considered that in principle this access track is satisfactory for such use with no objections from the Highway Officer in this regard. The grant of planning permission does not grant such use rights or imply that such use rights exist. A financial contribution will be provided in relation to the provision of affordable housing. It is not considered that there are other material considerations which would indicate that planning permission should not be granted. On this basis the scheme is considered to be acceptable in accordance with policies CS6, CS11 and CS17 of the Shropshire Core Strategy as well as the National Planning Policy Framework. In arriving at this decision the Council has used its best endeavours to

work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

NPPF

Core Strategy and Saved Policies:

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

RELEVANT PLANNING HISTORY:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr Roger Evans

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 deposited and amended 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 samples 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 windows or doors shall be installed on the development without details plans and sections at a scale of 1:20 having been first submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To protect and enhance the appearance of the building and the area.

5. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority 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

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

Implementation timetables

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

6. Prior to the occupation of any buildings on site details of all walls, fences and hedges shall have been submitted to and approved by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site and thereafter retained.

Reason: To provide adequate privacy and an acceptable external appearance.

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

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

8. No development shall take place until details for the improvement of the bridleway surface in a suitable free-draining stone material have been submitted to and approved by the Local Planning Authority. The submitted details should be of a suitable method of construction that would minimise damage to the adjacent trees and comply with the recommendations of BS5837: 2012 in this regard. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: In the interests of highway safety and local amenity.

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

The development shall be carried out in strict accordance with any details submitted and approved under the foregoing condition.

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

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

10. Work shall be carried out strictly in accordance with the Ecological Assessment conducted by Turnstone Ecology (October 2014) attached as an appendix to this planning permission.

Reason: To ensure the protection of biodiversity, a European Protected Species.

11. 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. 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.

12. 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.

Informatives

1. The application proposes access over a route that is recorded as a public footpath and does not appear to carry public vehicular rights. The applicant is very strongly advised to satisfy themselves that they are able to demonstrate a sufficient vehicular right of access before committing further resources to the proposal. Neither the granting of planning permission, nor any associated obligations relating to the proposed access, either grant or imply the existence of any right for the benefit of the applicant to use that way with vehicles. It is a road traffic offence to drive a motor vehicle on a public footpath, bridleway or restricted byway without lawful authority and a property that is not able to demonstrate a lawful right of access with vehicles may be unsaleable. No works must be carried out that might affect the footpath without prior approval of the Rights of Way Officer.
2. The SuDs applicability for the area is Infiltration PLUS treatment as the development lies within a groundwater Source Protection Zone.

Surface water run-off must be treated through a filtration unit prior to entering the soakaway and also pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted for approval as part of the discharge of conditions.

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

4. 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
5. The applicant should consider employing measures such as the following:
 - ' Water Butts
 - ' Rainwater harvesting system
 - ' Permeable surfacing on any new driveway, parking area/ paved area
 - ' Greywater recycling system

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

6. Consent is required from the service provider to connect into the foul main sewer. If the service provider is Welsh Water, Section 104 Agreement has to be in place before any physical work on the drainage system can start on site.
7.
 - ' The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
 - ' Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
 - ' Building materials, debris, etc must not be stored or deposited on the right of way.
 - ' There must be no reduction of the width of the right of way.
 - ' The alignment of the right of way must not be altered.
 - ' The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
 - ' No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.
8. 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.

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

An experienced ecologist should assess whether any badger setts are present within the proximity of the proposed development site. If any work is proposed within 30m of the

sett then it may be necessary to apply for a Licence to interfere with a Badger Sett for the Purpose of Development from Natural England.

The applicant should follow the advice of their experienced ecologist throughout the works. If the applicant does not follow the procedure advised above then they may find themselves vulnerable to prosecution for an offence under the Protection of Badgers Act 1992.

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

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

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

11. If piles of rubble, logs, bricks, other loose materials or other possible reptile and amphibian refuge sites are to be disturbed, this should be done by hand and carried out in the active season for reptiles (approximately 31st March to 15th October) and any reptiles discovered should be allowed to naturally disperse. Advice should be sought from an experienced ecologist if large numbers of reptiles are present.

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Schedule of Appeals and Appeal Decisions

As at 13 November 2014

LPA reference	14/03064/OUT
Appeal against	Refusal
Appellant	Mr & Mrs M Jones
Proposal	Outline application for the erection of a dwelling to include access.
Location	Land Adjacent To The Magnolias Merrington Bomere Heath.
Date of application	09.07.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	26.08.2014
Date of appeal	14.10.2014
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	13/02098/OUT
Appeal against	Refusal
Appellant	Mr Robin Beddoes
Proposal	Outline application for the erection of four dwellings on former car park.
Location	The Romping Cat Walford Heath Shrewsbury.
Date of application	31.05.2013
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	28.08.2013
Date of appeal	21.01.2014
Appeal method	Written Representations
Date site visit	03.09.2014
Date of appeal decision	07.10.2014
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

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Appeal Decision

Site visit made on 3 September 2014

by Beverley Doward BSc BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 October 2014

Appeal Ref: APP/L3245/A/14/2212314

Land adjoining The Romping Cat, Near Bomere Heath, Shrewsbury, SY4 3AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Robin Beddoes against the decision of Shropshire Council.
 - The application Ref 13/02098/OUT, dated 24 May 2013, was refused by notice dated 28 August 2013.
 - The development proposed is described as "erection of four houses, two bedroom in a terrace design, new road from existing access, hardstanding for parking."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the appeal the Council submitted an updated 5 year Housing Land Supply Statement (HLSS) which indicates that it considers that it can demonstrate a five year supply of deliverable housing land. The appellant was given the opportunity to comment on the submitted material and I have taken those comments into account in reaching my decision.
3. A completed section 106 legal agreement has been submitted with the appeal. It would provide for a financial contribution to be made towards the provision of off-site affordable housing in the event that planning permission was granted. I have had regard to this document in my decision.

Main Issue

4. The main issue in this case is whether the proposal for housing in this location comprises sustainable development, having regard to the development plan and the National Planning Policy Framework (the Framework).

Reasons

5. The appeal site comprises an area of land to the side of 'The Romping Cat' public house in the small settlement of Old Woods. It previously formed the car park to the public house which is now closed. The public house has the benefit of planning permission for conversion into two dwellings, the planning application for which was submitted by the appellant at the same time as the planning application subject of this appeal.

6. The appeal site is not within a development boundary of any of the settlements listed in saved policy HS3 of the Shrewsbury and Atcham Borough Local Plan 2001 (Local Plan) where residential development will be allowed. Notwithstanding that the site was previously used as the car park to the public house and therefore may be considered to be previously developed land, it lies within open countryside for planning policy purposes. The appeal proposal would be contrary to policy HS3 of the Local Plan regarding the location of residential development. The underlying aims of this policy, as set out in the supporting text, are broadly consistent with the core planning principles of the Framework that planning should take account of the different roles and character of different areas, recognising the intrinsic character of the beauty of the countryside and supporting thriving rural communities within it; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable.
7. Policy CS4 of the Shropshire Local Development Framework: adopted Core Strategy 2011 (Core Strategy) indicates that in the rural area, communities will become more sustainable, by amongst other things, focusing private and public investment into Community Hubs and Community Clusters and not allowing development outside these settlements unless it meets policy CS5. Core Strategy policy CS5 indicates that new development will be strictly controlled in the countryside but identifies dwellings to house agricultural, forestry or other essential countryside workers, and other affordable housing/accommodation to meet a local housing need as exceptions to this strict control. Although the appellant indicates that the proposed dwellings would provide small, affordable housing units that might be attractive to young local couples they would be market housing and would not fall under the definition of affordable housing/local need accommodation. Neither would they be dwellings for agricultural, forestry or other essential countryside workers.
8. Policies CS4 and CS5 of the Core Strategy accord with paragraph 55 of the Framework which states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities and that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. However, in the context of these policies the identification of Community Hubs and Community Clusters is deferred to the Site Allocations and Management of Development Plan (SAMDev). The SAMDev has recently been submitted for examination.
9. Although Old Woods was at one stage supported by Bomere Heath and District Parish Council for inclusion within a Community Cluster this is no longer the case and it is not identified as either a Community Hub or Community Cluster in the SAMDev. Nonetheless, from the evidence before me there is no indication of the extent to which there are unresolved objections relating to the Community Hubs and Community Clusters. Accordingly, the SAMDev attracts little weight and policies CS4 and CS5, although adopted policies of the Core Strategy, can in my consideration of this case be afforded only limited weight given that they rely on the identification of Community Hubs and Community Clusters in the SAMDev for their operation.
10. The Framework indicates that at its heart is a presumption in favour of sustainable development which should be seen as a golden thread running

through both plan-making and decision-taking. Paragraph 7 of the Framework sets out three mutually dependent dimensions of sustainable development, namely the economic, social and environmental roles.

11. Old Woods is a small linear settlement which comprises of little more than around 24 dwellings. Since the closure of The Romping Cat public house it has no local facilities or services, the nearest being at Bomere Heath about 1.5 miles away. Furthermore, it has only limited access to local bus services. Consequently, it seems to me that, other than walking and cycling, alternatives to the use of the private car to access employment within the surrounding area and local services and facilities within either Shrewsbury or Oswestry or other local centres are limited. It is likely therefore, that the appeal proposal would generate the need for travel by private car in order to access services and facilities.
12. The appeal proposal would provide housing development. It may also provide short term employment opportunities during the construction phase after which the future occupants of the houses may also contribute to spending in the wider local area and the use of local facilities. However, these benefits cannot be assured and in any event there are limited local facilities and opportunities to spend locally. Therefore, the weight I accord them is limited.
13. The appellant suggests that should planning permission not be forthcoming for the appeal proposal it might well result in the conversion of the public house becoming unviable given that there is a financial relationship between the appeal proposal and the conversion of the adjacent public house. Accordingly, it is contended that any economic benefits which would have accrued from the conversion of the public house may also be lost. However, the evidence before me is somewhat limited in this respect. Accordingly, I cannot be satisfied that the relationship between the two schemes is such that the conversion of the public house would be unviable without the benefit of planning permission being granted for the appeal proposal.
14. The appeal proposal would contribute to the supply of housing, albeit of a somewhat limited amount. It would also, through the provisions of the submitted section 106 agreement, provide for a financial contribution to be made towards the provision of off-site affordable housing. I note the expressions of support for the appeal proposal from local residents. However, as detailed above, Old Woods is a small settlement with no local services or facilities and is some distance from those settlements where existing service provision is found. Furthermore, given the scale of the proposed housing development it would be unlikely to contribute significantly towards supporting the services and facilities in those other settlements. Accordingly, although the appeal proposal would contribute some social benefits, overall these would be limited.
15. Taking all of the above into account therefore, whilst the appeal proposal would fit some of the economic and social dimensions of sustainable development, its location is such that it would be likely to foster growth in the need for private travel and would be unlikely to provide significant support for thriving rural communities within the countryside. Accordingly, it would not fit within the wide definition of sustainable development set out in the Framework.

Other matters

16. In its consideration of the planning application the Council indicated that it could not demonstrate a five year supply of housing land and that accordingly the proposal should be considered in the light of the advice in paragraphs 14 and 49 of the Framework. The HLSS submitted during the course of the appeal indicates that the Council considers that it can now demonstrate a five year supply of deliverable housing land. However, there is no agreement between the parties on this matter and I find the evidence in this regard insufficient to allow an accurate conclusion to be drawn on this matter. Nevertheless, the presumption in favour of granting planning permission as expressed in paragraph 14 of the Framework applies not to any proposal but only those that can be defined as sustainable development. Therefore, even if the Council has a shortfall in its supply of deliverable housing land, given that I have found that the proposal would not comprise sustainable development, the presumption in favour of granting planning permission does not apply in this case.
17. Whether or not the Council's identification of Community Clusters is appropriate is a matter for the examination of the SAMDev. This is not a matter that can be resolved through an appeal on an individual site and I have determined the application on its merits in the light of relevant local and national planning policy.
18. The appellant has expressed concern regarding the information provided in the Officer's report to the Planning Committee. However, that is not a matter that I can comment on or consider as part of an appeal under Section 78 of the above Act.
19. The Council has drawn my attention to an appeal decision elsewhere in Old Woods which it considers relevant to the determination of this appeal. Whilst there may be some similarities with the current case I have considered the appeal proposal on its own merits taking into account the relevant policy and the specific context of the site. Accordingly, this has not been a determining factor in my consideration of this appeal.
20. The completed section 106 legal agreement submitted with the appeal would provide for a financial contribution to be made towards the provision of off-site affordable housing in accordance with policy CS11 of the Core Strategy. However, it would not outweigh the harm that I have identified in relation to the main issue.

Conclusions

21. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Beverley Doward

INSPECTOR