



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

Date: Monday, 30 March 2015

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

**Date:** Thursday, 9 April 2015  
**Time:** 2.00 pm  
**Venue:** Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,  
Shropshire, SY2 6ND

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

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

**Members of the Committee**

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

**Substitute Members of the Committee**

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

Your Committee Officer is:

**Linda Jeavons** Committee Officer  
Tel: 01743 252738  
Email: [linda.jeavons@shropshire.gov.uk](mailto:linda.jeavons@shropshire.gov.uk)

# AGENDA

## 1 Apologies for absence

To receive apologies for absence.

## 2 Minutes (Pages 1 - 6)

To confirm the Minutes of the meeting of the Central Planning Committee held on 12 March 2015.

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 Land East of Bicton Lane, Bicton, Shrewsbury, Shropshire (14/02239/OUT) (Pages 7 - 26)

Outline application for residential development, estate roads and public open space (all matters reserved).

## 6 Land Off Horsebridge Road, Minsterley, Shrewsbury, Shropshire (14/03670/OUT) (Pages 27 - 46)

Outline application for residential development of 15 No. dwellings (to include access).

## 7 Development Land Adj Oaklands, Holyhead Road, Montford Bridge, Shrewsbury, Shropshire (14/05742/OUT) (Pages 47 - 74)

Outline application (access, layout for approval) for mixed residential development; formation of a vehicular access and associated infrastructure (revised scheme).

## 8 Schedule of Appeals and Appeal Decisions (Pages 75 - 94)

## 9 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, 21 May 2015 in the Shrewsbury Room, Shirehall.



## Committee and Date

Central Planning Committee

9 April 2015

## **CENTRAL PLANNING COMMITTEE**

### **Minutes of the meeting held on 12 March 2015**

**2.00 - 4.19 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, Tudor Bebb, Miles Kenny, Pamela Moseley, Kevin Pardy and Tim Barker (Substitute) (substitute for Peter Nutting)

### **97 Apologies for absence**

Apologies for absence were received from Councillors Dean Carroll, Jane MacKenzie, Peter Nutting (Substitute: Tim Barker) and David Roberts.

### **98 Minutes**

#### **RESOLVED:**

That the Minutes of the meetings of the Central Planning Committee held on 11 December 2014 and 12 February 2015 be approved as a correct record and signed by the Chairman.

### **99 Public Question Time**

There were no public questions, statements or petitions received.

### **100 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, Councillor Andrew Bannerman stated that he was a member of the Planning Committee of Shrewsbury Town Council. He indicated that his views on any proposals when considered by the Town Council had been based on the information presented at that time and he would now be considering all proposals afresh with an open mind and the information as it stood at this time.

With reference to planning application 14/02964/OUT, Councillor Andrew Bannerman declared that he knew the owner of the land.

With reference to planning application 14/02964/OUT, Councillor Tudor Bebb declared that he knew the owner of the land.

#### 101 **Land at Longden, Shrewsbury, Shropshire (14/00467/OUT)**

The Principal Planner introduced the application and with reference to the drawings and presentation displayed, drew Members' attention to the location, indicative layout, access and a letter from Severnside Housing which confirmed their agreement to enter into an easement to provide a pedestrian footpath link through the garage site that was currently owned by Severnside Housing.

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.

Ms J Ingham, representing Longden Village Action Group, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor N Evans, representing Longden Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Ms A Henson, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

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

- He welcomed the proposal to remove the footpath to the west of the development;
- He reiterated that a cast-iron agreement should be in place to ensure the provision of the proposed pedestrian footpath link through the garage site;
- The development would sit at the gateway to the village and would have a negative impact on the rural aspect and appearance of the village; and
- The proposal would lead to further congestion, noise disturbance and exhaust fumes.

In response to questions from Members, the Area Planning Manager reiterated that this was an outline application for access only with all other matters reserved for later consideration and, at this stage, the number of dwellings was not under consideration; a Section 106 Agreement would ensure the footpath in perpetuity, but Members could determine that any request by the applicant to vary the Section 106 Agreement should be determined by this Committee; a condition could be attached to any permission to limit the number of dwellings on this site; and planning

permission would not be issued until the Section 106 Legal Agreement has been agreed by all parties. The Principal Planner provided clarification on the position to date regarding the Site Allocations and Management Development Plan (SAMDev) and explained that even when SAMDev had been adopted sites that were considered to be sustainable would have to be considered and Development Management Policy MD3 would allow for some increase in the number of dwellings. The Area Highways Development Control Manager (Central) provided clarification on highway issues and the adequacy of the access/junction arrangements and visibility splays.

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 proposed development would fall in open countryside, would be visually intrusive on the approach to the village and have an adverse impact on the character and appearance of the settlement, landscape and the surrounding countryside as a whole. Accordingly the proposal is considered contrary to Shropshire Core Strategy Development Plan Policies CS4 and CS5 and Longden Village Design Statement. As such the adverse impacts of granting permission are considered to significantly and demonstrably outweigh any benefits when assessed against the policies in the National Planning Policy Framework taken as a whole.

**102 Proposed Development Land NW of Montford Bridge, Montford, Shrewsbury, Shropshire (14/02964/OUT)**

The Area Planning Manager introduced the application and with reference to the drawings and presentation displayed, drew Members' attention to the location, indicative layout and elevations. With reference to a recent appeal decision for a larger site at Montford Bridge, he explained that the Inspector had found the site to be sustainable and had only dismissed the appeal due to the lack of a mechanism to secure the provision of affordable housing.

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

Mr I Hutchinson, representing Montford Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr C Huntley, the agent spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

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

suggested that the applicant give full consideration to appropriate landscaping and hedgerow planting when submitting a full application.

**RESOLVED:**

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

- A Section 106 Legal Agreement to secure the requisite affordable housing;
- An additional condition to ensure the provision of access and car parking to serve the existing fishing rights of the site in perpetuity;
- An additional condition limiting the maximum number of dwellings to eight; and
- The conditions set out in Appendix 1 to the report.

**103 The Onslow Hotel, Pensfold, Bicton Heath, Shrewsbury, SY3 5HF  
(14/04195/FUL)**

The Principal Planner introduced the application and with reference to the drawings and presentation displayed, drew Members' attention to the location and elevations.

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

In the ensuing debate, Members considered the submitted plans and noted the comments of the local Ward Member as detailed in the report.

**RESOLVED:**

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

- A Section 106 Legal Agreement to secure three affordable dwellings on site;
- An additional condition to ensure that no development takes place until full details of landscape works have been approved in writing by the local planning authority; and
- The conditions set out in Appendix 1 to the report.

(The meeting adjourned at 4:07 pm and reconvened at 4:10 pm.)

(Councillor Tudor Bebb left the meeting and did not return.)

**104 Rowleys House, Museum, Barker Street, Shrewsbury, Shropshire, SY1 1QH  
(15/00066/FUL)**

The Principal Planner introduced the application.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Andrew Bannerman, as local Ward Councillor, made a statement in support of the proposal and withdrew from the table, took no part in the debate and did not vote on this item.

**RESOLVED:**

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

**105 Guildhall, Frankwell Quay, Shrewsbury, Shropshire, SY3 8HQ (15/00160/COU)**

**RESOLVED:**

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

- The conditions set out in Appendix 1 to the report; and
- Planning Officers be granted delegated authority to issue the planning permission subject to the following:
  - Receipt of a satisfactory Flood Risk Assessment;
  - Confirmation from the Environment Agency that they do not object to the proposal;
  - A Section 106 Legal Agreement to secure the required financial contribution to the Environment Agency; and
  - The imposition of a condition regarding a Flood and Evacuation Management Plan.

**106 Development Management Report to seek Delegated Authority to Planning Officers**

The Principal Planner introduced the application.

**RESOLVED:**

That Planning Officers be granted delegated authority to review and determine any outstanding planning applications previously considered by Committee, with a resolution for approval, but which require reconsideration in light of the Ministerial Statement of 28<sup>th</sup> November 2014 and the Cabinet decision of 21<sup>st</sup> January 2015 provided that any applications, where the balance of considerations would result in a different decision to that taken by Committee, will be referred back to Committee.

**107 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the Central area as at 12 March 2015 be noted.

**108 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 pm on Thursday, 9 April 2015 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed ..... (Chairman)

Date: .....





Committee and date

Central Planning Committee

9 April 2015

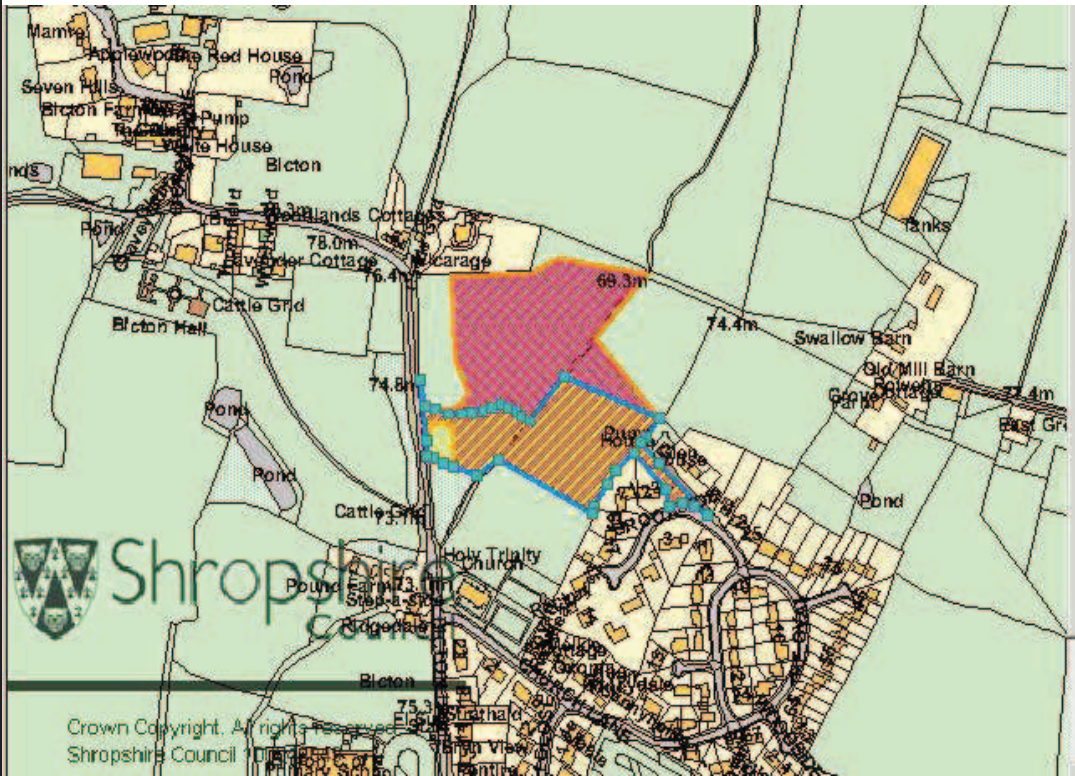
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 14/02239/OUT	<b>Parish:</b>	Bicton
<b>Proposal:</b> Outline application for residential development to include means of access (amended description)		
<b>Site Address:</b> Land East Of Bicton Lane Bicton Shrewsbury Shropshire		
<b>Applicant:</b> Galliers Homes Limited		
<b>Case Officer:</b> Jane Raymond	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 344856 - 315035



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

## REPORT

### 1.0 THE PROPOSAL

1.1 This application seeks outline planning permission for residential development of the site to include means of access with all other matters reserved for later consideration. The site area has been reduced from that originally submitted and an indicative layout indicates 15 houses.

1.2 Vehicular access to the site is proposed off Bicton Lane to the West rather than the existing residential development in Brookside to the South East. However a pedestrian access is indicated off Brookside.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 Bicton is a village situated North West of Shrewsbury predominantly on the Northern side of the B4380/Holyhead Road, which connects the settlements of Montford Bridge and Bicton Heath with Shrewsbury.

2.2 The application site has been reduced in size to that first submitted and is a square piece of land within an existing hedgerow along the North Western and South Western boundary and Residential properties in Brookside to the South East.

### 3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers and the application has been requested to be referred by the Local member and the area planning manager in consultation with the Committee Chairman agree that the application should be determined at committee.

### 4.0 Community Representations

#### 4.1 Consultee Comments

##### 4.1.1 SC Highways:

18 July 2015: The highway authority raises no objection to the granting of consent. We have reviewed the details supplied with the application and we consider that the site conforms to current highway planning policy and guidance and the proposed development does not give rise to any highway safety concerns.

We note that Bicton Lane is a single carriageway derestricted rural road at the point of access, however traffic flows and travelled speeds at this location are fairly low. The lane widens out approximately 100m to the south of the proposed access where it continues as a 'double track' width up to the junction with Holyhead Road. Whilst Bicton Lane is narrow to the south of the proposed access, forward visibility

is good in either direction and the applicant has proposed some localised carriageway widening opposite the site access to allow vehicles to pass on the lane. We are of the opinion that this will provide a satisfactory access to the level of development proposed and the narrow section should effectively act as a traffic calming feature. There may be a requirement to extend the speed limit along Bicton Lane to include the site access and we would look to include this work in any future agreement with the local highway authority.

We note the inclusion of the proposed footway link to Brookside, which we view as a suitable walking link between the development and the existing village and beyond to nearby amenities and transport links. As this link is required on sustainability grounds, a Grampian condition is recommended to provide some security that the link will be established early on in the life of the development. We note that it may have been possible for the applicant to propose a sole access corridor to the site via Brookside, but we expect that this would have been met with more intensive local opposition so all things considered the access via Bicton Lane is considered to be the most suitable layout.

We have reviewed the proposed internal site layout which we understand is being considered for approval under the outline application and some minor amendments are required, which may be dealt with via the technical approval condition: where 2.0m service strips are shown on the layout plan these must be constructed as tarmac footways as the maintenance of grass service strips in residential areas has become a problem for the local highway authority for a number of reasons. Other than this point we are generally satisfied with the proposed layout and suggested adoptable roads, which can be included in a s38 agreement with the local highway authority. Furthermore we also suggest that the footway link to Brookside is included for adoption in the agreement.

24th February 2015: The local highway authority makes no objection to the revised internal road layout submitted for this proposed development. We refer you to our original representation and recommended conditions for this application which still remain valid

#### 4.1.2 **SC Ecology:**

25th March 2015: I have read the above application and the supporting documents including the;

- Ecological Survey by Blacktree Ecology dated April 2014
- Supplementary Report by Blacktree Ecology dated July 2014
- Great Crested Newt Assessment and Mitigation Strategy – Supplementary Report by Eco Tech (January 2015, updated 24th March 2014)

#### Great Crested Newts

Eco Tech has assessed 10 ponds within 250m of the proposed development site. Four ponds – ponds 1, 2, 3, and 8 have potential to support breeding great crested newts. Eco Tech concludes that there is likely to be a metapopulation of GCN within 250m of the site. The proposed development site mainly consists of short amenity grassland therefore Eco Tech considers that it is unlikely that the site will be used as a place of rest or shelter by newts.

Pond 8 is partially separated from the proposed development by garden fences, built development and amenity grass. The main section of the development is over 150m away from pond 8. Due to the distance and habitat connecting the site to the potential breeding pond Eco Tech considered that it is reasonably unlikely that GCN from pond 8 would be affected during development.

No development would fall within 100m of pond 5, 9 or 10. The area lost/damaged within 100-250m of the proposed application would come out as amber on Natural England's rapid risk assessment. The majority of the works are separated from pond 5, 9 and 10 by a narrow but fast flowing watercourse. Eco Tech considers that the watercourse is likely to act as a partial barrier to newt dispersal.

Ponds 1, 2, and 3 are at a distance from the site that is unlikely to be affected. Eco Tech considers that work on site can be achieved without an EPS license providing strict method statement is conditioned and adhered to. The method statement includes;

- Contractor toolbox talk
- Majority of below ground works to take place between October-January
- Earth ramps at regular intervals in any trenching left overnight
- Cover trenched at night
- Daily morning inspection for newts
- Hedge removed in timed stages to avoid conflict with nesting birds and hibernating GCN
- Hand search in the presence of a licensed ecologist during grubbing out of hedge

Proposed mitigation/enhancement for GCN includes;

- 0.1ha of public open space will be enhanced primarily for newts within the western area of the application site.
  - o 6 hibernacula
  - o Native species shrub and tree planting
  - o Areas of long grassland

### Bats

No signs of bats were found within the site. None of the trees within, or close to, the site provide good bat roost potential. The application site field offers poor bat forage potential. The hedgerows around the site and along the ditch-stream offer better potential, especially around the sheltered Bicton Lane and small copse.

### Nesting birds

The site has the potential to support nesting birds.

Recommends conditions and informatives.

#### 4.1.3 **SC Drainage:**

2<sup>nd</sup> June 2014: Suggests drainage details, plans and calculations that could be conditioned and submitted for approval at the reserved matters stage.

4<sup>th</sup> August 2014: Confirms that the FRA and the layout of the development are acceptable from a flood risk perspective and that a drainage scheme should be



developed as per the comments dated 2 June 2014.

#### 4.1.4 **SC Rights Of Way:**

(Comments in relation to original application for larger site area) A public bridleway runs through the northern part of the site and this route is also part of the Severn Way long distance path. Whilst the presence of the route is referred to on the indicative plan it is not referred to in the Design and Access Statement. The indicative plan would suggest that there is an intention to divert the route and to carry out other works to the bridleway and more information is required as to what the intentions are particularly given the strategic recreational importance of this route to Shropshire.

#### 4.1.5 **SC Affordable Houses:**

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

#### 4.1.6 **SC Public Protection - Specialist:**

Having noted the extent and scope of this development I would like to inform the applicant that they should demonstrate how they will meet the criteria set within paragraph 35 of the NPPF. I would recommend electric charging facilities are installed in all properties with off road parking.

#### 4.1.7 **Shropshire Wildlife Trust:**

24<sup>th</sup> June 2014: It is unclear from the ecological report what the potential for bat roosts is in the boundary features and immediately adjacent land. A sizeable bat roost has been reported at the Vicarage and it seems likely that bat species will be using the boundary hedges and watercourse for foraging. Further survey effort would help inform the proposed landscaping works. It would also be appropriate for an appropriate lighting plan to be formulated to avoid any potential impacts on bat species.

As the ecological report states Great Crested Newts have been recorded in 2005 and 2006 but in a location potentially as close as 125m. Great Crested Newts are currently reported at the Vicarage and it seems likely that a population persists in the area. The potential for GCNs to be present exists and needs to be taken into account.

River Severn (Montford - Shrewsbury) is less than 750m to the north and is a Local Wildlife Site. The water course draining this site flows directly into this length of the Severn where otters have been recorded. The sustainable drainage proposals need to ensure that water flow from the site is at least at green field rates and of suitable quality.

Native planting and sustainable urban drainage with ecological benefits are welcomed but a more robust and defined plan of ecological enhancement is recommended.

## 4.2 Public Comments

### 4.2.1 Bicton Parish Council: Strongly objects to this application for the following reasons:

- 1, The only access is along Bicton Lane, past the school. If this lane was blocked and there was an emergency there is no other access to the 129 houses on Bicton Lane, Brookside, Church Close, Church lane and The Oval.
- 2, There is also heavy traffic to and from the farms on Bicton lane.
- 3, School traffic causes constant access problems on Bicton Lane. The police are constantly trying to sort this out. This development would increase the number of houses by 21%. So the traffic would increase by a similar proportion.
- 4, Extra Houses would mean extra pupils for the primary school, which is already over subscribed.
- 5, There are drainage issues on the proposed site which, if there is extra building, could adversely affect existing houses.
- 6, If the houses are built as proposed, the bridleway would pass amongst the houses. This is most unsatisfactory.
- 7, There is not enough variation in the proposed houses. For instance, there are no bungalows.
- 8, There is no environmental impact statement with the application. Several varieties of newts have been reportedly been seen on this site
- 9, A stream runs through the middle of the site and some houses would be placed closer than 20m to it.
- 10, The general impact and the visual impact, of 21% more houses on this part of the village will be unacceptable.
- 11, This 21% increase will inevitably increase the carbon footprint beyond sustainability.
- 12, The infrastructure of this area is already stretched and could not cope with a 21% increase in house numbers. This alone makes this proposal unsustainable.
- 13, Bicton Parish is being swamped with other developments. To add this proposal is most certainly unsustainable.
- 14, This land is grade 1 agricultural land. Which means that it should not be built on under any circumstances.
- 15, This site's proposed access on to Bicton Lane comes at a pinch point with a blind spot, for drivers, on the corner.
- 16, The SAMDev proposals, agreed between Bicton Parish Council and Shropshire Council designate this area as open countryside. It is clearly stated in SAMDev that the area between Bicton old village and Bicton new village should NOT be built on.

Quote from SAMDev;" Bicton Old Village. This area should be considered as open countryside. Due to the infrastructure situation, especially the narrowness of the lane, the parish council feels that development should be kept to a minimum. It is preferable that the area along Bicton Lane (east and west) be kept as open fields, in order to distinguish between the new and old areas of the village."

If the officer recommendation is for approval, BPC requests that this application should go to the planning committee for decision.

4.2.2 55 letters of objection have been received from local residents in total including 32 to the revised submission. The comments are available in full on the file but have been summarised as follows:

- Access onto a narrow lane which is the only route in/out of the village onto the Holyhead Road
- Not a sustainable development
- Local infrastructure cannot support additional houses
- Loss of green land/open countryside used for recreational activities
- Increase in traffic
- Local school is already at its capacity
- The proposed development site falls outside of the New Development Boundary for Bicton Village, identified through local consultation as part of the SAMDev Plan
- Loss of the village character
- Concerns the development will set a precedent for further development
- The development site is grade 1 agricultural land, which should not be built on
- Newts have been seen on the development site

4.2.3 2 letters stating that they support the proposal and 2 letters neither in support or objecting to the proposal summarised as follows:

- Additional traffic on the lane and at the junction with Holyhead Road could be dangerous
- It is wrong to either object or support this application in isolation of other developments going on in the Parish.
- The reduction to 15 is an improvement and on its own this development is very sustainable being near to a church, primary school, village hall, bowling green, play area and open spaces.
- Without a neighbourhood plan, community led plan or parish plan made up of views elicited from all members of the Parish and not just those living around this application in Bicton Lane it is not reasonable to object.
- It is a pity Bicton Parish Council have failed to be proactive in eliciting their whole communities views on all aspects of the village leaving us

exposed as a community to speculative developments like these.

## 5.0 THE MAIN ISSUES

Principle of development  
Vehicular and Pedestrian Access  
Layout, Scale and Appearance and Residential Amenity  
Landscape and Open Space  
Ecology  
Drainage  
Developer Contributions

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

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

6.1.1 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'*

and that for decision making this means:

*'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*

NPPF Paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The council published a revised 5 year land supply statement in August 2014 which demonstrates that the Council now considers that it has a 5 year supply of housing.

6.1.2 Even though the Council has a 5 year land supply the balance of material considerations is still in favour of supporting applications for housing in locations that are considered to be sustainable and/or those locations that are being promoted by the Parish as a Community Hub or Community Cluster within the SAMDev DPD to help improve the sustainability of that settlement. Consequently the key issues in determining this application are:



- Whether the proposal accords with adopted and emerging local plan policy and
- Whether the proposal represents sustainable development.

6.1.3 Adopted and emerging policy: The relevant adopted housing policy is saved policy H3 of the SABC local plan, and Bicton is not a settlement identified under this policy where residential development would be supported and the site is therefore located in an area defined as 'countryside' for the purposes of planning policy. Adopted Core Strategy Policy CS5 is therefore applicable, and this policy seeks to restrict open market dwellings in areas of countryside and advises that proposals that would result in isolated and sporadic development that would erode the character of the countryside would not be acceptable. However it is not considered that the proposal represents isolated and sporadic development within the countryside but that it is sited within Bicton and is not considered to be an unacceptable intrusion and extension of the village into open countryside. This will be considered more fully in paragraph 6.1.12 and 6.3.

6.1.4 Under emerging policy Bicton is identified as a Community Cluster settlement within SAMDev where a limited amount of development would be acceptable. Paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:

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

The SAMDev Plan has been submitted to the Secretary of State for its examination and it is considered to be at an advanced stage of preparation.

6.1.5 The SAMDev Plan submitted for examination indicates the following policy for Buildwas:

*S16.2(vi): 'Bicton and the Four Crosses area are a Community Cluster in Bicton Parish where development by infilling, conversion of buildings and small groups of houses may be acceptable on suitable sites within the development boundaries identified on the Policies Map, with a housing guideline of around 15 additional dwellings over the period to 2026.'*

The PC have objected partly due to the site being contrary to SAMDev proposals being outside the proposed development boundaries (and therefore considered to be situated in open countryside) but they are also concerned that the areas East and West of Bicton lane should be kept as open fields in order to distinguish between the new and old areas of the village. This proposal would only partly occupy the existing fields to the East of Bicton lane and although accessed off

Bicton Lane would not be readily visible from the lane and would not close the gap between the new and the old part of the village.

- 6.1.6 In addition to not being within the development boundary identified for Bicton the indicative layout indicates 15 houses and in addition to existing proposals for houses approved in the Bicton area since 2012 (already approximately 15) would take the total number above the 15 dwellings within SAMDev. However Policy MD3 which relates to settlement housing guidelines that has been amended during the examination states the following:

*'The settlement housing guideline is a significant policy consideration. Where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline, decisions will have regard to:*

- i. The increase in number of dwellings relative to the guideline; and*
- ii. The likelihood of delivery of the outstanding permissions; and*
- iii. The benefits arising from the development; and*
- iv. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and*
- v. The presumption in favour of sustainable development.'*

Having regard to (i),(ii) and (iv) the following applications have been approved:

13/04978/OUT and 14/05204/REM 1 dwelling

13/04790/F 2 dwellings

13/02988/FUL and 14/01105/FUL 9 dwellings

14/03639/OUT 1 dwelling

14/03077/FUL and 14/03075/FUL 2 dwellings

This is a total of 15 dwellings which are likely to be implemented and work has commenced on 9 already. The housing guideline would be doubled if this current application is approved but this is not considered significant as 9 of the dwellings already approved are within the Four Crosses area. The number of dwellings within the village of Bicton itself including this application would only be 21 and this is not a significant amount for a settlement of this size and would therefore not have a cumulative impact on the settlement. With regards to (iii) *'Benefits arising from the development'* and (v) *'The presumption in favour of sustainable development'* this will be considered in the paragraphs below.

#### 6.1.7 Sustainable Development

- 6.1.8 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. Paragraph 17 of the NPPF advises that planning should actively manage patterns of growth to make the fullest

possible use of public transport, walking and cycling. There are a range of services and facilities within the village and within 1km of the site and it is serviced by a regular bus service (No 70) which runs between Shrewsbury and Oswestry every 30 minutes. The following services and facilities are all within walking/cycling distance of the site:

1. Bicton Primary School
2. Bicton Pre School
3. New Reflexions Evolution Centre
4. Holy Trinity Church
5. Bicton Village Hall
6. Bicton Toddler Club
7. Bowling green
8. Play area
9. Four Crosses Public House
10. Garage and Mace Convenience Store
11. Isle Court Care Home
12. Bicton Business Park

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 locally either on foot or by cycle or by public transport to a full range of services, facilities and employment opportunities in Shrewsbury.

- 6.1.9 However the NPPF suggests that sustainable development isn't solely about accessibility and proximity to essential services but that it is '*about positive growth – making economic, environmental and social progress for this and future generations*'. The Framework seeks to promote sustainable development in rural areas and advises that there are three dimensions to sustainable development: economic, social and environmental and that the three roles of sustainability should not be undertaken in isolation.
- 6.1.10 Economic role - In terms of the economic role the proposal will contribute in a small way due to the jobs created in the construction period supporting builders and building suppliers. It would also bring additional occupants to the village that will help support businesses in the Bicton area. The proposal will also be liable for a CIL payment which will help provide financial contributions towards infrastructure and opportunities identified in the Place Plan. A proportion of CIL funds will also be used to fund education.
- 6.1.11 Social role - The social role of sustainability includes supporting strong, vibrant and healthy communities with accessible local services and the NPPF advises that housing should be located where it will enhance or maintain the vitality of local communities. The site is clearly accessible to an array of local services and facilities and the provision of additional housing will help support and maintain existing facilities and services in the village and local area which will help support and retain services and facilities and enhance the vitality of the community. The proposed additional houses (up to 15) will contribute to the overall housing supply for Shropshire and would meet the needs of the community and their aspirations for limited and proportionate development as expressed through the SAMDev DPD.

The proposal will also include 2 affordable houses and a contribution to affordable housing.

6.1.12 Environmental role - The environmental role of sustainability requires the planning system to contribute to protecting and enhancing the natural, built and historic environment. The site forms part of a field that has no specific land-use designation in respect of landscape, ecological or historic value. It is grade 3 agricultural land, and the loss of this small amount of agricultural land is not considered significant. The proposal would have no adverse ecological implications and this will be more fully considered later within the report. Recent appeal decisions have highlighted that the three roles of sustainability should not be viewed in isolation and some development proposals have recently been dismissed on sites that encroach into open countryside and that would have an adverse visual impact on the setting of the settlement thereby not protecting or enhancing the natural environment. Although in policy terms this site is on land in open countryside it is not considered to be an encroachment into the countryside as the built development will be within a small field that is bound on three of its four sides one of which is a residential estate. It is considered that the proposal would not have a significant visual impact that would affect the rural setting of the settlement and this will be more fully considered later in the report.

6.1.13 Having regard to the three dimensions of sustainable development it is considered that the proposal accords with the presumption in favour of sustainable development and that there would be no significant harm of allowing this proposal that would outweigh the benefits. Bicton is designated as a cluster settlement within SAMDev and exceeding the housing guideline for the settlement is considered acceptable in this instance and in accordance with MD3. The proposal is therefore considered acceptable in principle.

## 6.2 Vehicular and Pedestrian Access

6.2.1 The site is to proposed to be accessed off Bicton Lane and some residents and the PC are concerned about the capacity of this narrow lane and the junction with Holyhead Road to accommodate additional traffic and the impact on Highway Safety. However Highways had no objection to the proposal for 27 dwellings as first submitted and the reduction in site area to accommodate up to 15 dwellings will obviously result in less traffic than originally proposed.

6.2.2 Highways have commented that Bicton Lane is a single carriageway derestricted rural road at the point of access and that traffic flows and travelled speeds at this location are fairly low. The applicant has proposed some localised carriageway widening opposite the site access to allow vehicles to pass on the lane and Highways are of the opinion that this will provide a satisfactory access to the level of development proposed (initially 27) and that the narrow section should effectively act as a traffic calming feature. Highways consider that the site conforms to current highway planning policy and guidance and the proposed development does not give rise to any highway safety concerns.

6.2.3 Access could have been proposed via Brookside but even if access was via this route vehicles would still have need to exit on to Bicton Lane before joining the Holyhead Road. Highways have commented that this may have been met with more intensive local opposition and considers direct access onto Bicton Lane to be the most suitable route. However a pedestrian link is proposed to be provided via Brookside and this is supported and is considered to be a suitable walking link between the development and the existing village and beyond to nearby amenities and transport links.

### 6.3 **Layout, Scale and Appearance, Visual Impact and Residential Amenity**

6.3.1 This proposal is Outline with all matters other than access reserved for later approval. An indicative layout has been submitted that illustrates that the site can satisfactorily accommodate up to 15 dwellings. The dwellings will be situated on a square piece of land accessed via a new access road off Bicton Lane that would be set within landscaped open space. The developed part of the site is not readily visible from Bicton lane and is bound on two sides by existing hedgerows and trees and the South West boundary abuts the existing houses in Brookside. The site area which has been significantly reduced since it was first submitted now only occupies one small field and would not close the gap between the new and the old parts of the village and would therefore preserve the setting of these distinct parts of the settlement. The development site is adjacent to Brooklands the newer housing within the village and it is not considered that the proposed development would impact on the rural setting or the character and appearance of the village when approached from different directions. The exact layout, scale and appearance will be determined at the reserved matters stage but it is considered that a satisfactory design can be achieved that would not adversely impact on the character and appearance of the locality or the built, historic and natural environment.

6.3.2 The proposed built development abuts the existing development in Brookside and the impact on residential amenity will be considered at the Reserved Matters stage. However the indicative layout indicates that the proposed site could satisfactorily accommodate up to 15 dwellings without appearing overbearing or obtrusive to existing residents and would not result in a loss of privacy.

### 6.4 **Landscape and Open Space**

6.4.1 Full landscape details and details of the open space will be provided at the Reserved matters stage but an indicative layout has been submitted which indicates almost 2000sqm of open space South of the proposed access road and that the existing hedgerows will be retained and that a new hedgerow will be planted along the North West boundary. A wildlife corridor will be provided and the existing watercourse maintained along the North East boundary of the site. The Public Footpath and Bridleway further to the North East is no longer affected by this proposal as the field in between has been omitted from the proposal.



## 6.5 Ecology

6.5.1 An ecological report has been submitted that found no protected or priority species within the site although GCN have been found within the vicinity of the site. The development will not result in the loss of habitat of significant value but the Ecologist has confirmed that as there are ponds nearby with some potential for newts, works will follow a method statement outlining reasonable avoidance measures. All existing trees and boundary hedges will be retained and the ecological value of the site will be enhanced by the proposed landscaping and by the provision of bat and bird boxes. Subject to the imposition of conditions it is not considered that the proposal would have any adverse impact on wildlife, protected species or their habitat.

## 6.6 Drainage

6.6.1 The Council's drainage engineer has no objection to the proposal and has commented that the detailed drainage proposals can be submitted at the reserved Matters stage and conditions and informatives can be imposed regarding this.

## 6.7 Developer Contributions

6.7.1 At the existing prevailing rate of 15% this proposal for up to 15 dwellings should provide 2 affordable homes on site and the applicant has indicated that they are willing to enter into a S106 agreement to secure the relevant contribution in accordance with the requirements of the Type and Affordability of Housing SPD at the prevailing housing target rate at the time of the Reserved Matters application. The development will also be liable for a CIL contribution. 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 via a S106 for Education, Highway improvements or other infrastructure improvements for example and can also be used to target community improvements identified in the LDF Implementation plan and Place plans.

## 7.0 CONCLUSION

7.1 Whilst the application site would not accord with Policy CS5 of the Core Strategy or saved Policy HS3 of the Shrewsbury and Atcham Borough Local Plan regarding the provision of open market dwellings within the countryside, the proposal is in line with emerging Development Plan policy which proposes that Bicton is a Community Cluster settlement in which limited additional housing development is envisaged. It is considered that the development of this site to provide up to 15 dwellings is acceptable in principle and accords with adopted Core Strategy policy CS4, the emerging SAMDev and NPPF presumption in favour of sustainable development. A safe means of access can be provided and it is considered that a satisfactory layout, design and appearance of buildings and landscaping of the site (the reserved matters) can be achieved without adverse impact on the character and appearance of the area or residential amenity and the development would also have no adverse highway or ecological implications. The relevant AHC will be secured by a S106. It is therefore considered that the proposal accords with CS4, CS6, CS11 and CS17.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

### 8.2 Human Rights

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

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

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

### 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies: CS4, CS5, CS6, CS11 and CS17

## 11. Additional Information

<b>List of Background Papers:</b> File 14/02239/OUT
<b>Cabinet Member (Portfolio Holder)</b> Cllr M. Price
<b>Local Member</b> Cllr John Overall
<b>Appendices</b> 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 begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. The first submission of reserved matters shall include a scheme of landscaping and these works shall be carried out as approved prior to the first occupation of the dwellings or in accordance with an agreed timetable. The submitted scheme shall include:
  - a. Means of enclosure, including all security and other fencing
  - b. plan clearly showing a minimum of 5m wildlife corridor from the existing corridor features (watercourse) to the proposed development site fenced during development. Post development this area should be shown as not included within gardens
  - c. Hard surfacing materials (including wildlife friendly gully pots and kerbs)
  - d. Planting plans, including wildlife habitat and features (e.g. 6 hibernacula, areas of long grassland, bird and bat nest box)
  - e. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
  - f. 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)
  - g. Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
  - h. Implementation timetables
  - i. Ecological trends and constraints on site that may influence management of public open space as newt habitat;
  - j. Aims and objectives of management of public open space

- k. A works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be reviewed every 5 years)
- l. Personnel responsible for the management of public open space and implementation of the plan in k above

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

- 5. As part of the first application for reserved matters a surface water drainage strategy shall be submitted to the LPA to include 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, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

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

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

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

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

- 7. The footpath link between the proposed site and Brookfield shall be provided prior to the first occupation of the dwellings hereby approved.

Reason: In the interests of sustainability.

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

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

9. Prior to the first occupation of the dwellings 10 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected at an appropriate height above the ground with a clear flight path.

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

10. Prior to the first occupation of the dwellings details of 6 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected.

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

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

11. Work shall be carried out strictly in accordance with the Great Crested Newt Assessment and Mitigation Strategy Supplementary Report by Eco Tech (January 2015, updated 24th March 2014).

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

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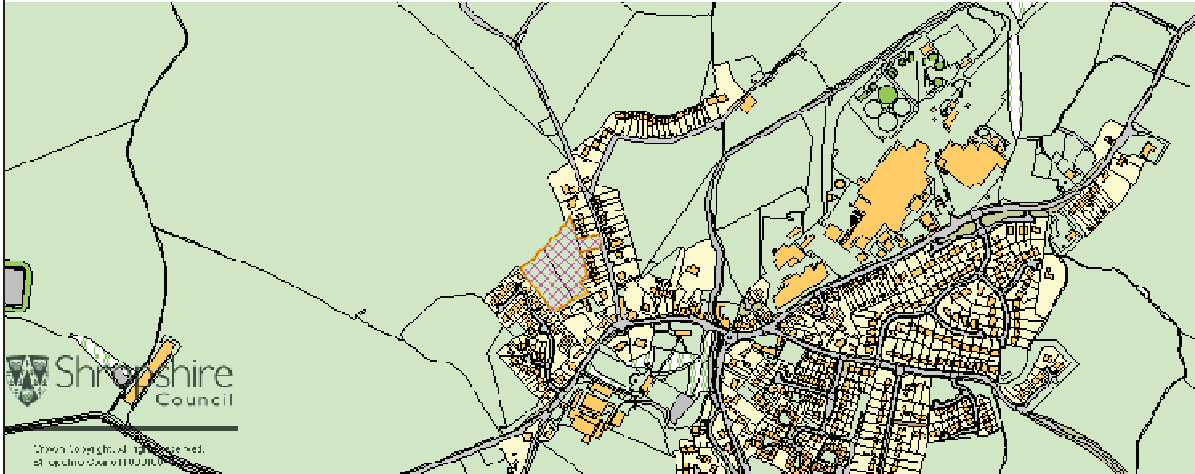
Committee and date  
Central Planning Committee  
9 April 2015

## Development Management Report

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

### Summary of Application

<b><u>Application Number:</u></b> 14/03670/OUT	<b><u>Parish:</u></b>	Minsterley
<b><u>Proposal:</u></b> Outline application for residential development of 15 No dwellings (to include access)		
<b><u>Site Address:</u></b> Land Off Horsebridge Road Minsterley Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Executors Of Mrs E. Griffiths (deceased)		
<b><u>Case Officer:</u></b> Nanette Brown	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	
<b><u>Grid Ref:</u></b> 337260 - 305198		



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**Recommendation:- That delegated powers be granted to the Planning Manager to grant outline planning permission subject to expiry of the third party consultation period; subject to the conditions listed at appendix 1 and subject to the applicants entering into a S106 agreement to secure the provision of affordable housing.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for the residential development on land at Horsebridge Road, Minsterley. The application includes access to the site with all other matters reserved for later consideration.
- 1.2 The proposed vehicular access to the site will be created to the eastern boundary, onto Horsebridge Road, where residential properties currently lie to either side of the proposed access.
- 1.3 The proposed development is for 15 dwellings. The indicative layout shows the site accommodating 9 detached houses and 3 pairs of semi-detached houses.

## 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is situated on the north western edge of the settlement of Minsterley and will be accessed from the western side of Horsebridge Road that leads northwards out of the village. The site is bounded by three sides by existing residential properties, with the north western boundary adjoining open fields/countryside.
- 2.2 The development site is comprises a parcel of land set to grass, currently used for grazing. The site is roughly square shaped and is bounded by mature hedgerow on the northern western boundary.

## 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

## 4.0 Community Representations

### 4.1 Consultee Comments

#### 4.1.1 SC Drainage: no objection

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

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

Surface water soakaways

Swales

Infiltration basins

Water Butts

Rainwater harvesting system

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

Attenuation

Greywater recycling system

Green roofs

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 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.

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

The site is identified as being at risk of groundwater flooding. The applicant should provide details of how groundwater will be managed.

Reason: To minimise the risk of groundwater flooding.

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

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

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

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

The use of large diameter pipes and crate storage together with a large number of chambers is likely to prove to be an expensive solution in terms of both construction and maintenance. The sites topography lends itself well to the use of true SuDS. Opportunities for permeable paving, attenuation basins and filter strips exist within the development site which could be explored to make the drainage system more sustainable. The Management Train Approach should be central to the surface water drainage strategy of the proposed site. The main objective is treatment and control of runoff as near to the source as possible protecting downstream habitats and further enhancing the amenity value of the site aiming to incrementally reduce pollution, flow rates and volumes of storm water discharging from the site. SuDS should link with the individual plot structure, planting, public open space requirements and amenity areas, gaining multiple benefits from a limited area of land.

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

Please provide information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility.

Reason: To ensure that the drainage system remains in good working order throughout its lifetime.

Informative Consent is required from the service provider to connect into the foul



main sewer.

#### 4.1.2 **SC Archaeology: no objection subject to conditions**

Although not currently recorded on the Shropshire Historic Environment Record, examination of digital vertical aerial photographs and Environment Agency LiDAR data held on Shropshire Councils corporate GIS system indicates that an area of partially degraded earthwork remains of ridge and furrow are present on the proposed development site. The morphology of these features suggests that they may be of medieval date and are likely to relate to Minsterley's former open fields. Whilst these features are likely to be of local level significance they are of archaeological interest.

##### RECOMMENDATION:

In view of the above, and in relation to Paragraph 141 of the NPPF, it is recommended that a programme of archaeological work, to comprise a pre-commencement Level 3 survey of the archaeological earthworks that conforms with English Heritages guidance on Understanding the Archaeology of Landscapes: A guide to good recording practice (2009), be made a condition of any planning permission for the proposed development. An appropriate condition of any such consent would be: -

##### Suggested Conditions:

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

Reason: The development site is known to have archaeological interest

#### 4.1.3 **SC Affordable Housing – No objections**

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

#### 4.1.4 **SC Ecology: No objection**

Have read the above application and the supporting documents including the Extended Phase 1 Ecological Survey Report conducted by Pearce Environment Ltd (June 2014).

##### Recommendation:

Include the conditions and informatives below on the decision notice.

##### Bats

Trees were assessed on site for their potential to support roosting bats. No

evidence of bats were discovered during the extended phase 1 survey. The site does have potential to support foraging and commuting bats. The following condition and informative should be on the decision notice.

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

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.

#### Landscape

A section of the eastern hedgerow will be removed in order to provide site access. I would recommend planting additional native species hedgerow on site in order to enhance the site for biodiversity. A species rich hedge of local provenance where possible is recommended for example a mix of hawthorn (50%), blackthorn (20%), holly (10%), hazel (5%), field maple (5%), elder (5%) and dog rose (5%).

The first submission of reserved matters shall include a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:

- Planting plans, including wildlife habitat and features (e.g. bird, bat box, hedge planting)

- 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).

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

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

#### Nesting Birds

The site has the potential to support nesting birds. The following condition and informative should be on the decision notice.

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

#### Informative

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

on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive  
Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

#### 4.1.5 **SC Highways – no objection**

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

Conditions:

A s106 agreement is required to secure the proposed pedestrian route from Leigh Road to serve the occupants of the proposed development site. This is required to provide a safe and convenient access for the development, in order for it to accord with the requirements of the NPPF.

##### E1. New Access

No development shall take place until details of the means of access, including the layout, construction and sightlines 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 means of access to the highway.

##### E5. On-site Construction

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.

##### E11. Visibility Splays

Visibility Splays of a depth of 2.4 metres and a length of 43m metres from the centre point of the junction of the access road with the public highway shall be provided before the commencement of the development, and these splays shall thereafter be kept free of any obstacles or obstructions.

Reason: To ensure the provision of adequate visibility in the interests of highway safety.

#### Informatives

We understand that the proposed access road would remain private and therefore a s38 agreement won't be required. We must therefore clarify to the applicant that unless they enter into a s38 agreement with the LHA and the construction works are inspected, we won't consider the road for adoption in future. If the access roads do remain private, the street name plates should state 'PRIVATE ROAD' or 'UNADOPTED ROAD' below the street name. This is to ensure the LHA aren't contacted regarding their upkeep in the future.

A licence will be required with the local highway authority for the proposed access before work can commence on site. Details of the process for obtaining a licence can be found on the following web page: [http://shropshire.gov.uk/street-works/street-works-application-forms/apply-for-vehicle-access-\(dropped-kerb\)/](http://shropshire.gov.uk/street-works/street-works-application-forms/apply-for-vehicle-access-(dropped-kerb)/)

#### Background

Early concern was raised by the local highway authority over the original site layout proposed as no footway connection was shown to the village centre; Horsebridge Road between the site and the junction with Leigh Road is narrow with no footways. As Horsebridge Road is regularly used by heavy traffic, it is not considered that it would be a sustainable route for additional larger developments without a dedicated footway/alternative walking route provision. However, the applicant has now agreed to provide a private pedestrian access route between Leigh Road and the development across their land so a s106 agreement is required to secure this provision in perpetuity.

Note that the proposed visibility splays appear to cross third party land and may involve the adjustment of the existing boundary features. Understand the applicant is serving notice on the affected land owners and require a condition to secure the provision of visibility splays prior to the development commencing on site.

#### 4.1.6 **Minsterley Parish Council: Objection**

Residents questioned house permitted under SAMDEV, also provision for drainage,)

Parish Council asked :-

What will impact be on already stretched sewage works?

No pavement in area and busy road is it safe to have extra traffic entering Horsebridge rd.? And will there be extra traffic?,

Is there sufficient lighting on Highway?

The parish council ask that this application be considered by planning committee.

The Parish Council object due to dangerous road the site exits onto. There is no parking there is no footpath and it is dangerous or pedestrians. if there are large vehicles on the road the site will exacerbate a pinch point in the road.

And following receipt of amended plans:

The amendment while allowing for access away from Horsebridge road for residents does not address the fundamental issue of traffic issuing onto a busy narrow road with no footpath for pedestrians and if approved then the planning

dept. are willing to accept responsibility for any accidents and danger to life, it is not in SAMDev. In providing this footpath it is tacit agreement by the developer that Horsebridge road is too dangerous for residents.

#### **4.2 Public Comments**

11 letters of objection have been received from 7 addresses and have been summarised as follows:

##### **Principle**

Loss of countryside and farm land; There are other Brownfield sites located in the village which are more suitable for development; low cost housing has already been built in the area, no more is needed;

##### **Highway Safety/Access**

Increase in traffic on a busy road where the speed limit is often not observed; Horsebridge Road in some places cannot accommodate passing vehicles and is used by milk tankers and large farm vehicles; No footpath along Horsebridge Road; existing chapel opposite the development site, causing an increase in parking on the roads; the size of development represents an unacceptable risk to all road users; visibility splays will need to use some of the adjacent properties frontage to gain adequate views; the proposed footpath for residents of the proposed dwellings is not overcoming concerns about the safety of the road;

##### **Services**

Local pumping station already at capacity and may not be able to cope with more houses; Sewage system is already at capacity; inadequate services are available in the village for residents and young people

##### **Drainage/flooding**

Increased risk of flooding; this is an area at risk from flooding;

#### **5.0 THE MAIN ISSUES**

##### **Principle of development**

##### **Affordable Housing**

##### **Highways/Access**

##### **Drainage**

##### **Archaeology**

##### **Ecology**

#### **6.0 OFFICER APPRAISAL**

##### **6.1 Principle of development**

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Council's Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight. Paragraph 12 of the NPPF states that 'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that



conflicts should be refused unless other material considerations indicate otherwise’

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

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

and that:

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

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

6.1.4 The application site in this case is located on the edge of Minsterley, in open countryside in terms of planning policy, with policy CS5 of the Core Strategy applying. Core Strategy Policy CS3 is also relevant as Minsterley is proposed to be a joint key centre with Pontesbury within the Pre-submission Draft SAMDev Plan published on 17th March 2014. A development boundary is proposed for Minsterley and Policy S12 of the Pre-submission Draft SAMDev Plan proposes a guideline of a total of 260 additional dwellings for the two villages for the period 2011-2026 (of which 123 have already been identified as having been built or committed between 2006 and 2013). Policy S12 also identifies 2 preferred sites at Hall Farm, and Callow Drive that would potentially provide a total of 49 houses. New housing development will be delivered through a combination of allocated sites and windfall opportunities on existing brownfield and other infill sites. Outline planning permission has also been granted at Little Minsterley for a further 13 dwellings.

6.1.5 Notwithstanding the above, proposals must be assessed with a presumption in favour of sustainable development as defined throughout the NPPF. As such the key factor in determining this application is the assessment of whether the proposal would represent sustainable development and whether the adverse impacts of granting permission would significantly or demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 6.1.6 Minsterley is a village with existing built development predominantly located either side of the A488 running through the centre of the village. There are a variety of services currently provided within the village in the form of a public house, a bus service providing links to Shrewsbury and Bishops Castle, a grocery store and petrol garage, a post office, takeaway, butchers, florist, vets, primary school, pre-school nursery, church and village hall.
- 6.1.7 Paragraph 55 of the NPPF advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Minsterley is located within close proximity with Pontesbury, linked by the A488 where further services are available. Whilst not necessarily within walking distance, both settlements are within close proximity and Pontesbury is also on the same bus route. 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.
- 6.1.8 ‘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.
- 6.1.9 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 15 additional houses will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also make a financial contribution to the supply of affordable housing in addition to a CIL

payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

- 6.1.10 Social role - 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. The 15 dwellings proposed would add a small amount to the identified figure in SAMDev of 260 dwellings required to be provided for Minsterley and Pontesbury by 2026. It is not considered that this level of increase could be considered to be detrimental to the existing community of the village and Parish.
- 6.1.11 Environmental role – The site forms land with current use as pasture. The site has no formal/official heritage, cultural or ecological designation, although SC Archaeology Officers have recommended a Written Scheme of Investigation be carried out should planning permission be granted. The land has little ecological value with the only feature of any ecological value being the hedges, trees and planting located at its periphery. The proposal would have no adverse impact on wildlife and the ecological value of the site could potentially be improved by conditions requiring the provision of artificial bird nests. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible to local services and facilities on foot or by cycle and by public transport to the array of services, facilities and employment opportunities in Pontesbury and Shrewsbury.
- 6.1.12 Any adverse impacts of the proposed housing development that might significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole will be discussed in the following paragraphs below.

## **6.2 Affordable Housing**

- 6.2.1 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. The applicants have agreed to make the necessary contribution in accordance with the requirements of the Type and Affordability of housing SPD.

## **6.3 Highways/Access**

- 6.3.1 Many of the objections raised to this application refer to the narrowness of Horsebridge Road and its lack of a full footpath for pedestrians walking along the roadway into the village. Other objections raised refer to concerns relating to the safety of a vehicular access at this point along the road and how the addition traffic created by the development would add to current pressures on a busy roadway that often carries milk tanker and large agricultural vehicles.
- 6.3.2 Amended plans have been submitted as part of the application for this proposal that show a pedestrian footpath link from the application site through a shared driveway that serves existing houses to the south of the site, with the footpath emerging close to the mini roundabout at the southern end of Horsebridge Road. This is intended to provide a pedestrian link for the occupants of the proposed



homes enabling them to access the village facilities without having to walk along Horsebridge Road, which does only have a partial footpath in place.

6.3.3 The SC Highways Officer has raised no objection to these amended plans subject to the provision of the footpath link and suitable visibility splays for the proposed vehicular access onto Horsebridge Road. The Highways Officer has suggested that the provision of the footpath link could be secured by a legal s106 agreement, but it is considered that a condition could be adequately worded in order to secure this prior to the first occupation of the dwellings.

6.3.4 It is noted that the proposed visibility splays for the vehicular access appear to cross third party land and may involve the adjustment of the existing boundary features. The applicant's agent has confirmed that appropriate notice will be served on the adjacent landowners and the red site outline amended to include the visibility splays prior to the committee meeting. The provision of a condition to secure the provision of visibility splays prior to the development commencing on site could be added to any planning permission granted.

#### **6.4 Drainage**

6.4.1 The application site falls within flood zone 1 of the Environment Agency identified flood zones and so is within an area of low probability of flooding. SC Drainage Engineers have raised no objections to the application subject to details of surface water drainage being conditioned.

6.4.2 The application details indicate that it is intended that the development be connected to the mains sewer and it is for the developer to seek permission from the service provider for a connection to be made.

#### **6.5 Archaeology**

6.5.1 Although not recorded on the Shropshire Historic Environment Record, SC Archaeology Officers have carried out an examination of digital vertical aerial photographs and Environment Agency LiDAR data held on Shropshire Councils corporate GIS system which indicates that an area of partially degraded earthwork remains of ridge and furrow are present on the proposed development site. The morphology of these features suggests that they may be of medieval date and are likely to relate to Minsterley's former open fields.

6.5.2 These features are likely to be of local level significance and they are of archaeological interest and as such SC Archaeology Officers recommend that a written scheme of investigation (WSI) be carried out and submitted prior to any development commencing on site.

#### **6.6 Ecology**

6.6.1 The Council's Ecologist has considered the submitted plans and has made no objections to the application subject to the use of conditions to protect existing wildlife.

#### **7.0 CONCLUSION**

7.1 It is appreciated that approving this development would be contrary to the SAMDev allocation for the village of Minsterley. However a priority of the NPPF is to boost

housing supply and to approve sustainable development in appropriate locations provided there are no adverse impacts of doing so. It is considered that the site is of a sufficient size to accommodate the proposed number of dwellings and would not result in an unacceptable form of development immediately adjacent to the village. The proposal would have no adverse drainage, flooding or environmental/ecological implications and would not impact on highway safety. The detailed, appearance, landscaping, and scale designs will be considered at the reserved matters stage

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

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Core Strategy and Saved Policies:  
SAMDev Plan  
Shropshire Council Core Strategy (February 2011)  
CS3 : The Market Towns and Other Key Centres  
CS5 : Countryside and Green Belt  
CS6 : Sustainable Design and Development Principles  
CS9 : Developer Contributions  
CS11 : Type and Affordability of Housing  
CS17 : Environmental Networks  
CS18 : Sustainable Water Management  
Supplementary Planning Document - Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

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

Planning File 14/03670/OUT

**Cabinet Member (Portfolio Holder)**

Cllr M. Price

**Local Member**

Cllr Tudor Bebb

**Appendices**

APPENDIX 1 - Conditions

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

1. Approval of the details of the layout, scale, appearance and 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.

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

4. 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.

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

Reason: The development site is known to have archaeological interest

6. No development shall take place until details of the means of access, including the layout, construction and sightlines 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 means of access to the highway.

7. No development shall take place 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. Visibility Splays of a depth of 2.4 metres and a length of 43m metres from the centre point of the junction of the access road with the public highway shall be provided before the commencement of the development, and these splays shall thereafter be kept free of any obstacles or obstructions.

Reason: To ensure the provision of adequate visibility in the interests of highway safety.

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

9. 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 any 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.

10. Prior to the erection of any external street 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.

11. 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

12. Prior to the first occupation of the residential development hereby approved, the proposed footway link between the development site and Leigh Road through the adjacent shared private driveway as shown on the approved plans shall be established and surfaced in a suitable bound material prior and shall thereafter permanently be retained as such.

Reason: To ensure the development site is served by a satisfactory and safe walking link to the village.

### **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. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
3. 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](http://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.

4. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.
5. Consent is required from the service provider to connect into the foul main sewer.
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. If the proposed access road would remain private a s38 agreement won't be required. Please note however that unless a s38 agreement is entered into with the Local Highway Authority (LHA) and the construction works are inspected, the road will not be considered for adoption in future. If the access roads do remain private, the street name plates should state 'PRIVATE ROAD' or 'UNADOPTED ROAD' below the street name. This is to ensure the LHA aren't contacted regarding their upkeep in the future.



8. A licence will be required with the local highway authority for the proposed access before work can commence on site. Details of the process for obtaining a licence can be found on the following web page: [http://shropshire.gov.uk/street-works/street-works-application-forms/apply-for-vehicle-access-\(dropped-kerb\)/](http://shropshire.gov.uk/street-works/street-works-application-forms/apply-for-vehicle-access-(dropped-kerb)/)





Committee and date

Central Planning Committee

9 April 2015

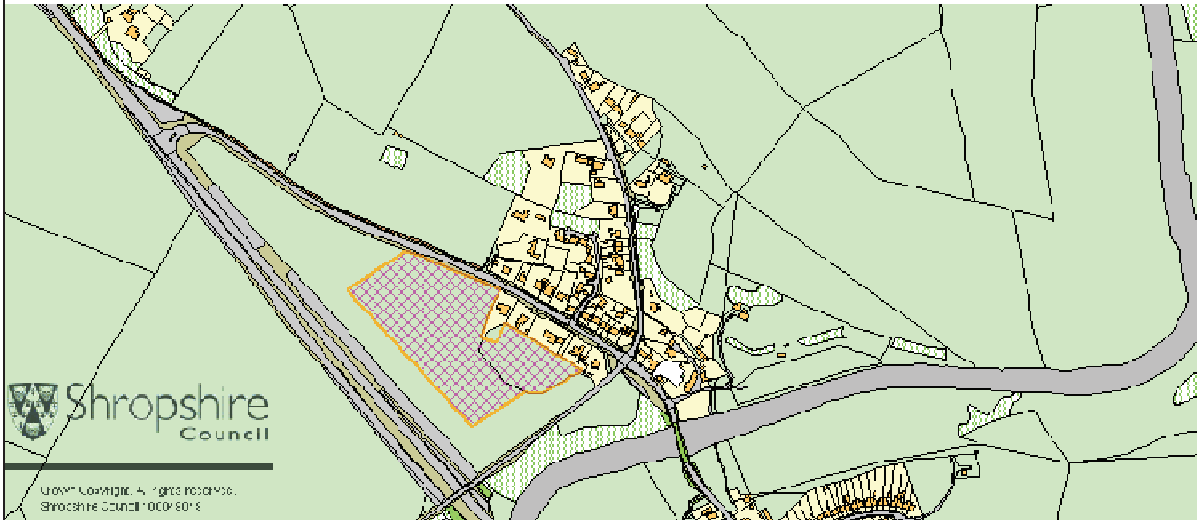
## Development Management Report

Responsible Officer: Tim Rogers

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

### Summary of Application

<b><u>Application Number:</u></b> 14/05742/OUT	<b><u>Parish:</u></b>	Montford
<b><u>Proposal:</u></b> Outline application (access, layout for approval) for mixed residential development; formation of a vehicular access and associated infrastructure (revised scheme)		
<b><u>Site Address:</u></b> Development Land Adj Oaklands Holyhead Road Montford Bridge Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Morris Property		
<b><u>Case Officer:</u></b> Nanette Brown	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	
<b><u>Grid Ref:</u></b> 342879 - 315526		



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**Grant Permission subject to a section 106 legal agreement to secure an off-site affordable housing contribution and to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application seeks outline planning application for the residential development of the application site, to include details of the access and layout arrangements. All other matters of appearance, landscaping and scale are to be reserved matters. The amended submitted site layout plan shows a total of 34 houses proposed; containing a mixture of detached and semi-detached houses accessed Holyhead Road, the B4380 that runs through the village.
- 1.2 Outline planning permission (Ref 13/00464/OUT) has previously been granted for part of the area covered by this application site for the erection of 5 detached dwellings with garages. The approved layout for this permission shows the 5 dwellings running along parallel to the Holyhead Road, served by a private shared driveway with its junction situated roughly in the same position than that now proposed for the access onto the current application site.
- 1.3 A planning application for the same development that is now proposed was

previously submitted to this authority and refused planning permission (Ref 14/00518/OUT). The reason for the refusal was as follows:

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

- 1.4 This refusal decision was appealed by the applicants and the Planning Inspector subsequently dismissed the appeal. In their conclusion the Inspector considered that the proposal would not have an adverse effect upon the economic viability of the local area by taking high grade agricultural land out of production. They also considered that the proposal would also be acceptable with regard to the principle of sustainable development. The appeal was however dismissed as there was no provision made of any mechanism to secure the provision of affordable housing in line with policy CS11 of the Council’s Core Strategy. A copy of the appeal decision letter is attached to the end of this report as Appendix 2.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site is an existing arable field located to the south of Holyhead Road, the B4380 that runs through Montford Bridge. The site consists of open countryside used in connection with farming and lies between the B4380 and the A5 bypass with part of the site located to the south of the existing houses that run along the southern side of Holyhead Road. The site slopes upwards from Holyhead Road in a south westerly direction towards the A5. The current use of the site is agricultural with part of the site subject to historic extraction of sand and gravel.
- 2.2 Montford Bridge has a public house and a regular serviced bus route. Montford Church and village hall are located to the south of the A5 bypass. Bicton is located around 1 mile from Montford Bridge and contains a church, village hall, school and recreation area.

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

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

## **4.0 Community Representations**

### **4.1 - Consultee Comments SC Highways DC – No objections**

The Highway Authority makes the following recommendation and observations, to be considered in the determination of this development proposal.

#### Development Principles

The application proposes a new vehicle access for the development from Holyhead Road. The proposed access appears to be adequately located and has good visibility in either direction with appropriate visibility splays and distances for this speed and category of road.

Shropshire Council Highways agrees with the traffic impact statement information provided in the submission. This being that the additional traffic generated by a development of this size and with this number of dwellings in this location would have a minimal impact on the immediate and surrounding road network.

If outline planning application is granted Shropshire Council Highways authority would require the developer to adhere to all reserved conditions and standards set by the Highways Authority along with entering in to a Section 38 agreement (HW80) for the adoption of the estate roads.

Please note our previous comments below on the related refused application 14/00518/OUT.

Highways comments for related refused application 14/00518/OUT:

'SC Highways Development Control ' No objection

The highway authority raises no objection to the granting of consent subject to the attachment of conditions and informative(s).

#### Background:

Early discussions took place with the applicants transport consultant over the location and suitability of the proposed access, to which we have no objection. As the B4380 Holyhead Road was once the A5 trunk road, the construction of this road is of a sufficient standard to accommodate the proposed development.

Note the inclusion of walking route connections with the village, so people will be able to gain convenient access to the nearby bus stops and pub. A continuous footway connection is also available to Shrewsbury for those willing and able to walk the distance of approximately 4km.

As the access roads are to be offered for adoption under s38 of the Highways Act

1980 an agreement will be required with the local highway authority and the proposed works will require technical approval prior to commencing on site."

### **SC Ecologist – No objections**

Note supporting documents including the Extended Phase 1 Habitat Survey by Worsfold and Bowen dated January 2014.

#### Great crested newt

Worsfold (2014) reports that the drainage ditch on the opposite side of the road may be suitable for use by great crested newts (GCN) and requires further surveys to establish whether GCN may be present. A Habitat Suitability Index was not provided.

From what can be seen of the ditch in question, it is likely to have water flowing along it throughout the year and therefore unlikely to support great crested newt breeding. The lack of other ponds in the vicinity and the road between the ditch are also considerations. In this particular situation would not insist on survey of the ditch but recommend an informative to cover the unlikely possibility of GCN turning up on the (arable) application site:

#### Informative

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.

#### Bats

Worsfold (2014) reports that the oak tree adjacent to the existing house at the north east side of the site (probably Oaklands) is suitable for use by bats. Worsfold (2014) recommends further surveys between May and September to establish whether this tree is being used by bats.

The revised Proposed Site Layout Rev E indicates no development close to this tree and unless this changes there is unlikely to be an impact on any bat roosts which could be in the tree.

No information is presented on bat activity along the hedgerows and the former quarry. Considering that the River Severn is only around 100m to the south of the application site, would expect the boundary features to be used for bat foraging and commuting. The following condition and informative are therefore recommended:

#### Condition

1. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted

scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet *Bats and Lighting in the UK*

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

#### Informative

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

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

#### Nesting birds

Trees bordering the site have potential for nesting birds. The following condition and informative are recommended:

#### Condition

2. A total of 5 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

#### Informative

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

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

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

#### **SC Drainage – No objections**

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

1. The FRA states surface water drainage is to be designed in accordance with BRE Digest 365. There are details of the proposed highway drainage however no details and sizing of the proposed soakaways for the house plots have been supplied. Full details, calculations, dimensions and location of the percolation tests

and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

The Proposed Foul and Surface Water Drainage Layout, Dwg. No. CL(19)01 Rev P2 shows the highway soakaway SA02 crossing several residential properties, this is not ideal for maintenance purposes and the applicant should demonstrate that there is not a more suitable soakaway location available.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

2. Please provide a contoured plan of the finished road level to ensure that the proposed gullies are located correctly. Confirmation is required that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

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

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

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

4. Please provide information on the proposed maintenance agreement and access for the highway soakaway in the gardens of a number of properties.

Reason: To ensure that the drainage system can be kept in good working order throughout its lifetime.

5. Informative: Problems are often encountered with drainage systems due to the ingress of tree roots through poor joints or cracks in the network. This occurs because roots are drawn to the presence of water and hence is a common problem with soakaways where a permeable structure is a design feature and roots can grow through the soakaway walls, reducing the passage of water. Care should be taken to ensure that tree root ingress does not occur as the proposed soakaway's efficiency would be reduced.

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



**SC Learning & Skills - comments**

Shropshire Council Learning and Skills reports that the local primary school is nearing pupil capacity and is forecast to reach capacity in the near future. It is therefore essential that the developers of this and any new housing in the village contribute towards the consequential cost of any additional places/facilities considered necessary at the school.

**SC Trees - No comments received to date in response to this application but the scheme is the same as that previously proposed (14/00518/OUT) and the comments of SC trees at that time were:**

“There is a significant tree present on or adjacent to the site on the boundary with The Oaklands. The development of this land has the potential to impact upon this tree, including the possibility of damaging it to a point that it cannot be safely retained and/or create a situation whereby the tree affects or exerts an influence over the proposed development in the longer term.

Raise no objections to the revised layout. If there are any amendments to the layout that re-instate any housing or development close to this tree then assessment of the potential impacts and implications and the consequences for the landscape and public amenity of the area and the wider environment will be required in the form of an Arboricultural Assessment, prepared in accordance with BS 5837: 2012. “

**SC Conservation (Historic Environment) – No objection**

Background to Recommendation:

We had commented on an earlier proposal that the settlement of Montford Bridge is not a designated Conservation Area. There are no statutorily listed buildings within the site boundary however immediately adjacent to the northerly site boundary our mapping indicates that there is a Grade II listed early 19th Century tooled granite Milestone alongside the Holyhead Road which would need to be protected during any site works and which any proposed new entrances should avoid. Efforts to minimize disruption to the continuous hedge along the highway boundary should also be made.

Principles of Scheme:

The proposal should reflect local vernacular detail in terms of building scale, layout and orientation, design and detail, and materials. In terms of layout and orientation the dwellings shown on parcels 01 to 06 do not reflect the existing built form along the highway which are oriented in a traditional linear form facing the highway. The current layout should be reconsidered to better reflect the surrounding existing residential development.

In terms of historic environment matters no objections raised.

**SC Affordable Houses**

Consulted: 15th January 2015 Reply Received : 16th January 2015

If this site is deemed suitable for residential development, the scheme would be

required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of Reserved Matters application.

The current prevailing target rate for affordable housing in this area is 15% this would mean a provision of 5 Affordable houses on site along with a financial sum for the remaining percentage. The assumed tenure split of the affordable homes would be 4 for affordable rent and 1 for low cost home ownership and these 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. However as this is an outline application the percentage contribution and number of affordable homes will not be set at this time, but will be reviewed at the time of the reserved matters application. The size, type and tenure of the affordable housing needs to be agreed in writing with the Housing Enabling team before any application is submitted

#### **4.2 - Public Comments**

##### **Montford Parish Council - Objection**

MPC strongly objects to this plan on these grounds:

1 The plan is not sustainable because there is insufficient infrastructure in the village to support 34 houses.

2 The local primary school is already overcrowded and an influx of extra pupils would have an adverse effect.

3 34 new houses would create "housing shock" that would have an adverse effect on the present community.

4 The cumulative effect of these 34 houses plus all the other proposed new houses in this half of Montford Bridge village such as the 3 houses already granted permission on Forton Bank plus another 13 new houses awaiting decisions would make a grand total of fifty new houses which would overwhelm this small village.

5 It is contrary to Montford Parish Council's Montford Housing Strategy MHS 127 for just 10 houses in and around Montford Bridge West of the River Severn and with no more than FIVE houses on any one site and this strategy is soundly based on MPC's democratic response to SC's long-running SAMDev consultations.

6 MPC has acted very fairly in supporting the original proposed five houses but 34 houses are far too many.

7 In the interests of sensible planning and natural justice MPC urges SC to refuse this planning application.

4 public objections have been received and are summarised as follows:

##### **Principle**

There has been no change to the submitted plans since the last application that

was refused; proposed number of dwellings proposed far too large, exceeding greatly the numbers set out in the Parish Plan; the village has no facilities such as work, schools, medical facilities post office or shop; where is the housing need coming from?

#### Access

The proposed access to the site should be set well away from any neighbours, will result in excess of 100 vehicle movements; this part of Holyhead Road is currently more heavily used than previously, with many vehicles not keeping to the 30mph speed limit; this development will add pressure/use of the junction with the A5 by-pass which is already dangerous; recent reduction in bus service for village

#### Design

The houses adjacent to Holyhead Road should front the road, matching the existing houses and their layout along Holyhead Road.

#### Drainage

Do not consider that the current mains sewer can accommodate the number of dwellings proposed; the development may raise local ground water levels;

#### Other matters:

Any street lighting will produce light pollution – needs to be addressed; the access to the public open space needs to be pedestrian only.

## 5.0 THE MAIN ISSUES

### Principle of development

### Layout & Open Space

### Access

### Ecology & Environment

### 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.

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 in August 2014, 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.

6.1.5 The application site in this case is located on the edge of Montford Bridge, in open countryside in terms of planning policy, with policy CS5 of the Core Strategy applying. Core Strategy Policy CS4 is also relevant as Montford Bridge is proposed to be a Community Cluster Settlement in Montford Parish where development by infilling, conversions of buildings and groups of dwellings may be acceptable on suitable sites within the village, with a housing guideline of approximately 10 additional dwellings over the period to 2026. The Parish Council has also identified in their housing strategy that applications should contain a maximum of 1-2 dwellings per site. The SAMDev Plan was submitted to the Secretary of State in August 2014 and is currently being examined. No development boundary is proposed for Montford Bridge.

6.1.6 Outline planning permission was granted in 2013 for 5 dwellings on part of this site with Parish Council support. A subsequent application (14/00518/OUT) for 35

dwellings was dismissed at appeal on the 19<sup>th</sup> December 2014 with the Inspector's decision due to the lack of a mechanism put forward to secure the provision of affordable housing and as such considered that the proposal would not make adequate provision for local needs affordable housing in line with policy CS11 of the Council's Core Strategy. However the Inspector found that the proposal would not have an adverse effect upon the economic viability of the local area by taking high grade agricultural land out of production and that the proposal would also be acceptable with regard to the principle of sustainable development.

6.1.7 Other applications also received for Montford Bridge include outline applications Refs 14/01728/OUT, 13/04429/OUT & 14/02964/OUT for approximately 5, 2 & 8 dwellings respectively which are pending decision subject to completion of s106 legal agreements; which together with an approval for one dwelling that was permitted under permission 13/01193/OUT takes the total to 21. It is therefore acknowledged that any further approvals will further exceed the housing guideline of approximately 45 additional dwellings.

6.1.8 Whilst emerging Policy MD3 recognises that settlement housing guidelines are a significant policy consideration, it outlines that where development would result in the number of completions plus outstanding permissions exceeding the guideline, decisions on whether to exceed the guideline will have regard to:

- i. The increase in number of dwellings relative to the guideline; and
- ii. The likelihood of delivery of the outstanding permissions; and
- iii. The benefits arising from the development; and
- iv. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and
- v. The presumption in favour of sustainable development.

6.1.9 In considering these points it is noted that :

- i. Montford's Housing Guideline is for approximately 10 and granting of this consent would represent an increase of 45 dwellings over this figure;
- ii. All of the extant permissions or those pending decision have a minimum of 12 months before the submission of reserved matters are required so there is a reasonable likelihood that these will be delivered.
- iii The benefits, cumulative impact and presumption in favour of sustainable development will be assessed in the following sections of this report however the points raised by the previous appeal inspector should also be taken into account.

6.1.10 In terms of national policy considerations this application site is located within countryside for planning policy purposes and as such would not accord with Core Strategy Policy CS5. However, notwithstanding the above, weight must also 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 village of Montford Bridge benefits from a range of facilities and services. These include: a public house; two camping and caravanning sites and a regular bus service to nearby Shrewsbury and Oswestry; a church and village hall are located approximately a mile away at Montford. In this respect it is considered that Montford Bridge is a reasonably sustainable location in respect of 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:

- 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.

6.1.12 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 thirty four 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 will benefit both the existing and future residents and help meet the needs of present and future generations. The Parish Council has raised concerns regarding the number of 34 dwellings proposed and how this will integrate with the existing community, but 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. Utilising the 2011 Census data the proposed 34 dwellings would represent an approximate 15% increase in the number of households in the

Parish. It is not considered that this level of increase could be considered to be detrimental to the existing community of the village and Parish. In consideration of the recent planning appeal the Planning Inspector in their reasoning considered that there was no specific information provided to suggest that the addition of 34 new houses to the village would have any significant adverse effect on the village in terms of increasing its size or the ability of the services within it to provide for existing residents. The inspector also considered that the provision of additional dwellings might well also help to retain services and enhance the vitality of rural communities in the local area.

- 6.1.14 Environmental role – The site forms part of a larger arable field with no official heritage, cultural or ecological designation. Whilst it is currently utilised as pasture land it has little ecological value with the only feature of any ecological value being the hedges, trees and planting located at its periphery and within the area that formed part of the former quarry. These may be retained and enhanced with additional landscaping and on the submitted layout plans the former quarry area is shown to be retained as public open space. The proposal would have no adverse impact on wildlife and the ecological value of the site could potentially be improved by conditions requiring the provision of artificial bird nests. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible to local services and facilities on foot or by cycle and by public transport to the array of services, facilities and employment opportunities in Shrewsbury and Oswestry.
- 6.1.15 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.
- 6.1.16 Policy CS11 of the Core Strategy requires an appropriate contribution to be made towards 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. The applicants have agreed to make the necessary contribution in accordance with the requirements of the Type and Affordability of housing SPD and have provided a suitably worded draft agreement in advance of the determination of this application. In this respect the application is considered to accord with Policy CS11.

## **6.2 Layout & Open Space**

- 6.2.1 Layout Design – The proposed layout of the site shows the vehicular access to the site located towards the south eastern end of the frontage onto Holyhead Road. The internal proposed roadway branches into three cul-de-sacs with defined



boundaries in between each group of houses. The eastern part of the site consists of the proposed open space, utilising the former quarry remains. This layout ensures that all of the new housing is set away from the rear gardens and elevations of the existing properties along Holyhead road, and although the land levels within the site rise in a south westerly direction this degree of separation is considered not to create any opportunity for any significant loss of privacy for existing residents. The proposed layout also allows for the retention and possible supplementation to the existing roadside hedgerow/boundary to the site. The properties closest to Holyhead Road are not shown fronting Holyhead Road, it is not considered that this needs to be the case, this development will be the last built development on this side of the road to the south of Holyhead Road where it is not considered essential to continue the street fronting orientation of dwellings.

6.2.2 Open Space Provision - Shropshire Core Strategy Policy CS6 requires all development to achieve local standards for the provision and quality of open space, sport and recreational facilities. The local standards are set out in the Open Space Interim Planning Guidance (IPG) as 30sqm per bedroom. Within the overall open space requirement the IPG (para 4.7 – 4.9) outlines that 'recreational spaces' should be provided. Generally these recreational spaces need to be a minimum of 2,000m<sup>2</sup> in order to be functional.

6.2.3 Using the submitted layout plan as a guide this scheme provides 125 bed spaces which equates to a requirement for 3750m<sup>2</sup> of open space. The scheme proposes approximately 7800m<sup>2</sup>, which includes the open area that is shown to be landscaped as open space covering the former quarry site. It is acknowledged that the recreational space provision is therefore above the IPG requirements. This open space is also proposed to provide a pedestrian link through to the Holyhead Road, into the centre of the village.

6.2.4 Paragraph 2.6 of the Open Space IPG states that the equipping of and maintenance of the equipment, of open spaces with formal play equipment will be through use of CIL receipts. The maintenance of the amenity green space will be controlled by condition by requiring a landscape management plan prior to occupation of the houses.

### **6.3 Access**

6.3.1 No objections have been raised to the application from this Council's Highways Officers who consider that the A5, a former trunk road, is of a sufficient standard to accommodate the proposed development. The Highways Officer has noted that as the proposed roadways within the development are to be offered for adoption then a section 38 agreement will be required separate to any planning permission granted.

### **6.4 Ecology & Environment**

6.4.1 The Council's Ecologist has considered the submitted plans and has made no objections to the application subject to the use of conditions to protect existing wildlife. The Council's Tree Officer previously noted that the plans show any development set sufficiently away from the Oak Tree that is subject to a Tree Preservation Order, and raised no objections.

## **6.5 Drainage**

6.5.1 Shropshire Council Flood and Water Management Team have made no objection to the application and consider that the submitted Flood Risk Assessment information is acceptable subject to conditions requiring confirmation of details relating to soak aways, finished road levels and driveway surfacing.

## **7.0 CONCLUSION**

7.1 It is appreciated that approving this development would be contrary to the Parish Councils site allocations for the village of Montford Bridge and would go against the ideals of 'localism'. It is considered that the site is of a sufficient size to accommodate the proposed number of dwellings and would not result in an unacceptable form of development within the village. The proposal would have no adverse environmental or ecological implications and would not impact on highway safety. The detailed appearance, landscaping, and scale will be considered at the reserved matters stage.

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

## **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 six weeks after the grounds to make the claim first arose.

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

**Central Government Guidance:**  
National Planning Policy Framework

**Core Strategy and Saved Policies:**

SAMDev Plan

Shropshire Council Core Strategy (February 2011)

CS4 : Community Hubs and Community Clusters

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

CS9 : Developer Contributions

CS11 : Type and Affordability of Housing

CS17 : Environmental Networks

CS18 : Sustainable Water Management

Supplementary Planning Document - Type and Affordability of Housing

**RELEVANT PLANNING HISTORY:**

13/00464/OUT Outline application for the erection of 5 no. detached dwellings and garages (to include access, layout and scale) GRANT 6th December 2013

14/00518/OUT Outline application (access, layout for approval) for mixed residential development; formation of a vehicular access and associated infrastructure REFUSE 16th June 2014

**Appeal**

14/02148/REF Outline application (access, layout for approval) for mixed residential development; formation of a vehicular access and associated infrastructure DISMIS 19th December 2014

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

Planning file 14/05742/OUT

**Cabinet Member (Portfolio Holder)**

Cllr M. Price

**Local Member**

Cllr David Roberts

**Appendices**

APPENDIX 1 - Conditions

APPENDIX 2 – Previous appeal decision letter for planning application 14/00518/OUT.

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Approval of the details of the appearance, scale and 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.

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

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

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

5. No development shall take place until a soakaway test(s) has been carried out in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change, or such other guidance as may be agreed in writing by the Local Planning Authority and the agreed recommendations shall be implemented in full prior to the first occupation of the development.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

6. No development shall take place until a contoured plan of the finished road levels should be provided together with confirmation that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site, 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 that any such flows are managed on site and to avoid flooding.

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

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

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

8. A total of 5 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. 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 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. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.



3. 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](http://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.

4. As the access roads are to be offered for adoption under s38 of the Highways Act 1980 an agreement will be required with the local highway authority and the proposed works will require technical approval prior to commencing on site.
5. 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.
6. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). 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.
7. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.
8. Consent is required from the service provider to connect into the foul main sewer.



## APPENDIX 2

### Previous Appeal Decision Notice - 14/02148/REF

## Appeal Decision

Site visit made on 18 November 2014  
by Victoria Lucas-Gosnold LLB MCD MRTPI  
an Inspector appointed by the Secretary of State for Communities and Local Government  
Decision date: 19 December 2014

### **Appeal Ref: APP/L3245/A/14/2225192**

### **Oaklands, Holyhead Road, Montford Bridge, Shrewsbury, SY4 1EE**

- 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 Morris Property against the decision of Shropshire Council.
- The application Ref 14/00518/OUT, dated 3 February 2014, was refused by notice dated 16 June 2014.
- The development proposed is 'Outline application (access, layout for approval) for mixed residential development; formation of a vehicular access and associated infrastructure.

### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. The application was submitted in outline with all other matters except access and layout reserved for determination at a later stage.
3. The description of development set out in the original application referred to the proposed erection of 35 dwellings. However, a revised layout plan was submitted during the Council's consideration of the application which shows 34 proposed dwellings. The Council determined the proposal on that basis and so shall I. Taking account of this, the description of development in the banner heading above is that which both parties have referred to and which the appellants have used in the appeal form.
4. Although the Council officer's report does identify some policies from the Council's Core Strategy (Adopted March 2011), the Council principally determined the application with regard to the National Planning Policy Framework (the 'Framework'). Indeed, the Council's decision notice does not identify any local development plan policies and refers only to the Framework. Therefore, whilst I have had regard to the policies submitted by the Council, I have determined this appeal principally in relation to the Framework.

### **Main Issues**

5. The main issues are:

- The effect of the development proposed on the local economy, with regard to the supply of agricultural land in the area;
- The principle of the development proposed with regard to the principle of sustainable development;
- Whether the proposal would make adequate provision for local needs affordable housing.

## Reasons

### *The local economy and the supply of agricultural land*

6. The appeal site is currently an arable field, approximately 2.99 hectares (ha) in size and is in the settlement of Montford Bridge. It is located between the A5 bypass the Holyhead Road (the B4380). Part of the appeal site has been actively farmed and has been identified as grade 3 agricultural land. In addition, part of the site has been used for the historic extraction of sand and gravel.

7. The Council have referred to concerns as to the adverse impact on the economic viability of the local area by taking high grade agricultural land out of production as a result of the development proposed. In calculating the amount of agricultural land that would be lost as a result of the appeal proposal, I must take account of the existing situation. An outline planning permission (Ref 13/00464/OUT) has previously been granted for the erection of five detached dwellings with garages on part of the appeal site. This area is approximately 0.5 ha. The part of the site which was a former quarry is not in active agricultural use is approximately 0.6 ha.

8. Therefore, taking these factors into account, the actual amount of land on the appeal site which is actively farmed and that would be lost as a result of the appeal proposal would be approximately 1.89 ha.

9. Paragraph 112 of the Framework states, among other things, that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

10. There is little specific information before me as to the supply of agricultural land in the local area. It is therefore uncertain as to whether there is a specific shortfall. However, based on the information before me, I am satisfied that the loss of 1.89 ha would be unlikely to result in the significant development of agricultural land as described in the Framework.

11. Paragraph 112 of the Framework also states that account should be taken of the economic and other benefits of the best and most versatile agricultural land. The appellants have referred to some figures provided by their agricultural land agent which state that the profit margin of the land is approximately £1200 per hectare per annum. Taking into account that 1.89 ha of agricultural land on the appeal site would be lost as a result of the development proposed, this equates to an annual income of approximately £2268 as a result of the site being actively farmed. This amount would therefore be lost to the local economy as a result of the development proposed.

12. However, there are additional economic factors associated with the development proposed which must also be considered. If the appeal were to succeed, this would create approximately 51 construction jobs. Although I acknowledge these jobs would be of limited duration, this is a benefit nonetheless. I also note that the appellants are a local developer and would therefore seek to employ local construction workers from the Shrewsbury area.

13. Were the appeal to succeed, the proposal would also result in a New Homes Bonus being payable (equating to approximately £298,000) and a Community Infrastructure levy (CIL) charge which would be approximately £348,000 of which 15% (approximately £52,2000) would be payable direct to the Parish Council.

14. The appellants have also referred to some general economic data relating to the economic contribution of the average household to the local economy and also average household expenditure. Although future residents of the appeal proposal may not choose to work or do all of their shopping in the local area, future occupants would nevertheless be likely to make a positive contribution overall to the local economy in this regard.

15. Therefore whilst there would be a small loss to the local economy as a result of the appeal site no longer being actively farmed, I consider that this amount would be outweighed by the additional economic benefits associated with the proposal, were the appeal to succeed.

16. Accordingly, I conclude that the proposal would not have an adverse effect upon the economic viability of the local area by taking high grade agricultural land out of production. The proposal would therefore not conflict with paragraph 112 of the Framework in this respect.

#### *The principle of sustainable development*

17. The Parish Council and local residents have raised concerns that there are limited services within the village and that future occupants of the development proposed would need to rely on services outside of the area, traveling extensively to do so.

18. Montford Bridge is a rural settlement. In terms of existing services and facilities, there is a public house. A church and a village hall are also located to the south of the A5 bypass. The village of Bicton is situated approximately one mile away and there is a church, school, village hall and recreation area there.

19. There is also a bus service in the village which provides connections to the towns of Shrewsbury and Oswestry, where a wide range of services and facilities are available. The highway authority provided comments during the Council's determination of the application which noted the inclusion of walking route connections with the village so that future occupants would be able to gain access to the nearby bus stops and public house. They also noted that a continuous footway connection is available to Shrewsbury, which is approximately 4km from the site.

20. Based on the information before me, I am therefore satisfied that there are a range of services and facilities within the local area that future occupants could access via sustainable transport modes should they choose to do so. These considerations amount to sustainable benefits which weigh in favour of the proposal. I acknowledge that future occupants would need to travel to different settlements in order to access some of these. However, the Framework is

clear that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby (paragraph 55).

21. Both parties have referred to a local shop, which I understand has now closed and has been converted to a dwelling. The appellants have stated that they intend to submit a revised application which would include a proposed new local shop adjacent to the site entrance. The provision of a new local shop may be of social and economic benefit to future occupants and residents of the wider village. However, that does not form part of the appeal proposal before me. Given the circumstances I have described above, I am satisfied that the lack of a local shop in close proximity to the appeal site would not in itself result in a lack of access for future occupants to a wide range of services and facilities sufficient to meet their day to day needs.

22. I note the appellant's reference to one of my previous appeal decisions <sup>1</sup>. Whilst I did state that being likely to be reliant on the private car would not be an unusual situation in rural areas; that comment was made in the context of the particular circumstances of that case. That appeal scheme related to the removal of a holiday let occupancy restriction and the subsequent creation of two open market dwellings. Essentially, the appeal turned on Green Belt policy and whether the appeal building was suitable for conversion to open market dwellings. As such, the principle and scale of the development proposed was different to this appeal proposal before me. I have therefore determined this appeal on its own merits and with regard to the particular circumstances of the case before me.

<sup>1</sup> APP/L3245/A/13/2210381 Decision date: 18 September 2014

23. The Council and local residents have also expressed concern as to the number of houses proposed as part of the appeal scheme. Policy CS4 of the Council's Core Strategy (Adopted March 2011) refers to the identification of Community Hubs and Clusters that will be identified in the 'SAMDev DPD'. The purpose of these Hubs and Clusters is essentially to contribute to the sustainability of rural communities through allowing development that helps rebalance rural communities by providing, among other things, housing for local needs.

24. The Council's emerging 'SAMDev DPD' does identify Montford Bridge as a proposed Community Cluster Settlement. It also proposes ten additional dwellings for the village during the plan period (2011-2026). However, the 'SAMDev DPD' has not yet been subject to an independent Examination. Based on the information before me, the level of housing provision proposed is a matter where there are a significant number of outstanding objections. Therefore, in accordance with paragraph 216 of the Framework, I attach limited weight to the 'SAMDev DPD' policy referred to.

25. I note that reference has been made to the Montford Parish Plan which states that the number of houses proposed for the village should be no more than five houses. However, there is nothing in the Framework which suggests that the level of housing provision in a local area should be considered to be a maximum figure. I must therefore attach limited weight to this consideration.

26. I appreciate the concerns expressed by local residents and the Parish Council as to the number of dwellings proposed as part of this appeal scheme. However, given the

circumstances I have described above, there is little specific information before me to suggest that an additional thirty four dwellings would have a significant adverse effect on the village in terms of increasing its size or the ability of the services within it to provide for existing residents. Indeed, the provision of additional dwellings may well help to retain services and enhance the vitality of rural communities in the local area.

27. Additionally, the appellant has referred to the housing land supply situation in the Council area. In my determination of this appeal, I must have regard to paragraph 49 of the Framework, which states that housing applications should be considered in the context of the presumption in favour of sustainable development. The appeal proposal would result in an additional thirty four dwellings. This is therefore a matter which weighs significantly in favour of the appeal proposal.

28. Drawing matters together, there are a number of sustainable development factors which I have identified which weigh in favour of the appeal proposal. Specifically, there are a range of services and facilities available in the village and the wider area which future occupants may choose to access via sustainable transport modes. The appeal proposal would also see the provision of thirty four additional dwellings which would be a social and economic benefit to the local area.

29. In the first part of my decision, I concluded that whilst the proposal would lead to an economic loss in terms of the site no longer being actively farmed, this would not be significant and would be outweighed by the economic benefits associated with the appeal scheme. This matter also weighs in favour of the appeal proposal with regard to the principle of sustainable development.

30. The appeal scheme would result in the loss of some arable land, were the appeal to succeed. However, the submitted layout plans show that the former quarry would be retained as an area of public open space. The existing trees and hedgerows could also be retained and enhanced through additional planting as part of any subsequent reserved matters application. These are environmental benefits which weigh in favour of the appeal proposal.

31. The provision of local needs affordable housing would also be a social benefit. A number of the dwellings proposed are intended to be provided as affordable housing units. I shall consider this issue under the separate heading below.

32. Accordingly, I conclude that the proposal would be acceptable with regard to the principle of sustainable development. The proposal would therefore be consistent with paragraphs 49 and 55 of the Framework.

#### *Affordable housing provision*

33. Policy CS11 of the Council's Core Strategy requires that all new open market housing makes appropriate contributions to the provision of local needs affordable housing. I understand that the target for the local area is currently 15%. The layout plan submitted with the application does identify that seven of the 34 dwellings proposed are intended to be provided as affordable housing units.

34. The Council have not raised any specific concerns as to the number of affordable houses proposed as part of the appeal scheme. Additionally, the size, type and tenure of the affordable



housing proposed is a reserved matter and could therefore be subsequently agreed at a later stage. However there is no mechanism before me, in the form of either a completed s. 106 agreement or Unilateral Undertaking, which would secure the delivery of the affordable housing provision proposed. This is a matter which therefore weighs significantly against the proposal.

35. I have considered whether this is a matter which could be addressed via a negatively worded condition, in line with the provisions set out in the Planning Policy Guidance. However, the Guidance does state that such an approach is unlikely to be appropriate in the majority of cases. Based on the information before me, I am not satisfied that exceptional circumstances exist in order to justify such an approach on this occasion.

36. Accordingly, I must conclude that the appeal proposal would not make sufficient provision for affordable housing provision. The proposal would therefore conflict with policy CS11 of the Council's CS.

### **Other Matters**

37. I appreciate that the application was refused by the Council, contrary to the planning officer's recommendation. However, Councils are not bound to accept the recommendations of their officers.

38. I note that the Council's tree officer raised initial concerns as to the effect of the development proposed on a tree which is considered to be significant. However, following the submission of a revised layout no objections were raised providing that should any subsequent amendments be made to the layout that an Arboricultural Assessment be undertaken.

39. I note the concerns by local residents expressed as to the siting of the proposed access and that it should be located further away from existing dwellings to minimise the impact on local residents. However, there is little specific information before me to suggest that the proposal would be harmful to the living conditions of neighbouring occupants with regard to noise or disturbance.

40. Local residents have also expressed concerns about speeding on Holyhead Road and the increase in traffic which has occurred in the last few years. However, there is little specific information before me to suggest that the development proposed would lead to significant road safety concerns due to an increase in traffic along the road nor put pressure on the junction of the Holyhead Road with the A5. Indeed, the highway authority raised no objection to the appeal proposal in this regard, subject to conditions. They also noted that as the B4380 Holyhead Road was the former A5 trunk road, the road was constructed to a sufficient standard to accommodate the development proposed.

### **Conclusion**

41. Drawing matters together, I have found that the proposal would not have an adverse effect upon the economic viability of the local area by taking high grade agricultural land out of production. The proposal would also be acceptable with regard to the principle of sustainable development. On the other hand, I have found that due to the lack of a mechanism before me to secure the provision of affordable housing, the proposal would not make adequate provision for local needs affordable housing in line with policy CS11 of the Council's CS.

42. I therefore conclude that this is a significant matter which demonstrably outweighs the lack of harm which I have found in other respects.

43. For the reasons given above, I conclude that the appeal should be dismissed.





<u>Committee and date</u>
Central Planning Committee
9 April 2015

## Schedule of Appeals and Appeal Decisions

<b>LPA reference</b>	14/02625/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mr Littlewood
<b>Proposal</b>	Outline application for the erection of 1 No dwelling (all matters reserved).
<b>Location</b>	Land West Of Bakehouse Yard, Withington, Shrewsbury.
<b>Date of application</b>	13.06.2014
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	05.08.2014
<b>Date of appeal</b>	30.01.2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

<b>LPA reference</b>	14/03374/FUL
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mr Daniel Boulton
<b>Proposal</b>	Erection of one dwelling and detached double garage.
<b>Location</b>	Proposed Dwelling Adjacent Adlestrop, Cardington, Church Stretton.
<b>Date of application</b>	29.07.2014
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	08.12.2014
<b>Date of appeal</b>	16.02.2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

<b>LPA reference</b>	14/01331/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	W H Holloway & Son
<b>Proposal</b>	Outline application (access for approval) for mixed use residential development of 18 dwellings.
<b>Location</b>	Proposed Residential Development North Of A458, Wattlesborough Heath, Shrewsbury.
<b>Date of application</b>	26.03.2014
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	22.12.2014
<b>Date of appeal</b>	04.03.2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

<b>LPA reference</b>	13/02834/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Messrs Hiles & Ritchie
<b>Proposal</b>	Outline application (access & layout) for the erection of 5 open market houses and 1 affordable dwelling (amended description).
<b>Location</b>	Land South Of 6 Old Top Cottages, Uffington, Shrewsbury.
<b>Date of application</b>	18.07.2013
<b>Officer recommendation</b>	Grant Permission
<b>Committee decision (delegated)</b>	Committee
<b>Date of decision</b>	12.03.2014
<b>Date of appeal</b>	23.04.2014
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	12.03.2015
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>DISMISSED – COSTS DISMISSED</b>
<b>Details</b>	

<b>LPA reference</b>	14/00433/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mr Stephen Mulloy
<b>Proposal</b>	Outline application for a detached dwelling (all matters reserved).
<b>Location</b>	Land South Of Barnfields, Shrawardine, Shrewsbury.
<b>Date of application</b>	30.01.2014
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	24.03.2014
<b>Date of appeal</b>	22.05.2014
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	27.01.2015
<b>Date of appeal decision</b>	16.03.2015
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>DISMISSED – COSTS DISMISSED</b>
<b>Details</b>	

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## Appeal Decision

Site visit made on 27 January 2015

**by R C Kirby BA (Hons) DipTP MRTPI**

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

**Decision date: 12 March 2015**

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**Appeal Ref: APP/L3245/A/14/2217575**

**South of 6 Old Top Cottages, Church Road, Uffington SY4 4SS**

- 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 Mr Timothy John Hiles and Mr Daniel Thomas Exley Ritchie against the decision of Shropshire Council.
  - The application Ref 13/02834/OUT, dated 17 July 2013, was refused by notice dated 12 March 2014.
  - The development proposed is an outline application for 5 No open market dwellings and 1 No affordable dwelling.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Timothy John Hiles and Mr Daniel Thomas Exley Ritchie against Shropshire Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The application was submitted in outline and the application form makes it clear that access and layout are to be determined at this stage. It is on this basis that I have determined the appeal.
4. During the course of the planning application the description of development and layout was amended from 10 No affordable dwellings and 4 No open market dwellings to that described in the banner heading. The Council subsequently determined the application based on this amended scheme and accordingly, I have determined the appeal on this basis.
5. The Shropshire Site Allocations and Management of Development Plan (SAMDev) was submitted for Examination at the end of July 2014, after the application was determined. Neither party has drawn my attention to policies within this document that I should consider, and accordingly, I have determined the appeal on the basis of the policies referred to in evidence and national planning policy as contained within the National Planning Policy Framework (the Framework).
6. During the course of the appeal the Council submitted an updated Five Year Housing Land Supply Statement for Shropshire (HLSS). The appellant was

given the opportunity to comment on the submitted material and I have taken those comments received into account in my decision.

### **Main Issue**

7. The main issue is whether new housing in this location is acceptable having regard to the principles of sustainable development, particularly the accessibility of the site to walking, cycling and public transport and the impact of the scheme on the character and appearance of the area.

### **Reasons**

8. The appeal site comprises part of a large open field, which is adjacent to the built up edge of Uffington, a linear village surrounded by attractive open countryside. For planning policy purposes, I consider that the appeal site is located within the countryside. The appeal scheme would extend the linear form of development along this stretch of road, with 3 pairs of semi-detached dwellings with detached garages. There would be a central access into the scheme and a new pavement is proposed between the access and the existing pavement outside No 6 Old Top Cottages.
9. Policy CS5 of the Adopted Core Strategy (Core Strategy) seeks to strictly control new development in the countryside. New dwellings to house agricultural, forestry or other essential workers are an exception to this strict control, as is accommodation to meet a local need. This policy broadly accords with the Framework which advises at paragraph 55 that new isolated homes in the countryside should be avoided unless there are special circumstances.
10. The proposal would not provide accommodation for agricultural, forestry or other essential workers. Furthermore, the Council's Housing Enabling Officer stated within their consultation response that there was a limited housing need in Uffington and that this need had been satisfied by a recent scheme that had been implemented. On this basis the proposed affordable dwelling would not meet a local need. The proposal would therefore be in conflict with local and national planning policies in respect of new housing in the countryside.
11. The appellant considers that as Uffington has been identified as a Community Cluster within the emerging SAMDev, the appeal site is in a sustainable location and suitable for new housing development. Policy CS4 of the Core Strategy sets out criteria for development within Community Hubs and Community Clusters and its objective is to focus private and public investment in such settlements. The appellant considers that a precedent for new housing within the village has been established with the granting of permission for 4 new dwellings on agricultural land to the north of Old Top Cottages. On my site visit I observed that this site is located between existing residential development within the village, such that it comprises an infill site.
12. Although I have not been provided with a plan showing the settlement boundary for Uffington, the supporting text to Policy CS4 makes it clear at paragraph 4.69 that '*development within Community Clusters will be within the village, or on land that has been specifically allocated for development*'. From my observations, the site to the north of Old Top Cottages is located within the village, surrounded on 3 sides by residential development. The Council has also confirmed that this site was an allocated housing site within the SAMDev.

13. The supporting text further states that *'To prevent fragmented development, windfall development adjoining the village is not acceptable, unless it is an exception site for affordable housing or other development allowed under Policy CS5'*. The appeal site adjoins the village; it is not being promoted as an exception site for affordable housing (albeit I acknowledge that it was originally the appellant's intention to provide 10 affordable dwellings on the site); and it would not represent development allowed by Policy CS5. There would therefore be conflict with the objectives of Policy CS4 of the Core Strategy. Accordingly, the appeal site is not directly comparable to the site to the north of Old Top Cottages.
14. At the time the Council determined the planning application, it accepted that it could not demonstrate a five-year supply of deliverable housing sites and therefore its housing policies were out of date (in this case Policies CS4 and CS5). However, during the course of the appeal the Council produced its revised HLSS which indicates that there was a 5.47 year supply of deliverable housing sites in the County on 12 August 2014. The appellants dispute the Council's figures and consider that they do not meet the aspirations of Core Strategy CS1 which would require additional housing above and beyond the SAMDev allocations. Furthermore, the supply includes sites that are being put forward through the SAMDev. These sites have not been examined, are subject to unresolved objections and there is no certainty that the sites will be carried forward. The appellants submit that the Council has a supply of 2.65 years.
15. Whilst noting the appellants' submissions, there is no agreement on this matter between the parties. I find the evidence in this regard insufficient to allow an accurate conclusion to be reached in respect of the supply of deliverable housing sites. Nevertheless, even if there is a 5-year supply of deliverable housing sites, the Framework at paragraph 49 is clear that housing applications should be considered in the context of the presumption in favour of sustainable development.
16. Paragraph 7 of the Framework identifies three dimensions to sustainable development: economic, social and environmental. Paragraph 55 advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example where there are groups of smaller settlements, development in one village may support services in a village nearby.
17. There would clearly be economic benefits associated with the proposal including the creation of construction and trade jobs. The scheme would attract Community Infrastructure Levy contributions. I have no reason to doubt that future residents of the new dwellings would use local facilities in the village including the pub and restaurant and services and facilities in both Uffington and nearby towns and villages. However, these benefits would be so regardless of where the housing was constructed and I attach limited weight to this matter in my overall conclusion.
18. The social role of sustainability includes supporting strong, vibrant and healthy communities with accessible local services. Uffington has a limited range of services. Mention is made of a bus service to Shrewsbury and Newport from the village, public house/restaurant, village hall and church. The village is located approximately 1 mile from Sundorne where there is a GP practice and



medical centre, supermarket, sports facilities, retail outlets and a secondary school, and approximately 3.5 miles from the centre of Shrewsbury. A free school bus operates from the village daily to the primary school in Upton Magna where there is also a village shop and a small business park.

19. I am satisfied that the new houses would be sited in a location that would be accessible to local services and facilities; key services including shops, places of employment and education, health, sport and leisure facilities are within close proximity of the appeal site. Whilst the opportunities to use public transport are limited at certain times of the day, this is not uncommon in rural areas. Indeed the Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. There is a pavement throughout the village that extends to facilities at Sundorne and the appellant proposes extending this along the frontage of the site. There are also public footpaths and a designated cycle route which connects neighbouring towns and villages. Whilst the pavements, footpaths and cycle route are unlit and are unlikely to be used in inclement weather and during the evening, their presence is likely to encourage more sustainable forms of travel than the private car.
20. In light of the above, I consider that future residents of the new dwellings would be given a real choice about how they could travel to facilities and services in the area. Even if future residents choose to travel by private car, it is likely that the journeys would be short given the close proximity to key services and facilities.
21. However, the environmental role of sustainability requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. The appeal site comprises part of a large open field. Along with the field on the opposite side of the road, it provides an attractive open setting to the village. The proposal would encroach into the open countryside so it would not preserve or enhance the natural environment. Although the semi-detached form of development would reflect the adjoining development at Old Top Cottages, there would be limited space between the dwellings as result of the proposed layout, and the site frontage would be dominated by hardsurfacing to the front of the dwellings. This would be out of character with the established spacious development within the vicinity of the site. The proposal would therefore lead to an urbanisation of the countryside to the detriment of its intrinsic character and beauty. This would be in conflict with Policy CS6 of the Core Strategy.

### **Other Matter**

22. The appellants submitted a Unilateral Undertaking (UU) with the appeal dated 12 May 2014. The Council raised concerns that the obligations contained within it could not be satisfactorily implemented and it was subsequently amended and submitted for consideration. The UU contains planning obligations to provide for one of the units on the site to be affordable and I am satisfied that the obligation would accord with CS11 of the Core Strategy and the requirements of paragraph 204 of the Framework. However, this matter does not over-ride my conclusions above.

## **Conclusion**

23. I have concluded that there would be limited economic benefits associated with the proposal. There would also be social benefits. However I have found that the proposal would conflict with the environmental role of sustainability because of the harm that would be caused to the character and appearance of the countryside. The Framework is clear that the 3 roles of sustainability should not be undertaken in isolation because they are mutually dependent. In light of the above, I conclude that the proposal would not represent sustainable development for which the Framework indicates there should be a presumption in favour. Further harm is caused as a result of conflict with Policies CS4, CS5 and CS6 of the Core Strategy. Even if a 5-year supply of deliverable sites could not be demonstrated, the presumption in favour of granting planning permission as expressed in paragraph 14 of the Framework does not apply in this case as the proposal would not represent sustainable development.
24. For the above reasons and having regard to all other matters raised including Officer support for the proposal, and that the number of dwellings proposed would not exceed the number of dwellings previously granted in the village, the appeal is dismissed.

*R C Kirby*

INSPECTOR

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## Costs Decision

Site visit made on 27 January 2015

**by R C Kirby BA (Hons) DipTP MRTPI**

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

**Decision date: 12 March 2015**

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### **Costs application in relation to Appeal Ref: APP/L3245/A/14/2217575 South of 6 Old Top Cottages, Church Road, Uffington SY4 4SS**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Timothy John Hiles and Mr Daniel Thomas Exley Ritchie for a full award of costs against Shropshire Council.
  - The appeal was against the refusal of planning permission for an outline application for 5 No open market dwellings and 1 No affordable dwelling.
- 

### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG provides examples of circumstances which may lead to an award of costs against a local planning authority. Awards may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.
3. The application was referred to Committee in February 2014 where it was resolved to refuse the application. An updated officer report was considered at the Committee meeting in March 2014 where the application was refused. The appellants consider that the time taken to determine the application was unreasonable, and at no time did the Council seek a formal extension to the deadline for determining the application. Whilst noting the appellants' frustration in respect of this matter, the PPG is clear that it concerns itself with the costs incurred in the appeal process, not those incurred in the application process. I have not therefore considered this concern as part of this application.
4. The appellants consider that the Committee gave only cursory consideration to the matter of sustainability. I do not agree. It is clear from the 2 reports to Committee that Members judged the proposal properly against the background of a detailed officer report which assessed the supply of deliverable housing sites and the sustainability of the scheme as set out within the National Planning Policy Framework. In these circumstances and with this information before them, it was not unreasonable for the Committee to take a different view to officers.

5. Planning authorities are not bound to accept the advice of their officers, but if such advice is not followed, authorities will need to show reasonable grounds for taking a contrary decision and produce evidence to substantiate each reason for refusal. Whilst not agreeing with the Council in respect of the scheme's over reliance on the private car, I am satisfied that it substantiated its refusal reason satisfactorily. Furthermore, I am satisfied that the Council substantiated its second reason for refusal in respect of the scheme's impact on the countryside. I do not accept that the Council acted in an inconsistent manner by approving development on land to the north of Old Top Cottages and refusing the appeal scheme for the reasons contained in my Appeal Decision.
6. Moreover, I do not consider that the Council introduced new evidence in its appeal statement in respect of the economic and social roles of sustainability. The Council's reason for refusal accepted that the scheme would perform a social and economic role; the submitted evidence merely clarified what this impact would be, concluding that the contribution to each was limited.
7. The PPG also advises that preventing development which should clearly be permitted, having regard to its accordance with the development plan, national planning policy and any other material considerations could give rise to a substantive award of costs against a local planning authority. Although the Council's position on the supply of deliverable housing sites changed during the course of the appeal, it correctly determined the application at the time on whether the development was sustainable. The Council considered that the scheme would not represent sustainable development. There would be conflict with national and local planning policies. The Council did not therefore act unreasonably in refusing development that conflicted with national and local planning policy. The costs that the appellants incurred were therefore necessary to support their case.
8. In light of the above I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.
9. The application for an award of costs is hereby refused.

*R C Kirby*

INSPECTOR



## Appeal Decision

Site visit made on 27 January 2015

**by Kay Sheffield BA(Hons) DipTP MRTPI**

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

**Decision date: 16 March 2015**

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**Appeal Ref: APP/L3245/A/14/2219283**

**Land south of Barnfields, Shrawardine, near Shrewsbury, Shropshire**

- 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 Mr Stephen Mulloy against the decision of Shropshire Council.
  - The application Ref 14/00433/OUT, dated 29 January 2014, was refused by notice dated 24 March 2014.
  - The development proposed is the erection of a detached dwelling.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

### Main Issues

3. The main issues are whether: the principle of the proposal would meet the requirements of sustainable development; there is a five year housing land supply and the implications arising thereon; and the development would make adequate provision for affordable housing.

### Reasons

4. The appeal site is located on the edge of the settlement of Shrawardine. An existing dwelling, Barnfields, lies to the north of the site, Shrawardine Farm lies to the west and open land adjoins the remaining boundaries. The site is part of a larger parcel of land on which the appellant keeps horses and in association with which there is a small stable block and hard standing. The application has been made in outline, with all matters reserved for subsequent approval.

### *Sustainable development*

5. At the heart of the National Planning Policy Framework (the Framework) is a presumption in favour of sustainable development. Paragraph 14 states that for decision-taking this means: approving development proposals which accord with the development plan; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.

6. Policy CS4 of the Shropshire Local Development Framework: Adopted Core Strategy, 2011 (CS) states that in the rural areas communities will become more sustainable by focussing development into Community Hubs and Community Clusters and not allowing development outside these settlements unless it meets policy CS5. Policy CS5 strictly controls new development in accordance with national planning policies protecting the countryside.
7. Shrawardine is not identified as a Community Hub or Community Cluster in the Sites Allocations and Management of Development Document (SAMDev DPD). This document is not formally adopted by the Council but has undergone public consultation and is currently under examination. I have considered the issues raised by the appellant regarding the process which led to the omission of Shrawardine as a Community Hub or Community Cluster and to the documents he has cited, including the Taylor Review 2008 and the Council's CS Examination Matter 3: Spatial Strategy Creating Sustainable Places. However these pre-date the adoption of the CS of which Policy CS4 forms part. Whether the method and identification of the settlements fulfil the requirements of the adopted policy is a matter to be tested as part of the examination of the SAMDev DPD and not for me to address as part of this appeal.
8. As an emerging development plan document the SAMDev DPD carries some weight as referenced in paragraph 216 of the Framework. As Shrawardine is not being promoted as a Community Hub or Community Cluster, the settlement and in turn the appeal site is regarded in that plan to be in the countryside. I have no evidence that Council policy has previously considered the site to be otherwise than in the countryside. Although the appellant suggests that the site is previously developed land, the area of hard standing is not within the appeal site and I do not consider the network of storm drains sufficient to fulfil the definition of previously developed land given in the Framework. For the purposes of the appeal I therefore consider the site to be within the countryside.
9. Policy CS5 of the CS, in strictly controlling new development, only permits development on appropriate sites which maintain and enhance countryside vitality and character and where they improve the sustainability of rural communities by bringing local economic and community benefits. Whilst such developments include dwellings, these are restricted to those required to house agricultural, forestry or other essential countryside workers and other affordable housing to meet a local need. There is no evidence that the proposal would comply with these requirements.
10. The proposal also needs to be assessed against the economic, social and environmental dimensions of sustainability as set out in paragraph 7 of the Framework. Moreover, paragraph 55 of the Framework states that in order to promote sustainable development, housing should be located where it would enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, developments in one village may support services in a village nearby.
11. The services and facilities identified in evidence as being available within 800m of the site include: a Church; village green; mobile library; school bus service; farming services; suppliers of logs, eggs, hay and straw; and equine stud. The nearest bus stop, village hall and doctors surgery are 1.6, 1.2 and 5.5 miles away respectively. The nearest public house is approximately 2.5 miles away



- and a petrol station with shop; farm shop; and shop are all in excess of 4 miles. No schools have been referred to.
12. In terms of its economic role, in creating an additional dwelling the proposal would help address the housing shortage. Although none have been identified in the local area, the use of local suppliers and contractors during the construction period would aid local businesses and in turn the economy. The scheme would also make a contribution towards the neighbourhood fund via a CIL payment and the appellant is prepared to make a financial contribution towards affordable housing. Reference has also been made to a New Homes Bonus. I acknowledge that the construction of a single dwelling would have some economic benefit, although the contribution it would make to building a strong, responsive and competitive economy would be limited. Whilst the appellant contends that the proposal would cumulatively with other projects have a greater effect on the local economy, I do not have the necessary evidence to make a reasoned conclusion on this matter.
  13. Shrawardine has very limited facilities and services and the range available within the wider local area is also limited. I accept that the appellant in relation to the keeping of horses would use a variety of local services such as hay and straw suppliers and the local vets. However, it is likely that these services are already used. Use of the local shops and petrol station as well as the pub by occupiers of the proposed dwelling would help support local essential services, although I anticipate its significance in enhancing or maintaining the vitality of rural communities would be limited. Moreover, the appellant has made reference to the potential use of home delivery grocery shopping services and whilst I have no definitive evidence the local shops would not provide this service, if it were to be from one of larger supermarkets in a nearby town, there would be no benefit to the existing services in the local rural community.
  14. In addition to there being limited services and facilities in the locality, the distance of the site from essential services is sufficient to suggest that some form of transport would be required for occupants of the property to access them. Whilst I am unsure from the evidence that these services could be accessed by public transport, the site is some distance from the bus stop and I consider that private transport would mainly be relied on. Whilst paragraph 32 of the Framework, as cited by the appellant, states that development should only be prevented or refused on transport grounds "*where the residual cumulative impacts of the development are severe*", this is in the context of whether improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. The Framework goes on to state in paragraph 34 that decisions should ensure developments are located where the need to travel is minimised and the use of sustainable transport modes can be maximised. I do not consider that the proposal would satisfy these requirements.
  15. The appellant proposes to utilise renewable energies and sustainable construction methods and he states that the development would have no adverse impact on the biodiversity of the site. However, this would not in itself make the development sustainable. I acknowledge that to live on the site would remove the need for the appellant to travel to tend his horses and that this could reduce his carbon footprint. Moreover, the home-based business activities of the appellant and his wife may further reduce the need to travel.

Whilst I have not been provided with any details, the appellant has stated that he has been a home worker for 20 years with a variety of office based business interests which do not require visits from clients. In addition the appellant has indicated that his wife's business similarly does not involve visits from clients. However, I have noted that the appellant's wife is a reflexologist and although this may be a service that can be run from home, it does require meeting clients.

16. In view of the lack of information regarding the appellant's business interests and the nature of his wife's business I am not satisfied with regards to the need to travel in association with these enterprises and have no basis on which to assess it against the reduction in travel associated with tending the horses. Moreover, the permission would go with the land and there is the potential that future occupants may not work from home. Whilst it may be possible to restrict the occupation of the dwelling, the details of the businesses do not demonstrate the need for a rural location.
17. The site lies within the countryside where national and local policies consider new dwellings to be inappropriate except where they would enhance or maintain the vitality of rural communities. From the evidence I have found that the appeal proposal would not meet these requirements and on this basis I conclude that the development would not represent an appropriate or sustainable form of development, contrary to Policies CS4 and CS5 of the CS and the Framework.

#### *Housing land supply*

18. At the time the Council made its decision on the planning application a five year supply of deliverable housing land could not be demonstrated. In such circumstances paragraph 14 of the Framework advises that development proposals should be granted 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.
19. Subsequent to the lodging of the appeal the Council released a revised Shropshire Five Year Housing Land Supply Statement, August 2014 (HLSS) which shows a 5.47 years supply of deliverable housing land in the County. The appellant has been given the opportunity to comment on the statement and submits, amongst other things, that the figure relies on 2590 dwellings that are proposed allocations in the SAMDev DPD and therefore cannot be considered deliverable before the document has been subjected to formal examination and subsequent adoption. The appellant also considers that the expected number of dwellings with planning permission that will come forward is overly ambitious and that some sites are unlikely to deliver the housing the Council anticipates within the next five years.
20. Paragraph 47 of the Framework requires local planning authorities to use their evidence base to ensure that the Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. The assessment therefore relies on accuracy, robustness and validity. Despite the appellant's submissions regarding the veracity of the housing land supply figures in the HLSS, I have seen no substantive evidence to dispute the assessment. Moreover, even if there were not a five year housing land supply, I have found that the proposal would fail to provide a sustainable form of development for which there is a clear national and local imperative in relevant

planning policies. Therefore the presumption in favour of granting planning permission in paragraph 14 of the Framework would not apply.

#### *Affordable housing*

21. In order to create mixed, balanced and inclusive communities, Policy CS11 of the CS requires all new open market housing developments to make appropriate contributions to the provision of local needs affordable housing. In respect of developments of less than five dwellings a financial contribution is acceptable in lieu of on-site provision. At the time the Council determined the application no provision had been made for a financial contribution to be made and on these grounds the Council found the proposal to be contrary to policy CS11. However, a signed legal agreement<sup>1</sup> between the appellant and the Council has been submitted during the appeal process.
22. The statutory tests set out in the Community Infrastructure Levy Regulations 2010 and the Framework require that the agreement should be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. I am satisfied that the agreement meets these tests and accords with Policy CS11 of the CS.
23. However amendments to the Planning Practice Guidance (PPG) came into force on 28 November 2014. These amendments specify that contributions for affordable housing and tariff style planning obligations should not be sought from developments of less than 10 units or in designated rural areas from developments of 5 units or less where the local planning authority has chosen to apply a lower threshold. On this basis I conclude that the financial contribution towards affordable housing is not required.

#### *Other material considerations*

24. Concerns on a range of matters were raised by interested parties. In determining the application the Council concluded that these matters were not sufficient to justify a refusal and I have no reason to reach a different conclusion.
25. The appellant has drawn my attention to other developments in the area which he contends raise similar issues to the appeal before me. Whilst I have had regard to these cases, there are differences such as the size of the settlement, proximity of the site to essential services or the planning history of the land. These cases therefore carry limited weight in support of the appeal which I have determined on its merits.

#### **Conclusions**

26. For the reasons given above, and having had regard to all other matters raised, the appeal is dismissed.

*Kay Sheffield*

INSPECTOR

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<sup>1</sup> Made under Section 106 of the Town & Country Planning Act 1990

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## Costs Decision

Site visit made on 27 January 2015

**by Kay Sheffield BA(Hons) DipTP MRTPI**

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

**Decision date: 16 March 2015**

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### **Costs application in relation to Appeal Ref: APP/L3245/A/14/2219283 Land south of Barnfields, Shrawardine, near Shrewsbury, Shropshire**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Stephen Mulloy for a full award of costs against Shropshire Council.
  - The appeal was against the refusal of planning permission for the erection of a detached dwelling.
- 

### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG states that a local planning authority is at risk of an award of costs if it prevents or delays development which should clearly be permitted, having regard to its accordance with the development plan, national policy and other material considerations and where similar cases have not been determined in a consistent manner. It also advises that although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
4. The planning application was submitted to the Council in January 2014. The appellant was informed of the Council's recommendation approximately six weeks after the submission of the application and the decision was made prior to the 8 week deadline. Whilst it would appear that the Council did not provide full details of, or volunteer to discuss, its concerns with the appellant before reaching its formal decision, the decision notice was issued within the specified time limit. This allowed the appellant to proceed to appeal without any undue delay. The evidence displays a significant divergence of views between the parties on the main issue of the case and I consider it unlikely that the parties would have reached a consensus if discussion had taken place prior to the determination of the application. On this basis I do not consider that the Council acted unreasonably.

5. The appellant contends that the Council in determining the application failed to have proper regard to the concept of sustainability. In particular the appellant considers that the Council failed to adopt the approach put forward in the document it prepared for the Core Strategy Examination Matter 3: Spatial Strategy Creating Sustainable Places which concurs with the Taylor Review, 2008. These documents formed part of the evidence taken into consideration in the examination of the development plan, which was found to be sound and formally adopted as the Shropshire Local Development Framework: Adopted Core Strategy, 2011 (CS). Proposals for development are required to be determined in accordance with this plan, unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration.
6. Policy CS4 of the CS focuses development in rural areas to Community Hubs and Community Clusters. The identity of the Community Hubs and Community Clusters is a matter addressed in the Council's Sites Allocations and Management of Development Document (SAMDev DPD) which is currently under examination. The concerns raised by the appellant regarding the process followed in identifying which settlements should be regarded as Community Hubs or Community Clusters is a matter for the examination of the SAMDev DPD and not this appeal. I am satisfied by the evidence that the Council tested the proposed development against the policies of the CS and the Framework with regard to sustainability and other material issues. I am also satisfied that the Council fully justified its reasons for refusing permission.
7. The appellant contends that the Council was inconsistent in refusing permission when it had approved similar applications in the area. Reference has been made to various applications in evidence and whilst there would appear to be similarities between them, when the details of the cases are considered differences emerge. Whilst these differences may appear to be minor, their significance is sufficient to warrant a different decision being made. In respect of the appeal proposal I am satisfied that the Council considered the application on its merits taking into account the details of the case and assessing it against relevant policies of the CS and the Framework.
8. Reference has been made by the appellant to matters he has raised with the Council which are unrelated to the appeal before me. The application for costs has to be determined on the behaviour of the Council in relation to the appeal and I have therefore had no regard to the alleged incidents in relation to other matters referred to by the appellant.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

*Kay Sheffield*

INSPECTOR