

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

Date: Friday, 23 May 2014

Committee:
North Planning Committee

Date: Tuesday, 3 June 2014

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

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

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

Members of the Committee

Arthur Walpole (Chairman)
Paul Wynn (Vice Chairman)
Joyce Barrow
Martin Bennett
Gerald Dakin
Steve Davenport
Pauline Dee
Vince Hunt
David Lloyd
David Minnery
Peggy Mullock

Substitute Members of the Committee

Nicholas Bardsley
John Cadwallader
Karen Calder
Steve Charmley
Peter Cherrington
Andrew Davies
Ann Hartley
Simon Jones
Brian Williams
Thomas Biggins
Roger Hughes

Your Committee Officer is:

Shelley Davies Committee Officer

Tel: 01743 252719

Email: Shelley.davies@shropshire.gov.uk

AGENDA

1 Election of Chairman

To elect a Chairman for the ensuing year.

2 Apologies for Absence

To receive apologies for absence.

3 Appointment of Vice-Chairman

To appoint a Vice-Chairman for the ensuing year.

4 Minutes (Pages 1 - 10)

To confirm the Minutes of the meeting of the North Planning Committee held on 6th May 2014.

Contact Emily Marshall on 01743 252726.

5 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.

6 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.

7 Land West of Morda Bank, Morda, Shropshire (13/04845/FUL) (Pages 11 - 40)

Mixed residential development of 65 dwellings; formation of new vehicular access and estate roads; associated infrastructure; landscaping and formation of public open spaces.

8 Proposed Residential Development, Land East of Kingfisher Way, Morda, Shropshire (13/01393/OUT) (Pages 41 - 58)

Outline application (to include access) for use of land for residential development.

9 Proposed Residential Development to the South of Weston Road, Morda, Shropshire (13/04226/OUT) (Pages 59 - 72)

Outline application with some matters reserved for residential development and formation of vehicular access (to include access).

10 Land Adj to The Larches, Shawbury Road, Wem, Shrewsbury, SY4 5PF (14/00797/OUT) (Pages 73 - 94)

Outline planning permission for residential development to include access.

11 Development Land East Of 163 Wrexham Road, Whitchurch, Shropshire (14/00459/OUT) (Pages 95 - 120)

Outline application (access, layout, scale, landscaping for approval) for mixed residential development; formation of vehicular access and estate roads; associated infrastructure works.

12 Land Opposite Sunnyside, off Wrexham Road, Whitchurch, Shropshire (14/00462/FUL) (Pages 121 - 150)

Erection of 40 dwellings; formation of vehicular access, site landscaping including central open space and infrastructure.

13 Hadley Farm, Wrexham Road, Whitchurch, Shropshire, SY13 3AB (14/00344/COU) (Pages 151 - 160)

Change of use of agricultural land to tourist caravan site for 10 no. touring caravans and 8 no. seasonal caravans.

14 Appeals and Appeal Decisions (Pages 161 - 162)

15 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00pm on Tuesday 1st July 2014, in the Shrewsbury Room, Shirehall.

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Committee and Date

North Planning Committee

3rd June 2014

NORTH PLANNING COMMITTEE

Minutes of the meeting held on 6 May 2014

In the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

2.00 - 4.36 pm

Responsible Officer: Emily Marshall

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

Present

Councillor Arthur Walpole (Chairman)

Councillors Paul Wynn (Vice Chairman), Joyce Barrow, Martin Bennett, Steve Davenport, Pauline Dee, Vince Hunt, David Lloyd and Peggy Mullock

153 Apologies for Absence

Apologies for absence were received from Councillor Gerald Dakin and Councillor David Minnery.

154 Minutes

That the Minutes of the meeting of the North Planning Committee held on 8th April 2014 be approved as a correct record and signed by the Chairman.

155 Public Question Time

There were no public questions, statements or petitions received.

156 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.

Councillor Walpole declared that he had a close association with the owner of the adjacent brown field site for which an application was being prepared, and would leave the room prior to consideration of planning application 14/00831/OUT Tawnylea, Prescott Road, Prescott, Baschurch, Shropshire due to perception of bias.

Councillor Walpole, also explained that as the local ward Councillor for planning applications 13/05139/FUL Cross Keys Inn, Kinnerley, Oswestry, and 14/01018/FUL Ashford Hall, Knockin, Oswestry, and in accordance with Shropshire

Council's Constitution he would make a statement on each application, but would take no part in the debate and would not vote on these applications. He would vacate the Chair and Councillor Wynn, as Vice-Chairman would preside for consideration of these applications.

157 Land Off Pixley Lane, Hinstock, Shropshire (12/04209/FUL)

The Principal Planning Officer introduced the application for the change of use of land for the stationing of caravans for residential purposes for 3 no. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use and drew Members' attention to the schedule of additional letters, which included additional correspondence from Hinstock Parish Working Group, summarizing the objections of residents of Hinstock. The Principal Planning Officer confirmed that the Committee had undertaken a site visit that morning to view the site and assess the impact of the proposal on the surrounding area.

Ms. S. Tucker, on behalf of objectors, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- i. The development was separated from the nearby settlement of Hinstock by the busy A41 trunk road and was in open countryside;
- ii. Locals questioned the extent to which occupants would become integrated into the local community;
- iii. The proposals did not comply with Policy CS12 of the Shropshire Council Core Strategy in that deliberate isolation had not been avoided as the site would be physically and visually separated by the A41 trunk road;
- iv. The development was inappropriate in terms of its pattern, design and was contrary to Policy CS6 of the Shropshire Council Core Strategy and did not meet the criteria to be considered sustainable development; and
- v. The development was sporadic, unsustainable, alienating and in open countryside.

Councillor Mark Williams, representing Hinstock Parish Council, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- i. The site was a green field site and therefore in open countryside;
- ii. The proposed development was not in accordance with Paragraph 23 of the Planning Policy for Travellers Sites;
- iii. The applicant had not provided details of proposed occupants so the criteria in Policy CS12 had not been met;
- iv. There was no evidence of a connection to Shropshire or the surrounding area;
- v. The nearby sewage treatment plant was operating to capacity;
- vi. There was no information on smell or noise;
- vii. The site was not covered by public transport and the local school was full;
- viii. Alternative sites were available; and
- ix. 138 local residents had made representations at a recent public meeting, which indicated strong local opposition.

Mr Matthew Green, agent for the applicant, spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- i. The site was clearly close to the village;
- ii. There were always large numbers of objections to the development of sites of this nature, but this wasn't a reason to refuse the application;
- iii. The presumption in favour of sustainable development was engaged;
- iv. Acoustic Fencing could be conditioned if considered necessary by the Committee; and
- v. There were no reasons to refuse the application.

In response to concerns raised regarding the potential for problems with odour from the nearby sewage treatment plant, the Principal Planning Officer explained that Shropshire Council's Public Protection Officer had visited the site and confirmed that the sewerage treatment plant would not cause harm to future residents.

The Principal Planning Officer responded to concerns raised in relation to a previous planning application for a residential dwelling on the site, that had been refused and explained that the Policies relating to Gypsy and Traveller sites allowed greater flexibility although it was necessary to ensure that the scale of the site did not dominate the local area and it was felt that in this particular case it did not, the location of the site also allowed integration into the community of Hinstock.

In response to a question, the Principal Planning Officer, explained that a Condition in relation to restricting business activities had been included and it was not considered necessary to include a condition to provide acoustic fencing.

Having considered the submitted plans for the proposal, the majority of Members expressed their support for the officer's recommendation.

RESOLVED:

That Planning Permission be granted in accordance with the Officer's recommendation.

158 Cross Keys Inn, Kinnerley, Oswestry, SY10 8DB (13/05139/FUL)

(The Chairman, as the local ward Councillor for this application vacated the Chair and the Vice-Chairman, Councillor Paul Wynn presided for this item.)

The Principal Planning Officer introduced the application for the erection of four dwellings; retention of public house; formation of new vehicular accesses and alterations to existing car parking arrangement and associated landscaping. He drew Members' attention to the schedule of additional letters and confirmed that Members had attended a site visit that morning and had assessed the impact of the proposed development on neighbouring properties and the surrounding area.

Mr Peter Clark, on behalf of Kinnerley Neighbourhood Plan Committee, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- i. The Cross Keys public house occupied a very important position within the village of Kinnerley and as such it was important to protect and enhance the area for the future;
- ii. The Parish did not need any more houses, 73 additional dwellings were planned, with an additional 34 houses agreed, this represented a 46% increase in the number of houses within Kinnerely;
- iii. An additional brownfield site within the village that was currently being considered would lead to a further increase in houses;
- iv. The application did not comply with the Local Development Plan (LDP) and that the LDP should be given more weight due to the amount of development planned for Kinnerley; and
- v. A residential development was not appropriate in that particular location.

Councillor Rick Bright, on behalf of Kinnerley Parish Council, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- i. The proposed development would be overbearing and have an adverse visual effect on the character and street scene of the area;
- ii. The objection from English Heritage relating to the setting of the Church had not been removed;
- iii. Highways safety was a concern; and
- iv. The loss of car parking spaces would have an adverse effect on the viability of the Cross Keys Public House.

Mr Malcolm Guest, agent for the applicant, spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- i. The agent and the applicant had recently met the Parish Council to discuss the proposals and during that consultation amendments to the scheme had been made;
- ii. The Planning and Conservation Officers at Shropshire Council were supportive of the scheme;
- iii. The Cross Keys Public House needed investment and had been subsidised by the landlord which was the only reason the business was still able to open;
- iv. How did the Parish Council intend to make the business financially viable if the application was refused;
- v. The further submissions made by the Parish Council were inaccurate; and
- vi. Going against the Planning Officer's recommendation to approve the application would be detrimental to the village.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the Council Meeting held on 27th February 2014, Councillor Arthur Walpole, as the local Ward Councillor, made a statement, took no part in the debate and did not vote. During his statement, he stressed the significance of the Kinnerley

Neighbourhood Plan (KNHP), which had been developed and held up as a flag ship example for other Parishes. The Cross Keys Public House was a very important aspect of the village and its viability depended on it having sufficient parking spaces to accommodate local and passing trade. He was aware that the Parish Council were not opposed to a smaller, enabling development. St Mary's Church in Kinnerley was of great historical importance and the harm that would be done to the setting of the Church and the damage to the character of the village in and around the village green were sufficient grounds to refuse the application.

During the ensuing debate Members of the Committee acknowledged that the Council did not currently have a five year housing land supply, however concern was expressed that the development was not set out as enabling development and therefore, weight could not be given to the viability of the public house and would have an adverse effect on the character of the village, St Mary's Church and the Cross Keys Public House which were of great historical significance. The design of the proposed development was criticised as being cramped and of high density. The Committee considered that these factors when taken together, represented significant harm which was not balanced by the benefit to the public.

Having considered the submitted plans for the proposal Members of the Committee unanimously felt that great weight should be given to the harm that would be caused to both designated and non-designated heritage assets and was inappropriate in scale and design, taking into account the character of the area.

RESOLVED:

That Planning Permission be **refused**, contrary to the Officer's recommendation for the following reasons:

The Local Authority acknowledges that it cannot currently demonstrate a 5 year supply of deliverable housing sites and as such the policies relating to housing are considered to be out of date. However paragraph 14 of the National Planning Policy Framework advises that permission should be granted unless specific policies indicate development should be restricted. Heritage Assets are one of the examples for restricting development. In this instance, and in relation to Paragraph 132 and 134 of the NPPF, the Council consider that that greater weight should be given to the less than substantial harm to the significance of the Grade II* Listed Building as a consequence of development within its setting, and that this harm is not outweighed by the public benefits of the proposed housing and does not therefore comprise sustainable development in accordance with the National Planning Policy Framework.

Furthermore the density, layout and design of the properties are not in keeping with the open character of the immediate area or the relationship with the heritage assets, including the non-designated asset of the Cross Keys. As such the scheme does not contribute towards protecting, restoring and enhancing the natural and built environment contrary to policy CS6 of the Shropshire Core Strategy.

(Councillor Arthur Walpole withdrew from the meeting whilst consideration of the following item took place)

159 Land Adjacent Tawnylea, Prescott Road, Prescott, Baschurch, Shropshire (14/00831/OUT)

(Councillor Wynn as Vice-Chairman presided for this item).

The Principal Planning Officer introduced the outline application for a residential development to include access, drawing Members attention to the Schedule of Additional Letters. He confirmed that Members had attended a site visit that morning and had assessed the impact of the proposed development on neighbouring properties and the surrounding area.

The Principal Planning Officer circulated an update that had been received from Shropshire Council's Planning Ecologist, which provided an update on ecology issues, stating that the Council's ecology officer had raised no objections and the conservation status of the Great Crested Newts remained intact.

Mr Michael Griffiths, local resident, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- i. The development would have a negative effect on the view point and would be out of character with the surrounding area, which in turn would have a negative impact on tourism in the area;
- ii. It would take approximately 20 minutes to walk from the site to the local amenities referred to in the report, and would mean crossing a busy main road, used by large agricultural vehicles;
- iii. Concerns for the safety of school children walking to school were highlighted;
- iv. The site had intrinsic landscape and visual character; and
- v. The ecology report proved that there are Great Crested Newts and Bats in the area;

Councillor Colin Case, on behalf of Baschurch Parish Council, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- i. A decision by the Committee may be considered premature;
- ii. The development proposed was very substantial; and
- iii. The SamDev Plan was at an important pre submission Draft Plan stage and appropriate weight should be given to this.

Mr Martin Parish, on behalf of the applicant, spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- i. Mr Parish reiterated the points contained within the Planning Officers report

In accordance with Rule 6.1 of the Council Procedure Rules contained in Part 4 of Shropshire Council's Constitution, Councillor Bardsley addressed the Committee as a Local Member, during which the following points were raised:

- i. He was not against additional housing within Baschurch, however there were more suitable sites than this one;
- ii. The site was not favored for housing within the SamDev Plan;
- iii. The site was not close to local amenities, particularly the school;
- iv. Due to the site's distance from the local schools, it was considered that most parents would make the journey by car which would go against the Shropshire Council recommendation to reduce cars along Eyton Lane;
- v. Children would have to cross a very busy road to get to school;
- vi. The proposals were a departure from the local development plan; and
- vii. It seemed appropriate to defer the application until after the deadline within which with material considerations could be received had expired.

The Principal Planning Officer gave further advice by reference to the National Planning Practice Guidance in response to a point made by a speaker in relation to prematurity as a reason for refusal and confirmed that the development was considered to be sustainable and the presumption in favour of sustainable development was the most significant material consideration when determining planning applications and took precedence over adopted and emerging local planning policy.

Having considered the submitted plans for the proposal, the majority of Members expressed their support for the Officer's recommendation.

RESOLVED:

That the Area Planning Manager/Principal Planning Officer be granted delegated authority to issue planning permission subject to:

1. No new material considerations being raised as a result of the proposal being advertised as a Departure in the Shropshire Star on Tuesday 29th April 2014 for a 21 day period expiring on 20th May 2014;
2. A Section 106 legal agreement to secure affordable housing in accordance with the prevailing rate at the time of the submission of the Reserved Matters application in accordance with the Type and Affordability of Housing SPD; and
3. The conditions set out in Appendix 1.

(Councillor Walpole rejoined the meeting at this point.)

160 Ashford Hall, Knockin, Oswestry, SY10 8HL (14/01018/FUL)

(Councillor Paul Wynn as Vice-Chairman, presided for this item).

The Principal Planning Officer introduced the outline application for the change of use of agricultural land to domestic garden land, drawing Members attention to a submission by Knockin Parish Council, clarifying their concerns, which was included within the Schedule of Additional Letters. She confirmed that Members had attended a site visit that morning and had assessed the impact of the proposed development on neighboring properties and the surrounding area.

Councillor David Ward, representing Knockin Parish Council, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- i. The height of the proposed railings would have an adverse impact and appear overly dominating within the conservation setting of the village;
- ii. Requested that the Committee either refuse the application or Condition a more acceptable form of railing at a maximum height of 1.5 metres.

Mr Rob Mills, on behalf of the applicant, spoke in support of the proposal in accordance with Shropshire Council’s Scheme for Public Speaking at Planning Committees during which the following points were raised:

- i. It was not unusual to have railings around a property of this type and within its location;
- ii. The proposed scheme had been produced following guidance given by Shropshire Council Planning Officers;
- iii. 2 metres was a standard height of railing and the small brick plinth was included within the 2 metres;
- iv. The Conservation Officer had considered the railings to be acceptable; and
- v. The fencing would be screened by several species of hedgerow.

By virtue of the amendment made to Shropshire Council’s Constitution, as agreed at the Council Meeting held on 27th February 2014, Councillor Arthur Walpole, as the local Ward Councillor, made a statement, took no part in the debate and did not vote. During his statement he acknowledged that the railings would be screened by hedging, however during the winter months the railings would be visible. To conclude he reiterated the comments made by the Knockin Parish Council, detailed at paragraph 4. of the Officer’s report.

Having considered the submitted plans for the proposal, the majority of Members expressed their support for the Officer’s recommendation.

RESOLVED:

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

(Councillor Walpole rejoined the meeting at this point.)

161 Appeals and Appeal Decisions

RESOLVED:

That the appeals and appeal decisions for the northern area be noted.

162 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee would take place on Tuesday, 3rd June 2014 in the Shrewsbury Room, Shirehall.

Signed (Chairman)

Date:



Committee and Date
 North Planning Committee
 3 June 2014

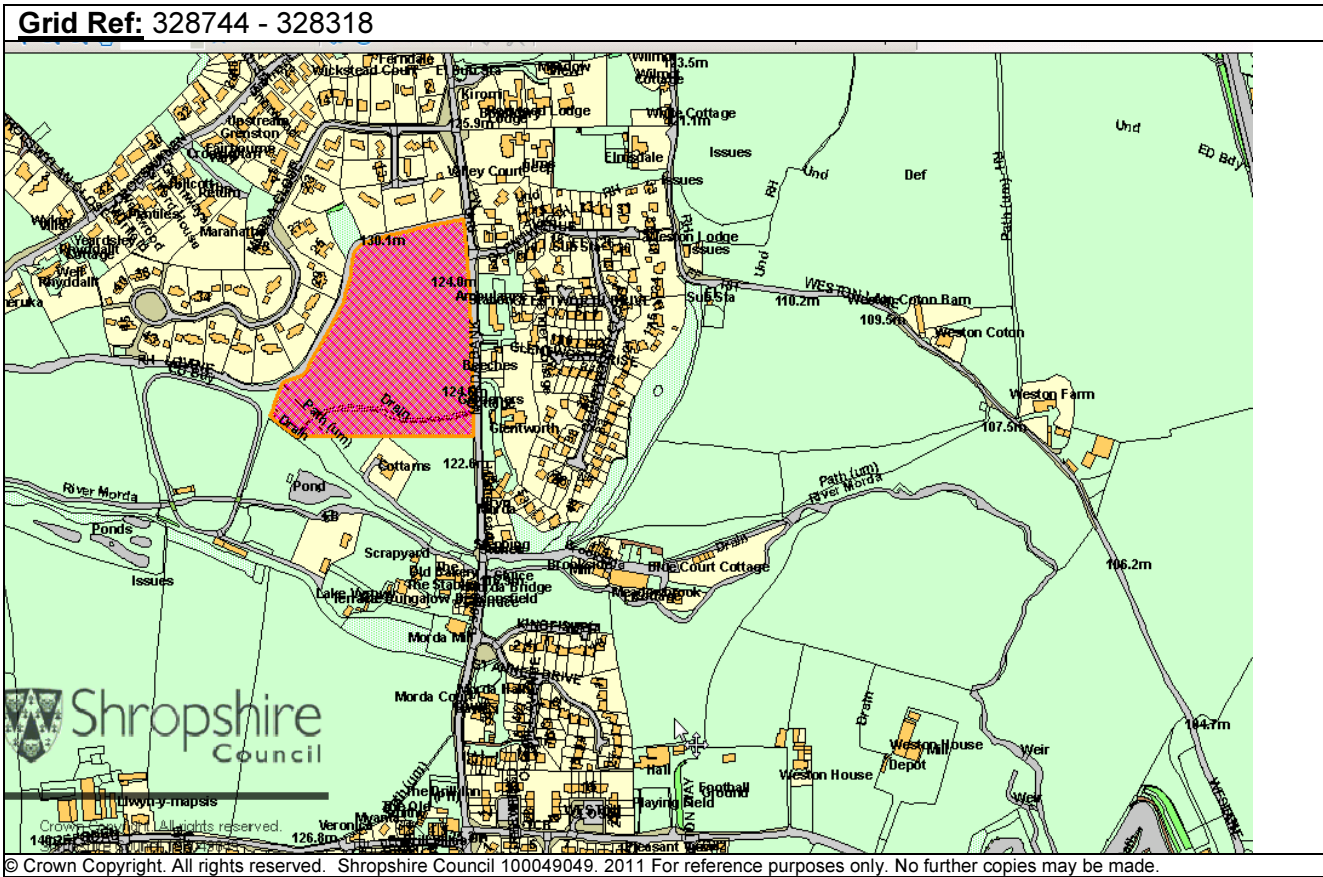
Item
7
 Public

Development Management Report

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

Summary of Application

Application Number: 13/04845/FUL	Parish: Oswestry Rural
Proposal: Mixed residential development of 65 dwellings; formation of new vehicular access and estate roads; associated infrastructure; landscaping and formation of public open spaces	
Site Address: Land West Of Morda Bank Morda Shropshire	
Applicant: David Wilson Homes (Mercia) & Jennings Estates Ltd	
Case Officer: Karen Townend	email: planningdmne@shropshire.gov.uk



Recommendation:- Subject to the applicants entering into a S106 agreement to secure the provision of affordable housing; a financial contribution to provide speed visors on Morda Bank and a management plan for the future maintenance of the areas of public open space and the drainage swales

REPORT

1.0 THE PROPOSAL

1.1 This application seeks full planning permission for the erection of 65 dwellings (initially submitted as 64 but increased by 1 during the consideration of the application). All the details of the proposal are submitted as the application is for full planning permission. A new access is proposed off Morda Road and associated infrastructure, landscaping and public open space.

1.2 In support of the proposal the application has been submitted with a design and access statement, planning statement, statement of community involvement, visual impact assessment, transport assessment, ecological assessment, flood risk assessment, and full detailed plans.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is 3.25 hectares in area and is currently in agricultural use, it lies on the edge of Oswestry, but is within the parish of Morda. The houses in Oswestry, on the northern edge of the site are large detached modern houses, on the opposite side of Morda Road is a mix of smaller, detached and semi detached houses and the old ambulance station which also has consent for redevelopment to housing.

2.2 The application site is enclosed with a stone wall along Morda Road and the land gently slopes from west to east. There is an electricity line across the land and the footpath from Love Lane, cuts across the southwest corner of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as 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 Committee Chair in consultation with the Principal Planning Officer agrees that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Oswestry Rural Parish Council** – This Council **strongly opposes** the planning application and propose that the Cottam's site be removed from the SAMDev Plan.

Oswestry Rural Parish Council is bitterly disappointed that the Oswestry Town Council (OTC) (equivalent to a Parish Council but in the Town) have now removed its original objection to this proposed development. The reasons for this about turn is that they oppose the Hill Fort development which will leave a shortfall of 50 houses and the Council at a stroke has ignored their electorate and offered the Cottam's site as a sacrificial lamb at the altar of the SamDev. This decision is irrational as the development site is NOT within the OTC boundary but in ORPC.

In the “Revised Preferred Options” Adrian Cooper, a non-elected officer for Shropshire Council’s Environment and Economic Policy department criticises the Rural Parish Council, which is an elected body, in that he states “A site promoter noted that Oswestry Rural Parish Council has not chosen to list Morda as a Community Hub or Cluster and challenges the role of Parish Councils in helping to determine planning policy for their area. Instead, Hub or Cluster status should be based on planning criteria which would indicate the need for further development”. This is an outrageous statement and it is unacceptable for an officer to speak on the behalf of a developer and to seek to smear the democratically elected council, seemingly because they do not like the Parish Council’s stance.

Further confusion exists in many individual’s minds with the inclusion of this site, part of the Rural Parish, within the CIL Charging Zone for Oswestry. Is it intended that any potential CIL monies will go to Oswestry Town Council? ORPC believe that as the site is in their rural area the rural rate should be applied and all the funds should be available to the people of Morda for projects in the village. They see no basis on which the urban rate should be applied or that the funds be available to Oswestry Town Council. We suspect that this is being suggested because of the mistaken belief that the site is part of the town of Oswestry. The officials have persistently and completely wrongly assumed this to be the case and we believe this is another example of their muddled thinking.

Oswestry Rural Parish Council makes the following observations to support its opposition to the scheme.

Increase in cars from proposed development will drastically add to an already congested road at the point of exit from the site. The road is too narrow and there are already problems when the Marches School starts and finishes. The sixth form college at the Marches will increase the number of children along the road. The ambulance Station site directly opposite is to be developed, again increasing traffic flow at this ‘pinch point’ The exit from Croeswylan Lane onto Morda Road already causes concern for residents. Narrow pavements along Morda Road create safety concerns for pupils and motorists find this area difficult to negotiate fully. It is clearly not possible to widen the Morda Road for improved safety. A roundabout should be provided by the developer at the proposed new entrance onto Morda road.

We have grave concerns regarding the management of and the issue of flooding which has not been adequately addressed. The drainage swales as outlined are acknowledging a potential flood hazard, where do they drain to? They will be dangerous for children, create obnoxious smells, muddy sludge, untidy rubbish and debris. There is a possibility that excess drainage water will flow down into the Glentworth Estate. Surface water will go down into the River Morda which is already struggling to cope at the present time.

These are proposed family houses. Morda School currently has 147 pupils on roll and there are no unfilled places, the school is full. There are no spaces at other local schools. Where will these children go? The developer has made no provision to help the school by providing additional class rooms.

There will be the loss of a boundary between Morda and Oswestry town. Love

Lane is at risk if residents make an access from their property to ease their exit and access. There is only one way in and one way out on Morda Road this will lead to congestion within the proposed development. The loss of this green pasture field will be a disgrace to planners.

The new public open space the developer is suggesting has no provision for future maintenance. A Section 106 agreement must be arranged to provide for perpetual maintenance of any open space or it will fall to the hard pressed Parish Council to maintain.

The site was used to bury cattle from the 1967 outbreak of foot and mouth. Has a detailed environment study addressed this aspect of the development? The site is in a conservation area and the wildlife will seriously be affected.

There will be extra strain put on the services i.e. police, ambulance, GP surgeries and access to hospitals.

Density of housing is out of all proportion to the site area. The style of houses is not in keeping with the local area. The design is of poor quality and again will not blend with existing adjacent houses.

Oswestry does not provide much employment opportunities as it is a small market town. Where will new residents work? If they have to travel out of the area to work will they use the already congested Weston Road to access the by pass? A possibility of another 100 houses could be built coming onto Weston Road in the future. Will the country lane be able to cope with all this traffic?

Please think again about this development as the local residents opinions must be taken into consideration as over a 180 have voiced their objections at two public meetings held with the Oswestry Rural Parish Council and on the planning web site. Once this site is built on it will be destroyed, there will be no going back.

- 4.1.2 **Policy Officer – No objection.** Morda lies within ORPC which has opted to remain as 'countryside' for the purposes of SAMDev. The local community are particularly sensitive about the need to maintain a strategic gap between Morda and Oswestry. However, the site is not being allocated to meet development needs in Morda, but for the expansion of Oswestry and in making the allocation, we are content that a strategic gap between the two settlements will be maintained. This is not the only example of the future growth of a town expanding beyond its boundary against the wishes of an adjacent PC, but the application is consistent with the development strategy and allocations of the draft SAMDev Plan.
- 4.1.3 **Affordable Housing Officer – No objection.** The affordable housing contribution proforma accompanying the application indicates the correct level of contribution and/or on site affordable housing provision and therefore satisfies the provisions of the SPD Type and Affordability of Housing. However confirmation is required on the size and type of the on site affordable houses. The application form refers to 4 x 2 bed and 3 x 3 bed rented houses and the plan and supporting documents refers to 2 x 3 bed shared ownership, 3 x 2 bed rented units and 2 x 3 rented units.

- 4.1.4 **Conservation Officer – No objections.** Conservation advice was given in relation to a pre application enquiry on the site raising no conservation objections to the principle of development of the site.

The proposal needs to be in accordance with policies CS6 Sustainable Design and Development and CS17 Environmental Networks, and with national policies and guidance, including PPS5 Historic Environment Planning Practice Guide published by English Heritage in March 2010 and National Planning Policy Framework (NPPF) published March 2012.

The application proposes the erection of 64 dwellings of varying sizes, styles and tenures. The site does not lie within a Conservation Area but is a prominent site on the edge of the town. The proposed site plan orientates the properties at the front of the site to face the road providing an active frontage along Morda Bank. However the building line is set back from the road to provide some continuity with the surrounding streetscape which is considered appropriate.

The proposed house designs are varied and there are varying heights and sizes of properties in the development. It is considered that this is appropriate in this area which is relatively mixed in character.

The stone boundary walling along the site's eastern boundary is to be retained as part of the proposals this is welcomed.

Overall it is considered that the proposed development raises no conservation issues.

- 4.1.5 **Public Protection Officer – No objection.** It has been brought to this services attention that there may have been a foot and mouth burial pit on the land proposed for development. As a result the potential for this to require further attention has been researched and addressed below.

A document on the Health Protection Agency webpages that states no human contraction and therefore no risk to human health from building above. Link to document is http://www.hpa.org.uk/webc/hpawebfile/hpaweb_c/1274089050185

A further document states the materials and recommended amounts of fuel for pyres. Link: http://archive.defra.gov.uk/foodfarm/farmanimal/diseases/atoz/fmd/documents/environmental_report.pdf

The above documents state that air pollution is not considered to be a long term issue but short term increases in certain pollutants due to the burning of any carcasses as a method of disposal were likely at the time. It is stated that fall out from the pyres was not expected to cause any human health impact and therefore this element requires no further thought. Potential ground instability from decomposition resulting in voids where animals were buried may present concerns for the developer. Gassing was likely but from 1967 burial pits is not expected to be an issue any more. Leaching from a burial pit would have been likely for around 20years and therefore this will have also ceased to be a likely issue in the locality.

In conclusion we do not have any information to inform us that there was definitely a burial site on the land proposed for development to the north of Morda. It would be unlikely that a soil sampling regime would be able to establish if there was any burial pit on site. Geophysical equipment may be able to show any burial pit however this service does not consider it necessary to go to the expense of carrying out such a survey as no documented evidence from the time of the burial is available to us to suggest that a burial site exists.

Having note of the documents and information above we are not of the opinion that a burial pit for livestock due to contracting foot and mouth or for welfare issues at the time of the outbreak in 1967 pose a threat of harm to human health through microbial activity, leachate to water supplies or from gassing of decomposing material. It has not been suggested that a pyre was located on site however chemical traces as a result of any pyre have been tested and documented in the above linked documents. These report that there is no major threat to health as a result of the ash material left behind after a pyre or from the fall out from a pyre. There may be traces of fuel still existing if a pyre was found on site but we have no knowledge of this taking place. Due to the fact that pyres were generally left to burn out it is unlikely that many fuel sources which could be considered as contaminants would be likely to have remained or still be present in sufficient quantities to find land to be considered likely to be contaminated. Adding to this the substantial amount of time that has passed only adds weight to this line of thought.

The Health Protection Agency website has been consulted in regard to any microbial health affects to humans from foot and mouth and it states that foot and mouth disease is not a public health threat.

Is therefore of the opinion that the land is not likely to be contaminated or require further assessment as such. A large burial site may however be a risk to the structural integrity of any development placed over the top of it. The applicant may wish to seek further information in order to establish if a burial pit is located on the proposed site and if so the position and extent.

With regard to the development as a whole would request a condition in order to make the properties ready for EV charging point installation through the installation of isolation switches to enable a vehicle to be charged in the garage or driveway.

- 4.1.6 **Highways Officer – No objection** to the granting of planning consent subject to conditions to require the engineering details to be submitted; a construction method statement; provision of visibility splays; details of gradients; use of the travel plan and the removal of permitted development rights to prevent accesses being formed from the site onto Love Lane.

Access

The development sites accesses onto the B5069 Morda Bank, which is lit and subject to a 30 mph speed limit. At the point of access, the carriageway width measures some 6.5 metres with a footway along the site road frontage between 15 and 2.0 metres. Access onto Morda Bank is shown as a priority junction with

visibility splays of 2.4 x 68 metres in a northerly direction and 2.4 x 72 metres in a southerly direction, to the nearside edge of carriageway. The splays are in accordance with acknowledged guidance set out in Manual for Streets. The highway authority consider that the proposed access to the site is appropriate in terms of layout and visibility standards.

There have been local representations seeking a mini-roundabout as a preferred junction option. Whilst the highway authority would agree that this would potentially act as a traffic calming scheme to slow down current traffic speeds in the immediate locality of the site, the highway authority would question such provision for an access option which serves 65 dwellings as an isolated scheme along Morda Bank. The highway authority however recognise that measured traffic speeds are higher than the current 30 mph speed limit in the vicinity of the site and therefore would recommend that Section 106 monies are sought to provide speed visors on both approaches to the site, which would offer benefits to other junctions and accesses onto Morda Bank.

In addition to the above, a check on the Personal Injury Accident (PIA) record has been undertaken, which indicates that there have been no recorded PIA's in the vicinity of the site and access. The highway authority concur with the findings of the Transport Assessment (TA) that there are no existing safety issues that would warrant significant mitigation measures as a result of the current proposed scheme, other than those set out above.

Site Layout

The layout of the site is not untypical of the housing sites coming forward in Shropshire. It provides a layout which seeks to control traffic speeds within the site, with the introduction of surfacing road treatments and junction speed tables. The highway authority is satisfied with the design layout with full engineering details to be determined as part of a Section 38 Agreement in respect of future adoption of the roads and footways within the site.

Traffic

As part of the application submission a Transport Assessment (TA) has been carried out in order to consider the current traffic conditions and impact of the development on the local highway network.

In terms of the current situation traffic counts were taken on Morda Bank in March 2013, which reveal a 5 day two way flow of 3,423 vehicles made up of 1,636 vehicles travelling northbound and 1,787 vehicles travelling southbound between 07.00 - 19.00 hours. In the 08.00 - 9.00 morning AM peak the 5 day average indicates a two way flow of 386 vehicles made up of 213 vehicles travelling northbound and 173 vehicles traveling southbound. In the 17.00 - 18.00 peak PM period the 5 day average indicates a two way flow of 416 vehicles made up of 180 vehicles travelling northbound and 236 vehicles traveling southbound. HGV movement traffic flows along Morda Bank were recorded at 1.6% of the total two way traffic flow. This is not unexpected given the nature of employment and industrial make up within Oswestry and the routing to those areas. It is likely that those HGV's routing along Morda Bank have a legitimate need to do so.

The TA then considers the impact of the traffic likely to be generated by the

proposed development and how that traffic is assigned to the local highway network. The routing of traffic along Weston Road has not been assessed based upon measured traffic count information, which would have been helpful. Nevertheless the 20% distribution of traffic movements to Weston Road is not considered unreasonable, although may present an underestimate. The TA focuses more on potential impact upon the Church Street/Upper Brook Street/Lower Brook Street junction.

Notwithstanding the technical conclusions of the TA, which suggest that any traffic impact upon the local highway network would not be significant or material, the highway authority recognises that the scale of the development proposed is limited to 65 dwellings and this gives a degree of comfort and confidence that the traffic likely to be generated by the proposed development and assigned to the highway network can be accommodated without any adverse traffic or highway safety impact.

Accessibility

The TA provides a section which considers accessibility and sustainable travel options other than by car. In terms of walking there is a continuous footway between the site and the town centre, over a 1.5 km length walk. The TA provides destinations and facilities within a 2 km walking distance, which is considered an upper distance for comfortable walking. The site is however well located to provide opportunities to cycle to the town centre and surrounding area, both in terms of the distances and topography.

The TA demonstrates accessibility within reasonable walking and cycling distances to a number of services, shops and schools etc. and therefore the site can be considered a sustainable location

In addition to the above, there are 2 bus stops located in close distance to the site access, which provide bus services between the site and the town centre, in particular Service 71 and 72 providing the most frequent services. It is considered that the site is adequately served by bus services linking to the town centre and therefore providing an alternative to car borne journeys.

The application provides a Travel Plan Framework, which identifies the travel opportunities and commitments to promote sustainable travel. The highway authority consider that this element can be covered within a planning condition requiring the current drafted framework document being developed into a Travel Plan working document.

Other Matters

There are local issues surrounding the current vehicular usage of Love Lane, which borders the northern and western edge of the site. Although Love Lane is a unmetalled track it has full highway status. The layout of the site is such that Plots 1 to 15 have rear boundaries to Love Lane and the highway authority are concerned at any potential for rear access to be gained onto Love Lane. As such the highway authority would, in the strongest terms, request that a planning condition is imposed upon any consent granted which would have the effect of preventing any permitted development rights to have access, pedestrian or vehicular, to Love Lane.

4.1.7 **Rights of Way Officer** – Has **no objection** to the proposal from a rights of way perspective and welcomes the decision to site the public open space in the area crossed by the path. If permission is granted the applicants must consult the Outdoor Recreation Team before any works are undertaken that may affect the path including the erection of fencing, gates, stiles or any changes to the surface.

4.1.8 **Ecology Officer** – **No objection** subject to conditions and informatives.

This site is located 4.5km distance from the closest part of the Midland Meres and Mosses RAMSAR site and is considered to have no significant impact on the European site due to no pathways and not to require a Habitats Regulation Assessment.

An Extended Phase 1 Habitat Assessment and Preliminary Protected Species Survey were undertaken by an FPCR ecologist in February 2012. This survey was updated in September 2013. The main features of ecological value are the boundary hedgerows and trees, which are shown for retention, except for creation of access from Morda Road.

The tree inspection for bats was completed by a Licensed bat worker from FPCR during September 2013. The hedgerows and trees on site provided some limited foraging and commuting opportunities for bats at the site boundaries, in particular along the western boundary which links the residential areas in the north to the River Morda. As such recommends a condition to control lighting.

Five ponds in total were observed within 300m of the site boundary, four of which were present within 250m of the site and one within 280m. The closest pond (P1) was located approximately 100m to the south of the site which appeared to be a fishing pond with steep banks and limited aquatic vegetation. This scored an HSI of 0.47 and therefore poor suitability for great crested newts. The other four ponds lie on the southern side of the River Morda, which is considered a barrier for newt dispersal. No mitigation is therefore deemed necessary.

The grassland field compartment could provide suitable foraging ground for badgers. Several 'snuffle' holes were observed within the field boundary; however, no other evidence of badger was recorded within the site or on accessible land within 30m. As there will be risk of harm to badgers if they were to enter the site during construction recommends an informative.

The hedgerows and trees on site present potential bird nesting habitat. It is recommended that nesting habitat is enhanced by erection of bird boxes and an informative is recommended.

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

This proposed development site is within the Environmental Network and as such the proposed scheme must clearly demonstrate how the development will

'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by paragraph 117 of the National Planning Policy Framework.

To address this issue, the Landscape Masterplan incorporates public open space and shows additional native tree planting and enhancement of the boundary hedgerows. The development is set back from Morda Road, creating a green buffer zone to include swales and native species planting. It is considered the proposals respect the network function of the site.

4.1.9 **Drainage – No objection.** The details, plans and calculations can be conditioned.

As stated in the FRA, the use of soakaways should be further investigated in those areas of the site which had favourable infiltration rates.

Full details, calculations and location of the percolation tests, should be submitted.

If non permeable surfacing is used on the driveway 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

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

Surface water collected in the swales will be released to the existing adopted surface water system at an equivalent rate to the existing greenfield run-off as stated in the FRA.

Shropshire Council Flood and Water Management team have requested additional information from the applicant to confirm that exceedance flow from the development is to be contained within the site to ensure that adjacent property is not flooded.

Although not forming part of the comments process for the Flood and Water Management team, the swale/pond could be excavated deeper, below the outlet, to form a permanently wetted pond to reduce the possibility of smell and sludge. The pond could be fenced off for added safety and security.

4.2 **Public Comments**

4.2.1 112 letters of representation have been received raising the following concerns:

- No need for more houses
- Impact on the space between Oswestry and Morda
- Loss of character and community feel of Morda which is designated in the SAMDev as countryside

- Urbanises Morda which is already overdeveloped
- Is not an extension to Oswestry
- The SAMDev report notes the constraints of developing this site
- Does not develop brownfield in accordance with 60% target
- Should be required to start within 6 months and completed within 6 years
- Previous refusal was based on environmental impact and this has not changed
- Insufficient space in Morda Primary School and it has no room for expansion
- Increased pupils at Marches School and potential for more
- Insufficient local services and pressure on existing services such as the local shop, doctors, dentist and no nearby hospital
- Will not increase sense of community
- Potential impact on hedge due to layout being too close to the hedge
- Density and design not related to surrounding area and adjacent design brief led development
- Layout includes road ends which end at the edge of the site and will access future development
- Loss of property value
- No renewable energy proposals
- Designs do not take into account modern lifestyles or those less mobile
- No architectural merit
- No renewable energy proposals
- Insufficient open space
- Loss of light, increased noise, risk of crime, pollution and loss of privacy
- Increase in traffic, congestion and increase in risk of collisions and affect on road safety for pedestrians etc
- Poor access and Morda Road is already highly trafficked, a roundabout should be provided
- The traffic report has been done at the wrong time of year
- Insufficient parking proposed, garages should not be counted and each property should also have a space for visitors
- Impact on Love Lane which is a footpath and proposed properties backing onto Love Lane will be able to gain access
- Insufficient pavement to the town and people do not walk
- Public transport links are poor in the evenings and Sundays and Gobowen Train station is not directly served by public transport from Morda
- Increase in surface water and resultant flooding onto the roads and neighbouring properties
- Does not use rainwater
- The swales will be unpleasant and a safety hazard
- Pressure on mains foul drainage
- Adverse affects on ecology – buzzards, owls, weasels and badgers
- Potential loss of hedge and some plots have buildings within the hedge
- Potential contamination as the site may have been used to bury livestock during the 1967 foot and mouth crisis

5.0 THE MAIN ISSUES

- Policy & principle of development

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

6.0 OFFICER APPRAISAL

6.1 Policy & principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 The NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking (para. 14), so it applies, as a material planning consideration, in any event. The NPPF specifically aims to 'boost significantly the supply of housing', with the requirement for authorities to have a housing land supply of 5 years to achieve this. Therefore, the fact (and degree) that a proposed development helps to boost housing supply is a significant material consideration. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply. It is only if the Council cannot demonstrate a 5 year housing land supply that the housing supply policies (but not the others) should be considered not to be up-to-date, with consequently greater weight to the NPPF presumption in favour of sustainable development.

6.1.3 In September the calculation was a supply of 4.95 years, however this included counting some of the emerging SAMDev sites and questions have been raised as to whether this is appropriate and also the likely number of houses to be delivered in the five years. Given this position officers advise that it would be difficult to defend a refusal for a site which is sustainable and that the presumption in favour of sustainable development at paragraph 47 of the NPPF is given greater weight than either the adopted or forthcoming policies. The principle issue with the application site is whether it is a sustainable location or not.

6.1.4 It is acknowledged that the site is outside the development boundaries for both Oswestry and Morda as set within the Oswestry Borough Local Plan. As such the application has been advertised as a departure from the adopted local plan and would not normally be supported for development. However, given it has been

established that limited weight should be given to this policy framework in light of the current housing supply position, it is appropriate to assess this site within the context of the 'presumption in favour of sustainable development'.

- 6.1.5 Given the above, whether the site is appropriate for development rests on whether it is considered sustainable. Paragraph 14 of the NPPF advises that where policies are out of date permission should be granted for sustainable developments unless any adverse impacts would significantly and demonstrably outweigh the benefits or where specific policies within the NPPF indicate development should be restricted. These restrictions relate to specifically designated sites, heritage assets and locations at risk of flooding and the site does not fall within any of these restrictive criteria. The presumption is in favour of sustainable development as tested against the NPPF as a whole. A site needs to be compliant with all three dimensions of sustainable development; economic, social and environmental.
- 6.1.6 Policy CS6, amongst a range of considerations, requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Policy CS7 states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services. Furthermore, policy CS9 states that development that provides additional dwellings or employment premises will help deliver more sustainable communities by making contributions to local infrastructure in proportion to its scale and the sustainability of its location.
- 6.1.7 The site is being promoted as a recommended allocated site for up to 65 houses in the SAMDev pre-submission draft as an allocated site for Oswestry Town. It is acknowledged within the pre-submission draft that the site lies within the Parish of Oswestry Rural, not within the town, however it is being put forward by the Town Council as an extension to the existing built up area subject to the retention of the land adjacent to the River Morda as open space to maintain the physical gap to Morda Village. It is acknowledged that the Rural Parish Council object to this allocation, however the site is within the pre-submission draft and has progressed through a number of rounds of consultation and currently forms part of the final submission.
- 6.1.8 Within the planning statement the agent has summarised the planning history of the site. This notes that the site was proposed for allocation in the 1994 Oswestry Borough Local Plan but was removed on the grounds of its designation as an area of special landscape and on highway grounds. The planning inspector advised it should be re-instated in 1999 but this was not pursued by the Council at the time. The special land designation was subsequently quashed by the High Court in 2000 and as such this designation no longer applies the issue now raised by the local community relates purely to the closing of the gap between Oswestry and Morda and the highway safety grounds. As noted previously, the site is now being promoted in the SAMDev as a preferred option site.
- 6.1.9 Objectors have commented that the site has previous planning refusals and that there has not been any changes in the circumstances of the site. The most recent

two applications were in 1999 and 2000 and were both refused on the basis that the site was outside the development boundary and an unwarranted extension of the built environment into open countryside between the settlements of Oswestry and Morda. It is therefore not correct to say that there have not been any changes to the circumstances of the site as the site is now being promoted as a preferred option site in the SAMDev. This proposed allocation also deals with the issue of the extension into the open countryside and the site is being allocated on the basis that the Council now consider that this extension is acceptable.

- 6.1.10 The concerns of the rural parish council about allocating the site refer to joining the two settlements together; the payment of the CIL monies to the town council when the site is in the rural parish; the impact on services, facilities and highways. All of these matters are considered later in this report, however members need to assess the proposal against the NPPF and the presumption in favour of sustainable development. Officers advise that whether the site is located within Oswestry Rural Parish or Town does not alter the primary policy against which the proposal needs to be considered. Members may prefer to acknowledge that the site is being put forward in the SAMDev but not give that any weight and assess the sustainability as if the site was not being put forward.

6.2 **Is the site sustainable?**

- 6.2.1 The objections from Morda residents and the Oswestry Rural Parish Council consider that the site is not sustainable due to the limited facilities available in Morda and the limited public transport serving the area, especially in the evenings and weekends. However, whether a site is sustainable is not judged purely on the distance from services, this is one of a number of factors identified within the NPPF. The Core Strategy, under policy CS3, sets the market towns, including Oswestry, as the focus for a balance of housing and employment development to maintain and enhance their roles. The site is within the rural parish of Morda, but physically is on the edge of Oswestry. Future occupants of the site would be able to access the services and facilities within the market town as would any other housing allocation site on the edge of the town.

- 6.2.2 Oswestry is the second largest town in Shropshire and, as noted above, the site is being promoted in the SAMDev as part of the overall housing target for Oswestry of 2,600 dwellings and 45 hectares of employment land. Given this positive promotion of Oswestry as a key sustainable settlement officers consider that it would be difficult to argue against the principle of development on the edge of the town. The final version of the SAMDev, currently out for consultation, acknowledges that the scale of development planned for Oswestry is significantly higher than that in recent years but that this will help to deliver additional investment in infrastructure including waste water, electricity, transport and highways. However, site specific issues can be taken into account in the balancing exercise of determining whether a site is sustainable.

- 6.2.3 Paragraph 7 of the NPPF sets out the three dimensions to sustainable development and provides an overview of what is considered to be the economic, social and environmental roles of the planning system.

6.3 **Economic considerations?**

- 6.3.1 Within the planning statement the agent comments that the site provides housing

development in the right location at the right time. Weight can also be given to the fact that this is a full planning application and as such, if granted, would need to commence within three years and is under option with a major house builder. As such there is a high likelihood of this site being developed.

6.3.2 The development will provide employment for the construction phase; support local businesses in the short and long term as future occupiers will be able to access and use local services and facilities ensuring they remain viable. The provision of more homes will create a stimulus to the economy and help to address the housing shortage.

6.3.3 The submission of the application as a full application also enables full consideration of the contribution to be paid under the community infrastructure Levy. The levy is used for infrastructure in the local area and across Shropshire. For this site, which is within the urban area charging boundary the contribution would be at £40 per square metres. The design and access statement provides a total floor space of 71,203sq ft (6,615sqm), the additional property added during the consideration of the scheme would add 151sqm and at £40 per square metre the development would provide a CIL payment of over £300,000.

6.3.4 Officers acknowledge that the benefits are not site specific. New housing will provide economic benefits and these should be given weight in the determination of the application.

6.4 **Social considerations?**

6.4.1 The development will provide additional housing, including affordable housing and this itself is a material consideration which should be given weight in the determination of the application. For the Oswestry area, including the rural parishes, the requirement is for 10% affordable housing and the applicant has confirmed the developers acceptance of this requirement. For a development of 65 houses this would either be 7 on site (a slight over provision) or 6 on site and a financial contribution towards affordable housing elsewhere in the local area. The proposal is for 6 on site dwellings and a financial contribution and the Council Affordable Housing Officer has confirmed that the affordable housing contribution is the correct level of on site affordable housing provision and therefore satisfies the provisions of the SPD Type and Affordability of Housing. These units and the contribution will need to be secured as affordable in perpetuity through a S106.

6.4.2 The agent has noted that there is a nursery, several primary schools and a secondary school close to the site and that Oswestry also has a college. The local area also has a shop, public house, village hall and social club and the site is close to the centre of Oswestry. Within the design and access statement the agent has provided a plan which shows the facilities and services within 400m, 800m and 1200m which would be approximately 5, 10 and 15 minutes walking distance.

6.4.3 Concerns expressed by the Parish Council and objectors highlight the fact that the existing school is at capacity and this has been confirmed by colleagues in the Learning and Skills Team. It is acknowledged that the existing school is not ideal in terms of the types of accommodation on the site and the ability to accommodate extra pupils. Morda has been the subject of and is still the subject

of a number of planning application for housing which potentially could put pressure on the school. All of the developments (with the exception of the affordable housing scheme by Severnside) would be required to make payments through the Community Infrastructure Levy (CIL), as detailed above.

- 6.4.4 The Council's Learning and Skills Team has been consulted on the application and they have confirmed that Morda Primary School is full and is forecast to remain so even without any further dwellings being constructed within its catchment. They have calculated that a development of 69 dwellings would generate 12 new pupils to the school and the cost of providing those primary school places is £144,928.
- 6.4.5 It has been shown that the primary school is at capacity. For further residential development in Morda to be acceptable (among other planning considerations) there would be a need to create additional school places. Currently the Oswestry and Surrounding Area Place Plan does not list improvements to Morda Primary School to increase pupil places as a priority, although the Learning and Skills Team is currently updating its priorities for the Place Plans. To make the proposed housing scheme acceptable and to mitigate the effects of the development in terms of school places, additional education funding is required. This extra funding would need to be identified as a priority infrastructure requirement in the Place Plan and CIL proceeds allocated for that purpose. If planning permission is granted for the development on the basis that it is necessary for the additional education funding to be provided, then this item and the associated financial contribution will be fed into the annual review of the Place Plan as a result of being identified through the development management process, and funding allocated accordingly. This approach was agreed by the Portfolio Holder's decision in the report dated 14th February 2014 (see Section 4 Governance arrangements for projects not included on the CIL List).
- 6.4.6 It is considered that without the necessary improvements being made to the school to accommodate the extra pupils there would, with regards to education, be inadequate infrastructure to support the proposed development. Whilst a number of objectors refer to the school not being able to accommodate extra pupils it is considered that this would not weigh negatively in the planning balance as the effects of the development can be mitigated by achieving funding through CIL.
- 6.4.7 Concerns have also been raised locally about the infrequency of the bus service, especially in the evenings. This is noted, however, the bus stops which are available are within walking distance, there is more than one bus which stops at the stop and they run approximately every hour from 7:25am to 7:20pm and take just over 6 minutes to get to the town centre. It is accepted that the buses do not run late into the evening and currently don't serve the development currently being developed at the Smithfield Livestock Market. However, the town is accessible by bus from the site and the wider area is accessible from the town.
- 6.4.8 Officers have considered all of the concerns raised but do not consider that any of the social issues raise significant and demonstrable harm that would outweigh the benefits of new housing on a site on the edge of the second largest settlement in Shropshire.

6.5 Environmental considerations?

- 6.5.1 The agent suggests that the retention of the existing landscape features and the provision of the public open space are environmental benefits and that the site will also retain a gap between the proposed development and Morda. This has been called into question by the local residents.
- 6.5.2 It is acknowledged that the development will be on agricultural land which is currently on the edge of Oswestry and provides a green gap between Oswestry and Morda. It is accepted that this will be an adverse impact of the development. However this needs to be balanced against the benefits and whether the harm is so substantial as to warrant refusal of the proposal.
- 6.5.3 To enable better understanding of this issue the application has undertaken and submitted a Landscape and Visual Impact Assessment (LVIA) in accordance with national guidelines. The LVIA deals with landscape effect – the changes to the landscape, separately from visual effect – how people are affected by the changes. This report notes that the site lies in the Natural England character area of Oswestry Uplands and the Shropshire Landscape Typology area of Principal Settled Farmlands. These character areas are described in detail in the LVIA but in summary are areas which are a mix of farming with sub-regular fields and hedge boundaries.
- 6.5.4 In assessing the effects the LVIA considers the change or loss of elements, features, aesthetics and perceptual aspects; addition of new elements and the combined effect; it considers all of the areas in and around the site that may be affected and advises whether the landscape is sensitive to change and how much of a change will occur. The report acknowledges that the site is sensitive to change and that the development will result in change but that the layout, design and retention of features will help to reduce the change in the longer term. The report also acknowledges that the nearby footpaths are sensitive to change but that the retention and supplementation of the hedgerows will reduce the effect of this change.
- 6.5.5 In considering visual impact the LVIA has assessed the impact on pedestrians, including walkers on the footpaths, motorists and residents. It acknowledges that the impact on residents of Glentworth Avenue is high but that this impact is on a private view predominately from upper floor windows. The impact on the properties on the opposite side of Love Lane is also high and from both ground and first floor windows due to these properties being elevated above the site. It also acknowledges that Love Lane and the footpath in the southwest corner of the site are highly sensitive but considers that the improvements to the hedge which will result from the development will mitigate against this impact.
- 6.5.6 The LVIA concludes that “there will be an impact on the landscape setting as a grazed field will be replaced with housing. However, the resulting settlement edge will be well defined, with additional planting and footpaths and open spaces being respected and enhanced. This landscape type can be found extensively within the area and its loss will not impact greatly upon the landscape character due to its scale and locality. It is considered that there is limited intervisibility with adjoining Landscape Character Areas minimizing any impact upon their setting.

Visibility is contained to the vicinity of the site with distant views limited by terrain and vegetation. Views from residences and walkers are the most sensitive, and landscape mitigation measures are designed to help lessen the visual impact. The landscape proposals should increase biodiversity and enhance the wildlife corridors.”

6.5.7 Officers have not assessed the proposal against the same guidelines as landscape and visual impact is a technical specialism which there is not anyone in the Council with the skills or experience. However, consideration of the landscape and visual impact can be still be made. Officers accept that the development of this site will alter the appearance of the site from Morda Bank, the footpaths in the immediate area, and from the view from Morda. However, officers also consider that this development will be read in context with the existing development to the north and west and that the retention of the open space around Cottams would provide a visual break between the historic village of Morda and the new development, which itself will appear as an extension to Oswestry. It is acknowledged that this visual break will be reduced, however the break is currently only a larger break on this side of Morda Bank, on the opposite side the Glentworth Avenue housing development has built within the break.

6.6 **Layout, scale and design**

6.6.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character.

6.6.2 Within the design and access statement the agent sets out the aims of the development to design an attractive development which relates to the surrounding area and also take advantage of the surrounding countryside, provide new housing and an active frontage to Morda Bank whilst retaining the existing wall and hedge. The D&A also comments on the layout providing natural surveillance across the site with windows overlooking public spaces and private parking courtyards, defensible private gardens, a single point of access and the provision of street lighting.

6.6.3 The proposed layout is for a single point of access off Morda Bank. Either side of the access it is proposed to provide two drainage swales and two open spaces either side of the swales. These are intended to provide a drainage solution to the surface water for the site and also to set the proposed dwellings back from Morda Road and will be commented on later in the report. Along the back edges of the swales and open space are a mix of three terrace houses and 8 detached houses which will all but one have a frontage facing over the swales, open space and Morda Bank with access to these properties served by private driveways off the main estate road. The estate road leads from the access and then splits into a number of cul-de-sacs of properties with private drives off the cul-de-sacs. The affordable houses are all set together in one small group in the southeast corner of the site. The layout proposed provides the larger detached houses along the outside edges of the site along Morda Road and Love Lane with slightly higher density in the centre of the site and the southeast corner.

6.6.4 The amended plan details the proposed number of houses as 4 two bed, 23 three

bed, 27 four bed and 5 five bed open market dwellings and 4 two bed and 2 three bed affordable dwellings. This would equate to 6 of the 65 dwellings being affordable and as such to meet the requirements of the adopted policy and current prevailing target rate of affordable housing of 10% the developer would also have to provide a financial contribution towards off-site affordable housing. It is acknowledged that all six affordable houses would be social rented and in one area of the site. However this would not be un-expected for a site of this size. The Council policy promotes affordable housing to not be identifiable from open market housing and the proposed development is not, there are affordable and open market houses of the same size and design. The policy promotes small groups of affordable housing, up to 6 properties, to allow for ease of management. As such the proposal to group the 6 affordable houses together is considered to be acceptable.

6.6.5 The application form suggests that the dwellings will be finished in brick, render and horizontal timber boarding with interlocking concrete tiles to the roofs with the details and colour to be agreed. The stone wall to the roadside boundary is to be retained, except where the new access is proposed, for other boundaries around the site the application form proposes timber fences, brick walls and hedges. The design and access statement notes that there is a wide variety of styles and designs of properties in the local area.

6.6.6 Objections from the parish council and local residents have commented that the density and designs of the houses is out of keeping with the local area and that the designs are poor quality in comparison to the adjacent development which was supported by a development brief. It is acknowledged that the proposed development is of a higher density than the houses on the opposite side of Love Lane and off Morda Close, however these are very large houses in large plots, which at the time of development was appropriate for the market. The current proposal provides a mix of densities across the site with lower density along the north eastern boundary and the boundary with Love Lane and a higher density in the south eastern corner and the centre of the site. The number of properties proposed has been reduced since the public consultation and initial submission for the SAMDev and now proposes the number put forward in the final version of the SAMDev ready for submission to the planning inspectorate.

6.6.6 It is officers opinion that there is no set prevailing density in the surrounding area with houses being mixed in size and layout. It is acknowledged that the density of the development will be greater than the density of the adjacent developments. However the property sizes and plot sizes are considered to be acceptable. The layout provides small groups of dwellings off cul-de-sacs and the main estate road and provides every property with a private amenity space and two parking spaces, in addition to garages in most cases. The layout also provides open space along Morda Bank which will help with the feeling of openness whilst also retaining the roadside stone wall except for the access point. Overall the scheme is considered to be acceptable and well designed in terms of layout, scale, density and design and is therefore supported by officers.

6.7 **Impact on residential amenity**

6.7.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and

local amenity. As a full application it is possible to fully consider the potential impact on the amenities of existing residential properties in the area. Concerns have been raised by objectors that the development will result in loss of light, increased noise, risk of crime, pollution and loss of privacy.

6.7.2 The houses on Morda Close, on the opposite side of Love Lane, are at least 39 metres away from the proposed housing and as such are well above the suggested minimum distance between facing windows of 21 metres. The houses on Glentworth Avenue are also over 40 metres from the proposed housing and on the opposite side of Morda Bank. As such these properties are also over the recommended distance and therefore the development will not result in a loss of light or privacy for any of the existing residents.

6.7.3 It is acknowledged that the development of the site will result in a loss of outlook from the neighbouring properties and that this will alter the appearance of the site from these private dwellings. This is noted but the planning system does not protect private views. The impact on the wider landscape, the character of the area and visual impact have been considered previously in this report with reference to the LVIA.

6.7.4 The issues of pollution and noise are not supported with any evidence. It is recognised that new housing will alter the area and that there will be noise on a site which is currently quiet and increased traffic over the current levels. However, residential related noises and traffic and would not be unacceptable in principle. The traffic matters are considered in the next section and the issue of pollution resulting from the previous use of the site is considered later in the report.

6.8 **Highways, access, parking and rights of way**

6.8.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced.

6.8.2 The site is accessed off Morda Bank which at this point is subject to a 30mph speed limit and has street lighting and existing footpaths on both sides of the highway, though the applicant acknowledges that the path on the southbound side varies in width. The submitted transport assessment advises that the site is 2km from the A5 and 1.5km from the town centre. The assessment has considered existing traffic movements, accidents, cycle and walking links, the proximity of bus stops and existing travel to work patterns, trips and potential trips from the development. A travel plan has also been submitted which intends to promote non-car travel through advertisement, home packs, funding, notice boards and marketing.

6.8.3 Local concern has been raised about the increase in traffic on Morda Bank and also on the wider highway network, the roads leading into the town and the roads leading to the A5. Concern has also been raised about road safety; the access being inappropriate; insufficient parking; insufficient pavements; poor public

transport links, especially in the evenings and at weekends; and the impact on Love Lane. The applicant's submission and all of the objectors relevant comments have been considered by the Council Highway Officer, who has assessed the proposal in line with national guidance but also taken into account local circumstances and knowledge.

- 6.8.4 The Highway Officer has confirmed that they have no objection to the development. The visibility splays proposed from the single point of access are acceptable and meet the recommendations in 'Manual for Streets' and would not result in significant highway safety implications. Although a roundabout may be locally preferred and may also result in traffic calming the Highway Officer has advised that it would not be necessary for this scale of development but has recommended the provision of speed visors. These would need to be paid for through a section 106 financial contribution.
- 6.8.5 The Highway Officer has also confirmed that the site layout and parking provision is acceptable. That the predicted level of traffic movements can be accommodated into the existing highway network without any adverse traffic or highway safety implications.
- 6.8.6 Government guidance advises that it is appropriate to consider walking and cycling as alternative means of travel for trips up to 2km and 5km. This would therefore enable trips to the local food store, school and town centre by foot or bicycle. However, officers acknowledge that these are not always practical. A further alternative is the use of buses and the site is within 30m of bus stops on both sides of the road. These stops would enable access to the town during the day times and early evenings and although it does not permit all travel to be undertaken by non-car means there are opportunities to provide for journeys not using the car. As such officers consider that this site complies with the promotion of alternative means of travel.
- 6.8.7 The Highway Officer has also acknowledged the local concerns about the potential impact of the development on Love Lane if the properties are allowed to create accesses onto the lane. Although Love Lane is a unmetalled track it has full highway status. The layout of the site is such that Plots 1 to 15 have rear boundaries to Love Lane and the highway authority are, in agreement with the local community, concerned at any potential for rear access to be gained onto Love Lane. As such the highway authority would, in the strongest terms, request that a planning condition is imposed upon any consent granted which would have the effect of preventing any permitted development rights to have access, pedestrian or vehicular, to Love Lane.
- 6.8.8 The Council Rights of Way Officer has also confirmed that he has no objection and is supportive of the position of the right of way across the site being through the open space. No comments are made on the impact on Love Lane, however this may be as there is no direct impact from the development at this time and the above proposed condition would prevent any future impact.
- 6.9 **Ecology and trees**
- 6.9.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural

environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. An ecological survey and an arboricultural assessment have been undertaken and submitted with the application and these have been considered by the Council's Ecologist and Tree Officer.

- 6.9.2 The applicant has acknowledged the potential for ecology in the immediate area and also identified that the site is currently bounded by established trees and hedges. The proposal is to retain as much of this existing landscaping as possible to retain the features and habitats whilst also providing additional landscaping and habitats. The applicant's consultant has undertaken two surveys of the site and although they acknowledge that the first survey was not done in the optimal survey period the second survey is considered to be sufficient.
- 6.9.3 The surveys conclude that there is no evidence of bats using the trees as roosts; evidence of holes but no other evidence to show that these holes are used by badgers; no suitable amphibian habitats but the hedgerows may be suitable for foraging and commuting; and the hedgerows and trees may also be suitable for nesting birds. With regard to Great Crested Newts the survey notes 5 ponds within 300m but that 4 of these lie on the south of the river and the other is a fishing pond. As such the survey considers that the likelihood of GCN being present is low.
- 6.9.4 Within the recommendations of the report the consultant advises on pollution prevention during development; tree and hedge protection during development; controlling external lighting; checks for bats and nesting birds and enhancements around the public open spaces and swales to improve the existing habitat of the agricultural land after the development. The improvements proposed include planting of species rich grassland and the erection of bat and bird boxes.
- 6.9.5 The comments of the Council Ecology Officer are provided in full at 4.1.8 above and conclude that, subject to conditions and informatives the development will not have a detrimental impact on statutorily protected species. It is acknowledged that the development of the site will alter the habitat but officers consider that the improvements proposed will result in habitat enhancements and not result in a significant impact on the European RAMSAR site. Furthermore the site proposed landscape masterplan, which incorporates public open space, additional native tree planting, enhancement of the boundary hedgerows and the development being set back from Morda Road, thereby creating a green buffer zone to include swales and native species planting will respect the function of the Shropshire Environmental Network as required by Policy CS17.
- 6.9.6 A tree survey has also been carried out and assesses the condition of the 9 existing trees, 3 groups of trees and the hedgerow and recommends tree retention, root protection and monitoring of the condition of the trees. In order to facilitate the development there will be some loss of trees and hedges to form the accesses and layout proposed. 30m of hedge will be removed to form the vehicular access and two sections of 5m length will be removed to form pedestrian accesses, however the removal of these short sections is considered to be acceptable and will be more than mitigated by the additional landscaping proposed. 10m of hedge is required to be removed to accommodate the layout and some crown

reductions may be required to ensure that retained trees do not impact on amenities of future residents. One tree is to be removed due to its condition and public safety, however as with the roadside hedges the proposed landscaping will more than mitigate for these changes.

6.9.7 Full landscaping details are provided which includes planting of new native trees and ornamental species, infilling of existing hedging, planting of new hedging, including low hedges along the frontages of some of the properties and planting of species rich grassland and wildflower meadows. Protection of existing trees and hedges is proposed, including no-dig construction methods in root protection zones. As with ecology it is acknowledged that the development will alter the character of the site in terms of the trees and the hedges, however the proposed landscaping is considered to be appropriate and will more than mitigate any loss of trees and hedges and as such the proposed development complies with policy CS17 in this regard.

6.10 **Drainage**

6.10.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. The foul drainage is proposed to be connected to the existing mains sewerage system in the local area and there are foul sewers available in the junction of Glentworth Avenue and on Morda Bank, and the surface water is to be discharged to a sustainable drainage system and on site pond. A flood risk assessment has been submitted with the application and this details the local features including the un-named ditch on the south boundary and the river Morda. The FRA considers that the site has low risk of surface water flooding but that the land to the north and east is at high risk.

6.10.2 The FRA also advises that the site is suitable for infiltration or attenuation drainage as detailed in the Shropshire Council information. The report considers the potential for all types of flood risk and acknowledges that the land adjacent to the site is at high risk of pluvial flooding but that the site itself is not. Tests have been undertaken on site which have shown that not all of the site is suitable for soakaways and as such the proposal includes the 2 swales at the roadside. These swales are intended to store surface water drainage and thereby reduce the rate at which the water discharges to the sewer. It is intended that planting be provided around the swales to increase the attractiveness of the area and to encourage biodiversity. This land and the swales would need to be maintained either by Shropshire Council or by a management company and this can be controlled through the S106.

6.10.3 The Parish and local representations have raised significant concerns about the potential for management of surface water and flooding; the use of swales which may also be dangerous and problematic and the impact on the mains foul system. These concerns are noted and are valid material planning considerations. However, there is no evidence of a lack of capacity in the sewerage system and the developers have a right to be provided with a connection by the sewerage operator. As such this will be a matter for negotiation between the developer and the provider.

6.10.4 With regard to surface water drainage the Council Drainage Engineer has not raised any objection to the proposed development or the intended use of swales. They have advised that the water collected in the swales will be released to the existing adopted surface water system at an equivalent rate to the existing greenfield run-off and have requested additional information to show that the exceedance flows can be contained. The details can be provided at a later date by conditioning the proposal and these details would need to show how the development of the site deals with the surface water from the site without increasing flood risk. The details can also include the requirement to show the ground levels before and after to show the depth of the swales and as advised by the Drainage Engineer a deeper swale would reduce the potential for smell and sludge.

6.11 **Other matters**

6.11.1 The Parish Council and local objectors have also raised concerns that the site was used to bury cattle from the 1967 outbreak of foot and mouth and that this will have contaminated the land. To enable proper consideration of this issue the Council Public Protection Team has been consulted and have provided a very detailed response at 4.1.5 of this report. In summary the advice is that there is no risk to human health from building above carcasses disposed during foot and mouth; that leaching would have been likely for around 20 years and as such ceased some time ago; but that ground stability may be an issue which the developer will need to take into account.

6.11.2 As noted above the application also proposes an area of open space between Morda Bank and the proposed housing. This area of land is sufficient to meet the requirements of the Shropshire Council Supplementary Planning Guidance. The provision of play equipment would be a matter for the Town Council under the CIL regulations and using CIL monies. The maintenance of the open space could either be transferred to the Parish Council or undertaken through a maintenance company paid for by the occupants of the properties on the development site. This matter can be dealt with through the submission of a maintenance agreement which can be controlled by a clause in the S106.

7.0 **CONCLUSION**

7.1 The site is located outside the current development boundaries of both Oswestry development boundary and is therefore classed as a departure from the development plan. However, it is accepted that the site is in a sustainable location, on the edge of the existing built development, where it benefits from transport links and the facilities, services and infrastructure offered by the market town and will provide additional housing supply in accordance with national planning policy priorities. Furthermore, the development will provide for affordable housing in accordance with Policy CS11 and infrastructure provision in accordance with policy CS9 and will not result in significant loss of agricultural land.

7.2 The proposed layout, scale and design are considered to be appropriate providing an appropriate density and layout; respecting the existing road frontage, Love Lane and retaining a gap between the development and Morda and will not result in unacceptable harm to the amenities of the neighbouring residents.

- 7.3 The development can be provided with appropriate vehicular access, internal layout and open space. Furthermore, the site can be provided with satisfactory foul and surface water drainage arrangements and will not be harmful to local habitats or biodiversity.
- 7.4 Accordingly, it is considered that the proposal meets with the housing policies and general requirements of the NPPF and otherwise complies with Shropshire Core Strategies CS6, CS9, CS11, CS17 and CS18 of the Shropshire Core Strategy. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.

The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than three months after the grounds to make the claim first arose first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a

number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 FINANCIAL IMPLICATIONS

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

10.0 BACKGROUND

10.1 Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS3 - The Market Towns and Other Key Centres
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS9 - Infrastructure Contributions
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management

10.2 Relevant planning history

OS/00/11182/FUL Residential development and formation of a new access REFUSE
6th September 2000

OS/99/10590/FUL Residential development and formation of a new access REFUSE
1st September 1999

OS/89/6534/FUL Erection of detached dwelling houses and bungalows and associated external works and landscaping and formation of new access REFUSE 11th December 1989

OS/88/5910/FUL Residential development REFUSE 11th December 1989

11.0 ADDITIONAL INFORMATION

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

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until a scheme for the foul drainage, and surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied. The drainage scheme shall include details of percolation test results, sizing of soakaways, details of the attenuation scheme proposed, a contoured plan of the finished road level and gulleys and details of the surfacing of driveways and means to prevent water flowing onto the roads.

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

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

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

5. No development shall take place until full engineering details of the design and construction of the new junction onto Morda Bank, internal access roads, footways, private accesses together with details of the disposal of surface water have been submitted to, and approved by the Local Planning Authority. Visibility Splays of a depth of 2.4 x 70 metres length in a northerly direction and 2.4 x 72 metres length in a southerly direction from the centre point of the junction of the access road with the public highway shall be provided before the first occupation of any of the dwellings hereby approved, and these splays shall thereafter be kept free of any obstacles or obstructions. The gradient of the access(s) from the highway carriageway shall not exceed 1 in 24 for a distance of 2.0 metres and thereafter the gradient of the drive shall not exceed 1 in 10. The agreed details shall be fully implemented before the dwellings(s) are first occupied.

Reason: To ensure a satisfactory access to the site.

6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- ' the parking of vehicles of site operatives and visitors
 - ' loading and unloading of plant and materials
 - ' storage of plant and materials used in constructing the development
 - ' the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - ' wheel washing facilities
 - ' measures to control the emission of dust and dirt during construction
 - ' a scheme for recycling/disposing of waste resulting from demolition and construction works

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

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

7. Prior to any work commencing on the open space a scheme of landscaping shall be submitted to and approved by the local planning authority and these works shall be carried out as approved. The submitted scheme shall include:
- Ground levels existing and proposed
 - Means of enclosure
 - Details of the construction of the swales
 - Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)
 - Planting plans
 - Written specifications (including cultivation and other operations associated with plant and grass establishment)
 - Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
 - Implementation timetables

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

8. 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.

9. Prior to the first occupation of the dwellings details of 10 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/building.

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

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

10. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that order with or without modification), no pedestrian or vehicular egress or access to the dwellings within the development site other than that shown on the approved plans shall be formed between the site and Love Lane which extends along the northern and western boundary of the site.

Reason: In the interest of highway safety.

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Committee and Date
 North Planning Committee
 3 June 2014

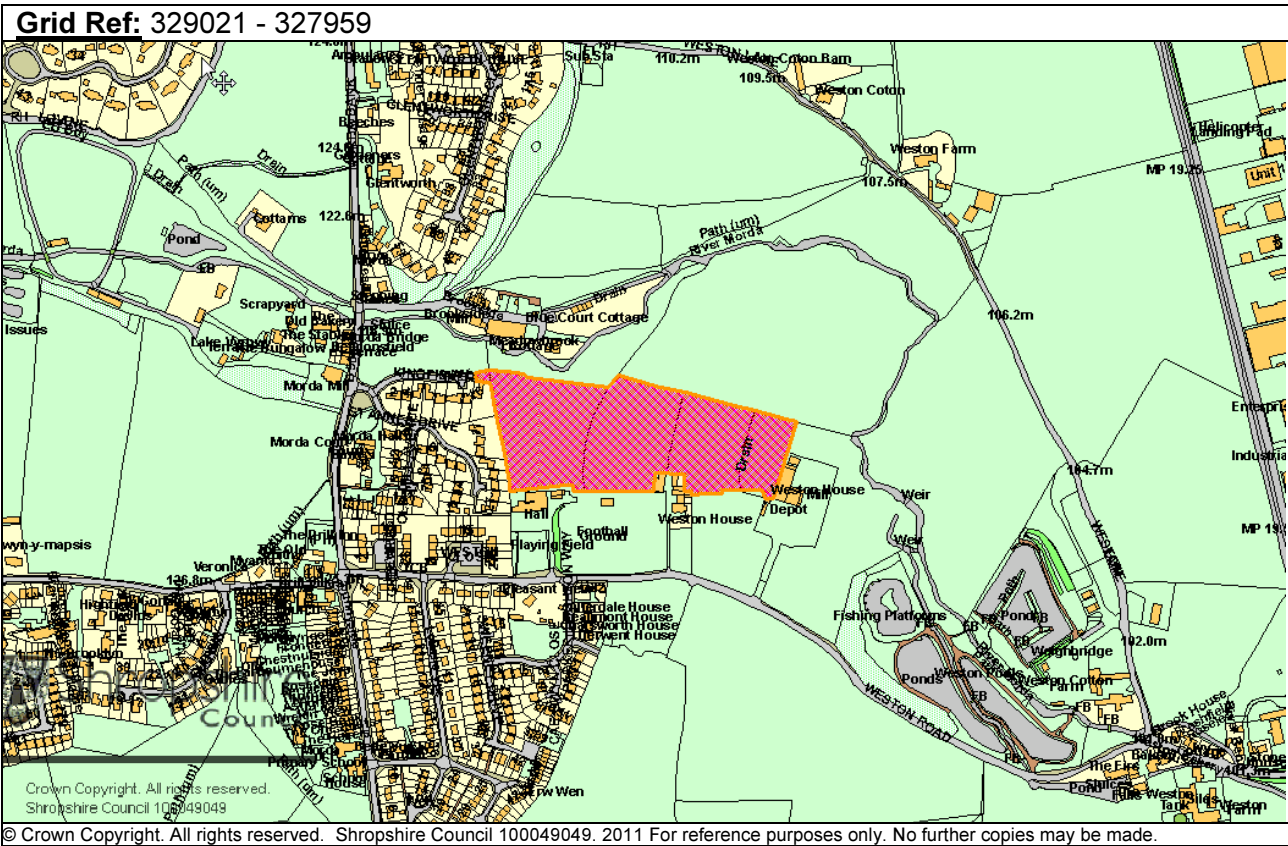
Item
8
 Public

Development Management Report

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

Summary of Application

Application Number: 13/01393/OUT	Parish:	Oswestry Rural
Proposal: Outline application (to include access) for Use of land for residential development		
Site Address: Proposed Residential Development Land East Of Kingfisher Way Morda Shropshire		
Applicant: Mr And Mrs Hughes		
Case Officer: Mark Perry	email: planningdmnw@shropshire.gov.uk	



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and the applicant entering into a S106 agreement to secure the provision of affordable housing.

REPORT

1.0 THE PROPOSAL

1.1 The submitted application seeks outline planning for a residential development. The appearance, landscaping, layout and scale are all reserved for later approval. The applicant has indicated that the site would be suitable for accommodating the erection of 69 dwellings.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site covers an area of 3.3 hectares and is located to the eastern side of Morda. To the west there is a modern housing estate, to the north there is the River Morda and to the south there is a football pitch and housing development; both of which are accessed from Weston Road. To the eastern side of the site there is an existing commercial business which has a building and yard where they operate a construction and landscaping business from. The flood plain of the River Morda does extend into the furthest north western corner of the site in the position where it adjoins the end of Kingfisher Way.

2.2 The site is well screened from the east and the north by the mature bands of trees and from the west the view of the site is screened by the adjacent housing development which sits on a slightly higher level. The highest part of the site is just to the north of the village hall, the land then gently falls away in a northerly and easterly direction.

2.2 The entire application site falls outside of Morda's development boundary as defined in the Oswestry Local Plan.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

3.1 The chair of the planning committee has requested that the application be determined by the planning committee..

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.2 **Parish Council** - The Parish Council **strongly object** to this development. The development sits outside the existing village boundary and the Council decided not to support any building developments until after they have consulted with its local community to determine future need and development scale. This Council also objected to the affordable housing of 21 houses on a nearby site but the application was allowed anyway.

Morda has seen large scale development in recent years increasing traffic movement and with Weston Road and Kingfisher Way as the main access routes for this development the situation will become worse.

Weston Road is an unclassified lane with no pavements and is already a busy commuter route to access the Maesbury Road Industrial Estate. Pedestrians, bike riders, walkers and many cars already use it at their peril. Kingfisher Way is at present a very quiet residential area but with the increased traffic from 60 + houses it will become a rat run from Morda Bank to Weston Road.

There is also a safety factor with the suggestion re routing of a footpath through the Village Hall Car Park to St Annes Drive. There is very often a full car park and this will be a danger to pedestrians crossing it.

Morda School is already full to capacity so where will the children from this large estate go to school? The suggestion of this estate in that position is surely not right and the Parish Council would ask that planners look very carefully at the risks that will come with any further development on Weston Lane.

4.1.3 **Highways** - The highway authority raises **no objection** to the granting of outline consent subject to the following Condition(s) being imposed:-

Following discussions both with the Planning and Highway Authority the proposal is to now be accessed via Weston Road and Kingfisher Way. Access from Weston Road is proposed via an extension to the 23 dwelling development site, which is currently under construction. Kingfisher Way forms a short cul-de-sac road which serves 8 large detached properties. Kingfisher Way exist onto St Annes Drive, which forms the priority route and main estate road serving the bulk of the housing development and forms the main road junction onto Morda Bank.

Both Kingfisher Way and current development access off Weston Road are built to a standard to cater for further residential development and the highway authority are satisfied that there are no fundamental issues which would justify a highway objection on safety grounds. Clearly at this outline stage, no layout details have been provided.

Whilst the original submitted development scheme considered access via both Weston Road and Kingfisher Way, the highway authority has always favoured that these would be designed by creating 2 cul-de-sacs with a connection between which allowed the movement of pedestrian and cyclists. This is an aspect which has been picked up and highlighted by local residents. There is concern that such a through route would lead to the 'rat running' of vehicles through the sites or more likely influencing the routing of internal residential traffic through the site in either direction, dependent upon their destination.

Whilst the highway authority would maintain a desire towards a 2 cul-de-sac access arrangement approach, we are not advised to a through route between Kingfisher Way and current development site accessing onto Weston Road. Having said that clearly the current application seeks outline approval and therefore there are no layout details to consider at this stage. As part of a reserved matters application, should permission be granted, the highway authority would be seeking a scheme which considered the housing and road layout in order to influence the routing of internal residential traffic via Kingfisher Way. The road layout therefore would be key to achieving this aim and clearly the devil would be in the detail. The highway

authority would be adverse to a simple 'loop road' layout approach.

Whilst it would be difficult to envisage the linkage between Kingfisher Way and Weston Road being used by those other than requiring access to residential properties, the above approach would achieve this aim.

- 4.1.4 **Drainage - no objection** drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission will to be granted.
- 4.1.5 **Tree Officer – no objection** If planning consent is given it is recommended that it be subject to a full Arboricultural Impact Assessment undertaken to BS5837: 2012 standards being prepared and submitted as part of the reserved matters. As part of this report a Tree Constraints Plan would be prepared. This plan would then instruct site capacity and layout. It would be expected that the layout make provision for the retention of trees and hedgerows.
- 4.1.6 **Ecology** - In the absence of this additional information (detailed below) I **recommend refusal** since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).
- 4.1.7 **Archaeology - no objection** subject to conditions.
- 4.1.8 **Affordable Housing** - 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 the Reserved Matters.
- 4.1.9 **Education** -
- the numbers at the school are around the physical capacity of the building, and this includes an additional classroom we have recently provided, to help cope with pressure of numbers;
 - in addition, generally, the classroom and other core accommodation is not of suitable size, and quality. Much of it is in demountable (non-permanent) build. Additional pupils from new housing will undoubtedly put increased pressure on this situation;
 - whilst the total site has some capacity for increasing the building stock, the layout is not good and any additional accommodation would have to be very carefully planned;
 - should all of the developments in the Morda catchment area be approved there would be a need for developers to contribute to significant investment at the primary school. At least one additional classroom and some core infrastructure improvements would be required.

4.2 - Public Comments

Representations made from 20 individual addresses commenting on the following issues:

- Loss of open space
- Too much new development

- Loss of privacy
- Loss of rural feel to village
- Increase traffic
- Impact on highway safety
- School is already at capacity
- Site at risk of flooding
- Estate road would become a ‘rat-run’
- Kingfisher Way is a cul-de-sac not a through route
- Over development of Morda

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The site is located outside of the Morda development boundary as defined by Proposals Map of the Oswestry Borough Local Plan, which remains in effect, although regard should be had to the NPPF provisions relating to policies for the supply of housing being not up-to-date if the Council cannot demonstrate a five year supply of deliverable housing sites. Paragraph 216 of the National Planning Policy Framework explains that weight can be given to relevant policies in emerging plans, with the weight according to the stage of preparation, the extent that there are unresolved objections, and the degree of consistency with the NPPF policies.
- 6.1.2 Morda has not been put forward as either a hub or a cluster and as such the Parish wishes to be considered as countryside for the purposes of SAMDev. In such locations there would typically be a presumption against new residential development. The SAMDev is at the final draft stage but is yet to go through the process of examination in public; as such only limited weight can be awarded to the document at this stage.
- 6.1.3 In September 2013 the Council published an up-dated 5 year housing land supply statement. The statement confirmed that there was only a 4.95 years worth of housing supply land available in Shropshire, this falls below the 5 year requirement set out in paragraph 47 of the NPPF. However it is also acknowledged that this figure included counting some of the SAMDev preferred option sites, which could be challenged at least prior to submission of the Plan for examination, while continuing under-delivery will have added to the shortfall against the County target, reducing the benefits of additional planning permissions granted in the calculation of the 5 years’ supply. As such the policies contained in the current adopted Local Plan, which shows the site outside of the development boundary, cannot be considered to be up-to-date. The effect of this is that any adopted planning policy that restricts the location of development is not currently considered relevant and up-to-date. Instead, a significant amount of weight must now be awarded to the

NPPF and its presumption in favour of sustainable development as set out in paragraphs, 7, 8 and 49. Paragraphs 7 and 8 set out the roles of sustainability as being economic, social and environmental issues. The test that should be applied should not be whether there is “no harm” caused by the proposal but whether any harm caused significantly and demonstrably outweighs the benefits. The effect of this is that sites on the edge of towns and villages which might previously have been unsuitable for development due to being located outside of any development boundary and therefore contrary to policy will be considered acceptable in principle.

6.1.4 Strong objections have been received from the Parish Council on the grounds that the site is outside of the existing development boundary and because Morda has seen significant amounts of recent development. The Parish Council and local residents have also commented that the site is contrary to their SAMDev allocation as open countryside. This is also acknowledged, however at this time the SAMDev still only holds very limited weight as has not yet been submitted for examination by the Planning Inspectorate. Officers are sympathetic with the local community who want to be considered as open countryside. However, this designation can only be given limited weight in light of the lack of a five year land supply. As such the application must be considered in light of the presumption in favour of sustainable development as required by the NPPF.

6.1.5 Policy CS6, amongst a range of considerations, requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Policy CS7 states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services. Policy CS9 states that development that provides additional dwellings or employment premises will help deliver more sustainable communities by making contributions to local infrastructure in proportion to its scale and the sustainability of its location.

6.2 Is the site sustainable?

6.2.1 Whether a site is sustainable is not judged purely on the distance from services, facilities or employment. The Council’s adopted Core Strategy sets out the principle that new housing development will be supported in designated Hubs and Clusters. The effect of this is that the Core Strategy encourages rural communities to be more sustainable by allowing development that helps to rebalance rural communities. This can be achieved by providing facilities, economic development or housing for local needs that is of a scale that is appropriate to the settlement. Whilst it is recognised that the Parish Council have not wanted to be either a hub or a cluster it is still a rural community and therefore the principles of the Core Strategy which encourages sustainable development away from the main market towns should apply. Although it has been commented on that Morda has very limited services, the distance from services, facilities and employment is one of a number of factors to be taken into account when undertaking the planning balance. Alongside issues of impact on highway safety, ecology and development of agricultural land.

6.2.2 The strands of sustainability referred to in paragraph 7 of the NPPF are economic, social and environmental, further consideration of how the proposed development impacts upon these elements is set out below. .

6.3 **Economic Consideration**

6.3.1 In economic terms the proposed development will provide employment during the constructions process and support suppliers, Community Infrastructure Levy contributions, New Homes Bonus and additional community charge receipts; although these benefits would only be achieved by any new housing development and in any location. The most important economic benefit would be the spending power of new residents who would help to support local services such as the pub and local shop. The site is also well connected to Oswestry, the centre of which is a 20 minute walk or there is a regular bus service. With such close and easy connections it is likely that residents will support the services that Oswestry has to offer.

6.3.2 Concerns have been raised that there are no job opportunities available in Morda, It is however only a short distance from Oswestry which has employment opportunities and through SAMDev further employment opportunities are likely to be available in the future with significant land allocated for employment to the east of the town. Officers do not consider that this matter is one which results in significant and demonstrable harm which would outweigh the benefits of new housing.

6.4 **Social Considerations**

6.4.1 Socially the scheme will provide affordable and open market housing of which there is a proven need across Shropshire as set out in policy CS11 of the Core Strategy. More people living in the village would also provide support local services such as the school and sports/ social clubs. It would also provide infrastructure improvements through the payment of the Community Infrastructure Levy under policy CS9. The contribution is dealt with outside of the planning process and after development commences and is used to pay for infrastructure identified as local priorities. However, it is a material consideration in the determination of the application and the acknowledgement of the requirement to pay the CIL ensures that this matter will be dealt with after the consent. The CIL contribution would provide for the infrastructure enhancements which would include contribution towards school places as referred to later in the report.

6.4.2 It is recognised that increasing the number of residences in a settlement without proportionate increases in the provision of local shops, infrastructure, employment opportunities and other local services risks eroding community cohesion. It is also recognised that Morda is the subject of a number of other planning applications which should they all be approved would result in a significant expansion, this application is currently the largest of those under consideration and would significantly expand Morda. Some objectors are concerned that the community and residents would be impacted upon as much of Morda's value and character is created by being quiet rural settlement. Residents considered that this would be significantly eroded as a result of the proposed development, this is an issue which must be considered in the overall planning balance.

- 6.4.3 The layout and form of Morda is one of a series of substantial housing estates which have been built over the years ranging from the former post war local authority housing to modern housing estates; all of which have been built around the small number of Victorian dwellings at Morda's centre. The application site could be described as being semi-rural in its character given the proximity to other existing built development, including the Severnside development which extends away from the road and Kingfisher Way estate. Over time the residents of these housing estates have been absorbed into the community. It is considered that although the proposed development is large, potentially 69 dwellings, it is not considered to be so excessively large to overwhelm the rest of the settlement and significantly impact upon the existing local community. The character and form of Morda would continue to be characterised by its semi-rural character and its built form along the main road through the village. The village nucleus would continue to be seen as the cross roads or Weston Road and the B5069 and the proposed site would only be visible from very limited number of viewpoints away from Morda.
- 6.4.4 Overall it is not considered that the proposed addition of potentially 69 dwellings on the site would not result in a level of pressure on local infrastructure which would justify refusing the application. The site is within walking distance of a bus stop and walking or cycling to Oswestry is achievable. Oswestry has a good range of service and facilities, shopping and employment opportunities and land being allocated for further employment uses and the development provides new housing, including affordable housing, and a financial contribution towards infrastructure.
- 6.5 **Environmental Considerations**
- 6.5.1 Environmentally there would be an opportunity to improve the visual transition between the countryside and the village. There is recognition that the proposed development is on a parcel of Grade 3 agricultural land that sits outside of the built environment of Morda. Building houses on undeveloped parts of the countryside would conflict with the core planning principles, set out in paragraph 17 of the NPPF which aim to conserve and enhance the natural environment and encouraging the effective use of land by reusing land that has been previously developed. To meet Shropshire's current and future housing need will necessitate the development of agricultural land. The key issue is only to develop agricultural land that is not of significant landscape, ecological or historic importance. In this instance the land is agricultural land which is grade 3 so of good/ moderate quality and has a semi-rural appearance but it would not be considered to be of any significant merit or of ecological or environmental value in this respect. As such, the weight that can be awarded to the loss of agricultural land in this location is only very limited.
- 6.5.2 There is recognition that the proposed development is on a parcel of agricultural land that sits outside of the built environment of Morda, it however adjoins the adjacent modern housing estate. It is considered that the proposed development of this semi-rural site would be a logical extension off the end of Kingfisher Way as well as link in with the Severnside housing estate currently under construction.
- 6.5.3 The village of Morda has been significantly expanded over the years with significant residential development. This is in part a reflection of the sustainable location where it is closely associated with Oswestry with one of the main roads leading

from the village into the town centre. The village also has a limited range of its own facilities including a shop, public house, place of worship and junior school. The nearest secondary school which although located on the outskirts of Oswestry is approximately a 15 minute walk away with a roadside pavement running all the way. In addition to the facilities in the village there is also a regular bus service for the short journey into Oswestry.

6.5.4 The agent has also commented that the housing supply figures that Shropshire Council has put forward in the SAMDev Plan fall short of the housing figures that Core Strategy Policy CS1 seeks to achieve and has raised concerns that the Plan will not provide sufficient housing land. The matter has been put to the Planning Policy Team who have commented that the agent has failed to appreciate the full housing supply picture and has not included all of the development which will contribute to achieving the Core Strategy targets. Even if the agent was correct, this would not be a matter which is material to the determination of the current application. Although the Pre-Submission Draft SAMDev Plan has been published for final representations, the weight that can be attached to its proposals remains limited, and the absence of a five years supply of housing land means that the provisions of the NPPF and the presumption in favour of sustainable development remain as significant considerations.

6.6 **Siting, scale and design of structure**

6.6.1 The appearance, landscaping, layout and scale of the site are all reserved for later approval. Initially, the applicant provided an indicative plan showing that there would be two separate vehicle accesses one off the end of Kingfisher Way which will serve the western portion of the site and an access from the Severnside Housing development to the south which would provide access to the eastern side of the site. However, because of the flooding issue (referred to later in this report) the scheme has been revised so that all dwellings would be able to use either access. The suggested layout which shows the 'blocks' of housing development, does show that the applicant has had regard to the existence of existing trees and hedgerows, which could potentially be incorporated into any proposed formal layout. However, this information is only indicative at this stage and would still be subject to full consideration at the reserved matters stage.

6.7 **Visual impact and landscaping**

6.7.1 The area of land slopes down to the River Morda and does provide an attractive outlook from the rear elevations of the existing dwellings that sit adjacent to the site. However, no neighbour has a right to a view and as such only very limited weight can be awarded to this in the consideration of the application. As part of the submission that applicant has provided an independently prepared Landscape Assessment for the site. The site will largely be screened from view from the main highway network as it will be screened by existing built development and the undulations in the land. The nearest public footpath is the one running along the northern side of the River Morda but any views towards the site are almost completely blocked by the effective visual screening along the edge of the river which is provided by the continual belt of native trees.

6.7.2 The existing built development which is to the west of the applications site provides a harsh and unsympathetic edge to the village consisting primarily of walls and

fences of various types. The new development will provide an opportunity to create a softer edge allowing a more natural transition between urban and rural spaces by using an appropriate layout of dwellings and the appropriate use of landscaping and tree/ hedge planting.

6.7.3 As this is only outline permission the layout, scale and form of the development would be subject to reserved matters approval. However, it is considered that the site could be developed without there being any detrimental impact on the character and appearance of the area and an opportunity to improve the appearance of the village when viewed from the surrounding landscape.

6.8 **Flood Risk**

6.8.1 The site adjacent is located to the south of the River Morda which at its closest is around 11 metres from its banks. Flood zone 3 is considered to have a 1 in 100 year or greater annual probability of flooding. Flood zone 3 extends into the north western corner of the site, this is where the applicant proposes to extend Kingfisher Way in order to provide one of the two accesses into the residential development.

6.8.2 Paragraph 100 of the NPPF requires local planning authorities to direct development away from areas of land that are at highest risk. Some of the site is located in flood zone 3 and as such is clearly at risk from flooding, the area of the site that falls within flood zone 3 measures approximately 750 square metres. This equates to only a small percentage of the overall site with the rest of the site being classed as flood zone 1 which has a 'low probability' of fluvial flooding.

6.8.3 The NPPF aims to protect people and property from flooding and in paragraph 100 it states that "Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change". This is typically done by applying the sequential test. This approach is designed to ensure that areas at little or no risk of flooding are developed in preference to areas that have a higher risk. The Environment Agency have commented on the applications and they have confirmed that, based on the scale and nature of the proposals which are affected by flood zone 3 they would not make any bespoke comments on the Sequential Test in this instance. Instead it is a matter for the Local Planning Authority to decide whether the scheme triggers the need to apply the sequential test.

6.8.4 In this particular instance it is considered that although a small portion of the site does fall within flood zone 3 there are reasons why the application of the sequential test is not required in this case.

6.8.5 The submitted application is only seeking an outline permission with all matters except access being reserved for later approval. As such any subsequent layout for the site can be designed in such a way so that dwellings and their gardens are positioned on the land that has a low risk of flooding i.e. flood zone 1. It is considered that the site is large enough and the area falling within flood zones 2 and 3 is small enough to make this easily achievable and would ensure that property would not be affected by a flood event.

- 6.8.6 When the application was originally submitted it was the intention that vehicles would be prevented from negotiating the full length of the estate road between Kingfisher Way and Weston Road and only pedestrians would be able to go from one end to the other. The effect of this was that in the event of a flood the Kingfisher Way end of the estate road could be flooded which could potentially effect the safe passage of motorists whose dwellings are only accessible from Kingfisher Way. The applicant has now confirmed that all dwellings on the site would be able to use both the Kingfisher Way route or the access onto Weston Lane. As such, this would always ensure that any occupants would be able to safely access and exit their dwelling during a flood. Paragraph 039 of the Planning Practice Guidance states that, "Access routes should allow occupants to safely access and exit their dwellings in design flood conditions. Vehicular access to allow the emergency services to safely reach the development during design flood conditions will also normally be required". By ensuring that residents and emergency services have two options into/ out of the site it is considered that this requirement has been achieved.
- 6.8.7 In support of the planning application the applicant has provided a Flood Risk Assessment (FRA). The report acknowledges that part of the site falls within flood zone 3 and that flood water could have the potential to affect the access route. To overcome this, the applicant has shown that the levels of the access from Kingfisher Way would be raised to a height that is 600mm above the 'nominal' 100 year flood level, this includes some consideration for climate change. The access road will be artificially elevated above the flood level, this is in the same way that the rest of Kingfisher Way was also elevated when it was constructed as part of the adjacent housing estate. The banking and elevated road would result in the loss of some flood storage capacity. To mitigate against this loss an area of ground would be excavated to provide compensatory volumes of flood storage. The flood compensation volume has been calculated as 210 cu metres which is a 50% betterment over the storage that will be displaced as a result of the development.
- 6.8.8 The FRA has been considered by the Environment Agency who are satisfied that the scheme includes the creation of a safe access even during a flood event and that the compensatory scheme will result greater flood storage capacity which will appropriate for the lifetime of the development and also includes an allowance for climate change.
- 6.8.9 Based on the above assessment although part of the site does fall within flood zone 3 it is possible for the design to avoid placing dwellings at risk from flooding and that the two accesses would ensure that there is always an alternative route of access and egress. As such taking a risk based approach is considered that the site would avoid any flood risk to people and property and as such there is no requirement to apply the sequential test. The scheme of providing flood storage mitigation ensures that the proposal would not exacerbate any flooding problem or move flooding elsewhere.
- 6.9 **Other Matters- Education**
- 6.9.1 Concerns expressed by the Parish Council and objectors highlight the fact that the existing school is at capacity and this has been confirmed by colleagues in the Learning and Skills Team. It is acknowledged that the existing school is not ideal in

terms of the types of accommodation on the site and the ability to accommodate extra pupils. Morda has been the subject of and is still the subject of a number of planning applications for housing which potentially could put pressure on the school. All of the developments (with the exception of the affordable housing scheme by Severnside) would be required to make payments through the Community Infrastructure Levy (CIL), in Morda this equates to payments of £80 per square metre for the open market dwellings. As this is an outline application neither the number of dwellings or their sizes are known meaning that the amount of contribution cannot be calculated at this stage, although it is likely to be a significant CIL contribution given the size of the site and the likely number of dwellings that it could accommodate.

- 6.9.2 The Council's Learning and Skills Team has been consulted on the application and they have confirmed that Morda Primary School is full and is forecast to remain so even without any further dwellings being constructed within its catchment. They have calculated that a development of 69 dwellings would generate 12 new pupils to the school and the cost of providing those primary school places is £144,928.
- 6.9.3 It has been shown that the primary school is at capacity. For further residential development in the village to be acceptable (among other planning considerations) there would be a need to create additional school places. Currently the Oswestry and Surrounding Area Place Plan does not list improvements to Morda Primary School to increase pupil places as a priority, although the Learning and Skills Team is currently updating its priorities for the Place Plans. -To make the proposed housing scheme acceptable and to mitigate the effects of the development in terms of school places, additional education funding is required. This extra funding would need to be identified as a priority infrastructure requirement in the Place Plan and CIL proceeds allocated for that purpose. If planning permission is granted for the development on the basis that it is necessary for the additional education funding to be provided, then this item and the associated financial contribution will be fed into the annual review of the Place Plan as a result of being identified through the development management process, and funding allocated accordingly. This approach was agreed by the Portfolio Holder's decision in the report dated 14th February 2014 (see Section 4 Governance arrangements for projects not included on the CIL List).
- 6.9.4 It is considered that without the necessary improvements being made to the school to accommodate the potential extra pupils there would, with regards to education, be inadequate infrastructure to support the proposed development. Whilst a number of objectors refer to the school not being able to accommodate extra pupils it is considered that this would not weigh negatively in the planning balance as the effects of the development can be mitigated by achieving funding through CIL.
- 6.10 **Impact on Neighbours**
- 6.10.1 The introduction of an extension to a housing estate will inevitably increase the number vehicle movements and increase the amount of activity on a site that is currently used for agricultural purposes. The proposed residential scheme would be split between two separate accesses although the revised scheme would mean that both routes would be accessible to all occupants. As such it is very unlikely that all future occupiers would pass the existing properties on Kingfisher Way. Concerns

have been expressed that the estate could become a rat run, increasing vehicle movement and detrimentally affecting the amenities of existing residents because of noise and disturbance from passing cars. The proposed estate road between Weston Road and Kingfisher Way would not provide any direct short cut but it could be seen as saving time if there is traffic at the Weston Road/ Morda Road junction. The layout of the site is a reserved matter but any eventual layout will need to show a route and appropriate traffic calming which discourages the estate road as an alternative to the main highway network. It is considered that the number of likely vehicle movements and the likely speed of vehicles would not generate a level of disturbance that would be detrimental to the living conditions of neighbouring occupiers of the dwelling located along the two access roads.

6.10.2 A full assessment of the development and its impact on the amenities of neighbouring occupiers will be given when the reserved matters application is submitted. At this stage it is considered that it is possible to develop the site without there being any detrimental harm to the amenities of neighbouring occupiers in terms of privacy and loss of light.

6.11 **Highway Safety**

6.11.1 The scheme proposes that the site will be served from both the existing Kingfisher Way and the housing development currently under construction on Weston Lane. Kingfisher Way was constructed to a design specification that exceeded the minimum requirements for the very limited number of dwellings that currently use it. The road is of a significant width which includes pavements on both side, ; presumably this was with the intention of being able to use Kingfisher Way to serve the site the subject of this application. As such, it is considered that Kingfisher Way can safely accommodate the flow of traffic likely to be generated from the proposed development. It is also considered that the use of the access onto Weston Lane would also not result in conditions that are detrimental to highway users. As part of the planning permission for the Severnside development which is under construction, there is a requirement for a new roadside footpath to be provided. This will allow pedestrians to safely walk from either end of the development into the village centre.

6.12 **Affordable Housing**

6.12.1 In accordance with the adopted Core Strategy all new open market development must make a contribution towards the provision of affordable housing, unless there are other material planning considerations. The number of dwellings is not yet known as this is an outline planning application. Therefore a S106 will secure either on site or financial contributions towards the provision of affordable housing in accordance with the Shropshire Viability Index as set out in the adopted SPD.

6.13 **Open Space Provision**

6.13.1 In accordance with Council's Open Space Interim Planning Guidance (IPG) the developer will be required to provide land for play area and recreational uses, this will need to be provided as part of the overall design which would form part of any subsequent reserved matters application. The applicant's agent has confirmed that they are agreeable to providing the open space in line with the IPG. If it is deemed appropriate to provide play equipment this could then be funded by the associated CIL contributions.

6.14 **Ecology**

- 6.14.1 The applicant's Ecologist has identified that two trees on the site have a potential for bats and that if any development is to be close to or involve the removal of these trees are to be removed they should be first surveyed. The Council's Ecologist has recommended that survey work is carried out before permission is granted. As this application is only seeking outline consent it is not yet known whether the trees or any bat habitat would be affected by the proposed development. This will only be known when the reserved matters application is considered. As such it is considered appropriate that a bat survey is conditioned to be submitted with the first reserved matters application.

7.0 **CONCLUSION**

- 7.1 The site is located outside of the current Morda development boundary and is therefore classed as a departure from the development plan. However, as it has been demonstrated that the Council does not have the 5 years worth of housing land as required by the NPPF significant weight must be awarded to paragraphs 7 and 8 of the NPPF where is a presumption in favour of sustainable development.
- 7.2 The proposed scheme will create a significant expansion to the village of Morda which may take time to be absorbed in the local community and provide social cohesion, other large estates have been developed in Morda in the past as the village has developed and expanded. The locations of the development is not considered to be out of keeping with the rest of the village as it will follow the form of the immediately adjacent housing development whilst maintaining the character and appearance of the village centre and the longer views towards Morda where the proposed housing would barely be visible. The proposed scheme will provide a natural link between two existing housing estates albeit one is currently under construction. The application site is appropriately located where visually it would have limited visual impact because of the topography of the land and the high levels of mature planting and screening already there. There would be the loss of an open field but it would be possible to retain the mature trees within a well designed development. The layout of the site can easily accommodate the small area that is susceptible to flooding and appropriate mitigation put in place.
- 7.3 The proposal will be of significant benefit in terms of boosting the local housing supply including the provision of affordable housing in what is a sustainable location where there is good access to services and facilities in both the village of Morda and the wider Oswestry area. Oswestry will continue to expand its employment opportunities through the considerable allocations as part of the emerging SAMDev, as such additional dwellings would help to support new businesses both as employees and consumers which will provide economic growth for the area. Accordingly, it is considered on balance that the benefits of the scheme is not demonstrably outweighed by the harm cause and that the proposal complies with policies CS6 and CS11 of the Core Strategy and the requirements of the National Planning Policy Framework.

8.0 **Risk Assessment and Opportunities Appraisal**

8.1 Risk Management

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

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

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

10. BACKGROUND

10.1 Relevant Planning Policies

Central Government Guidance:

NPPF

Planning Practice Guidance

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

11. ADDITIONAL INFORMATION

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

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

Reason: The application is an outline application under the provisions of Article 2(1) of the Town and Country Planning (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 three years from the date of this permission

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

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

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

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

- The number of units
- The means of enclosure of the site
- The levels of the site
- The drainage of the site
- The finished floor levels
- Full arboricultural Impact Assessment to BS5837:2012 standards
- Tree survey in accordance with The Bat Conservation Trust's Bat Surveys Good Practice Guidelines

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. 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 hold archaeological interest.

6. No development shall take place until details of the design and construction of any new roads, footways, accesses together with the disposal of surface water shall be submitted to, and approved in writing 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 an adequate standard of highway and access for the proposed development.

7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative displays and facilities for
 - public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of dust and dirt during construction
 - a scheme for recycling/disposing of waste resulting from demolition and construction works

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

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

8. All of the proposed dwellings and their garden areas shall be located outside of flood zone 2 and 3 as defined on the Strategic Flood Risk maps.

Reason: To ensure that development is located away from areas at risk of flooding and that people and property are protected.

9. The proposed access/ estate road shall be a continuous vehicular route and shall run the full length of the site between Kingfisher Way and Weston Road. All dwellings on the site must be able to access this route and leave the site in either direction for the lifetime of the development.

Reason: To ensure that in a flood event all dwellings are able to have an alternative safe access and egress route.



Committee and Date
 North Planning Committee
 3 June 2014

Item
9
 Public

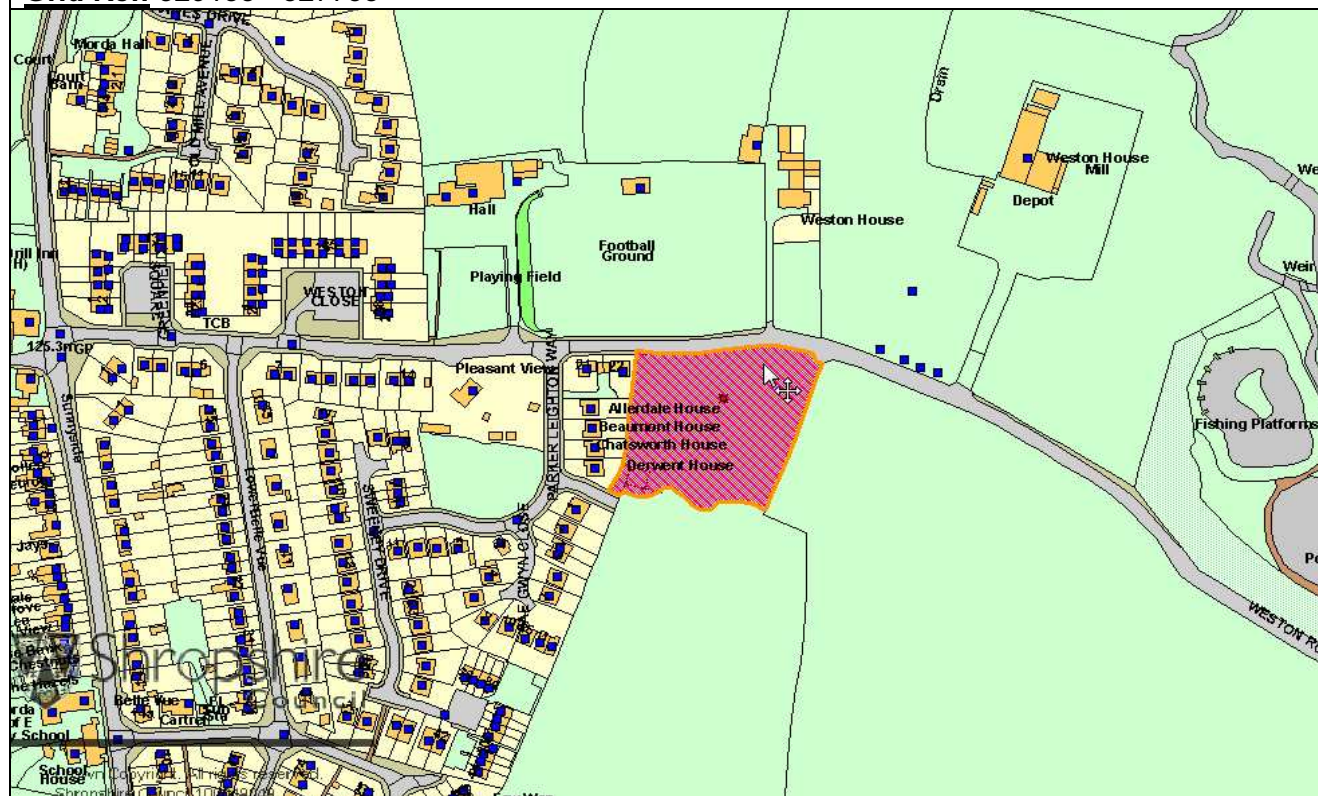
Development Management Report

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

Summary of Application

Application Number: 13/04226/OUT	Parish:	Oswestry Rural
Proposal: Outline application with some matters reserved for residential Development and formation of vehicular access (to include access)		
Site Address: Proposed Residential Development To The South Of Weston Road Morda Shropshire		
Applicant: Mr And Mrs H. Hartshorn & Wilfred Jones		
Case Officer: Mark Perry	email: planningdmnw@shropshire.gov.uk	

Grid Ref: 329133 - 327753



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and the applicant entering into a S106 to secure the provision of affordable housing.

REPORT

1.0 THE PROPOSAL

1.1 The submitted application seeks outline planning for a residential development. The appearance, landscaping, layout and scale are all reserved for later approval. The applicant is seeking approval for the principle of a residential development on the site and the means of access. In support of the application the applicant has provided an indicative layout showing how the site could be developed for 17 detached dwellings.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site covers an area of 0.67 hectares and is located to the eastern side of Morda. To the west there is a modern housing estate, to the north there is Weston Road and on the opposite there is the football club. To the south and eastern side of the site there are more open fields. On the opposite side of Morda Road and slightly to the north east there is a small housing estate of 21 affordable dwellings which is currently under construction by Severnside Housing Association.

2.2 The edge of the site is separated from the road by a post and rail fence and mature trees. Views into the site are easily achieved from the road, along the eastern boundary there is a hedgerow and the southern boundary is a mix of smaller trees and hedgerows. The boundary between the site and the neighbouring dwellings is a typical 1.8m tall domestic panel fence.

2.2 The entire application site falls outside of Morda's development boundary as defined in the Oswestry Local Plan.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

3.1 The chair of the planning committee considered that the Parish Council raise material planning reasons which should be discussed at planning committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.2 Parish Council -

The Parish Council object to this outline planning application. There is overdevelopment in Weston Road, Morda with no infrastructure in place. There is [no] room for anymore pupils at Morda Primary School, pavements are needed both sides of Weston Road for residents to be able to walk into the village and there is a serious traffic implication if more houses are built. A roundabout is needed at the crossroads in Morda and Weston Road needs to be widened and traffic lights needed each side of the bridge going out onto Maesbury road.

4.1.3 **Highways** – The highway authority raises **no objection** to the granting of outline

consent subject to conditions.

- 4.1.4 **Drainage** - no objection drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission will to be granted.
- 4.1.5 **Ecology** – no objection subject to conditions and informatives
- 4.1.6 **Affordable Housing** - 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 the Reserved Matters.
- 4.1.7 **Education** -
- the numbers at the school are around the physical capacity of the building, and this includes an additional classroom we have recently provided, to help cope with pressure of numbers;
 - in addition, generally, the classroom and other core accommodation is not of suitable size, and quality. Much of it is in demountable (non-permanent) build. Additional pupils from new housing will undoubtedly put increased pressure on this situation;
 - whilst the total site has some capacity for increasing the building stock, the layout is not good and any additional accommodation would have to be very carefully planned;
 - should all of the developments in the Morda catchment area be approved there would be a need for developers to contribute to significant investment at the primary school. At least one additional classroom and some core infrastructure improvements would be required, and one would hope that all developers would, in some way, make a contribution.

4.2 - Public Comments

Representations made from 9 individual addresses commenting on the following issues:

- Impact on village school which is over subscribed
- Extra traffic generated
- Highway Safety
- Loss of privacy
- Impact on local services
- No demand for further properties
- Village is merging with Oswestry
- Traffic disruption during construction

5.0 THE MAIN ISSUES

Principle of development
 Siting, scale and design of structure
 Visual impact and landscaping
 Highway Safety
 Ecology

Affordable Housing

6.0 OFFICER APPRAISAL**6.1 Principle of development**

- 6.1.1 The site is located outside of the Morda development boundary as defined by Proposals Map of the Oswestry Borough Local Plan, which remains in effect; although regard should be had to the NPPF provisions relating to policies for the supply of housing being not up-to-date if the Council cannot demonstrate a five year supply of deliverable housing sites. Paragraph 216 of the National Planning Policy Framework explains that weight can be given to relevant policies in emerging plans, with the weight according to the stage of preparation, the extent that there are unresolved objections, and the degree of consistency with the NPPF policies.
- 6.1.2 Morda has not been put forward as either a hub or a cluster and as such the Parish wishes to be considered as countryside for the purposes of SAMDev. In such locations there would typically be a presumption against new residential development. The SAMDev is at the final draft stage but is yet to go through the process of examination in public, as such only limited weight can be awarded to the document at this stage.
- 6.1.3 In September 2013 the Council published an up-dated 5 year housing land supply statement. The statement confirmed that there was only a 4.95 years worth of housing supply land available in Shropshire, this falls below the 5 year requirement set out in paragraph 47 of the NPPF. However, it is also acknowledged that this figure included counting some of the SAMDev preferred option sites and that this figure has not got any better since September 2013, and is likely to have reduced. As such the policies contained in the current adopted Local Plan, which shows the site outside of the development boundary, cannot be considered to be up-to-date.
- 6.1.4 The effect of this is that any adopted planning policy that restricts the location of development is no longer considered relevant and up-to-date. Instead, a significant amount of weight must now be awarded to the NPPF and its presumption in favour of sustainable development, as set out in paragraphs, 7, 8 and 49.
- 6.1.5 Paragraph 14 of the NPPF explains that where relevant policies are out of date, then (unless material considerations indicate otherwise) permission 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, or specific policies in the Framework indicate development should be restricted. This does not equate to a blanket approval for residential development in locations that would otherwise have conflicted with Local Plan policies. If the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, then planning permission should still be refused.
- 6.1.6 Despite the strong objections from the Parish Council on the grounds that the site is outside of the existing development boundary and because Morda has seen significant amounts of recent development as well as other planning applications that are under consideration, there must still be a presumption in favour of sustainable development as required by the NPPF. Little weight can be awarded to

current policy that is now considered to not be up to date, also only limited weight can be attached to the emerging SAMdev policies.

- 6.1.7 Given the Council's current position regarding 5 year land supply, it is the case that the proposed development would help to address what is a significant shortfall in housing supply. The need to significantly increase the supply of housing is set out in paragraph 47 of the NPPF, as such it is considered that this is a benefit that should be awarded considerable weight.
- 6.1.8 Paragraph 7 of the NPPF explains that there are three dimensions to sustainable development, these are economic, social and environmental. Paragraph 8 goes on to advise that in order to achieve sustainable development, economic, social and environmental gains should not be sought in isolation, because they are mutually dependant.
- 6.1.9 In economic terms the proposed development will provide employment during the construction process and support suppliers, provide Community Infrastructure Levy contributions, New Homes Bonus and additional community charge receipts; although these benefits would be achieved by any new housing development in any location. The most important economic benefit would be the spending power of new residents who would help to support local services such as the pub and local shop. It is acknowledged that Morda itself has very few job opportunities and as such residents are likely to travel to Oswestry, Shrewsbury or further afield to find employment. As such economic benefits are likely to be felt primarily by both to Morda and Oswestry. As such it is considered that the economic benefits of providing additional housing can be awarded some weight. What is clear is that there would not be any economic harm because of the proposed development.
- 6.1.10 Socially the scheme will provide affordable dwellings and open market housing of which there is a proven need across Shropshire as set out in policy CS11 of the Core Strategy. These would be of clear benefit given the current shortfall in housing supply and helping to meet the present housing need and the need for future generations. More people living in the village would also provide support for local services such as the school and sports/ social clubs. It would also provide infrastructure improvements through the payment of the Community Infrastructure Levy under policy CS9.
- 6.1.11 It is recognised that increasing the number of residences in a settlement without a proportionate increase in the provision of local shops, infrastructure, employment opportunities and other local services risks eroding community cohesion. It is also recognised that Morda is the subject of a number of other planning applications which should they all be approved would result in a significant expansion of the village. Objectors have commented on how this could impact on the wellbeing of existing residents who have chosen to live in Morda because it is a quiet rural settlement.
- 6.1.12 The scheme must be considered on its individual merits and is considered that the scheme of this scale in relation to the overall size of Morda would be a relatively small percentage increase and would not be dis-proportionate to the size of the settlement and the services it currently has. It is considered that the above issue would not outweigh the presumption in favour of sustainable development given the

current housing shortfall.

- 6.1.13 Environmentally there would be an opportunity to improve the visual transition between the countryside and the village. There is recognition that the proposed development is on a parcel of agricultural land that sits outside of the built environment of Morda although it has not been cultivated for a number of years. Building houses on undeveloped parts of the countryside would conflict with the core planning principles, set out in paragraph 17 of the NPPF of conserving and enhancing the natural environment and encouraging the effective use of land by reusing land that has been previously developed. To meet Shropshire's current and future housing need will necessitate the development of agricultural land. As such only very limited weight that can be awarded to the loss of agricultural land in this location.
- 6.1.14 The boundary of the existing housing estate is defined by the visually unforgiving panel fences. The proposed site has existing trees and hedgerows which could be used to provide a more natural and softer transition between the built up part of Morda and the surrounding countryside.
- 6.1.15 Any built development will inevitably have an impact on any site by the replacement of natural land with built development. The character of this part of Weston Lane would change from a predominantly rural feel to a more urban one although it could be argued that to some degree this has already happened as a result of the Severnside development which is even further along Weston Road. It is considered that the harm that the proposed development would cause to the character and appearance of the area would not result in an adverse impact of considerable weight.
- 6.1.16 The site does adjoin the adjacent modern housing estate. It is considered that the proposed development would be a logical addition to the side of the adjacent housing estate and would not appear out of context or disconnected from the main part of the settlement.
- 6.1.17 The village of Morda has been significantly expanded over the years with significant residential development. This is a reflection of the sustainable location where it is closely associated with Oswestry with one of the main roads leading from the village directly into the town centre. The village also has a limited range of its own facilities including a shop, public house, place of worship, sports clubs and a primary school. The nearest secondary school which although located on the outskirts of Oswestry is approximately a 15 minute walk away from the centre of the village with a roadside pavement running all the way. In addition to the facilities in the village there is also a regular bus service for the short journey into Oswestry. The links that the village has to Oswestry and the fact that the settlement does have some facilities of its own should be awarded significant weight.
- 6.2 **Siting, scale and design of structure**
- 6.2.1 The appearance, landscaping, layout and scale of the site are all reserved for later approval. However the applicant has provided an indicative plan showing that the vehicle accesses could be provided off Weston Lane, this is around 80m away from the access to the east which serves the new Severnside development of 21 dwellings. The scheme includes the provision of a new footpath which would be

provided along the existing highway verge and would involve the removal of an oak tree. The footpath would extend across the entire site frontage and will also provide an alternative access route for pedestrians from the Severnside development.

6.2.2 The applicant has provided an indicative plan for the site which shows how it could be developed for 4 x 2 bed semi-detached houses, 4 x 3 bed semi-detached houses, 2 x 3 bed detached houses, 5 x 4 bed houses and 2 x 2 bed bungalows. The suggested layout also takes into considered the large tree in the south eastern corner and the provision of a small area of public open space at the centre. All of the dwellings would have sufficient private garden space and off street parking and adequate separation to neighbouring dwellings. It is considered that the applicant has adequately demonstrated that the site is capable of accommodating the erection 17 dwellings without causing significant harm.

6.3 **Visual impact and landscaping**

6.3.1 The existing site is contained by the existing hedgerows and trees causing views into the site to be restricted other than when viewed from Weston Lane where there are clear views into the site. The applicant has shown on the indicative plans that the proposed development would continue the line of the existing semi-detached dwellings that face onto Weston Road. The development of the site would enable a number of properties to front directly onto the road creating an attractive street scene. The existing built development provides a harsh and unsympathetic edge to the village consisting of varied un-sympathetic panel fences. The new development will provide an opportunity to provide a softer edge allowing the transition between urban and rural using an appropriate layout and landscaping but at the same time there is limited harm caused by the loss of an open green field.

6.3.3 As this is only outline permission the layout, scale and form of the development would be subject to reserved matters approval. However, it is considered that the site could be developed without there being any detrimental impact on the character and appearance of the area and an opportunity to improve the appearance of the village when viewed from the surrounding landscape. It is considered that the harm caused to the character of the village and the site is only awarded limited weight in the planning balance.

6.5 **Education**

6.5.1 Concerns expressed by the Parish Council and objectors highlight the fact that the existing school is at capacity and this has been confirmed by colleagues in the Learning and Skills Team. It is acknowledged that the existing school is not ideal in terms of the types of accommodation on the site and the ability to accommodate extra pupils. Morda has been the subject of and is still the subject of a number of planning application for housing which potentially could put pressure on the school. All of the developments (with the exception of the affordable housing scheme by Severnside) would be required to make payments through the Community Infrastructure Levy (CIL), in Morda this equates to payments of £80 per square metre for the open market dwellings. As this is an outline application neither the number of dwellings or their sizes are known meaning that the amount of contribution cannot be calculated at this stage, although it is likely to be a significant CIL contribution given the size of the site and the likely number of dwellings that it could accommodate.

6.5.2 The Council's Learning and Skills section has been consulted on the application and they have confirmed that Morda Primary School is full and is forecast to remain so even without any further dwellings being constructed within its catchment. They have calculated that a development of 17 dwellings would generate 3 new pupils to the school and the cost of providing those primary school places is £35,707.

6.5.3 It has been shown that the primary school is at capacity. For further residential development in the village to be acceptable (among other planning considerations) there would be a need to create additional school places. Currently the Oswestry and Surrounding Area Place Plan does not list improvements to Morda Primary School to increase pupil places as a priority, although the Learning and Skills Team is currently updating its priorities for the Place Plans. To make the proposed housing scheme acceptable and to mitigate the effects of the development in terms of school places, additional education funding is required. This extra funding would need to be identified as a priority infrastructure requirement in the Place Plan and CIL proceeds allocated for that purpose. If planning permission is granted for the development on the basis that it is necessary for the additional education funding to be provided, then this item and the associated financial contribution will be fed into the annual review of the Place Plan as a result of being identified through the development management process, and funding allocated accordingly. This approach was agreed by the Portfolio Holder's decision in the report dated 14th February 2014 (see Section 4 Governance arrangements for projects not included on the CIL List).

6.5.4 It is considered that without the necessary improvements being made to the school to accommodate the any extra pupils there would, with regards to education, be inadequate infrastructure to support the proposed development. Whilst a number of objectors refer to the school not being able to accommodate extra pupils it is considered that this would not weigh negatively in the planning balance as the effects of the development can be mitigated by achieving funding through CIL.

6.6 **Impact on Neighbours**

6.6.1 The introduction of a small self contained housing estate that sits adjacent to an existing modern housing estate will inevitably impact upon the views that residents currently have which are unobstructed. However, there is no right to a view and this would not be a material planning consideration. The applicant has shown that the site could be developed whilst providing a minimum of a 21 metre gap between facing windows. As such it is considered that subject to an appropriate layout and scale of the dwellings which will be provided at the reserved matters stage the site would not have a detrimental impact upon the privacy of neighbours or result in any detrimental loss of light.

6.6.2 A full assessment of the development and its impact on the amenities of neighbouring occupiers can only be given when the reserved matters application is submitted. At this stage it is considered that it is possible to develop the site without there being any harm detrimental to the amenities of neighbouring occupiers.

6.7 **Highway Safety**

6.7.1 The proposed development will involve the creation of a new access in order to provide the necessary visibility a clear area of land will need to be provided in an easterly direction behind the slight curve in the road. This will also necessitate the

removal of an oak tree to remove obstructions from the splay. The proposal will inevitably increase the number of movements along Weston Road in both directions. It is considered that the likely frequency of movements from the 17 dwellings would not cause any issues with regards to highway safety in the area. The Council's Highways Officer has considered the proposal and is satisfied with the proposed access arrangements and does not raise any objection subject to appropriate planning conditions being imposed.

6.7.2 The scheme also includes the creation of a footpath which will provide access from the front of the proposed housing development and would link into the existing footpath which forms part of the adjacent modern housing estate. The provision of this footpath would be required by a planning condition and would ensure that residents are safely able to walk into the village.

6.8 **Affordable Housing**

6.8.1 In accordance with the adopted Core Strategy all new open market development must make a contribution towards the provision of affordable housing, unless there are other material planning considerations. The number of dwellings is not fixed for this site as it is only an outline planning application. Therefore a S106 will secure either on site or financial contributions towards the provision of affordable housing in accordance with the Shropshire Viability Index as set out in the adopted SPD.

6.9 **Open Space Provision**

6.9.1 In accordance with Council's Open Space Interim Planning Guidance (IPG) sites of less than 20 dwellings will not be required to provide recreational open spaces although other forms of open space will be expected. In this instance the applicant has indicatively shown that a central public open space could be provided. The exact details will need to be provided as part of the overall design which would form part of any subsequent reserved matters application. Contributions towards off-site recreational; provision would be made through Community Infrastructure Levy (CIL) contributions.

6.10 **Ecology**

6.10.1 In order to provide the visibility splay an oak tree located within the highway verge will need to be felled. The tree is in poor condition and parts of the tree have previously fallen into the road. The tree is not protected by a tree preservation order and could therefore be felled without requiring any consent. In support of the application the applicant has provided a Phase 1 Environmental Survey. The report has identified the oak tree as having crevices which provide scope for bats to roost although surveys carried out have found no bats. The ecology report did not identify any protected species on the site. The Council's Ecologist has considered the application and associated reports and has not raised any objection to the scheme subject to appropriate conditions.

7.0 **CONCLUSION**

7.1 The site is located outside of the current Morda development boundary and is therefore classed as a departure from the development plan. However, as it has been demonstrated that the Council does not have 5 years worth of housing land as required by the NPPF significant weight must be awarded to paragraphs 7 and 8 of the NPPF where is a presumption in favour of sustainable development. It is considered that the benefits of the scheme of providing much needed housing in a

sustainable location outweigh any harm that will arise from the proposal being located just outside of the existing development boundary.

- 7.2 The proposal will be of significant benefit in terms of boosting the local housing supply including the provision of affordable housing. Accordingly, it is considered that the proposal complies with existing CS6 and CS11 of the Core Strategy and the requirements of the National Planning Policy Framework.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee

members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 Financial Implications

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

10.0 BACKGROUND

10.1 Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS3 - The Market Towns and Other Key Centres
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS9 - Infrastructure Contributions
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management

11.0 ADDITIONAL INFORMATION

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

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

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

Reason: The application is an outline application under the provisions of Article 2(1) of the Town and Country Planning (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 three years from the date of this permission

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

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

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

4. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:
 - The number of units
 - The means of enclosure of the site
 - The levels of the site
 - The drainage of the site
 - The finished floor levels

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. No development shall take place until details of the design and construction of any new roads, footways, accesses together with the disposal of surface water shall be submitted to, and approved in writing 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 an adequate standard of highway and access for the proposed development.

6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative displays and facilities for
 - public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of dust and dirt during construction
 - a scheme for recycling/disposing of waste resulting from demolition and construction works

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

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

7. Prior to the first occupation of the dwellings details of 4 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

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

8. Prior to the first occupation of any of the dwellings hereby approved the kerbed pedestrian footway shown on the approved drawing P-01 rev C shall be fully implemented along the western site road frontage between the new estate road junction and the existing facility in a westerly direction along Weston Road.

Reason: To provide pedestrians with a satisfactory approach to the site.

9. Prior to the first occupation of any of the dwellings hereby approved the junction of the estate road with the adjoining highway shall be laid out in accordance with the approved plan P-01 Rev C and constructed in accordance with the Local Planning Authority's specification for the time being in force for residential and industrial estate roads. Visibility splays shall be provided at the new estate road junction at a point measured 2.4 metres back from the adjoining carriageway edge along the centreline of the new access extending 70.0 metres in both directions from the access along the highway. All growths and structures in front of these lines shall be thereafter lowered to and maintained at carriageway level.

Reason: To ensure the formation of a satisfactory estate road junction to serve as a means of access to the development and to provide a measure of visibility from the new estate road junction in both directions along the highway in the interests of highway safety.

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Committee and Date
 North Planning Committee
 3 June 2014

Item
10
 Public

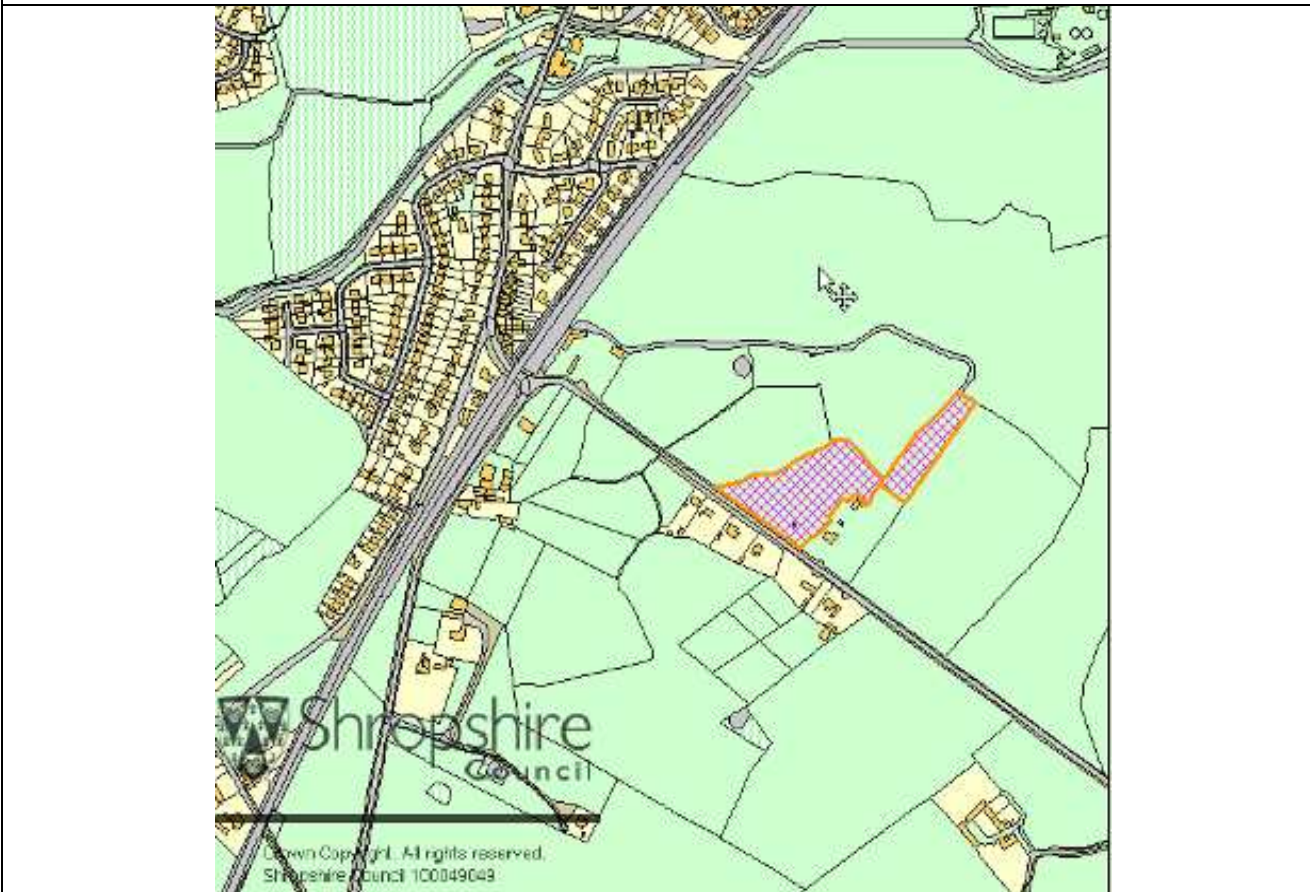
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 14/00797/OUT	Parish: Wem Urban
Proposal: Outline planning permission for residential development to include access	
Site Address: Land Adj To The Larches Shawbury Road Wem Shrewsbury SY4 5PF	
Applicant: Mr & Mrs M Jones & F, S, P, H Ratcliff	
Case Officer: Jane Preece	email: planningdmne@shropshire.gov.uk

Grid Ref: 351465 - 328110



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Recommendation:- Refusal for the following reason -

The application site lies outside the development boundary for Wem where the development will not form a contiguous development but will remain physically detached from the main urban extent of the town. The introduction of a housing development on the site, amounting to around 25 dwellings, would appear visually and contextually out of character with the pattern and form of development in this location, which is small scale and linear in form, and would otherwise form a relatively piecemeal and incongruous addition to the area. As such it is considered that the development of the application site would result in a significant and demonstrable harm which would outweigh the benefit of new housing. Furthermore it is considered that this harm to the character of the area would make the development environmentally unsustainable in that it does not protect or enhance the local environment and therefore fails to meet the three dimensions of sustainable development. Accordingly, the proposal fails to satisfy Core Strategy policies CS1, CS3, CS5, CS6 and CS17 and the sustainable dimensions of the NPPF.

REPORT**1.0 THE PROPOSAL**

- 1.1 The application is for outline planning permission with only the access submitted for approval at this stage. The matters of layout, scale, appearance and landscaping are all reserved for later approval. The application form describes the proposal as residential development and suggests 25 dwellings but does not detail the sizes or tenures. No indicative layout plan has been submitted with the application.
- 1.2 The means of access will be directly off Shawbury Road, where a 40 mph speed limit exists.
- 1.3 To support the proposal the application has been submitted with the following documents: planning statement, a letter from Wem Town Council, an email from Shropshire Homes, a highways, drainage and flood risk assessment, an ecology report and a final ecology report and a draft s106 agreement.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposal relates to 1.47 hectares of agricultural grassland on the southern side of the market town of Wem and largely separated from the main town by the presence of Shrewsbury-Whitchurch railway line. The railway lines sits to the west of the site, separated by fields and the Hawk depot. Otherwise, the land is bounded to the south by the B5063 Shawbury Road, to the west and north by agricultural land and to the east by a detached property standing in substantial grounds (The Larches). On the opposite side of Shawbury Road there exists a ribbon of residential dwellings, whilst (in addition to the Hawk depot) economic development lies nearby to the west in the form of a petrol filling station and garage.
- 2.2 In terms of current development plan policies the site lies outside the development boundary for Wem and sits within an area defined as open countryside. In terms of emerging policy the site is not included as a draft allocation in the Pre-Submission version of the Site Allocations and Management of Development (SAMDev) Plan,

which is at the pre-submission stage. Although the site was promoted through as part of the preparation of the SAMDev Plan, it did not proceed beyond stage 1 because it was not considered to be well related to Wem, being divorced from the built area of the main settlement by the railway line.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The application is a major application and an application where the Principle Planning Officer and the Local Member and Committee Chair agree that the application should be determined by the relevant Planning Committee.

4.0 **Community Representations**

4.1 **Consultee Comments**

4.1.1 **SC Highways** – No objection, subject to conditions. The highway authority consider that a satisfactory means of access to the site can be provided and contend that it would be difficult to argue a substantive case that the site is not sustainable. Recommended conditions include submission and prior approval of: full engineering details of access; details and design and construction of new roads etc within site and any associated surface water disposal and details of off-site footway improvements to either site of the railway bridge.

4.1.2 **SC Drainage** – No objections. The drainage details, plan and calculations could conditionally be submitted for prior approval as part of any outline planning permission granted. Recommended conditions include the submission of:

1. Full details, calculations and location of the percolation tests and the proposed soakaways. Alternatively, if soakaways are not feasible, then drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval.

2. A Flood Risk Assessment (FRA).

3. A drainage system to intercept water prior to flowing on to the public highway for any non permeable surfaced areas.

4. A contoured plan of the finished road level and design details.

5. The layout of the proposed foul sewage system, along with details of any agreements with the local water authority.

Also recommend standard informatives regarding sustainable drainage techniques and that consent is required from the service provider to connect into the foul main sewer.

4.1.3 **SC Affordable Homes** – No objection. If development is considered acceptable then in accordance with 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. The submitted planning statement suggests an offsite contribution rather than some units being provided on site and a smaller cash contribution. Would expect some onsite provision in this area and this will need to be discussed with the Housing Enabling team before any reserved matters or full application is submitted.

- 4.1.4 **SC Archaeology** – No objection. No comments to make with respect to archaeological matters.
- 4.1.5 **SC Trees** – No objection. There are significant hedges and hedgerow trees on the curtilages of the proposed site. An arboricultural implication assessment (AIA) should be submitted as part of any future planning application. This assessment should consider the implications of the development on trees, successfully identifying tree retention and protection measures and justifying any tree removal.
- 4.1.6 **SC Learning and Skills** – No comments received.
- 4.1.7 **SC Conservation** – No objections. The design of any proposed dwellings should reflect local vernacular detail in terms of scale, details, materials, siting/layout of new buildings and the road network around the site. The development should be in accordance with policies CS6 and CS17 and with national policies and guidance. Large developments in relatively rural locations may have potential to adversely impact on the landscape character of an area. This is not something which the Historic Environment Team advise on. Development Management may wish to consider obtaining the opinion of an appropriately qualified Landscape professional.
- 4.1.8 **SC Planning Policy** – Original comments: Objection: The site is not within the existing Development Boundary for Wem and is not identified in the North Shropshire Local Plan. It is therefore categorised as ‘countryside’ for the purposes of the Core Strategy and development should therefore be assessed against Policy CS5. Of the view that the development does not conform to the guidance in Policy CS5.

This site was promoted as part of the preparation of the SAMDev Plan, but did not proceed beyond stage 1 because it was not considered to be well related to Wem, being divorced from the built area of the main settlement by the railway line. The ‘Final Plan’ version of SAMDev reduces the scale of development for Wem to 500 dwellings over the period 2006-2026. Since 372 houses have been built or received planning consent since 2006, sites for an additional 128 new dwellings are required. To deliver this, the Plan continues to identify the 2 sites from the preferred options stage 2012. The Plan also identifies 4 hectares of employment land to help balance housing and employment locally. The allocated employment site is on land at Shawbury Road, to the west of the application site.

The sites allocated in SAMDev have been widely criticised for their potential to exacerbate existing adverse traffic conditions in the town. No site in or close to Wem, including the land at Shawbury Road, will avoid generating some additional traffic impacts unless the residents either do not access town centre services and facilities at all (unsustainable) or always walk or cycle into the town (unrealistic).

Previously understood that highways do not consider the site to be sustainably located.

The area of land identified as preferred employment site on Shawbury Road was carefully chosen to reflect the extent of local fluvial and surface water flood risk. Whilst the application site would not appear to be subject to such risks, need to determine whether the cumulative impact of development on Shawbury Road could have adverse consequences for surface water management and flood risk, including potential impacts on existing local residents and the B5063.

In light of the current lack of a 5 year supply of housing land, adopted housing policies must be considered out of date (NPPF 49). The draft SAMDev is not yet in force, and whilst the preparation of the Plan is at an advanced stage, updated NPPG guidance indicates that arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Such circumstances are likely, but not exclusively, to be limited to situations where both: a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan; and b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process. SAMDev is currently due to be submitted in July, but it is not clear that the level of development proposed (25 dwellings) would be sufficiently substantial or significant to actively prejudice the SAMDev proposals for Wem.

The key question is therefore whether the site conforms with the presumption in favour of sustainable development (NPPF 14), in particular whether the adverse impacts of permitting the site would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or whether specific policies in this Framework indicate development should be restricted. Whilst the site would clearly deliver some benefits, in terms of helping to meet the need for housing in Wem, it is currently unclear what other benefits, including those identified as part of the local infrastructure plan for Wem (Place Plan) the scheme would deliver for the local area.

Re-consultation comments: No objections. The site does not conform to adopted Development Plan policies but in light of the current lack of a 5 year supply of housing land, adopted housing policies must be considered out of date (NPPF 49). SAMDev is not yet in force but it is clear that the level of development proposed (25 dwellings) would be insufficiently substantial or significant (NPPG) to actively prejudice the SAMDev proposals for Wem.

Whilst all parties acknowledge that the site is somewhat divorced from Wem, it is

evident that local and town centre services are capable of being accessed with reasonable ease, even on foot, especially if the proposed development delivers improvements to the footway either side of the bridge as the Councils' Highway Authority suggests.

Also note that no significant adverse impacts have been identified by water management colleagues with respect to drainage issues.

There is a distinction between what SC Planning Policy would choose to allocate in SAMDev as planned development in the context of the availability of reasonable alternatives and how the Council respond to an application for planning consent where the proposed development must be considered on its own merits in circumstances where local policies have negligible weight.

In the context of the 'presumption in favour of sustainable development' (NPPF 14), the proposed footway improvements (provided that their delivery is firmly secured as part of the consent) would reinforce the benefits which the scheme would already deliver (meeting housing need) and would therefore improve the balance to a point where these could not be "significantly and demonstrably" outweighed by the adverse impacts. SC Planning Policy struggle to see how the Council could sustain a position that the adverse impacts of permitting the site would significantly and demonstrably outweigh the benefits.

- 4.1.9 **SC Ecology** – No objection. Recommend conditions and informatives relating to great crested newts, bats and nesting birds. The application is supported by ecology information, including the Phase 1 and Phase 2 Environmental Survey by Greenscape Environmental dated May 2014.

Great Crested Newts – the submitted presence/absence surveys found no evidence of newts in nearby ponds. As the pond has potential to support GCN further surveys may need to be conducted if development does not commence within a reasonable time period.

Bats - Various storage outbuildings outside the site were examined but present poor habitat for bats. There are mature trees on the site boundaries/crossing the site north of the building. Certain trees have potential to contain bat roosts. The intention to retain boundary trees is noted. However if any are subsequently proposed for removal or surgery these should be surveyed for bat roosts at the reserved matters stage. No bat activity information was collected during the survey but it can be assumed that the trees and hedgerows function as bat foraging and commuting routes. It will be important to control lighting in the interests of bats.

Nesting birds - No evidence of birds nesting was found but the trees around the main house are likely to support them. Recommend a range of artificial bird boxes are erected around the site.

4.2 **Public Comments**

- 4.2.1 **Wem Town Council** - The Town Council resolved to object to this application as the site is a considerable distance from the development boundary for the town and

it would not be a sustainable development.

4.2.2 Public representations - Objections from four local residents have been received. The main points of concern relate to:

- Were not aware that the site and/or any land on the Shawbury Road was included in the future development plan of Wem. There is no allocation of this land other than agricultural.
- The construction of so many properties in this location, given the current issues with the current infrastructure, is verging on risible.
- Proposal is speculative and opportunistic application.
- Contrary to policy CS5 being in open countryside.
- Applicants argument that the justification for over riding CS5 is contained in the NPPF is erroneous as it is not a carte blanche to develop irrespective of factors which strongly outweigh development.
- Will erode countryside to the detriment of the landscape.
- Is isolated, unplanned development.
- Wem Town Council object, principally due to the distance to the settlement of Wem.
- Lack of detail surrounding highway and flooding issues.
- Increased flood risk. Application could worsen localised flooding, affect the water table elsewhere and affect the amenities of residents. Threat of flooding is real and not convincingly dismissed by the applicant. Photos supplied show flooding that has occurred locally in recent years. Flooding solutions are not specific in the application, the route of the watercourses is not identified and there is no layout to allow substantive assessment.
- Flooding is becoming more frequent and more severe along Shawbury Road. Drains along Shawbury Road already overflow and flood in heavy rain/flash floods. Building further dwellings will exacerbate the problem. The fields and adjacent field act as a flood plain, which will be lost and flooding increase if the fields are developed.
- With the risk of exacerbated flooding due to this development, existing and new residents will no doubt see increased insurance premiums.
- No thought has been put forward to the route of the surrounding watercourses that converge in this area before entering the River Roden.
- Increased traffic flow will add to congestion and danger on busy entrances into Wem.
- Wem Town Council has a community Engagement Statement. This should equally apply to Shropshire Councils consideration of the application. Consultation with local residents appears to be lacking and/or does not appear to have taken their views into account.
- The (original) evidence provided by the policy section is crucial in determining this application. This demonstrates a strong body of support to sustain a case for refusal and also refers to highways and flooding issues.
- The site performed poorly as a potential SAMdev site and is not a suitable site when good alternatives exist.
- The submitted letter of Town Council support has been overtaken by their decision specific to this application.
- Access into the town requires is not easy and requires improvement, as

- would the footpath. Pedestrian safety is a crucial factor.
- The petrol station shop does not provide adequate an retail facility and is off a difficult bend/roundabout.
 - Existing employment and retail operations only benefit existing/long standing employees.
 - The primary and secondary schools are a long walk from the site with little footpath.
 - There are not good transport links. The bus service is slow and infrequent. The train station is a mile from the site, meaning residents would drive rather than walk. The train timetable does not meet work patterns, with no direct train between 8.05 and 9.56 am. Bus and train services would not meet work travel requirements to Shrewsbury.
 - The development has potential to impact adversely on the landscape character of the area.
 - Suggested footway improvements by Highways may involve third party land. There is no information as to who would meet the cost of the improvements or their timescale.
 - The proposal is isolated and sporadic and will cause further development. Should rely on the holistic approach of SAMdev rather than piecemeal and speculative housing applications.
 - Prevailing policy CS5 has not been amended. It is flawed theory to argue the NPPF is a similar planning instrument. In policy terms NPPF 14 is not sufficient ot outweigh the adverse effect.
 - Flooding is a severe locally and a flood risk assessment should be made available to respond to neighbours concerns and flood prevention.

5.0 THE MAIN ISSUES

- Policy and principle of development
- Accessibility
- Drainage
- Social dimension
- Economic dimension
- Environmental dimension

6.0 OFFICER APPRAISAL

6.1 Policy and principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local

planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 Paragraph 49 of the NPPF 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. In September 2013 the Council published an updated ‘2012 Five Year Housing Land Supply Statement’ which calculated a housing land supply of only 4.95 years for Shropshire as a whole and questions have since been raised as to whether this supply is fully deliverable. Turning to paragraph 14 of the NPPF relating to the presumption in favour of sustainable development this means that ‘where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless 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 specific policies in the NPPF indicate development should be restricted’. This has the effect of changing the balance of the material considerations in favour of ‘boosting housing supply’ (a Government priority) and the relative weight that can be attached to the Core Strategy, saved Local Plan and emerging SAMDev Plan housing policies.

6.1.3 The site is outside the development boundary previously set within the North Shropshire Local Plan and also has not been carried forward as a preferred option site within the emerging Site Allocations and Management of Development (SAMDev) document. On this basis the application has been advertised as a departure from the adopted local plan and would not normally be supported for development. However, given that it has been established that limited weight should be given to this housing policy framework in light of the current housing supply position, it is appropriate to assess this site within the context of the ‘presumption in favour of sustainable development’. This means looking at the sustainability of the proposed development, including technical matters of access and drainage, and the balance of the impacts/benefits within the context of seeking to boost housing supply. The NPPF defines sustainability as having three dimensions: the social dimension, the economic dimension and the environmental and these are discussed further below, together with the technical matters relating to highway and drainage issues.

6.2 **Accessibility**

6.2.1 Paragraph 32 of the NPPF promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced.

6.2.2 The site is located on the northern side of the B5063 Shawbury Road, a Class II road. The B5063 forms a link between Wem and the A49 to the south east and also connects to the B5476 in close proximity to the west, providing an alternative Wem to Shrewsbury route. The B5063 has a 40 mph speed limit in force and a footway on its northern side, running along the site frontage. The footway provides pedestrian access into Wem and the road is lit to footway standard. Wem train station is situated to the north of the site and is accessible by foot, cycle or car.

The station lies approximately 2km distant and offers train services to Manchester, Piccadily, Shrewsbury, Cardiff, Carmarthen and Crewe. The nearest bus stop is also accessible by foot in Mill Street. This bus stop is approximately 650 m from the proposed site entrance and is understood to offer an hourly bus service to Shrewsbury/Whitchurch.

- 6.2.3 The application is supported by a highway assessment as part of a Highway, Drainage and Flood Risk Assessment. The Council's Highway Officer has been consulted on the application and the supporting documents and has raised no objection to the application on transport links, highway and access grounds. In the circumstances, it is accepted that the site has reasonable access to road networks, footways and public transport links.
- 6.2.4 In response to the Town Councils' objection that the development of this site is not sustainable the Highway Officer is of the opinion that, whilst the site appears somewhat divorced from the built up area of Wem, the site is no more remote from access to town centre goods and services and local employment than other housing sites which have been developed in recent years in Wem. Furthermore, the Highway Officer points out that the site is a short distance to the east of the employment site currently being considered as a preferred option site in the SAMdev and within a short walk of the Premier petrol filling station, which sells groceries as part of their offer. A dropped crossing point exists to the east of the mini-roundabout junction to facilitate pedestrians crossing to the garage from the Shawbury Road.
- 6.2.5 Particularly in relation to pedestrian access issues, the Highway Officer advises that not only is the walking distance between the site and town centre similar to other developed housing sites but also that the route is available via a continuous footway. Whilst it is acknowledged that the footway does narrow to 1.3 metre (which is below a desired width standard) this narrowing occurs only for a relatively short distance under the railway line bridge and is considered acceptable. Although no improvements to the footway have been put forward as part of the application, the Highway Officer recommends that an improvement to the footway width either side of the bridge abutment should be secured as part of the development and that this can be achieved by imposing a Grampian condition to this effect. The improvement works can be carried out within highway land and would not entail the narrowing the carriageway.
- 6.2.6 As regards the specific access arrangements and details required to make the scheme acceptable to meet the appropriate highway standards, then these matters can be dealt with by imposing standard conditions. The proposal shows the provision of 2.4 x 120 metre visibility splays to the nearside edge of carriageway in both directions from the point of access which the Highway Officer advises fully accords with acknowledged standards. On this basis therefore, the Councils' Highway Officer considers that a satisfactory means of access to the site can be provided.
- 6.2.7 The Highway Officer has also given consideration to extending the 30 mph speed limit to include the site but advises that it would be '*... inappropriate given the location of the site within the context of the road alignment, with the likelihood that*

traffic speeds would remain at or around 40 mph. Having said that it is considered that a speed visor located to the south of the site would benefit the current 40 mph speed limit.'

6.2.8 In light of all the above, the Highway Authority contend that it would be difficult to argue a substantive case that the site is not sustainable in access and locational terms.

6.3 **Drainage**

6.3.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.

6.3.2 The application is supported by a Highway, Drainage and Flood Risk Assessment. The assessment relates to both the application site and the adjoining fields to the north.

6.3.3 For foul drainage disposal the development would be expected to connect to the foul drainage mains sewer system. The submitted assessment states that the nearest confirmed foul sewer is located to the south west of the site on Mill Street. It is likely that any connection to this sewer would require a pumped connection. Any issues relating to the capacity of the mains foul sewer system is a matter for the service provider and not a reason to refuse planning permission. Whilst the submitted drainage assessment suggests that an alternative method of disposing of foul drainage would be to provide an on-site foul treatment plant, the Councils' Drainage Officer advises that, due to the scale of the development, the use of septic tanks or package treatment plants are not deemed acceptable.

6.3.4 The surface water from the development is proposed to be disposed of to soakaways. Shropshire Council's Flood Management Plan indicates that this area should be suitable for infiltration or attenuation. If soakaway tests consequently ascertain that infiltration is not a suitable option for dealing with surface water, then an attenuated discharge would alternatively be put forward for consideration. Any discharge into a watercourse would be restricted by attenuation measures to limit the discharge rates to recognised and accepted levels. The assessment suggests that attenuation measures could include a flow control device such as a Hydrobrake and storage in the form of oversize pipes, ponds or storage structures. The assessment also refers to the Environment Agency Flood maps which show no flood risk at the site. However, there are areas of the River Roden downstream of the site classified as Flood Zone 2 and 3 and this would be factored into any proposed discharge rates from the site that connect as a tributary of the River Roden.

6.3.5 On assessing the submitted information the Council Drainage Engineer has raised no objection in principle and is satisfied the final drainage details, plans and calculations could be controlled through appropriately worded conditions of approval. This includes the conditional submission of the following for prior approval:

1. Full details, calculations and location of the percolation tests and the proposed soakaways. Alternatively, if soakaways are not feasible, then

drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval.

2. A Flood Risk Assessment (FRA). The completed FRA will need to take account of the guidance set out in Shropshire Council's Strategic Flood Risk Assessment (SFRA) documents, the criteria for a FRA set out in NPPF and the Technical Guidance to the NPPF and make reference to the Environment Agency West Area (Midlands) Flood Risk Assessment Guidance notes. As a minimum the Councils; Drainage Engineer require an FRA to include:

- o Assessment of the Fluvial flooding (from watercourses)
- o Surface water flooding (from overland flows originating from both inside and outside the development site) On the Pluvial Flood Map, north boundary is at risk of surface water flooding.
- o Groundwater flooding
- o Flooding from artificial drainage systems (from a public sewerage system, for example)
- o Flooding due to infrastructure failure (from a blocked culvert, for example)

3. A drainage system to intercept water prior to flowing on to the public highway for any non permeable surfaced areas.

4. A contoured plan of the finished road level and design details. The design needs to fulfill the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers 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

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

6.3.6 Concerns have been raised by local residents regarding existing surface water drainage problems in the area and the lack of detail submitted with the application. This is an outline application will all matters of scale, layout and landscaping reserved for later approval. The Councils Drainage Engineer has considered all the information submitted with the application, together with the content of the objections received (including the supplied photographs of localised flooding) and remains of the professional opinion that all matters relating to surface water disposal can be dealt with in a satisfactory way by imposing conditions. In this context, the above recommended conditional requirements for the submission of an FRA, detailed drainage calculations and surface water management measures would need to demonstrate that the drainage arrangements were adequate to deal with the surface water which falls on the site and therefore would not be permitted to increase flood risk elsewhere.

6.3.7 As such it is acknowledged that there is local concern about increased surface water problems from developing the site. However it is considered that the site could be developed with an appropriate drainage scheme to ensure that there is no greater risk of flooding either within the site or in the wider area. Accordingly, the outline development is considered capable of complying with core strategy policy CS17 and the NPPF in relation to drainage matters and flood risk.

6.4 **Social dimension**

6.4.1 In respect of fulfilling the social dimension of sustainability the main benefit of the proposal is that it will help meet the future housing need of Wem and contribute to the Councils' lack of a 5 year land supply for housing, a government priority. Furthermore, the Councils' Policy Officer is satisfied that the level of development proposed (25 dwellings) would be insufficiently substantial or significant (NPPG) to actively prejudice the SAMDev proposals for Wem.

6.4.2 In terms of actual housing delivery in support of the application the agent states that the site is immediately available for development and has no third party involvement regarding land ownership or covenants. An email from Shropshire Homes has further been submitted confirming interest in acquiring the site for development should planning permission be granted. The agent has requested that this be included as a material planning consideration confirming the deliverability of the scheme. Bearing in mind that the email is an expression of interest only, rather than any firm commitment, Members should be cautious of the weight they can be give to this email.

6.4.3 In addition to supplying open market homes, policy CS11 of the Shropshire Core Strategy requires all housing developments to contribute to affordable housing in accordance with the Supplementary Planning Document (SPD) on Type and Affordability of Housing. Therefore, the Councils' Housing Officer has advised that, 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. The level of contribution would need to accord with the requirements of the Housing SPD and at the prevailing housing target rate at the time of reserved matters application.

6.4.4 The application does not directly identify the level of affordable housing. However this will be reviewed and agreed at the time of the full or reserved matters application as will the size and tenure of the affordable units. Any outline consent would need to be subject to a Section 106 Agreement to secure the affordable housing contribution. This requirement is acknowledged and catered for in the current submission. A draft unilateral undertaking (UU) has been submitted and is presently under scrutiny by the Councils' Solicitor.

6.4.5 From the site it is considered that future residents will have reasonable access to goods, services, facilities (including schools) and employment locally by foot (subject to improvements to footways recommended by highways), cycle or car and reasonable access to the highway network and public transport options. Matters of scale, layout, landscaping and appearance and design are reserved matters and the assessment of such at a later stage can ensure that the scheme

will be sustainable in its design, incorporating sustainable and energy efficient measures, and providing a pleasant environment in which to live, contributing to the health and well being of potential residents. In this context it is envisaged that the development of the site could further satisfy the social dimensions of policy.

- 6.4.6 In relation to any negative impact on residential amenity, the development of the site raises two main concerns. The first is the potential for the development to increase flood risk locally and so impact adversely on the level of amenity currently enjoyed by existing residents. This concern has been discussed in detail in section 6.3 above. In summary, it is considered that drainage and flood risk issues can be adequately controlled and addressed by imposing the recommended drainage conditions and that, in this context, drainage and flood risk issues do not present a justifiable reason to withhold the grant of outline planning permission.
- 6.4.7 The second is proximity of the site to the proposed employment land. This has the potential to impact on residential amenity in both a negative and a positive way. From the positive stand point it provides employment possibilities within walking distance of the site. From the negative stand point this may present potential conflict between commercial and residential development and create, for example, noise and disturbance issues. To some degree, it is acknowledged that the potential negative impact could be addressed in any reserved matter application by incorporating suitable mitigation measures, giving careful consideration to the layout and landscaping of the site and the actual design of the dwellings.

6.5 **Economic dimension**

- 6.5.1 In respect of satisfying the economic dimension of sustainability the main benefits will firstly arise from the development process, generating employment during the construction phase and the potential associated spending on sourcing goods, products and services locally. Moreover, once completed, future residents of the development will also have the potential to increase spending on local goods, facilities and services and to access employment and schools locally. In so doing, the residential development will contribute to the socio-economic balance of the market town of Wem, supporting and enhancing its role as a sustainable settlement in accordance with Core Strategy policies CS1 and CS3 and the NPPF.
- 6.5.2 In considering a sites sustainability the Council can take into account local infrastructure as part of the planning balance. Whether a site has good local infrastructure is not the only reason why it can be considered to be sustainable but it does form part of the reason. The NPPF advises that international and national bodies have set out broad principles of sustainable development. Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The UK Sustainable Development Strategy *Securing the Future* set out five 'guiding principles' of sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly. Two of the three dimensions of sustainable development within the NPPF comment on the need to include provision of and access to infrastructure.

6.5.3 Policy CS9 also requires all new housing to financially contribute to the provision of infrastructure. This is done through the Community Infrastructure Levy which is a levy charged on new housing. The contribution is dealt with outside of the planning process and after development commences and is used to pay for infrastructure identified as local priorities. However, it is a material consideration in the determination of the application and the acknowledgement of the requirement to pay the CIL by the applicant ensures that this matter will be dealt with. Whilst reference to CIL has been included within the submitted Unilateral Undertaking (UU), CIL should not be secured through this form of legal agreement and all references to CIL have therefore been requested to be removed from the UU. CIL rates are established through the development of a CIL Charging Schedule and not negotiated on a site by site basis. The CIL liability for a development approved through an outline planning permission is determined at reserved matters stage and a CIL Liability Notice will be issued for a development following approval of the final reserved matter for the development.

6.6 **Environmental dimension**

6.6.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density and pattern taking into account the local context and character.

6.6.2 Part 7 of the NPPF 'Requiring Good Design' indicates that great importance is given to design of the built environment and paragraph 58 sets out expectations for new development including ensuring that development adds to the overall quality of an area, establishes a strong sense of place and ensuring developments are visually attractive and respond to local character. The planning balance which needs to be considered is balancing the benefit of the provision of new housing on the outskirts of the sustainable market town against any harm. Paragraph 14 of the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

6.6.3 The NPPF and policy CS17 of the Shropshire Core Strategy also require consideration to be given to the impact of the proposed development on the natural environment. More specifically, policy CS17 states that development will protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not affect the visual, ecological, geological, heritage or recreational values and functions of these assets and their immediate surroundings.

6.6.4 Site context and setting – The site lies outside the development boundary of Wem and is physically divorced from the existing urban area of the town by the presence of the railway line to the west. Whilst there is already some commercial and residential development on the eastern side of the railway line within the vicinity of the site (in the form of a petrol filling station/garage, the Hawk depot and ribbon housing along Shawbury Road) this existing development is small scale, piecemeal development that follows the linear lines of the road and the area is generally semi-rural in character due to intervening agricultural land.

6.6.5 It is anticipated that in the future the area this side of the railway line will come

under pressure for development associated with the social and economic growth of Wem. Indeed in this regard it must be acknowledged that a large new employment site allocation is planned around the Hawk depot and neighbouring the railway line as part of SAMdev. The desirability of allowing housing development in proximity to the allocated employment site is questionable and this has been discussed in para. 6.4.7 above. Nonetheless, whilst potential conflicting land uses can be flagged up as a potential issue this cannot substantiate a justifiable a reason for refusal at this conjecture, bearing in mind that the employment land allocation remains at the pre-submission stage as part of SAMdev.

6.6.6 Moreover, if land in this area is to be considered acceptable for housing development, then it is considered that this should form part of a planned and more cohesive scheme which offers contiguous development and delivers wider and clearer benefits for Wem as a whole and mitigates against any conflicts. To further this point, the Town Council letter submitted as a supporting document in favour of the application (dated August 2013) requests that the Councils' Planning Policy Team give '*... serious consideration ... to the allocation of a housing site for 100 dwellings on land at Shawbury Road.*' As the site plan submitted with this current application presumably identifies a lesser site than that formerly promoted by the Town Council and does not adjoin the allocated employment land to offer potential contiguous development, then this may help to explain why the Town Council now object to the current application on the grounds that the development is not sustainable?

6.6.7 Having given due consideration to the characteristics of both the site and of the wider surroundings it is the matter of context and setting that gives cause for concern. This matter has been discussed with the Councils' Planning Policy Team post submission of their formal comments. Notwithstanding the acknowledged social, economic and environmental benefits discussed throughout this report, Members are therefore requested to apply appropriate weight in their decision to the additional advice and opinion of the Planning Policy Team that the application site remains divorced from the current extent of the town, is physically poorly related to the existing urban area and can be viewed as opportunistic development that will form a relatively piecemeal and incongruous addition to the town. Officers consider that the site is largely unconnected to the built up urban area and that the development of 25 houses on the site will appear visually and contextually out of character with the pattern and form of development in this location. As such it is considered that the development would result in a significant and demonstrable harm which would justify the resistance of the application. Furthermore it is considered that this harm would make the development environmentally unsustainable in that it does not protect or enhance the built environment and therefore fails to meet the three dimensions of sustainable development.

6.6.8 Trees and landscape – There are significant hedges and hedgerow trees on the boundaries of the proposed site. The Council's Tree Officer has been consulted on the submitted information and proposals and has raised no objection to the scheme. The Tree Officer recommends that an arboricultural implication assessment (AIA) should be submitted as part of any future planning application. This assessment should consider the implications of the development on trees,

successfully identifying tree retention and protection measures and justifying any tree removal. This requirement can be addressed by imposing a suitably worded planning condition. In this context the development is considered capable of satisfying Core Strategy CS17 and the NPPF in relation to impact on trees.

- 6.6.9 In respect of landscape there are no recognised local or national landscape designations that influence the site and the site is not seen as having a high landscape sensitivity. Therefore, despite the comments of the Councils Conservation Officer and in view of the limited scale of the development, it is not considered that the application generates the need for Landscape and Visual Impact Assessment (LVIA). It is acknowledged that the development of the land will change the character and appearance of the site itself and the outlook over/onto the land from the surroundings. The issue is whether the change will be so harmful as to warrant refusal and has already been discussed above.
- 6.6.10 Ecology – The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats.
- 6.6.11 The application is supported by an ecology report and a final ecology report. The Councils' Planning Ecologist has been consulted on the application and supporting documents and is satisfied that, subject to the imposition of conditions and informatives relating to great crested newts, bats and nesting birds the site can be developed without adversely impacting on statutorily protected species and habitats.
- 6.6.12 In addition to the recommended conditional requirement to provide bat and bird boxes and the retention of trees and hedgerows further opportunities for biodiversity enhancements can be secured by new planting and any wetlands introduced to the site as part of the landscaping and drainage proposals, subject to the agreement over specific details and plant species etc.
- 6.6.13 Accordingly, the development is considered capable of complying with national and local planning policy requirements in relation to ecology and wildlife.

7.0 **CONCLUSION**

- 7.1 There are both potential benefits that weigh in favour of the application and potential harm that weighs against the application. In the opinion of officers the benefits and harm are summarised below:
- 7.2 The site is located outside the current Wem development boundary and is therefore classed as a departure from the development plan, contrary to Core Strategy policies CS3 and CS5. Furthermore, the site has not been identified as a site for future residential development within the emerging SAMdev.
- 7.3 However, taking into consideration the Councils' lack of a 5 year housing land supply, it is accepted that the site is in a sustainable location, where it benefits from transport links and the facilities, services and infrastructure offered by the market town and will provide additional housing supply to help sustain the settlement and

in accord with national planning policy priorities relating housing provision. In this context the application is considered to satisfy the socio-economic dimensions of sustainability as set out in the NPPF, which would appear to be the main drivers of the scheme where the development plan is considered to be out-of-date due to the 5 year housing land supply issue.

- 7.4 The development will need to provide for affordable housing in accordance with Policy CS11 and infrastructure provision in accordance with policy CS9. Both affordable housing and infrastructure provision offer community, social and economic benefits that lend to the sustainability of development in accordance with the requirements of the NPPF.
- 7.5 Notwithstanding the need to submit a reserved matters application for further assessment in relation to matters of scale, layout, appearance and landscaping, in principle the site is considered capable of being developed in a manner that will not be harmful to the natural environment, highway safety or local drainage conditions. Furthermore, the application also presents opportunities for biodiversity enhancements (through the provision of bat and bird boxes and future landscaping) and the securing of a community benefit in the form of improvements to the local footway leading into the Wem (by increasing the width of the footway either side of the railway bridge). In this context, the Councils' Tree Officer, Planning Ecologist, Highway Officer, Drainage Engineer and Planning Policy Officer are all satisfied that tree, ecology, highway and flood risk and drainage issues raised by the proposal can be adequately addressed by the imposition of recommended conditional requirements at this outline stage and subjected to the further consideration and approval of the Local Planning Authority. With the recommended conditions in place, the proposal is considered to satisfy Core Strategy policies CS6, CS7, CS17 and CS18 and the associated sustainable objectives of the NPPF.
- 7.6 However, the development will not form a contiguous development with the existing urban area of Wem. The presence of the railway line forms a strong physical barrier that contextually divides the built up area of the town from the semi rural characteristics of the site. Whilst it is acknowledged that there is some commercial and residential development in this area, this is largely interspersed with agricultural land and is small scale and linear in form. The introduction of a housing development (25 dwellings) in this location would appear out of context with the pattern and form of development in the immediate locality and otherwise physically isolated from the main built up area of the town. On this basis, it is considered that the development of the application site for housing would result in harm to the character of the area due to the detachment of the site from the main urban grain of the town. Accordingly, the proposal fails to satisfy Core Strategy policies CS1, CS3, CS5, CS6 and CS17 and the environmental dimension of the NPPF relative to sustainability.
- 7.7 In coming to their decision, Members need to consider whether the harm of developing the site would significantly and demonstrably outweigh the benefits, contrary to sustainable development objectives and the requirements of the NPPF.
- 7.8 On balance, it is officer's opinion that the detachment of the site from the main

urban area would lead to a harmful form of development that would be out of character with the pattern and form of development in this location and that this harm would significantly outweigh the benefits in this particular case. On this basis refusal is recommended.

7.9 In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 **Financial Implications**

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

10. **Background**

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:

- CS1 - Strategic Approach
- CS3 - The Market Towns and Other Key Centres
- CS5 - Countryside and Greenbelt
- CS6 - Sustainable Design and Development Principles
- CS7 - Communications and Transport
- CS8 - Facilities, Services and Infrastructure Provision
- CS9 - Infrastructure Contributions
- CS11 - Type and Affordability of housing
- CS15 - Town and Rural Centres
- CS17 - Environmental Networks
- CS18 - Sustainable Water Management
- SPD Type and Affordability of Housing

11. **Additional Information**

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

Cllr Pauline Dee
Cllr Chris Mellings

Appendices
None

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Committee and Date

North Planning Committee

3 June 2014

Item

11

Public

Development Management Report

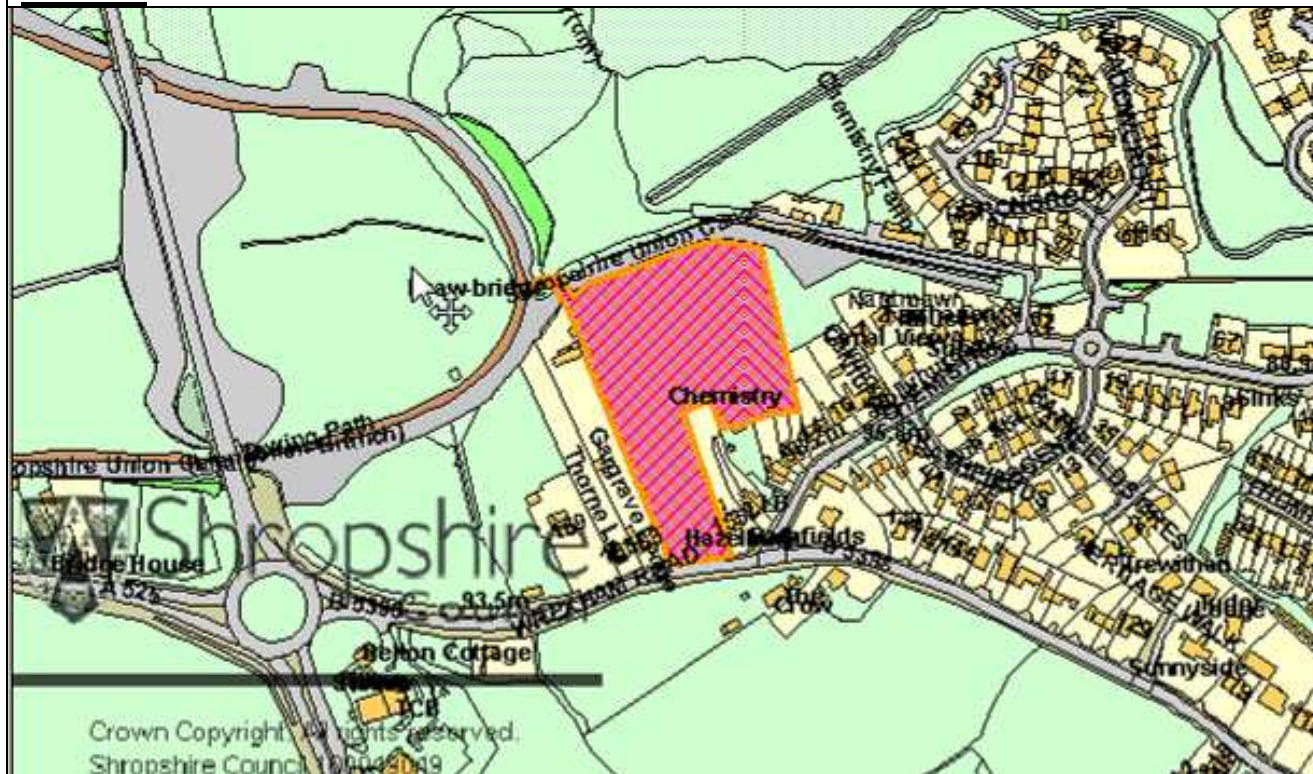
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 14/00459/OUT	Parish:	Whitchurch Urban
Proposal: Outline application (access, layout, scale, landscaping for approval) for mixed residential development; formation of vehicular access and estate roads; associated infrastructure works;		
Site Address: Development Land East Of 163 Wrexham Road Whitchurch Shropshire		
Applicant: Leith Planning Investments Limited		
Case Officer: Jane Preece	email: planningdmne@shropshire.gov.uk	

Grid Ref: 352901 - 341417



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Recommendation:- Approve, subject to the applicants entering into a S106 agreement to secure the affordable housing contribution and financial contributions towards traffic management/calming measures being introduced along Wrexham Road between the A41 roundabout and Chemistry junction and to the recommended conditions of approval listed in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks outline planning permission for the erection of 31 dwellings on 1.54 hectares of land located to the east of Wrexham Road, Whitchurch. The outline application also includes the formation of vehicular access and estate roads to serve the proposed development site, together with the site layout and landscaping. Only matters relating to appearance are reserved for later approval. Whilst the application as originally submitted also included for the provision of a pedestrian bridge over the canal that aspect of the scheme has since been deleted.
- 1.2 The means of access will be directly off Wrexham Road. Twenty seven of the dwellings are intended for the open market and four are intended to be social rented.
- 1.3 For foul drainage disposal the development would be expected to connect to the mains sewer. The surface water from the development is proposed to be disposed of to soakaways and an existing watercourse. Pools and swales are also included within the landscape proposals to accommodate storm water drainage, in addition to providing naturalistic habitat with native species.
- 1.4 To assist the consideration of the application the submission is accompanied by various plans and documents, including a planning statement; a design and access statement; a transport statement and assessment; a flood risk assessment and drainage information; a landscaping visual impact assessment and landscape information/images; an arboricultural report, tree survey and assessment; an ecological appraisal and water vole report and method statement; a heritage statement and historical images; an affordable housing statement and a statement of community involvement.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposal relates to 1.54 hectares of pasture land on the western side of the market town of Whitchurch, located between 163 and 155 Wrexham Road and extending northwards to the Llangollen /Shropshire Union Canal. The site is L-shaped in area.
- 2.2 In terms of current development plan policies the site sits within an area defined as open countryside. In terms of emerging policy the site is not included as a draft allocation in the Pre-Submission version of the Site Allocations and Management of Development (SAMDev) Plan, which is currently open for representations on its 'soundness'. However, the site has been assessed as a potential option and on the basis of the information available was considered to represent a realistic option for development and a site with long term potential in the draft SHLAA 2014. Whilst the site is not within it is contiguous with the development boundary.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application is a both a major application and an application where the Parish Council have submitted a view contrary to officers based on material planning reasons and where the Principle Planning Officer and the Local Member and Committee Chair agree that the application should be determined by the relevant Planning Committee

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **SC Drainage: No objection.** Recommend conditional drainage details for further approval should outline consent be granted.
- 4.1.2 **SC Affordable Housing Officer: No objection.** Current levels show an overprovision of affordable housing. However this will be reviewed and agreed at the time of the full or reserved matters application as will the size and tenure of the affordable units. Any outline consent would need to be subject to a Section 106 Agreement to secure the affordable housing contribution.
- 4.1.3 **SC Public Protection: No objection.** Electric charging points should be included within the development to allow for ultra-low emission vehicles. (NB: Whilst this is recommended as a conditional requirement it has become accepted practice to alternatively attach this advice as an informative).
- 4.1.4 **SC Tree and Woodland Amenity Protection: No objection** in principle. Support the retention of a buffer zone along the canal and retention of the veteran Oak tree in the North West corner of the site which must be retained in open space (15m radius root protection area) and not end up in a garden or too close to property.
- 4.1.5 **SC Archaeology – No objections.** A satisfactory heritage impact assessment has been submitted with the application. Recommend an archaeological watching brief be made a conditional requirement of any consent granted.
- 4.1.6 **Welsh Water** – No comments received.
- 4.1.7 **Inland Waterways - Neutral.** The layout appears to treat the canal as an asset, preserving the green edge and providing suitable landscaping.

Understand that when the developers held an exhibition explaining the project they promised that they provide a road access to the moorings on the southern bank of the canal. This should be the subject of an enforceable planning condition. The present 'off-side' moorings depends on people being able to walk round the current end of the arm, which would no longer be possible with the extension of the canal to the planned new basin. A gate from the proposed housing development would mean that convenient access is maintained.

Not convinced of value of a footbridge linking the site to the towpath. Would be close to the existing lifting bridge and not visually harmonious.

Note that the site is not one of the SAMDev Revised Preferred Options for housing development at Whitchurch.

If the scheme is approved, it would be desirable for a S106 contribution to be made towards the proposed extension of the Whitchurch Canal Arm.

(NB: The comment road access and gate provision is considered to have been superseded with the deletion of the proposed bridge from the scheme).

- 4.1.8 **SC Planning Policy – No objection.** Whilst the site is not being proposed through the SAMDev Plan, it is acknowledged that in the absence of a five year supply of land, greater weight needs to be given to the NPPF's 'presumption in favour of sustainable development'. It is considered that key issues with this site are potential landscape/visual and ecological impact, and on both these counts it is acknowledged the applicant has provided significant further survey work in order to assess and mitigate any issues. It is considered the site is contiguous with the development boundary and self-contained. The site is of a relatively modest scale and whilst it will provide further housing for Whitchurch, it is considered unlikely to undermine the delivery of preferred sites elsewhere in the town.
- 4.1.9 **SC Rights of Way – No objection.** With the removal of the bridge from the scheme there no longer appear to be any implications for public rights of way.
- 4.1.10 **Canal and Rivers Trust – No objections,** subject to the imposition of recommended conditions and informatives. The removal of the bridge crossing from the proposals has addressed our previous concerns that the crossing would create operational difficulties for the Canal and Rivers Trust and affect our ability to maintain, protect and enhance the Llangollen Canal. Biodiversity should be considered and any impacts suitably mitigated. Submitted water vole survey is welcomed. Proposed landscape appears to fit in with rural characteristics. Proposed hedge should be high enough to shield the view of vehicles from the canal. Proposed drainage arrangements, pools and swales has potential to impact on structural integrity of the canal – further conditional details are required in this regard. Consideration should be given to protecting the quiet enjoyment of boaters and residents to prevent future conflict.
- 4.1.11 **SC Learning and Skills – No objection.** Primary school places in Whitchurch are forecast to come under severe pressure as a result of the proposed allocation of significant numbers of new dwellings to the town in the plan period. Shropshire Council's Learning and Skills Division has been working with Planning Policy officers to ensure that the costs of any forecast need for additional school places or building enhancements in the town will be sought from the developers of housing schemes, of which, this proposed scheme is one.
- 4.1.12 **Shropshire Wildlife Trust – Unable to make informed comment without an ecological survey.** The NPPF requirements on conserving and enhancing the natural environment also need to be considered. The Natural Environment and Rural Communities Act 2006 also places a legal duty on the planning authority to have regard for the conservation (and restoration and enhancement) of biodiversity.

- 4.1.13 **SC Ecology – No objections.** Recommend conditions and informative relating to water voles, bats and nesting wild birds. Water voles: no water voles recorded during January 2014. However, are multi water vole records within 100m of site. Coir rolls pre-planted with native aquatic plants were installed on this length of canal recently. The submitted water vole method statement shows a 10 metre buffer zone to the canal where works are to be limited and supervised by an ecologist. Details of management of the proposed landscaping to support water voles should be conditioned. Bats: Hedgerows, trees, watercourses and other natural habitats have potential to be used by commuting, foraging and roosting bats. Bat boxes are recommended as is the control of lighting. Nesting birds: hedgerows and trees on the site boundaries have potential for nesting birds. Bird boxes are recommended.
- 4.1.14 **SC Highways – No objection**, subject to S106 contributions towards traffic management/calming measures being introduced along Wrexham Road between the A41 roundabout and Chemistry junction and recommended conditions.

Key Issues:

Access

The development site access is located a short distance to the west of the current 30 mph speed limit along Wrexham Road, which then changes to the national speed limit of 60 mph leading to the A41/Wrexham Road roundabout. The 30 mph speed limit is supported by dragons teeth and red carpet 30 roundel treatment. The site is proposed to be served via a single principle estate road junction onto Wrexham Road with 2 individual dwellings served via separate driveways directly onto Wrexham Road. Visibility splays are provided based upon Manual for Streets guidance relating to 30 mph traffic speeds. The applicant however is prepared to fund traffic calming measures between the A41/Wrexham Road roundabout junction towards the site. The highway authority considers the access and visibility standards to be acceptable.

Layout

The layout provided is indicative at this stage and details would be provided as part of a reserved matters application.

As part of the application, proposals have been put forward to increase the footway width along the site road frontage together with alterations to the Chemistry junction and footway widening to the east of Chemistry. These are considered positive measures in potentially reducing traffic speeds in the locality. These, together with the traffic calming measures above could be included within a Section 106 Agreement.

Traffic

Whilst a Transport Statement (TS) is not required given the scale of the development, a TS has nevertheless been prepared which considered the impact of the traffic on the local highway network. The TS acknowledges that the location of the site is such that routing into the town centre is available via Wrexham Road or Chemistry. Traffic counts have not been undertaken as part of this application,

however Automatic Traffic Count traffic data, traffic counts have been undertaken along Wrexham Road in connection with a current live application further to the east of this site to be accessed off Wrexham Road. This provides evidence of traffic movements along Wrexham Road to the east of the Chemistry junction although traffic levels may be more varied past the site access due to the Chemistry junction which would influence traffic flows travelling to and from the A41/Wrexham Road roundabout junction. However, having regard to the scale of the development is considered that the development proposal would not materially increase traffic levels on the road network.

The highway authority recognise the close proximity of the site to the A41 by-pass, which is likely to influence travel routing, particularly during the peak traffic periods.

In addition to the above, the TS and potential traffic generation has also been considered having regard to the near neighbouring development site to the east along Wrexham Road where a further 40 dwellings are proposed. It is considered that the cumulative impact of both sites coming forward does not raise highway capacity issues.

Parking Issues along Wrexham Road

Notwithstanding the above, there are local issues surrounding the on-street parking which takes place along Wrexham Road between Thompson Drive and Joyce Way, which lead to congestion. At present cars park along the southern side of Wrexham Road adjacent to properties which do not have on-site parking facilities. The effect of this length of on-street parking restricts the carriageway to single car width. Discussions have taken place with the applicant's agent to consider potential mitigation measures which may include Traffic Regulation Order(s) to stagger permitted parking lengths along Wrexham Road.

When considering the above it is the highway authority's view that the potential impact of the development upon traffic/on-street parking issues, which currently exist, would not be materially worsened. As stated previously Chemistry provides an alternative route into the town centre. Moreover, it is considered that a highway objection in this regard would not be sustainable. Nevertheless the applicant is prepared to make a financial contribution towards potential mitigation measures which may. Whilst the highway authority would welcome such a financial contribution we do not consider that the tests of Section 106 would be met in that the development is not required, in the highway authority's view, to provide such provision to make the development acceptable. The highway authority would recommend that Members do not give this weight in their consideration of the development proposal.

Sustainability

Bus services are available within reasonable walking distances from the site to gain access to and from the site. The site is outside of a 15 minute walking distance to the town centre but within reasonable walking distance of the Co-op foodstore. The site however is well located in terms of distance and topography to promote cycle use between the site and town centre. The highway authority conclude that the site is sustainable in transport terms.

4.2 Public Comments

- 4.2.1 **Whitchurch Town Council – Object.** Objection on the grounds that the excess traffic and new roads which would be created as a result of this development would make an already hazardous road even more dangerous.

A petition was raised by the residents of Wrexham Road, which had more than 500 signatures, objecting to developments in this area and it was consequently removed from the SAMDev Preferred Options Report.

The Town Council have also requested information appertaining to who permission would need to be sought from in order to erect the proposed bridge over the canal.

- 4.2.2 **Public Representations** - A significant number of representations have been received, both objecting (28) to and in support (20) of the application. The main points raised relate to:

Objections

- The proposal is being driven by profit and not in the interest of the community.
- Traffic issues. The highways will not accommodate the proposed traffic levels that will be generated. The highway is currently hazardous with blind spots and parked vehicles.
- Loss of green space. Development of green land is not acceptable.
- No justification for housing being required in this area.
- There are other more appropriate areas in the town to develop.
- Instead should consider renovating existing derelict buildings to use as housing.
- Impact on ecology.
- Voles are known to habit the canal and their numbers have declined.
- Flood risk. Drainage is an issue in this area with flooding occurring regularly.
- Loss of views over the countryside.
- Devaluation of nearby properties.
- There are insufficient jobs, school places, or capacity with doctors surgeries to accommodate a higher population.
- Increase noise levels. Construction works will cause problems for existing occupiers in the area through noise and dust.
- Overlooking potential. Loss of light and privacy to nearby dwellings.
- Some dwellings have been located to be overbearing to existing dwellings.
- There will be a loss of natural night light and therefore affect the ability to watch the night skies.
- Insufficient garaging has been provided particularly for the larger dwellings. These should also be appropriate in size.
- More parking provision should be made as part of the development.
- Residents will not walk or cycle into town as the road is too dangerous and the footpaths are too narrow.
- The proposed access and parking arrangements for the two dwellings fronting Wrexham Road are dangerous.

- More consideration should be given to using green energy such as solar panels.
- Proposed footbridge will encourage constant gathering of people causing problems for residents and visitors and disturbing wildlife.
- Proposed footbridge will be an eyesore, visually intrusive and out of keeping with the rural setting.
- Proposed footbridge will create navigational problems and is not DDA compliant.
- Proposed footbridge will be of no real benefit to pedestrians or canal users.
- Development adjacent to the canal will ruin its current rural appearance.
- The easy access to the canal will also lead to increased litter being dropped from McDonald's through the new estate, along the canal etc.
- Additional access to and usage of the towpath will lead to less canal users being encouraged into the town.
- The land should be donated for community uses and not developed.
- Use of site for allotments or as a campsite would better benefit the community and compliment tourism.
- There is no guarantee that the landscaping proposals will be carried out once the housing is constructed.
- The public transport arrangements in the area are not adequate to serve the proposed dwellings.
- The scale and design of the development is not in keeping with the context of the area.
- The proposal is inappropriate and unsympathetic to the character and appearance of the area.

Support

- Proposal is a good use of a small field. Seems a very well prepared and sensitive plan.
- The land is small and cannot be viably integrated with any other farmland in the vicinity.
- Other developments have been approved where on-street parking issues have been overcome.
- This small scheme could stimulate the town economy without having much impact on larger proposed developments.
- There potential purchasers already in Whitchurch looking for accommodation who are already in employment and registered with doctors, schools and using the local facilities etc. There is a lack of housing for such local people seeking new family homes, upsizing or downsizing.
- There's a lack of affordable housing in the vicinity and an urgent need for housing for those of the social housing register.
- The governments help to buy scheme only applies to new houses and there are presently none in town, forcing local people to move away.
- The development has been well laid out with a buffer strip for wildlife along the canal.
- The proposal provides suitable housing in a favourable location.
- The site has good/convenient links both to the town and the national road network via the by-pass.
- Extra residents in the town will provide additional support to businesses

- and shops which need all the new custom they can get.
- Proposed housing layout and mix will make a positive contribution to the housing stock of Whitchurch.
 - Will provide a nice place to live. The site is not overcrowded, will be well landscaped and should fit in nicely with the area.
 - This housing development will benefit Whitchurch.
 - An excellent, well thought out development and perfect location to build.
 - Pleased to note the inclusion of desperately needed affordable housing.
 - Footbridge will be useful for boaters to access Esso station, store and McDonalds and will add business to those facilities.
 - Will be a modest estate, totally in keeping and being on the edge of town close to the by-pass will have little or no impact on Wrexham Road or Chemistry.
 - As local, regular car user always use the by-pass and sure residents will do the same.
 - Will add a welcoming area to people travelling along the canal.
 - Ideally situated for people employed elsewhere but who would still bring money back to the town.
 - Will resolve certain access problems to the canal.
 - The town needs to grow to support local commerce. This is a small, unique and well planned development.
 - Will create opportunities for increased trade in the area, supporting local businesses.
 - Will create opportunities for increased tourism beneficial to the town.
 - Regularly use Wrexham Road and the traffic moves quite quickly, even at peak times.
 - The previous developments at Joyce Way and off Liverpool Road have not had a negative impact on Wrexham Road, despite objections at that time.

5.0 THE MAIN ISSUES

- Policy & principle of development
- Affordable housing
- Layout and character
- Highways
- Drainage
- Ecology
- Impact on residential amenity
- Other local infrastructure matters

6.0 OFFICER APPRAISAL

6.1 Policy & Principle of Development

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

local planning authorities as a material consideration to be given significant weight in determining applications.

- 6.1.2 Paragraph 49 of the NPPF 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. In September 2013 the Council published an updated '2012 Five Year Housing Land Supply Statement' which calculated a housing land supply of only 4.95 years for Shropshire as a whole and questions have since been raised as to whether this supply is fully deliverable. Turning to paragraph 14 of the NPPF relating to the presumption in favour of sustainable development this means that 'where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless 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 specific policies in the NPPF indicate development should be restricted'. This has the effect of changing the balance of the material considerations in favour of 'boosting housing supply' (a Government priority) and the relative weight that can be attached to the Core Strategy, saved Local Plan and emerging SAMDev Plan housing policies.
- 6.1.3 The site is outside the development boundary previously set within the North Shropshire Local Plan and also has not been carried forward as a preferred option site within the emerging Site Allocations and Management of Development (SAMDev) document. On this basis the application has been advertised as a departure from the adopted local plan and would not normally be supported for development. However, given that it has been established that limited weight should be given to this housing policy framework in light of the current housing supply position, it is appropriate to assess this site within the context of the 'presumption in favour of sustainable development'. This means looking at the sustainability of the proposed development and the balance of the impacts/benefits, within the context of seeking to boost housing supply. Sites on the edge of towns and villages which might previously have been unsuitable for development due to being located outside of any development boundary and therefore contrary to policy will be considered acceptable in principle.
- 6.1.4 Although it is acknowledged that the site is not brownfield it is considered to form part of the urban fringe of Whitchurch. The proposed site is contiguous with the development boundary and has road frontage onto Wrexham Road, which provides access to the A41/A49 Whitchurch by-pass to the west and the town centre to the east. Allowing for this context and setting the site is considered by officers to present a sustainable location for residential development with appropriate transport links. It is also accepted by officers that the site is reasonably close to the facilities and services within Whitchurch, which, as one of the five market towns within the north of Shropshire, should provide a focus for housing and commercial developments. In principle, therefore as a site on the edge of Whitchurch and well related to the existing built form and infrastructure the application can be supported as a departure from the adopted policies in line with the presumption in favour of sustainable development in the NPPF.
- 6.1.5 In considering this site for inclusion in the emerging SAMDev Plan, the Councils' Planning Policy Officer advises that: 'the site has been subject to a technical

assessment process and sustainability appraisal. The site was considered to have an 'average' sustainability, reflecting its close proximity to a bus route and open space, but being more than 480m from a primary school, local park, play area or recreation facilities. Whilst these issues continue to have relevance, it should be remembered the context of this assessment was to determine potential site allocations rather than assessing specific planning applications.'

6.1.6 Otherwise, the principle issues raised by the application relate to highway matters, potential landscape/visual and ecological issues and these are discussed further in sections 6.3 and 6.4 below.

6.2 **Affordable Housing**

6.2.1 Policy CS11 of the Shropshire Core Strategy requires all housing developments to contribute to affordable housing in accordance with the Supplementary Planning Document (SPD) on Type and Affordability of Housing. Therefore, the Councils' Housing Officer has advised that, 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. The level of contribution would need to accord with the requirements of the Housing SPD and at the prevailing housing target rate at the time of reserved matters application.

6.2.2 Current levels show an overprovision of affordable housing. However this will be reviewed and agreed at the time of the full or reserved matters application as will the size and tenure of the affordable units. Any outline consent would need to be subject to a Section 106 Agreement to secure the affordable housing contribution. This requirement is acknowledged and catered for in the current submission.

6.3 **Layout and Character**

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity and ensure sustainable design and construction principles are incorporated within the new development.

6.3.2 Part 7 of the NPPF 'Requiring Good Design' indicates that great importance is given to design of the built environment and paragraph 58 sets out expectations for new development including ensuring that development adds to the overall quality of an area, establishes a strong sense of place and ensuring developments are visually attractive and respond to local character. The planning balance which needs to be considered is balancing the benefit of the provision of new housing in close proximity to the sustainable market town against any harm. Paragraph 14 of the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

6.3.3 The NPPF and policy CS17 of the Shropshire Core Strategy also require consideration to be given to the impact of the proposed development on the natural environment. More specifically, policy CS17 states that development will need to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and not affect the visual, ecological, geological, heritage or recreational values and functions of these

assets and their immediate surroundings.

- 6.3.4 Scale and Layout: Although this is an outline application scale and layout does form part of the application and despite objections to the contrary the application has also attracted support that the scheme will provide a well thought out and attractive development. The submitted plan shows the provision of 31 plots and associated access arrangements and public open space provision. The site amounts to 1.54 hectares and it is considered that the proposed layout demonstrates that adequate access, parking and turning arrangements can be achieved together with adequate space about buildings and amenity space and all at a density and pattern that respects the local context and character in accordance with policy requirements. Furthermore, it is specified that the dwellings will be two storey, in keeping with the built form locally and will offer a mix of 2 bed terraces, 3 bed semis and 3/4 bed detached dwellings in accordance with the requirements of the Councils' Housing SPD. Otherwise, all matters relating to the actual design and appearance of individual properties are reserved for later approval.
- 6.3.5 The layout has also been designed around the desire to retain the existing trees and vegetation to the site boundaries and to take into account the presence of the canal to the north by providing a landscape buffer zone planted with scrub, wild flowers, native species trees and hedges and incorporating pools and swales.
- 6.3.6 In commenting on the scale and layout the Councils' Planning Policy Officer offers the opinion that: 'In accordance with CS6, the applicant indicates the indicative layout is responsive to the local environment and of an appropriate scale and pattern. Whilst it is considered the proposed layout would divert somewhat from the immediate surroundings which are predominantly frontage properties, it is considered the site is well contained and does not present the potential for further extensions. The inclusion of the buffer zone is important from this perspective as well, and if approved should be retained.'
- 6.3.7 Trees: The majority of the existing boundary trees are to be retained and protected and the application is supported by tree survey/root protection information, an arboricultural report and landscaping proposals. The Council's Tree Officer has been consulted on the submitted information and proposals and has raised no objection to the scheme.
- 6.3.8 Landscape/visual impact: Residents/objectors are concerned that the proposal will spoil the look of the locality and be visually damaging. It is acknowledged that the development of the land will change the character and appearance of the site itself and the outlook over/onto the land from nearby properties and the locality. However, the issue is whether that change will be so harmful as to warrant refusal.
- 6.3.9 The Councils Planning Policy Officer advises that: 'The site has been assessed as having high/medium landscape sensitivity in the North Shropshire Landscape Character Assessment. This was primarily due to the open valley side which acts as a corridor into the town and the setting of the canal is the most sensitive issue relating to the site. It is acknowledged the applicant has provided further information through a Landscape Visual Impact Assessment and this has informed specific landscape proposals for the site. Whilst the Landscape Visual Impact

Assessment does identify general localised visual impact issues, it concludes the impact on the wider area is unlikely to be significant. Notwithstanding that this assessment is based upon an earlier iteration of the proposal which included a footbridge over the canal, in the absence of any further technical information it is considered the applicant has provided sufficient information to enable the council to weigh up the benefits and dis-benefits of this proposal visual impact terms.'

- 6.3.10 Having regard to the submitted LVIA and the manner in which the design, layout and landscaping of the scheme has consequently been informed it is officer opinion that the visual impact of the development as proposed at this stage will not be so materially harmful as to warrant refusal. It is considered that due consideration has been given to the characteristics of both the site and of the wider setting and that appropriate landscaping measures have been incorporated into the scheme in a positive manner - in particular involving the provision of a mitigating buffer zone of 'naturalised' landscaping/green space where the site visually merges with the canal and the valley beyond and the retention of existing boundary trees. As the footbridge has now been retracted from the scheme this particular feature is no longer a cause for assessment or concern in visual impact terms.
- 6.3.11 Open space: Open space provision takes two forms: on-site provision and off-site contributions through the Community Infrastructure Levy.
- 6.3.12 Well designed and implemented open space delivers a number of social benefits, including improved health and wellbeing, as well as providing environmental benefits. The development proposal includes the provision of on-site open space in the form of a wildlife area within the red edged area of the application site, to include tree retention, native species planting and new wetland habitat. The provision of the space is largely responsive to visual impact and ecology issues, given the canal side location, and will secure appropriate mitigation and biodiversity enhancements. In this context the scheme has attracted no objections from the Canal and Rivers Trust and the Councils' Tree Officer and Ecologist and is considered to comply with the NPPF and Core policy CS17. Some matters of detail, such as tree root protection areas; actual species planting and the constructional details of the pools/ swales need either refining or submitting for further approval, but this can be addressed by condition.
- 6.3.13 Landscaping forms part of the outline application and it is expected that the naturalised character of this open space, together with the landscaping proposals for the site generally (ie those areas not assigned to private gardens) will be retained and maintained for the lifetime of the development in compliance with Core Strategy CS6.
- 6.3.14 Objectors are concerned that landscaping/open space will neither be provided nor maintained. In all instances the developer will be required to satisfy the Council that appropriate arrangements have been made whereby the open space and landscaped areas within the site will be maintained in perpetuity. Both the provision and maintenance of the open space and landscaping could be controlled by imposing a landscape management and maintenance condition or through the S106.

6.4 Highways and rights of way

- 6.4.1 Paragraph 32 of the NPPF promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel can be reduced.
- 6.4.2 The site is located on the northern side of the B5398 Wrexham Road, a Class C road. The A41/A49 Whitchurch by-pass lies in close proximity to the west (about 230 metres distant). Chemistry Road, to the east, also provides an easterly route with pedestrian footways leading into the town. The train station lies 2.7 km distant and is accessible by foot, cycle or car. The closest bus stop is 350 m distant at Chemistry. It is accepted that the site has reasonable access to road networks, footways and public transport links. The agent has stated that once the development is complete there may be justification for a closer bus stop and a request has been made to the Area Transport Planning Commissioner in this regard.
- 6.4.3 With particular regard to car based travel, whilst some supporters of the application have no highway issues the proposed development has attracted objections from local residents and the Town Council alike in relation to traffic issues, access provision and highway safety concerns. Additional traffic on Wrexham Road as a result of the development is highlighted as a point of contention due to existing traffic congestion and parking issues.
- 6.4.4 Whilst not normally required for a development of this scale, in view of local concern over traffic and highway issues the application is supported by a transport statement and assessment. In the relevance to the debate an extract from the summary and conclusions of the transport statement is quoted below:

'... 4.3 The location of the site suggests that most of the traffic generated would enter and leave via the bypass. It is estimated that around 20% might use Wrexham Road and a further 20%, Chemistry and Smallbrook Road, to access the town.

4.4 In the peak hour, that is likely to represent only 4 additional movements on each of the roads. That represents an increase of only around 1% and is considered to be de minimis.

4.5 Offsetting any perceived harm from the above will be the consequential improvement resulting from the development and the further improvements offered in conjunction with it.

4.6 As part of the development, the hedge along the Wrexham Road frontage will be removed, and a widened footway (minimum 1.8 metres wide) will be provided. That will significantly improve matters for pedestrians in the immediate locality. It is understood that the footway is now used much more than was previously the case, following the opening of the McDonald's restaurant at the service area.

4.7 An advantage of the footway widening is that it removes one of the major obstructions to visibility from the Chemistry junction. At present, due to the curvature of the road, approaching traffic can be obscured from view. That will not be the case once the development is complete, and the

improvement to visibility will be significant.

During the public consultation process, members of the public highlighted the fact that cars can turn left into Chemistry at a faster speed than is desirable. This creates problems for those using accesses close to the junction.

4.12 Having undertaken checks with Autotrack, it appears possible to amend the radius at the junction to slow traffic down a little. ...

4.13 The topographical survey has also highlighted the fact that Wrexham Road immediately east of Chemistry is materially wider than elsewhere. That width may have been necessary at the time when the route was the A525, but it is considered that there would be positive benefits in widening the footway in this area. ...

4.14 A consequence of that widening is a narrowing of the carriageway, and this is likely to reduce traffic speeds slightly in the area.

4.15 The Highway Authority has also indicated that it will consider changes to the speed limits in the vicinity of the site, possibly providing a 40 mph speed limit from the bypass up to the commencement of the 30 mph zone, which would be relocated probably about 120 metres west of its current position.

4.16 The movement of the speed limit is a very particular benefit to the development, but the other two benefit the public at large only, except insofar as residents will use the junction with Chemistry and the footways.'

- 6.4.5 The Council's Highway Officer has been consulted on the application and the supporting documents and has advised that there is no objection to the application on transport links, highway and access grounds. The Highway Officers detailed comments are given in section 4.1.14 above. In summary, it is agreed that future residents of the development are likely to use the more direct routes to/from the site via the by-pass and Chemistry rather than Wrexham Road and that, in this context, there will be no tangible negative impact on Wrexham Road such that would warrant refusal. As regards the specific access arrangements and details required to make the scheme acceptable to meet the appropriate highway standards, then these matters can be dealt with by imposing the recommended conditions. Likewise it is anticipated that the required improvements to existing highway conditions that are being offered, ie those associated with traffic management/calming measures being introduced along Wrexham Road and the A41 roundabout and Chemistry Road junction can be secured in the form of contributions via a section 106 agreement.
- 6.4.6 The agent has also indicated that they are prepared to make a financial contribution towards resolving the traffic/parking issues along Wrexham Road between Thompson Drive and Joyce Way. Whilst a financial contribution would be welcome by the highway authority, the advice to Members is that this it is not necessary to make the scheme acceptable in highway and planning policy terms and on this basis no weight should be given to the offer in arriving at the planning decision. To incorporate such a provisional requirement within a section 106 agreement would also not meet the tests of the CIL regulations.
- 6.4.7 As regards rights of way, the proposal does not directly affect established public rights of way. As part of the original proposals the applicants did intend to provide

a footbridge connecting to the canal towpath. However, the need for the footbridge was questioned by residents and neither favoured by the Canal & Rivers Trust, the Councils' Right of Way Officer or the Councils Highway Officer. Amongst other concerns (such as visual impact) the Canal & Rivers Trust were concerned that the bridge would encroach onto their land and affect their operational ability to access and maintain the canal. The Councils' ROW and Highway Officer were concerned that the bridge did not offer any direct connection to the public rights of way network and that no clear arrangements for the long term maintenance of the bridge in perpetuity had been provided. Both Highways and Rights of Way made it clear that the Council did not have the resources to adopt and maintain the bridge in the future and that, rather than a community benefit the footbridge was therefore seen as a liability and dis-benefit. Hence it has been deleted from the scheme.

6.5 **Drainage**

- 6.5.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development. The application is supported by a flood risk assessment (FRA) and drainage information. For foul drainage disposal the development would be expected to connect to the mains sewer. The surface water from the development is proposed to be disposed of to soakaways and an existing watercourse. Pools and swales are also included within the landscape proposals to accommodate storm water drainage, in addition to providing naturalistic habitat with native species.
- 6.5.2 On assessing the submitted information the Council Drainage Engineer has raised no objection in principle and is satisfied the final drainage details, plans and calculations could be controlled through appropriately worded conditions of approval. In accordance with the submitted FRA, this includes the investigation of the use of soakaways in the first instance and the submission of full details, calculations and location of the percolation tests and the proposed soakaways. If soakaways are not feasible, then drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be alternatively be submitted for conditional approval. Further recommended drainage conditions cover: the design and a contoured plan of the finished road levels; the material and construction details of the porous driveway surfacing; details of a drainage system for any drives that slope towards the highway and the layout of the proposed foul sewage system.
- 6.5.3 The Canal & Rivers Trust have highlighted a concern that the arrangements for the disposal of surface water together with the creation of the pools and swales within the landscaping buffer/area may affect the integrity of adjoining canal. However, they are also satisfied that this concern can be adequately addressed by imposing a condition requiring full details of the intended surface water drainage arrangements.
- 6.5.4 For environmental reasons, the Councils' Ecologist states that no drainage should be discharged to the adjoining watercourses. This requirement can be factored into the consideration of the final conditional drainage details for further approval. Otherwise, the Ecologist supports the inclusion of the proposed ponds and swales as an opportunity for biodiversity enhancement in accordance with the environmental objectives of the NPPF and Core Strategy CS17.

- 6.5.5 Concerns have been raised by local residents regarding existing drainage problems in the area. However, the above requirements for the submission of a detailed drainage calculations and surface water management measures would need to demonstrate that the drainage arrangements were adequate to deal with the surface water which falls on the site and therefore would not be permitted to increase flood risk elsewhere.
- 6.5.6 As such it is acknowledged that there is local concern about increased surface water problems from developing the site, however it is considered that the site could be developed with an appropriate drainage scheme to ensure that there is no greater risk of flooding either within the site or in the wider area and as such would comply with policy CS18 and the NPPF with regard to this matter.
- 6.6 **Ecology**
- 6.6.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats.
- 6.6.2 The application is supported by an ecological appraisal and water vole report and method statement. The Councils' Planning Ecologist has been consulted on the application and supporting documents and is satisfied that, subject to the imposition of conditions and informatives relating to water voles, bats and nesting birds the site can be developed without adversely impacting on statutorily protected species and habitats.
- 6.6.3 Furthermore, new planting and wetlands will be introduced to the site as part of the landscaping proposals that will, subject to the agreement over specific details and plant species etc, offer opportunities for biodiversity enhancements.
- 6.6.4 Accordingly, the development is considered capable of complying with national and local planning policy requirements in relation to ecology and wildlife.
- 6.7 **Impact on residential amenity**
- 6.7.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.7.2 Concerns have been raised locally regarding the impact on views, potential loss of privacy/overlooking and noise and disturbance.
- 6.7.3 The impact on a private view is not a planning matter. The wider landscape impacts have already been considered above. Whether existing residents will be able to see the new properties or not is not a reason to refuse the application.
- 6.7.4 At this outline planning stage the scale and layout of the site has been submitted for approval, although the design of the actual dwellings is reserved for later approval. However, the layout plan does show that the site can be developed without causing any unacceptable overlooking or loss of light to existing residential properties due to the positioning of and separation distances between the existing

and the proposed new properties.

6.7.5 The residential use of the site would result in a number of traffic movements, although all vehicles would emerge onto the main B5398 road, it is not envisaged that these traffic movements, or the use of the site for residential purposes in general, would cause any substantive noise and disturbance to existing residential amenity that would warrant refusal.

6.8 **Other infrastructure matters**

6.8.1 In considering a sites sustainability the Council can take into account local infrastructure as part of the planning balance. Whether a site has good local infrastructure is not the only reason why it can be considered to be sustainable but it does form part of the reason. The NPPF advises that international and national bodies have set out broad principles of sustainable development. Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The UK Sustainable Development Strategy *Securing the Future* set out five 'guiding principles' of sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly. Two of the three dimensions of sustainable development within the NPPF comment on the need to include provision of and access to infrastructure.

6.8.2 Policy CS9 also requires all new housing to financially contribute to the provision of infrastructure. This is done through the Community Infrastructure Levy which is a levy charged on new housing and in the case of the application site would be £40 per square metre of new housing. The contribution is dealt with outside of the planning process and after development commences and is used to pay for infrastructure identified as local priorities. However, it is a material consideration in the determination of the application and the acknowledgement of the requirement to pay the CIL by the applicant ensures that this matter will be dealt with after the consent.

6.8.3 With regard to this specific application site, it is acknowledged that due to its location the future residents of the proposed development are likely to utilise the services and facilities within the town. The proposed 31 dwellings on this site have not been taken into account in the consideration of the housing growth proposed for the town in the SAMDev. Whitchurch is proposed to have approximately 1,200 new homes but as the site has not been promoted through the SAMDev the proposed 31 dwellings on this site would be in addition to this allocation. In this context the Council's Planning Policy Officer states that: 'The site is of a relatively modest scale and whilst it will provide further housing for Whitchurch, it is considered unlikely to undermine the delivery of preferred sites elsewhere in the town.'

6.8.4 It is also acknowledged that there are issues within Whitchurch regarding certain facilities, services and infrastructure, including school places. With particular regard to the issue of school places the Council's Learning and Skills Division has been working with Planning Policy officers 'to ensure that the costs of any forecast need for additional school places or building enhancements in the town will be

sought from the developers of housing schemes, of which, this proposed scheme is one.’ Overall it is considered that the proposed addition of 31 dwellings on the application site, taking into account the significance of Whitchurch as a market town and as a priority for new development, would not result in a level of pressure on local infrastructure which would justify refusing the application. Furthermore, Members may wish to note that some representations received in support of the scheme are from people already living and/or working in the town, and so already using the existing facilities and services, but looking to acquire new accommodation in Whitchurch.

7.0 CONCLUSION

- 7.1 The site is located outside the current Whitchurch development boundary and is therefore classed as a departure from the development plan. However, it is accepted that the site is in a sustainable location, where it benefits from transport links and the facilities, services and infrastructure offered by the market town and will provide additional housing supply in accord with national planning policy priorities.
- 7.2 The development will provide for affordable housing in accordance with Policy CS11 and infrastructure provision in accordance with policy CS9.
- 7.3 The development includes suitable measures to safeguard existing trees and local landscape character and will not be harmful to local habitats or biodiversity. Furthermore, the submitted plans indicate that the layout will be sympathetic to characteristics of the site and its setting, including the provision of open space and landscaping, and that there will be no adverse impact upon local or residential amenity.
- 7.4 The development can be provided with an appropriate vehicular access, parking and turning provision. Furthermore, the site can be provided with satisfactory foul and surface water drainage arrangements and further drainage details to safeguard against flood risk and drainage concerns can be addressed by imposing appropriate conditions.
- 7.5 Accordingly, it is considered that the proposal meets with the housing policies and general requirements of the NPPF and otherwise complies with Shropshire Core Strategies CS6, CS9, CS11, CS17 and CS18 of the Shropshire Core Strategy.
- 7.6 Accordingly, approval is recommended subject to:
- Conditions of approval;
 - The completion of a s106 agreement to secure the affordable housing contributions.
 - The completion of a s106 to secure contributions towards traffic management/calming measures being introduced along Wrexham Road between the A41 roundabout and Chemistry junction.
- 7.7 In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 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 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10. **Background**

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
 CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS1 - Strategic Approach
 CS3 - The Market Towns and Other Key Centres
 CS7 - Communications and Transport
 CS8 - Facilities, Services and Infrastructure Provision
 CS9 - Infrastructure Contributions
 CS11 - Type and Affordability of housing
 CS15 - Town and Rural Centres
 CS16 - Tourism, Culture and Leisure
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 D7 - Parking Standards
 SPD Type and Affordability of Housing

11. **Additional Information**

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

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning (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 three years from the date of this permission.

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

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

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

4. The development shall be carried out strictly in accordance with the approved plans and drawings.

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

5. Work shall be carried out strictly in accordance with the submitted Water vole method statement by UES updated 6th May 2014.

Reason: To ensure the protection of water voles.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

6. 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 submitted to and approved in writing by the Local Planning Authority prior to the commencement of works and shall be carried out in full compliance, and maintained in accordance with the approved details.

Reason: The site is known to hold archaeological interest.

7. No development shall take place until a landscape management plan, including management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, has been submitted to and approved by the local planning authority. The landscape management plan shall be carried out as approved.

Reason: To secure the provision, establishment and long term management and maintenance of all landscape areas.

8. Notwithstanding the details shown on the approved landscaping plan and tree root protection zones, no development or clearance of vegetation shall take place until a scheme of additional landscaping and tree route protection details, to take into account the submitted comments of Shropshire Councils' Ecologist and Tree Officer and the Canal and Rivers Trust, has further been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be carried out as approved. The submitted scheme shall include:

- a) Planting plans, including wildlife habitat and features for water voles
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- c) 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)
- d) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- e) Full details of the proposed pools/swales
- f) Implementation timetables.

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

9. Prior to the commencement of work on site a 10m buffer shall be fenced off parallel to the banks along the length of the water course, to protect the watercourse during construction works. No access, material storage or ground disturbance should occur within the buffer zone. The fencing shall be as shown on the plan contained within the water vole method statement by UES updated 6th May 2014.

Reason: To ensure the protection of Water Voles, a protected species under the Wildlife & Countryside Act 1981 (as amended).

10. Notwithstanding the submitted details, no development shall take place until full details of the surface water drainage details have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure that (i) 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 and (ii) surface water from the site is disposed of in a safe and appropriate manner in order to protect the integrity of the waterway structure, water quality and the environmental network and associated ecology.

11. No development shall commence until a contoured plan of the finished road levels has been submitted for the prior approval of the local planning authority, 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 shall 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. The development shall be carried out strictly in accordance with the approved details prior to the first occupation.

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

12. No development shall commence until full details of the layout of the proposed foul sewage system, along with details of any agreements with the local water authority, have been submitted to the local planning authority for prior approval. The development shall be carried out strictly in accordance with the approved details and prior to the occupation of any dwellings.

Reason: To ensure the proper drainage of the site and to minimise the risk of pollution.

13. No development shall take place until full construction 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 buildings occupied.

Reason: To ensure a satisfactory means of access to the highway.

14. No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of surface water have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is occupied.

Reason: To ensure a satisfactory access to the site.

15. 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:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. 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.

16. No works shall commence of the formation of any driveways until material and constructional details of the porous surfacing of the driveways, together with details of a drainage system to intercept water from any driveways that slope towards the highway have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

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

17. Prior to the first occupation of the dwellings details of 10 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

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

18. 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.

19. Prior to the first occupation of the dwellings details of 10 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

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

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Committee and Date

North Planning Committee

3 June 2014

Item

12

Public

Development Management Report

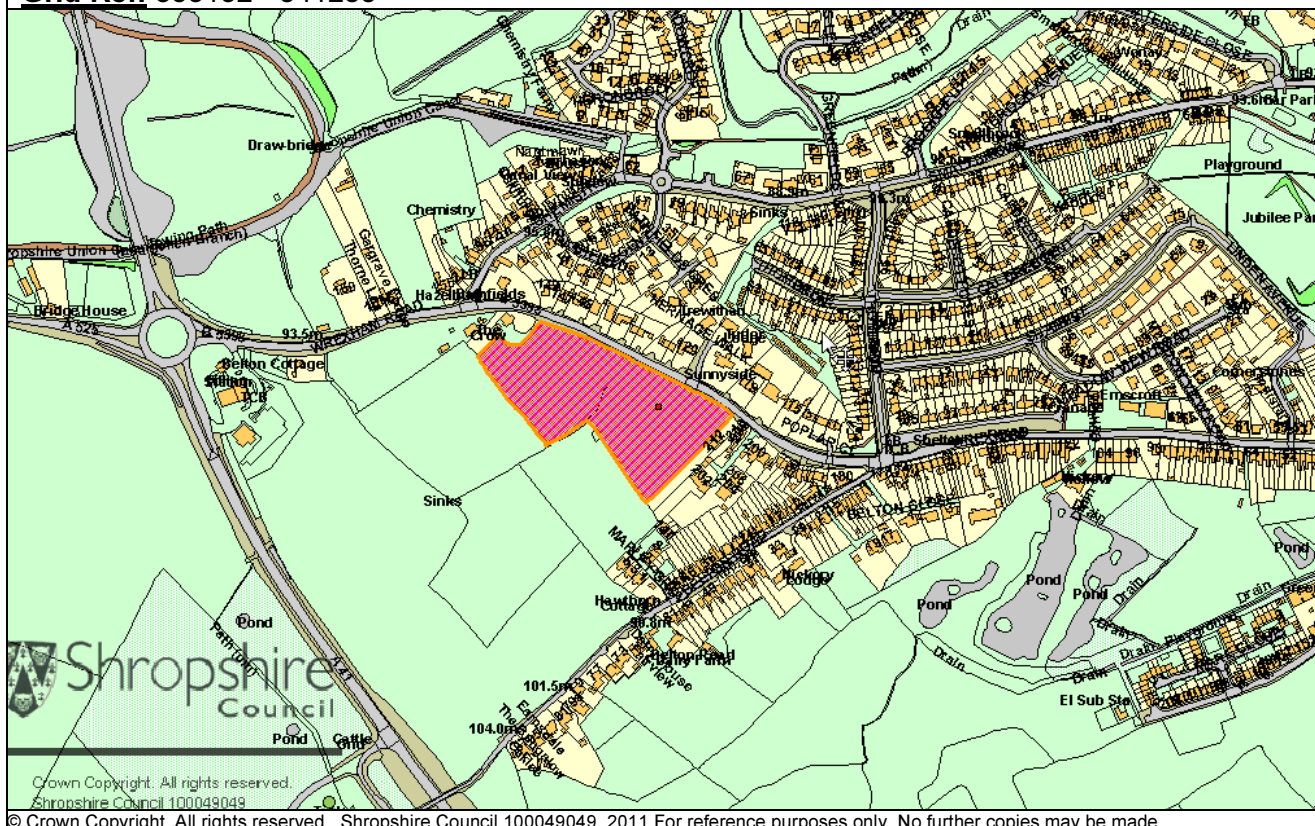
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 14/00462/FUL	Parish: Whitchurch Urban
Proposal: Erection of 40 dwellings; formation of vehicular access, site landscaping including central open space and infrastructure	
Site Address: Land Opposite Sunnyside Off Wrexham Road Whitchurch Shropshire	
Applicant: J Ross Developments Ltd	
Case Officer: Karen Townend	email: planningdmne@shropshire.gov.uk

Grid Ref: 353152 - 341283



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Subject to the applicants entering into a S106 legal agreement to secure the on-site affordable housing; to provide the open space and financial contributions towards the provision of a bus shelter, a Traffic Regulation Order (TRO) on Wrexham Road (if required), maintenance of the open space and surface water drainage system.

REPORT

1.0 THE PROPOSAL

1.1 The application is for full planning permission for the development of 40 dwellings, 24 three bed and 12 four bed open market properties and 4 two bed affordable properties, with two vehicular accesses off Wrexham Road, landscaping and public open space.

1.2 In addition to the full detailed plans and design and access statement the application is supported by an affordable housing statement, planning statement, statement of community involvement, landscape and visual impact assessment, heritage statement, transport assessment, drainage assessment and flood risk assessment, transport statement, tree survey and ecology survey and contaminated land reports.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site area is 2.17 hectares in total but includes a watercourse running through the centre. It is currently in agricultural use as grazing land and is located on the outside edge of the development boundary identified in the North Shropshire Local plan. It slopes from the northwest to the southeast with an area of low lying land around the watercourse and the design and access statement has noted that the high point of the site is 95m AOD in the north east corner of the site.

2.2 The site is adjacent to and opposite existing residential properties and with agricultural land to the south west between the site and the A41. The existing dwellings in the area are a mix of detached, semi-detached and terrace houses of varying ages, styles and sizes. Either side of the application site are the detached property "The Crow" and the detached bungalow 212 Wrexham Road. Opposite are detached houses, many of which are single storey, set well back from Wrexham Road with gardens and driveways to the front. Further along Wrexham Road, towards the town centre the built form becomes higher density with terrace houses.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers and the application has been requested to be referred by the Local Member, and the Committee Chair in consultation with the Principal Planning Officer agrees that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Whitchurch Town Council:** With the planning application for the land on the other side of Wrexham Road there will be an additional three roads joining

Wrexham Road in close proximity, which must make the road much more dangerous particularly when one takes into account the proximity to the by-pass.

The members would also like Shropshire Council to clarify their position on their planning policy since the Wrexham Road site was taken out of the SAMDev preferred options in July 2013, as requested by Whitchurch Town Council. The Town Council believe that many of the larger applications that have come in of late are ad hoc and unplanned developments. Especially the ones that were initially deemed unsuitable to form part of the SAMDev preferred options. The Council understands that Shropshire Council does not have sufficient housing identified for five years, but the Town Council is questioning why it seems as though the shortfall is being solely concentrated around Whitchurch.

- 4.1.2 **Affordable Housing Officer: No Objections** The affordable housing contribution proforma accompanying the application indicates the correct level of on site affordable housing provision and therefore satisfies the provisions of the SPD Type and Affordability of Housing.
- 4.1.3 **Crime Prevention Design Advisor: No Objections** but has made recommendations regarding the layout of the site in order to reduce potential crime as a result of the development.
- 4.1.4 **Archaeology: No Objections** The proposed development site is located on the western edge of Whitchurch. A possible Roman road was discovered during trenching for a new pipe-line in 1965 at the junction of Chemistry and Wrexham Road, c.80m north-west of the propose site boundary (HER PRN 00566). Otherwise, the Cultural Heritage Assessment submitted with the application indicates that the proposed development site is likely to have been unitised for agricultural purposes throughout the post-medieval period. Map evidence indicates that a small animal pen and enclosure existed in the early 20th century near the northern boundary of the site, adjacent to Wrexham Road, although no above ground evidence survives.

Given the potential presence of a Roman road beneath parts of Wrexham Road, there remains a possibility that either remains of the road itself or associated archaeological features and deposits are present on the proposed development site. On this basis the archaeological potential of the site can be deemed to be low - moderate.

A Cultural Heritage Assessment by Clwyd-Powys Archaeological Trust has been submitted as part of the application which provides a satisfactory level of information about the archaeological interest of the site in relation to Paragraph 128 of the NPPF.

The Assessment concludes that the proposed development will not affect the settings of any designated heritage assets. However, in terms of potential direct impacts it does state that "a possible Roman road does lie immediately north of the area and there is always a potential for unrecorded, buried deposits of any date to be present within an area."

On this basis, and in line with Paragraph 141 of the NPPF, recommend that a programme of archaeological work, to comprise an archaeological watching brief during the groundworks phase of the development, be made a condition of any planning permission for the proposed development.

- 4.1.5 **Conservation: No objection is raised on Historic Environment grounds subject to amended details.** There are no designated Heritage Assets on or immediately adjacent to the site but as noted within the Cultural Heritage Assessment submitted in support to the application one non-designated Heritage Assessment of low value is located within the site and will be lost as a result of the application.

The application is well considered and the Cultural Heritage Assessment is considered to have covered the requirements of the NPPF para 128 in terms of providing information and description of the site in the context of the Historic Environment.

The design rationale and context assessment provided in support of the application has resulted in a well thought out site layout which has responded well to the grain of the existing development along Wrexham Road and the typography of the site.

The design of the proposed dwellings would generally appear to reflect some of the vernacular detailing that exists within the immediate context setting of the site. There is a lack of chimneys on house type E, however, there appears to be more than one house type E, drawings 02A and 05, one has a chimney and the other does not. The issue with this is that one of the house types E is proposed for the street frontage and therefore will need to have a chimney maintain the character of the area, certainly of the more traditional vernacular. Also house types B and D do not have chimneys and probably should be designed with one, however, this will be more important for house type D than B as it is a type which will be more visible from public spaces.

Large developments of this type have the potential to have an adverse impact on the landscape character of the area. However, this is not something which Historic Environment Team can advise on. We would recommend that, should Development Management consider necessary, obtaining the opinion of an appropriately qualified Landscape professional to comment on the information provided by the applicant.

- 4.1.6 **Highways:** The highway authority raises **no objection** to the granting of consent subject to Section 106 contributions towards Traffic Regulation Order measures and bus stop shelter provision and future maintenance. In addition conditions should be imposed to require submission of construction details and a construction method statement.

Key Issues:

Access

The development area is in effect split into 2 separate sites due to the water

course between them and a number of mature trees. There are therefore 2 access points serving the 2 areas of land, both of which form priority junctions onto Wrexham Road. At these points, Wrexham Road measures some 7.3 metres in width, flanked on the northern side by a footway and a hedge line and verge along the site road frontage. Wrexham Road is lit and subject to a 30 mph speed limit. Whilst both access points are located within the 30 mph speed limit, actual speed readings have been taken of the approach vehicle speeds. These identify that splays of 2.4 x 63 metres are provided in both directions from either access point. These splays can be satisfactorily accommodated within the extent of the site road frontage and highway limits.

In terms of the access points into the site, there are no fundamental safety issues and the highway authority are satisfied that adequate and safe access can be achieved.

Layout

Although the development is split into 2 distinct housing areas, the layout of each in effect mirrors the other, with a circular type road arrangement. All vehicular and parking is gained within the site, with direct pedestrian access provided to those properties which front onto Wrexham Road. It is considered that adequate on-site parking is provided. Whilst the highway authority considers the road layout acceptable for adoption purposes, there is some concern with regard to the direct pedestrian access from the properties fronting Wrexham Road and the potential that these may lead to parking along Wrexham Road outside of the properties. The highway authority recommend therefore that a Section 106 contribution be sought from the applicant in the event that parking issues arise and a Traffic Regulation Order is considered appropriate.

The proposal includes a 2.0 metre wide footway along the site road frontage with a crossing point at its eastern end.

Traffic

A Transport Statement (TS) has been prepared which considered the impact of the traffic on Wrexham Road. Whilst Wrexham Road is considered in the TS to provide the principal route into Whitchurch town centre there is an alternative routing option via Thompson Drive onto Smallbrook Road. The site is well located to the A41 by-pass, being a short distance from the A41/Wrexham Road roundabout junction.

Via Automatic Traffic Count traffic data, traffic counts have been undertaken along Wrexham Road to consider the existing situation and impact of new traffic generated by the development proposal. The conclusions indicate that the potential increase in traffic along Wrexham Road is not significant and does not consider potential routing via Thompson Drive and Smallbrook Road. As with any traffic assessment there is an element of assumption, particularly in the distribution of traffic routing to and from the site, the highway authority are satisfied that the traffic assessment is robust and does not fundamentally disagree with its findings.

The TS has also been considered having regard to the near neighbouring

development site at 163 Wrexham Road where a further 23 dwellings are proposed. It is considered that the cumulative impact of both sites coming forward does not raise highway capacity issues.

Parking Issues along Wrexham Road

Notwithstanding the above, there are local issues surrounding the on-street parking which takes place along Wrexham Road between Thompson Drive and Joyce Way, which lead to congestion. At present cars park along the southern side of Wrexham Road adjacent to properties which do not have on-site parking facilities. The effect of this length of on-street parking restricts the carriageway to single car width. Discussions have taken place with the applicant's agent to consider potential Traffic Regulation Order(s) to stagger permitted parking lengths along Wrexham Road.

As part of the TS however, parking beat surveys were carried out along Wrexham Road together with queue lengths identified at peak times in the day. The survey concluded that the queue lengths were 2 and 4 vehicles during the morning and evening peak traffic periods. The highway authority are unable to verify the veracity of parking surveys carried out and clearly they provide only a snap shot of the parking situation. However, the issue to consider is to what extent the proposed development would exacerbate this situation and potential mitigation. In this regard, the highway authority must consider the scale of the development and potential for development traffic routing into and out of the site in the town centre direction as opposed to traffic gravitating to and from the A41 by-pass. In addition, residents of the development would have the alternative option of routing along Thompson Drive and Smallbrook Road towards the town centre.

When considering the above it is the highway authority's view that the potential impact of the development upon traffic/on-street parking issues, which currently exist, would not be materially worsened. Moreover, it is considered that a highway objection in this regard would not be sustainable. Nevertheless the applicant is prepared to fund potential mitigation measures which may include Traffic Regulation Order(s) being introduced along Wrexham Road to stagger the parking lengths. Whilst the highway authority would welcome such a financial contribution we do not consider that the tests of Section 106 would be met in that the development is not required, in the highway authority's view, to provide such provision to make the development acceptable. The highway authority would recommend that Members do not give this weight in their consideration of the development proposal.

Sustainability

Bus services 41, 41A, 205 and 206 operate between the site and town centre together with routing to destinations further afield. The applicant is prepared to fund a sheltered westbound bus stop closer to the site. The site is within reasonable walking distance to the town centre and is well located to promote cycle use between the site and town centre. The highway authority conclude that the site is sustainable in transport terms.

4.1.6 Ecology: No Objections.

A small wet area to the south of the site was assessed by Greenscape (2013) with a Habitat Suitability Index of 0.47 which is 'poor' potential for breeding great crested newts. Middlemarch (2011) state that all waterbodies within 500m of the study area are separated from the site by significant barriers, such as roads. Greenscape (2013) do not recommend further survey.

Bat activity surveys were carried out on the 7th June 2013 on a number of the hedgerows around the eastern field. This found common and soprano pipistrelle activity along two hedgerows in the eastern section of the site. It is not possible to draw many conclusions from this single, partial survey of unknown duration. It is likely that other hedgerows and tree lines on the site are used by bats for foraging and commuting. No trees on the application site were assessed as having bat roosting potential. The submitted plans indicate retention of the largest trees on the site and the majority of hedgerows. Raised no objection but recommended a condition to require details of external lighting.

Middlemarch (2011) reported a single badger hole over 30m from this application site. Greenscape Environmental (2013) found no evidence of badgers. An update survey should be carried out prior to work commencing on site and this can be controlled by condition.

A wet ditch/watercourse flows through the centre of the site and was surveyed for signs of water voles but no evidence was found. Water voles are found in the wider Whitchurch area therefore recommended an informative.

Recommends provision of 10 artificial nests and an informative relating to nesting birds.

- 4.1.7 **Tree and Woodland Amenity Protection: Support.** Following the submission of the revised tree plan the poor quality / defective trees are now shown as removed and replaced with additional new planting for long term environmental gain.
- 4.1.8 **Drainage: No Objections** The drainage details, plan and calculations should be submitted for approval prior to the determination of the planning permission.

The developer should agree with Welsh Water the extent of the surface water system to be adopted. Assuming Welsh Water would adopt the pipework in the carriageway only, the attenuation tanks would need to be maintained by a private company arranged by the developer. Shropshire Council would not be liable to maintain any of the surface water system.

In the Flood Risk Assessment, reference is made to the maintenance of the network where it has been assumed that the sewerage undertaker would adopt the piped network and the SuDs feature would either be adopted by the local authority or by a management company set up by the site operators. The paragraph is generic with no reference made to Welsh Water or Shropshire Council.

Although Shropshire Council will not be adopting the SuDs attenuation features, we have not specifically made a formal comment stating this, but could add an

additional comment if required.

Although the attenuation tanks are within the public open space, there would be no maintenance liability for Shropshire Council associated with the piped or tanked drainage system.

4.1.9 **Environment Agency:** The proposed site appears to fall within Flood Zone 1 based on our 'indicative' Flood Map for Planning (Rivers and Sea). We would therefore recommend that you consult with the Lead Local Flood Authority (LLFA) i.e. your Council's Flood and Water Management Team in relation to surface water drainage and the un-modelled ordinary watercourse running through the site.

4.1.10 **Welsh Water: No objection** subject to conditions to prevent development within 3m of the sewer crossing the site; prevent surface water discharging to the sewer system; and submission of a drainage system. Do not envisage any problems with the waste water treatment works for the treatment of domestic discharge from this site.

4.2 Public Comments

4.2.1 Neighbouring properties were consulted and a site notice erected. 36 letters of objection have been received raising the following concerns:

- No public consultation by the Developer
- Previous applications and proposals to develop the site have all been rejected
- If approved, this development will lead to other proposed developments on the adjoining land
- Given the current housing provision in SAMDev there is no justification for this site to be developed
- Would result in over supply of housing in Whitchurch
- The site was removed from SAMDev due to the significant objections
- Other more appropriate sites should be considered first including brownfield sites
- There are inaccuracies and spurious statements made in the application and some of the information is out of date
- The money should be used to renovate derelict buildings for use as housing
- The proposal will not provide any economic improvement for the town
- The application makes no reference to improvements to communication infrastructure
- It will result in the loss of valuable farmland which is grade 2
- The infrastructure details are immaterial as it does not take into account the potential for future development of up to 300 dwellings as previously applied for
- There are no jobs in the area for proposed residents
- The schools and doctors have no capacity for increase in numbers
- The proposal does not provide any improvements in terms of health and wellbeing for the town
- The layout and design are not appropriate
- No details of maintenance of open space

- Loss of privacy for existing dwellings
- The traffic figures given are inaccurate and an independent survey should be undertaken by the Council
- Residents have done a traffic count which resulted in higher numbers
- The proposed traffic levels would exacerbate the current gridlock experienced throughout the day
- Development of the site will lead to traffic congestion in the area
- The bus stop referred to is not used as the bus turns off the highway before it
- The buses from Wrexham Road only connect with the station twice a day
- Cycling, walking and public transport are poor and hazardous and not as stated in the application
- The road and footpath dimensions are inaccurate
- The proposal will restrict on street parking ability for local residents
- All the proposed parking will cause problems over convenience as they are located away from the associated dwellings
- Poor visibility for parking areas
- Chicanes increase the speed of traffic “racing” to get through them. It would also result in more traffic using Smallbrook Road and Chemistry to access the Town Centre
- Increased traffic will be hazardous to the increased number of pedestrians using the narrow footpaths where there are any
- This area is used by wildlife including endangered species and needs to be enhanced
- The site is not enclosed by hedges
- The development will result in additional surface water run-off that will cause flooding problems
- No information regarding maintenance of the surface water drainage
- There are errors in the drainage proposals and FRA
- Potential impact on the foul drainage for The Crow which crosses the site
- The Landscape and Visual Impact Assessment confirms that there is not enough mitigation and that the impact has been under-estimated
- There is potential for the site to be of archaeological interest
- The land in this area is unstable and has resulted in nearby dwellings having to be underpinned. Therefore the site is unsuitable for development

4.2.2 One letter of support has been received commenting:

- The site is suitable for residential development
- Bus is accessible as it will stop where asked to do so
- Housing is required in Whitchurch to try and reduce the extortionate rents being charged to existing residents and to give them alternative accommodation
- The allegations made regarding lack of school places, lack of doctors and the amount of traffic are inaccurate
- Existing residents of the town would like more opportunities for places to live

5.0 THE MAIN ISSUES

- Policy & principle of development
- Is the site sustainable?

- Economic considerations
- Social considerations
- Environmental considerations
- Layout, scale and design
- Impact on residential amenity
- Highways, access, parking and rights of way
- Ecology and trees
- Drainage

6.0 OFFICER APPRAISAL

6.1 Policy & Principle of Development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 The NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking (para. 14), so it applies, as a material planning consideration, in any event. The NPPF specifically aims to 'boost significantly the supply of housing', with the requirement for authorities to have a housing land supply of 5 years to achieve this. Therefore, the fact (and degree) that a proposed development helps to boost housing supply is a significant material consideration. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply. It is only if the Council cannot demonstrate a 5 year housing land supply that the housing supply policies (but not the others) should be considered not to be up-to-date, with consequently greater weight to the NPPF presumption in favour of sustainable development.

6.1.3 In September 2013 the calculation was a supply of 4.95 years, however this included counting some of the emerging SAMDev sites and questions have been raised as to whether this is appropriate and also the likely number of houses to be delivered in the five years. Given this position officers advise that it would be difficult to defend a refusal for a site which is sustainable and that the presumption in favour of sustainable development at paragraph 47 of the NPPF is given greater weight than either the adopted or forthcoming policies. The principle issue with the application site is whether it is a sustainable location or not.

6.1.4 The site lies outside the development boundary as set in the North Shropshire Local Plan and as such it has been advertised as a departure and would not normally be supported for development. However, as Shropshire Council are no longer able to demonstrate a 5 year supply of housing land the North Shropshire

Local Plan policies relating to housing land, and the associated plans, are not considered to be up to date and greater weight is given to the NPPF presumption in favour of sustainable development.

- 6.1.5 Whitchurch Town Council have acknowledged this issue which is county wide across Shropshire but have raised concerns that the shortfall is being concentrated around Whitchurch. Members will be aware that there are other applications submitted as a result of the lack of a five year land supply that would not have been supported under the district council policies and would also be contrary to the SAMDev. There are applications being considered across the whole of the County, members will recall West Felton, Woore and Morda with similar situations and there are similar situations across other parts of Shropshire.
- 6.1.6 Local residents have commented that the site has previously been refused on the grounds of environmental impact and highway safety and that it was removed from the SAMDev for the same reasons and given the level of local objection. Objectors consider that the development of this site, along with the Tilstock Road development for 500 houses, would result in over development of Whitchurch or if Tilstock Road was not developed would result in pressure for developments in other parts of the town. Concern is also raised that this application will lead to further development of the land beyond the application site. All of these concerns are valid concerns from local objectors who are seeing pressure on the town for new housing. However, as one of the main market towns in Shropshire Whitchurch, is identified as a settlement which is promoted for new housing.
- 6.1.7 There is no planning history for the application site, the refusals referred to relate to consideration of the application site for allocation and although it is acknowledged that the site was not carried forward as a preferred option site this does not automatically mean that the site has to be refused planning permission. The previous proposal for up to 350 dwellings on the site was not pursued due to concerns over highway capacity on Wrexham Road and it can not be assumed that the current proposal would result in any further applications, and any further applications would also need to be considered on their own merits. The proposal needs to be considered in the light of the presumption in favour of sustainable development and against all other policies within the Shropshire Core Strategy. Officers consider that the proposed development of this site for 40 dwellings, on its own or counted with the other sites put forward before SAMDev adoption, would not prejudice the SAMDev or future development of allocated housing sites. The size of the development is not significant when considered against the housing allocation for Shropshire as a whole or even taken against the proposed 1,200 new dwellings for Whitchurch.
- 6.1.8 It is also acknowledged that the applicant has not done any further public consultation since the work undertaken for the SAMDev. Although the NPPF promotes consultation with the local community, the lack of recent consultation would not be a reason to refuse the application. The applicant is aware of the strength of feeling against the application
- 6.1.9 Policy CS6, amongst a range of considerations, requires proposals likely to generate significant levels of traffic to be located in accessible locations where

opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Policy CS7 states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services. And policy CS9 states that development that provides additional dwellings or employment premises will help deliver more sustainable communities by making contributions to local infrastructure in proportion to its scale and the sustainability of its location.

6.1.10 Given the above, whether the site is appropriate for development rests on whether it is considered sustainable. Paragraph 14 of the NPPF advises that where policies are out of date permission should be granted for sustainable developments unless any adverse impacts would significantly and demonstrably outweigh the benefits or where specific policies within the NPPF indicate development should be restricted. These restrictions relate to specifically designated sites, heritage assets and locations at risk of flooding. The presumption is in favour of sustainable development as tested against the NPPF as a whole. A site needs to be compliant with all three dimensions of sustainable development; economic, social and environmental.

6.2 **Is the site sustainable?**

6.2.1 Local residents have questioned the sustainability of the site on the grounds of lack of economic or infrastructure improvements, the lack of jobs in the local area and that the schools and doctors do not have the capacity for increased numbers. All of these matters are considered below but members should also take into account the basic principle that Whitchurch is one of the key market towns and is being promoted for around 1,200 houses.

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

6.2.3 The assessment of the site undertaken by Shropshire Council Policy Officers in determining whether to promote the site within the SAMDev score the site positively for access to bus service and facilities but negatively for access to primary school. It was considered to be capable of providing new housing and the conclusion of the assessment was that the site has average sustainability. However, the site was not progressed into the final version due to other sites being available which did not impact on Wrexham Road. The larger site for up to 350 dwellings was not considered to be appropriate due to the pinch points along Wrexham Road, however the current application is for a smaller scale development than that put forward for SAMDev.

6.3 **Economic considerations?**

- 6.3.1 It is acknowledged that the site is not adjoining the town centre, employment area or the train station, however it does adjoin existing residential areas and is within the Whitchurch by-pass.
- 6.3.2 The construction of new housing in, or on the edge of, Whitchurch would support the businesses within the town and residential areas. Objectors have noted the local convenience store between the site and the town centre which may see an increase in custom from the proposed development. The new residents would also be likely to support community and leisure facilities in and around the town and furthermore the construction of the housing provides employment for the construction period and potential new employees into the town.
- 6.3.3 Concerns have been raised about the lack of jobs available in the town however this is not a site specific objection to the development proposed and if the availability of jobs was a determinative factor this would apply to all housing proposals in the town, including the large allocated site off Tilstock Road. Officers do not have any evidence that there are not job opportunities in the town and new opportunities being made available. The new Sainsbury store has provided new jobs; there are employment sites being developed around the town and additional land being put forward for employment use allocation in the SAMDev. Officers do not consider that this matter is one which results in significant and demonstrable harm which would outweigh the benefits of new housing.
- 6.3.4 However, officers also acknowledge that neither the benefits or the harm is site specific. New housing will provide economic benefits and these are given weight in the determination of the application and the concerns raised by residents is not specifically a harm resulting from the development. Officers consider that the economic benefits of new housing needs to be part of the balance of determining the application.
- 6.4 **Social considerations?**
- 6.4.1 Policy CS11 of the Shropshire Core Strategy requires all new housing to contribute towards affordable housing. The applicant has submitted an affordable housing statement with the application which details that of the 40 dwellings proposed 4 are to be affordable and as such this would comply with the current target for Whitchurch of 10% affordable housing. As this amounts to a rounded number of houses the provision can be wholly on site and the applicant is proposing all four to be social rented by Wrekin Housing who are a local social landlord.
- 6.4.2 The agent has commented within the statement that the proposal is for wholly rented properties as there is an identified need for social rented accommodation in Whitchurch. It is acknowledged that the 4 affordable units will all be together in one part of the site, however as 4 is only a small number of dwellings this grouping is considered by officers to be acceptable and allow for better management of the properties by the landlord. The provision of affordable housing is a social benefit in addition to the general benefit of boosting housing supply. The Council Affordable Housing Officer has confirmed that the affordable housing contribution is the correct level of on site affordable housing provision and therefore satisfies the provisions of the SPD Type and Affordability of Housing.

These units will need to be secured as affordable in perpetuity through a S106.

- 6.4.3 In design terms the 4 affordable houses are provided in two pairs of semi-detached houses which are similar to the other proposed semi-detached houses across the site and the terrace houses in the western part of the site. The external appearance will use the same materials and design features as the other dwellings and as such these properties will not be identifiable as affordable.
- 6.4.4 Policy CS9 also requires all new housing to financially contribute to the provision of infrastructure. This is done through the Community Infrastructure Levy which is a levy charged on new housing and in the case of the application site would be £40 per square metre of new housing (and therefore the 4,050 sqm would equate to £162,000). The contribution is dealt with outside of the planning process and after development commences and is used to pay for infrastructure identified as local priorities. However, it is a material consideration in the determination of the application and the acknowledgement of the requirement to pay the CIL ensures that this matter will be dealt with after the consent. The CIL contribution could provide for the infrastructure enhancements identified as missing by the local objectors and could also be used to contribute towards school places.
- 6.4.5 Concern has been raised and also countered by the one letter of support about the frequency of the bus service and whether it passes the site. The agent has noted the presence of a bus stop and also noted the distance from the site to the town centre and other services and facilities and advised that the town centre and train station are both within cycling distance. Officers can confirm that there are bus stops within walking distance of the site on both sides of the road, heading into and out of town. The Council transport website advertises buses stopping at this bus stop and the stop which would be used to wait for a bus to go into town is served by a shelter. The development also proposes the provision of a footpath along the frontage of the site and a pedestrian crossing on Wrexham Road which would provide a safe point to cross over to the opposite side where the footpath is wide enough to serve as pedestrian access to the bus stop or the shop. It is accepted that there is not a bus stop directly on the edge of the application site, however it is considered that the existing bus stops and bus service are within walking distance.
- 6.4.6 As noted by the agent the application is within walking distance of a bus stop and cycling distance of the town centre and train station and as such the site is accessible by other means than the private car. Whitchurch has a good range of service and facilities, shopping and employment opportunities and land being allocated for further employment uses and the development provides new housing, including affordable housing, and a financial contribution towards infrastructure. Overall it is not considered that the proposed addition of 40 dwellings on the application site, taking into account the significance of Whitchurch as a market town and as a priority for new development, would not result in a level of pressure on local infrastructure which would justify refusing the application.
- 6.5 **Environmental considerations?**

- 6.5.1 It is acknowledged that the development of the site from agricultural land to built development will have an environmental and visual impact, as considered in greater detail below. However there are also environmental benefits gained from the development. The development includes the provision of open space within the site including a green corridor along the watercourse and retention of the existing landscaping features. The site is currently private land and the proposal will provide public open space in the form of this green corridor. This is an environmental gain which should be taken into consideration in the balance of harm against benefit.
- 6.5.2 Concerns have also been raised about the lack of environmental gains such as solar panels. This is noted, however there is no policy requirement for new developments to provide solar panels, policy CS6 seeks to encourage renewable energy but does not insist on what form this takes. The proposals have been designed to, as far as possible, maximise solar gain; all homes will be fitted with low energy bulbs and white goods, low flush cisterns and rainwater butts in private gardens. In addition the developer has offered 20% of the houses to be fitted with electric car charging points and consider the use of grey water recycling. These proposals are supported and will go some way to reducing the pressure on water and electricity and it should also be noted that permitted development rights exist for householders to install most renewable energy products without planning permission.
- 6.5.3 Local objectors have raised concern about the loss of the agricultural land which one objector has commented is grade 2. The agent has confirmed this in the planning statement noting that the site is predominately grade 2 but considers that development of agricultural land around Whitchurch is unavoidable to deliver the housing required. The agent has also noted that the land is only used for grazing and is not used for arable due to the watercourse. The loss of best and most versatile agricultural land is an impact of the development proposed, however officers consider that the loss of the area proposed for the 40 houses would not constitute significant loss of agricultural land and as such that this harm is not so significant and demonstrable as to outweigh the benefits of new housing.
- 6.5.4 The main consideration of environmental impact is dependent on the layout, scale and design and the impacts on highways, trees, ecology and drainage. These matters are considered in detail in the following sections.
- 6.5.3 The main consideration of environmental impact is dependent on the layout, scale and design and the impacts on highways, trees, ecology and drainage. These matters are considered in detail in the following sections.
- 6.6 **Layout, scale and design**
- 6.6.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Local concerns have been raised about the layout, design and density and the position of semi detached houses opposite

detached dwellings.

- 6.6.2 The layout of the site has been the subject of pre-application advice prior to the submission of the current application. The layout proposed provides two clear areas of housing with the watercourse through the centre and the open space providing a buffer to the watercourse. Both areas provide a mix of detached, semi detached and terrace houses with higher density in the middle of each area and lower density on the edges. The two areas are divided by the public open space and watercourse with no vehicular access but a pedestrian bridge is proposed across the watercourse to enable access on foot.
- 6.6.3 The development will provide housing fronting onto Wrexham Road, as is the existing character but with access drives from the rear of the properties and thereby reducing the number of accesses off Wrexham Road to the two estate accesses. The street scene drawings submitted with the application show that the houses along Wrexham Road will consider the existing site levels and as such will gradually be reduced from the outside edges to the centre of the site. The layout will also provide natural surveillance of private and public spaces and parking areas. It is acknowledged that the proposed layout shows semi-detached houses opposite detached houses, however officers do not consider that this is detrimental to the character of the area. The proposed layout provides variety and mix and is considered to relate well to the surrounding built form on both sides of Wrexham Road. The proposal provides a development which is lower density on the edge of the town and with a slight increase in density on the edge closest to the existing development.
- 6.6.4 In support of the design proposals the application has been submitted with a design and access statement which notes all of the policy and guidance which has been used to guide the design of the site. The NPPF seeks to promote high quality and good design which goes beyond appearance to address connections between places and people. The NPPF aims to add to the quality of an area, the sense of place and respond to local character. The integration of new development is also promoted in the 'Urban Design Compendium' and the guidance in 'By Design'. The D&A also advises that the development is intended to meet Building for Life 12 criteria and also how the proposal complies with Core Strategy policies. The recently issued Planning Practice Guidance also notes that achieving good design is about creating places, buildings or spaces that work well for everyone, look good, will last well, and adapt for the needs of future generations.
- 6.6.5 The application is also supported by a Landscape and Visual Impact Assessment which provides an analysis of the site as current and the impact of the proposal from 7 viewpoints. This accepts that the main impact will be the replacement of semi open countryside with houses on one side of the road to houses on both sides of the road and accepts that this will result in harm but that the harm is minor. The LVIA also acknowledges the change to the relationship between the properties on Wrexham Road and the open countryside but considers this to be a minor adverse impact.
- 6.6.6 The application form advises that the houses will be finished in red brick and slate

finished roof with materials to be submitted and agreed. The designs shown on the submitted plans are considered by officers to be acceptable and relate well to the surrounding area. The houses are all two storey. The design and access statement notes that the properties in the surrounding area are brick and tile with plain barge boards and dentil courses, occasional use of timber framing, bay windows and double gable fronts. Existing dwellings are single or two storey and rarely include dormer windows. The designs proposed include pitched roofs, some with gables, chimneys in prominent locations, simple porches, small numbers of bay windows

6.6.7 Overall officers consider that the layout and designs have been well thought out and take into account the context of the site and the wider area. Although the proposal will alter the character of the immediate area from agricultural to built development this harm is considered to be less than substantial, the proposal will retain a gap between the edge of Oswestry and the village of Morda and as such the adverse impact of the harm is not considered to outweigh the benefits. Accordingly the development is considered to be acceptable and comply with the local policy requirements and also the NPPF and is therefore recommended for approval.

6.7 **Impact on residential amenity**

6.7.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

6.7.2 Objectors have raised concerns about the loss of privacy and overshadowing with a very detailed objection being received from the owners of The Crow, the adjacent property detailing the impact which they consider will result from developing the site as shown on the submitted plans. The agent has detailed the consideration of the impact on surrounding properties within the design and access statement and also in amending the plan. This notes that views from existing properties into the site are not protected and that the properties on the opposite side of Wrexham Road are protected by the distance between the existing dwellings and the proposed. However the two properties either side of the site on the same side of Wrexham Road have the potential to be affected.

6.7.3 212 Wrexham Road is a single storey property with a hedge and fence boundary. Although the windows in the side of this property are visible from within the site they are at ground floor level and as such additional planting into this boundary would help protect the amenities of this property. The new dwelling closest to 212 is approximately 12 metres away and although it is acknowledged that it is two storey this distance will ensure that overlooking is not unacceptable.

6.7.4 The main impact will be on The Crow, which is on the western boundary of the application site. However, the nearest proposed dwelling would be approximately 21 metres away from the existing dwelling and as such would not result in unacceptable loss of privacy. Guidelines suggest a minimum of 21 metres between facing windows would ensure that privacy is protected. The nearest proposed dwelling is plot 25 which does not directly face towards any of the existing windows in The Crow. The other proposed properties are over 21 metres

from the existing property with the nearest with windows facing The Crow being approximately 39 metres away. Therefore the proposed layout provides a greater distance than is considered best practice between facing windows. Concern has been raised about the potential for overlooking from plots 25 and 26 to the garden of The Crow and this is a valid concern, though gardens are private amenity space there is normally an acknowledgement of some overlooking. Plots 25 and 26 are approximately 10 metres from the hedge boundary of The Crow which would provide sufficient distance to not result in an unacceptable loss of privacy.

6.7.5 Within the objection letter the owner of The Crow has also commented on the lack of a hedge boundary along the driveway to the existing property which is currently post and rail fence. This has now been corrected in the amended plan which shows the proposal for a new, native species, hedge along this boundary. This hedge would help to reduce the impact on this dwelling although it is acknowledged that the outlook from this existing dwelling will be significantly altered from semi-open countryside to residential use.

6.7.6 The design and access statement also acknowledges the potential for noise and air quality impacts during construction. The noise and emissions from the use of the site once completed would not result in any significant harm and the applicant has suggested that a construction management plan can be provided to ensure the amenities of the existing dwellings are protected during construction.

6.7.7 It is considered by officers that the layout and design of the dwellings will not result in an unacceptable loss of privacy or light for any of the existing dwellings. It is acknowledged that their outlook will alter, however a private view is not a material planning consideration and the wider public view has been considered previously in this report and assessed with regard to the LVIA. As such it is considered that the proposed scheme complies with the requirements of the adopted core strategy and the NPPF in terms of protecting amenity.

6.8 **Highways, access, parking and rights of way**

6.8.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced.

6.8.2 One of the main concerns raised by local objectors has been the potential impact on highway safety on Wrexham Road and this relates not only to the application site and its accesses but also to the increase in traffic on Wrexham Road further towards the town centre. It is acknowledged that further along Wrexham Road there is limited off-street parking and as such residential properties have cars parked on the road and reduce the width of the road. This results in difficulties in passing the parked cars, especially where there is a long run of parked cars. The applicant has considered this issue and submitted a transport statement and an offer of a financial contribution to be paid to the Town Council to provide a car parking scheme along Wrexham Road.

- 6.8.3 A transport statement is not required due to the number of houses proposed but one has been submitted by the applicant as the above concerns were known. The transport statement is a revision of a previous statement drafted for the proposal for 350 houses on the site but has been amended to reflect the current proposal. The statement advises that the theoretical capacity of Wrexham Road is 1110 to 1300 traffic movements per hour; it is subject to a 30mph speed limit and that the town centre is within 2km of the application site. It also notes the other alternative routes into the town along Chemistry and Smallbrook Road though acknowledges that this is unlikely to be used by occupants of the site.
- 6.8.4 Within the transport statement the consultant has provided details of traffic flows from recording devices placed along Wrexham Road for 7 days in 2013. These devices recorded numbers and speed and showed two peaks during the am and pm periods with flows of an average of 269 vehicles but also acknowledged that vehicles do travel over the 30mph speed limit, however the consultant considers that this is reflective of the lack of junctions and houses. The plans and statement detail the proposed junctions, both of which meet the requirements in 'Manual for Streets' and provide acceptable visibility splays in both directions.
- 6.8.5 In response to the concerns raised regarding the width of Wrexham Road further towards the town centre and the added pressure on this restricted width from the development the consultant has noted that this relates to cars parking in blocks along the southern side of Wrexham Road and, as noted above, the consultant has suggested a traffic management solution. A number of options have been considered including completely removing on street parking but is it accepted that this would not be locally supported. The final suggestion is a scheme which would stagger the blocks of parking. In order to assess the potential solution the consultant has undertaken counts of parked cars and queuing traffic and noted that the maximum delay experienced was 30 seconds. The consultant has, using their professional experience and accepted guidance, estimated the potential increase in traffic from a 40 dwelling development as being 210 trips per day with up to 25 trips at peak times. However, not all of these movements will turn right out of the site towards the town centre.
- 6.8.6 The Council Highway Officer has advised that the traffic assessment is robust and that the findings are not disagreed with. Furthermore, taking both this application and the other application on Wrexham Road, the Council Highway Officer has advised that cumulatively the two developments would not raise a highway capacity issue. The Highway Officer has also provided detailed advice about the parking issues further along Wrexham Road and advises that the potential impact of the development upon traffic/on-street parking issues, which currently exist, would not be materially worsened. Moreover, it is considered that a highway objection in this regard would not be sustainable.
- 6.8.7 The applicant has offered to provide a financial contribution which could be used to mitigate the existing parking issue. However this would not meet the tests within the CIL regulations (previously the S106 tests). Given the scale of the development for 40 houses it is advised that this would not result in materially greater number of vehicle movements along Wrexham Road or significantly

increase the existing on-street parking issue and as such the contribution is not required to make the development acceptable. The applicant is within their rights to put forward a unilateral undertaking to pay the Council money for future mitigation but officers advise that this is not made a requirement of the consent and also not given any weight in the determination of the application.

- 6.8.8 In addition the agent is suggesting that a new bus stop could be provided and the plans also show an uncontrolled pedestrian crossing. The bus stop and shelter is considered to be needed as part of the development and to enhance existing bus services in the area. As such this contribution can be required within a S106. The informal pedestrian crossing, in the form of tactile paving and dropped kerbs, can be formed within the existing highway and as such can be controlled by condition.
- 6.8.9 The submitted plans show two access junctions with visibility splays of 2.4m by 63m which is in line with the requirements of Manual for Streets and the internal estate roads are sufficient for large vehicle movements, including the waste removal vehicle, to provide access to all the properties and that each property will have its own parking provision with two bed units provided with 1.5 spaces, and each 3-4 bed unit provided with 2 spaces. The originally submitted plan also showed dedicated visitor parking areas along the internal roads, however this has since been removed as there would not have been any way of controlling this parking or maintaining the spaces. The amended plan now shows the highway, which can be put for adoption by the Council, with sufficient width to allow on-street parking which would then be wholly maintainable by the Council.
- 6.8.10 The Council Highway Officer has confirmed that the access junctions and the layout of the site and parking arrangements are acceptable and meet the requirements of national and local policies. There is no evidence of any harm that would result from the development that would warrant a refusal of the application or outweigh the benefits.

6.9 Ecology and trees

- 6.9.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. A phase 1 ecology survey was undertaken in 2011 and updated to be submitted with the current application and this has been considered by the Council's Ecologist and Tree Officer.
- 6.9.2 Submission of these reports has acknowledged the potential for protected species to be present on the site and within the surrounding area. The watercourse which cuts across the site has the potential to be habitat for water voles and the hedges and trees potentially habitat for birds and bats. A tree protection plan has been provided identifying the trees within and surrounding the site and seeking to retain as much of the existing landscaping as possible.
- 6.9.3 The submitted ecology survey considers that the fields themselves have low ecological value and no evidence was found of Great Crested Newts, badgers or water vole. However a 7m wide buffer is proposed either side of the watercourse to enhance the habitat for water vole and the consultant has recommended re-

checking the site for badgers prior to work commencing. No bat roosts were found but there is evidence of bats using the hedges and as such the consultant has made recommendations. The applicant's consultant considers that the development can proceed without the loss of habitat of significant value and without the loss of favourable conservation status of any protected species.

- 6.9.4 Although local objectors have raised concerns that the site is used by wildlife the Council Ecologist has confirmed that the survey work is acceptable and has not raised any objection to the scheme subject to conditions to provide artificial nests, details of lighting and a further survey for badgers prior to work starting.
- 6.9.5 The submitted tree survey notes the Tree Preservation Order covering two of the trees on the site, a horse chestnut and a sycamore and also identifies 30 other trees and 7 hedges on the site but does not consider that any of the trees are of high quality, some are considered to be moderate quality and value and some are of low quality and value. Two of the trees are of such poor quality, a dead oak and a mature sycamore which has suffered from a snapped stem, are recommended to be removed by the author of the tree survey. However, except for these two trees only one other will need to be removed, the remainder of the trees should be capable of being retained.
- 6.9.6 It is noted within the report that the site is bound by hedges on the northern, western and eastern boundaries. The southern boundary is currently open to the agricultural field. The hedges are predominately hawthorn with holly, field maple, English elm, elder and dog rose present in places and are considered by the author of the report to be of moderate quality and value. Most the trees identified are within the hedges or are situated close to the watercourse running through the centre of the site.
- 6.9.7 Concern has been raised about the proposed planting of a new hedge along the south western boundary of the site, however the applicant has provided detailed historic maps within the design and access statement which show that this boundary was previously in existence and enclosed with a hedge.
- 6.9.8 The submitted tree report notes that the site is currently not open to the public but that the trees and hedges are visible from Wrexham Road. The proposal will retain these landscape features but also enhance public access to them with the opening of the area of public open space in the centre of the site. The visual impact of housing development on this site has been considered elsewhere within the report. The provision of well landscaped public open space with an existing feature is a positive benefit of the development as to is the proposed additional planting which is to be provided in both public and private areas of the development.
- 6.9.10 Since the initial submission of the application the Council Tree Officer has provided comments that three of the trees should be felled and replaced by additional semi mature Pendunculate Oaks, due to their condition/ unsuitability to be retained close to property. It has also been noted that the Tree Preservation Order on site this will be revoked shortly as being out of date. The revocation has been completed and as such the trees are no longer protected by a TPO. The

agent has confirmed that the client is happy to follow the advice of the Tree Officer to remove the three identified trees and replace them with oaks, though the one will not be replaced in situ as the front garden to a dwelling would not be an appropriate location for a new oak tree. Amended tree details and plans have been submitted and the Council Tree Officer has confirmed that the details are acceptable.

6.9.11 Overall it is considered that the site can be developed without significant impact on trees or hedges and the proposal will provide additional landscaping. Conditions are recommended which states work to be in accordance with the submitted Tree Report and Tree Protection Plan (as amended) and a landscape plan showing size, species and location of new tree planting should be requested. The tree report suggests measures to reduce the impact of the construction of the development and the recommended condition would ensure that the work is undertaken in accordance with the recommendations.

6.10 **Drainage**

6.10.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. The application form suggests that foul drainage will be discharged to the mains system in the area and surface water is to be disposed of via a sustainable drainage system. The existing foul sewer crossing the site is proposed to be diverted and this would be done through consenting regime with Welsh Water. It is noted that Welsh Water has suggested that no development should take place within 3m of the sewer, however this does not acknowledge the proposed diversion. Drainage from the roads would be discharged to the watercourse via traps and attenuation and drainage from houses and gardens discharged to soakaways within the gardens. A flood risk assessment has been undertaken and submitted with the application which has identified the features in the surrounding area and the levels of the site.

6.10.2 Concerns have been raised by local residents that the development of the site would add to increased surface water run off and flooding problems. In response the Council Drainage Engineer has noted that a revised drainage strategy has been submitted which shows the surface water discharge from the site as equivalent to 1 in 1 year greenfield run-off rate and as such the surface water flooding from the site should be no worse than the existing situation with any storm water stored in the proposed cellular tanks. The tanks would sit below the area of open space and the applicant has suggested that these tanks would be maintained in association with the maintenance of the open space through the payment of a financial contribution as part of the S106 legal agreement.

6.10.3 However, the Council Drainage Engineer has commented that the Council would not be willing to accept liability or the maintenance of these features. It is expected that the surface water drainage system within the roads would be adopted by Welsh Water but the remainder of the system, the underground attenuation tanks, would need to be maintained by a management company. This could be done alongside the maintenance of the open space and the full details of this maintenance be controlled through the S106.

- 6.10.3 The Environment Agency has been consulted but have commented that the application does not require consultation as it is lower risk development wholly within flood zone 1. They have advised that the Council Drainage Engineer be consulted and that standing advice be followed. The standing advice recommends a Flood Risk Assessment (FRA) be undertaken; use of sustainable drainage (SUDs) and consideration of climate change and exceedance events.
- 6.10.4 The FRA notes that there is a chance of the watercourse which runs through the site flooding and the groundwater around the watercourse flooding. However the FRA advises that the majority of the site would not be at risk of flooding and the space around the watercourse floods due to the culvert. The FRA therefore recommends that finished floor levels are set at a minimum of 93AOD, which would be just above the lowest point of 92.74AOD; if possible, the existing bridge across the watercourse should also be removed and replaced with a bridge which would provide greater capacity below; and attenuation is proposed to ensure that the surface water run off does not exceed existing greenfield rates.
- 6.10.5 As noted, the Council Drainage Engineer has confirmed that the proposed drainage scheme is appropriate and as such it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.
- 6.11 **Other matters**
- 6.11.1 The police crime prevention design advisor for West Mercia Police has submitted comments which do not object and notes the advice given before submission of the application regarding accreditation for Secured By Design. The POS (Public Open Space) is central and divides the proposed development into two and the advisor has raised concerns that the POS makes the site insecure and full accreditation is not possible. Any linking footpaths through any proposed development does increase the potential for such linkages to be used as escape routes for would be offenders. Concern has also been raised in relation to there being two entrance/ exits points in close proximity.
- 6.11.2 These concerns are noted however the development of the site is constrained by the watercourse and the concerns raised need to be balanced against the positive benefits of providing increased public access to the open space, between the two parcels of the development and to the wider area.
- 6.11.3 The application form also noted the potential for contamination and a report has been submitted in support of the application which details the potential risk from contaminants on site and also from the future development. The report also comments on the land stability which was a concern raised by local objectors. The ground investigation included a walk over and desk based assessment which identified the local features and concluded that the potential for ground stability issues is very low. The report concludes that there is no historical or geological evidence of on site contamination but does recommend gas monitoring due to the presence of a historical landfill and waste treatment site within 200m of the site.
- 6.11.4 Following pre-application advice from the Council Archaeologist the applicant has

submitted a heritage assessment to consider the potential impact on cultural heritage. The assessment has identified one 20th century building which they consider is of negligible value and also noted the possible Roman road along the line of Wrexham Road. The assessment has identified other heritage assets in the wider area but does not consider that the proposal will impact on any of these. The Council Archaeologist has provided comments on the current planning application advising that a condition should require an archaeological watching brief which will also record any archaeological finds.

- 6.11.5 As noted previously the application also includes an area of open space through the centre of the site. The supporting statement submitted with the application notes that the Shropshire Council Supplementary Planning Guidance requires 3 hectares of open space per 1,000 people (calculated as one person per bedroom). The proposed development has 129 bedrooms and therefore would require 0.387ha of open space. The proposed layout shows two areas totalling 0.3998ha of open space including an area which would provide space for children's play equipment. Therefore the amount of space proposed complies with the SPG. The provision of play equipment would be a matter for the Town Council under the CIL regulations and using CIL monies. The maintenance of the open space, and any equipment, could either be transferred to the Town Council or undertaken through a maintenance company paid for by the occupants of the properties on the development site. This matter can be dealt with through the submission of a maintenance agreement which can be controlled by condition or via the S106.
- 6.11.6 The Council Recreation Team Leader has suggested that the stream is profiled to ensure that there are no steep sides and officers accept that this would make the open space safer for use by children. However, the profiling of the sides needs to be done with care so as not to adversely affect of the existing trees adjacent to the watercourse and to ensure that the watercourse is still appropriate habitat for protected species. As such it is recommended that a condition be imposed requiring details of the ground levels and landscaping of the open space to be submitted for approval. This would then enable the Council to negotiate an appropriate scheme.
- 6.11.7 Policy CS11 of the Shropshire Core Strategy requires every new open market housing development to contribute towards affordable housing. As a full planning application the number of affordable houses can be set at this time and controlled through a S106 legal agreement. An affordable housing statement has been submitted with the application which acknowledges this requirement and confirms that the development can provide 4 affordable dwellings, which would equate to 10% as required in the current prevailing target rate. It is proposed that plots 4 to 7 are the affordable dwellings and this would provide four dwellings in one group and as such would enable management by a registered social landlord.
- 6.11.7 The development will also be liable for payment of CIL (Community infrastructure levy) to contribute towards infrastructure in the local area and across Shropshire. For this site the payment would be £40 per square metres and at 3,819 square metres would contribute a total of £152,760. This money, along with other contributions, would pay for infrastructure improvements in and around Whitchurch by Shropshire Council and also by Whitchurch Town Council in line

with the priorities set by the Town Council.

7.0 CONCLUSION

- 7.1 The site is located outside the current Whitchurch development boundary and is therefore classed as a departure from the development plan. However, it is accepted that the site is in a sustainable location, on the edge of the existing built development, where it benefits from transport links and the facilities, services and infrastructure offered by the market town and will provide additional housing supply in accord with national planning policy priorities. Furthermore, the development will provide for affordable housing in accordance with Policy CS11 and infrastructure provision in accordance with policy CS9 and will not result in significant loss of agricultural land.
- 7.2 The proposed layout, scale and design are considered to be appropriate providing two clear areas of development with road frontage and variety and enables the retention and enhancement of existing features and will not result in unacceptable harm to the amenities of the neighbouring residents.
- 7.3 The development can be provided with appropriate vehicular accesses, internal layout and pedestrian access and will provide connections to the existing public transport and a new bus stop. Furthermore, the site can be provided with satisfactory foul and surface water drainage arrangements, will not be harmful to local habitats or biodiversity and public open space will be provided which also improves the accessibility and the landscaping of the space around the watercourse.
- 7.4 Accordingly, it is considered that the proposal meets with the housing policies and general requirements of the NPPF and otherwise complies with Shropshire Core Strategies CS6, CS9, CS11, CS17 and CS18 of the Shropshire Core Strategy. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.

The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly

and b) in any event not later than 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 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10.0 BACKGROUND

10.1 Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS3 - The Market Towns and Other Key Centres
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS9 - Infrastructure Contributions
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management

11.0 ADDITIONAL INFORMATION

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

Cabinet Member (Portfolio Holder)
Cllr M. Price

Local Member
Cllr Thomas Biggins
Cllr Peggy Mullock

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

2. The development shall be carried out strictly in accordance with the deposited plans and drawings as amended by the revised plans detailed below.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until a scheme for the foul drainage, and surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied. The drainage scheme shall include details of percolation test results, sizing of soakaways, details of the attenuation scheme proposed, a contoured plan of the finished road level and gulleys and details of the surfacing of driveways and means to prevent water flowing onto the roads.

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

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

Reason: The site is known to hold archaeological interest.

5. No built development shall commence until samples of all external materials including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The samples required shall include the erection of a sample panel of brickwork, including mortar, of at least 1 metre square, on site for the approval of the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

6. No development shall take place until full construction 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 buildings occupied.

Reason: To ensure a satisfactory means of access to the highway.

7. No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of surface water have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is occupied.

Reason: To ensure a satisfactory access to the site.

8. 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:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

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

9. Prior to any work commencing on the open space a scheme of landscaping shall be submitted to and approved by the local planning authority and these works shall be carried out as approved. The submitted scheme shall include:
- Ground levels existing and proposed
 - Profiling of the watercourse banks
 - Means of enclosure
 - Details of the means of crossing the watercourse
 - Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)
 - Planting plans
 - Written specifications (including cultivation and other operations associated with plant and grass establishment)
 - Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
 - Implementation timetables

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

10. The development hereby approved shall be carried out in accordance with the revised Tree Report and Tree Protection Plan. Prior to construction of the dwellings a plan showing the species, planting sizes and proposed numbers/densities of new trees and a written specification (including cultivation and other operations associated with plant and grass establishment) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out before the occupation of any of the dwellings.

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

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

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

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

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

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

13. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system.

Reason: to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

14. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.



Committee and Date

North Planning Committee

3 June 2014

Item

13

Public

Development Management Report

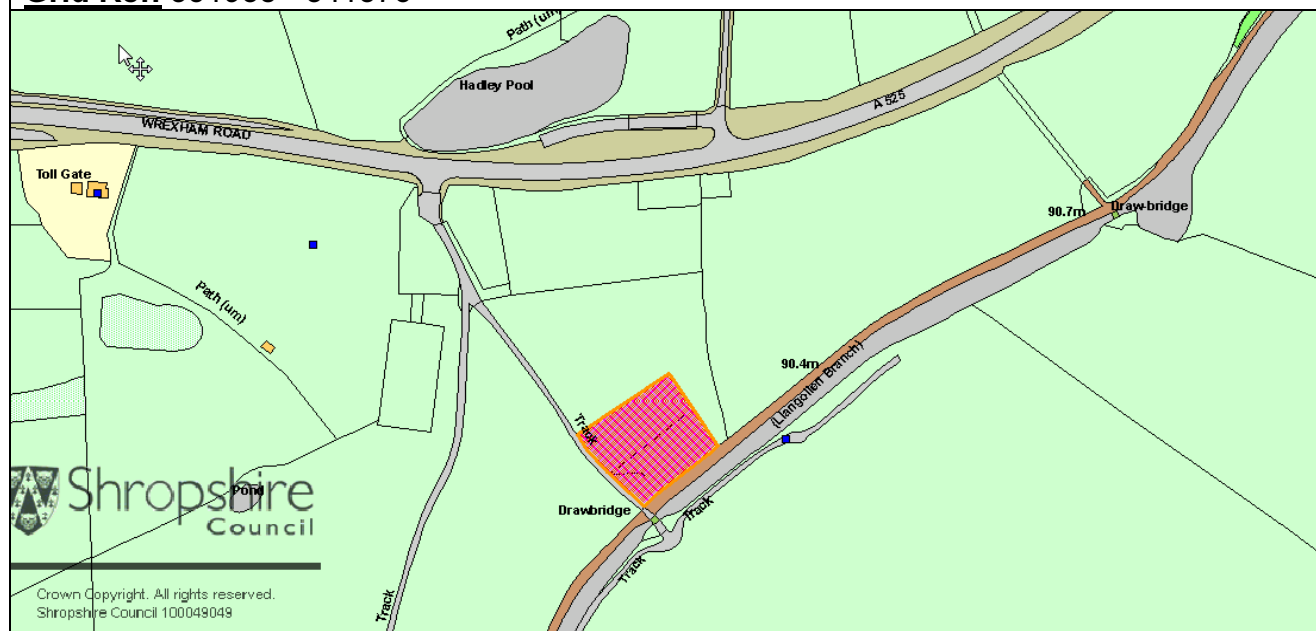
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 14/00344/COU	Parish:	Whitchurch Urban
Proposal: Change of use of agricultural land to tourist caravan site for 10 no. touring caravans and 8 no. seasonal caravans		
Site Address: Hadley Farm Wrexham Road Whitchurch Shropshire SY13 3AB		
Applicant: Mr & Mrs P Wynn		
Case Officer: Sue Collins		email: planningdmne@shropshire.gov.uk

Grid Ref: 351938 - 341376



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

REPORT

1.0 THE PROPOSAL

1.1 The application seeks planning permission for the change of use of agricultural land to a caravan site for 10 touring caravans and 8 seasonal caravans. The proposal also includes the siting of a toilet/shower block, provision of access drives and parking areas. Additional landscaping will also be undertaken to enhance the existing and to help screen the development.

2.0 SITE LOCATION/DESCRIPTION

2.1 The land is located adjacent to the canal and comprises open grazing land. There are small sections of hedgerows along the field boundaries, with fencing completing them. Most of the land is fairly level, however the levels rise up to the canal. Access to the site is off the A525 Wrexham Road using an access that serves other existing dwellings, the equestrian and catering facilities as well as the agricultural land. Once past the main entrance the access track forks with the spur leading to the site and the main section leading on to the houses and other land that is in the control of the applicant.. The track is unsurfaced and leads to the bridge over the canal and peters out in the field beyond.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Applications made, by or on behalf of, or relating to the property of Members or officers of the Council who hold politically restricted posts or who either directly or indirectly report to the Group Manager Environment.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Highways:** No objection

4.1.2 **Ecology:** No objection subject to the inclusion of the recommended informative regarding Great Crested Newts

4.1.3 **Public Protection:** No objection. The applicant should give thought to the capacity of the existing café system and the potential volume that could be added.

4.1.4 **Canal and River Trust:** No objection subject to the recommended conditions regarding foul and surface water drainage.

4.1.5 **Ramblers:** Concerned that increased traffic levels may cause safety issues for users of a footpath 0234/99 which crosses the access track.

4.2 Public Comments

4.2.1 Six letters of representation have been received. The areas of concern relate to:

- Little planning input in changing this area from agricultural to leisure use.
- Caravan park will be a visual blight
- Activities impinge on several public rights of way
- Increased urbanisation of a rural setting.
- The access is unsuitable for the type and amount of traffic that will be generated.

- The residents who live off the private road would be inconvenienced by the increased traffic through the damage to property and inability to turn vehicles if they miss the turning to the caravan park.
- The development will not relate to its surroundings nor will it enhance the quality of the environment.
- The diversity from agricultural use to tourism is contrary to the requirements for the agricultural workers dwelling that is proposed nearby.
- The lack of a footpath along the highway makes it unsafe for pedestrians to use to access Whitchurch.
- The use of the canal towpath at night would be dangerous to pedestrians.
- The canal, road and increased traffic would be a safety issue for visitors.
- An ecology survey should be provided prior to the application being determined.

One letter in support of the application has been received

- This provides an ideal opportunity to support the growing tourist industry for Whitchurch.

5.0 THE MAIN ISSUES

- Policy & Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Ecology and Landscaping
- Drainage

6.0 OFFICER APPRAISAL

6.1 Policy & Principle of Development

- 6.1.1 Section 3 of the National Planning Policy Framework (NPPF) deals with the issues of supporting a prosperous rural economy. This encourages the promotion and diversification of agricultural and land-based rural businesses and also supports sustainable rural tourism and leisure facilities that benefit businesses in rural areas, communities and visitors. These should respect the character of the countryside and be in appropriate locations.
- 6.1.2 Policy CS16 of the Shropshire Core Strategy further deals with the issue of Tourism and reflects the requirements of the NPPF. The policy also identifies the Llangollen Branch of the Shropshire Union Canal as an area where tourism schemes seek to enhance the economic, social and cultural values of canals.
- 6.1.3 Concerns have been raised that the proposal contradicts the requirements for an agricultural workers dwelling on the site. Whilst this view is understood, there would still be justification for the dwelling on the basis of meeting an agricultural worker requirement for the holding. The principle of diversification is supported by both national and local policies.
- 6.1.4 The site is located to the west of Whitchurch within easy walking or cycling distance of the Town Centre and its associated facilities and services. There is a network of public rights of way as well as the canal towpath which provides good

connections not only to the town but other areas such as Grindley Brook and the Mosses at Whixall and surrounding area. Furthermore other towns and visitor attractions are also nearby.

- 6.1.4 The proposals will help to improve the offer of tourism facilities within the Whitchurch area as well as providing diversity within the agricultural holding. By increasing tourism in the area, it will also have a realistic potential to support the commercial vitality of the town and surrounding areas.
- 6.2 **Design, Scale and Character**
- 6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.
- 6.2.2 The proposed layout plans demonstrate that each of the pitches will provide a reasonable amount of space per unit including parking. Central access drives will provide access to each unit off the track.
- 6.2.3 A new toilet/shower block will also be constructed within the site for the use of visitors. This is to be a single storey building providing toilet and washing facilities for men and women with special facilities for disabled persons and single shower cubicle. The size of the building will be approximately 8.3 metres by 4.9 metres with a maximum height to ridge of 4.4 metres. No details of the proposed external materials have been provided however, this can be resolved through the inclusion of a condition requiring these to be submitted for approval prior to their use on site. The size of the building and its overall design would be appropriate for its intended use and takes into account the local context and character.
- 6.2.4 As part of the proposal a significant level of landscaping is to be carried out. This will be along the northern and eastern boundaries of the whole site, with the existing hedgerow through the centre being enhanced. Additional planting will be carried out around the proposed shower/toilet block and as such will help soften the visual impact of the proposal within this part of the open countryside. The landscaping plan specifies the types of plants that will be used and their percentages. As most of them are relatively quick growing they will add to the character of the area within a short period of time.
- 6.3 **Impact on Residential Amenity**
- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.3.2 There are no residential properties immediately adjacent to the application site. However the access track off the A525 does serve some dwellings and they have raised concerns that the level and nature of the traffic will cause damage to their

properties and cause an inconvenience.

6.3.3 Whilst it is appreciated that traffic levels would increase as a result of the development the worst of the traffic would be when the vehicles initially arrive or leave towing the caravans. However the layout is such that there are clear views across from the access track to the site to the track that serves the dwellings and any vehicle would be readily visible. Whilst there may be some delays as a result of the vehicles, much of the impact this would have on residents is considered to be low.

6.3.4 The distance from the caravan site to the nearest dwellings would be sufficiently far enough to not cause any loss of light or privacy to the residents of Blackoe Cottages.

6.4 **Highways**

6.4.1 Concerns have been raised by the residents of Blackoe Cottages that the proposed use would have a detrimental impact on the highway safety of the area. Particularly with the access onto the A525.

6.4.2 The application site is served by an existing access junction on to the A525 Wrexham Road to the north. The access already serves the farm, equestrian facilities and a café. The Highway Authority is of the view that the layout of the existing access together with the available measure of visibility along the principal road is satisfactory to also accommodate the vehicular movements likely to be generated by the proposal and raises no objection to the development.

6.5 **Landscape and Ecology**

6.5.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Therefore the application has been considered by the Council's Ecologist.

6.5.2 Concern has been raised that the proposal will have an impact on Ecology of the area and it has been requested that no decision is made until an Ecology survey is submitted as part of the application.

6.5.3 Great crested newts

No Ecological Assessment has been submitted with this application. There are historical records of low numbers of great crested newts present in a pond approximately 20m from the site. From aerial photographs there also appears to be a temporary water body around 30m north east of the site.

In view of the use of the land for caravans and the low quality of the habitats on site as terrestrial great crested newt habitat, it is the view of the Council Ecologist that an offence under the Habitats Regulations would be unlikely.

6.5.4 Whilst the request for an Ecology Survey is appreciated, the Council's Ecologist has not commented that the proposal meets the trigger for a survey to be carried out. As they have also commented that the area is of low quality for Great

Crested Newt Habitat further information is not required.

6.5.5 The planting of the proposed additional landscaping as identified on the plan with the application will also improve the biodiversity of the area providing possible foraging areas for bats and other wildlife.

6.6 **Drainage**

6.6.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.

6.6.2 Limited drainage information has been provided with the application regarding the proposed drainage systems to be installed as part of the development. The Canal and River Trust have raised concerns as they wish to prevent any pollution of the Canal and they wish to protect the capacity of the culvert. They have therefore recommended that conditions be included should planning permission be granted to ensure that these issues are assessed fully prior to works commencing on site.

6.6.3 The Public Protection Officer has also requested that consideration be given to the proposed method of foul drainage to ensure that the capacity of the existing system can accommodate the additional flow.

6.6.4 Whilst this information is required in order to demonstrate that the site can be appropriately drained, there is sufficient land available to the application to ensure that this can be carried out. Therefore it is recommended that appropriate conditions be included on any planning permission granted requiring full details to be submitted for approval prior to works commencing on site.

7.0 **CONCLUSION**

7.1 The proposed development is appropriate in its scale and layout to ensure that any visual impact on the rural landscape will be minimal whilst providing tourist accommodation to the benefit of Whitchurch and the surrounding area. The proposed landscaping would also provide enhancements to the biodiversity of the area. As such the proposal would be in accordance with the NPPF and policies CS5, CS6, CS16, CS17 and CS18 of the Shropshire Core Strategy.

In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

8.1 **Risk Management**

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural

justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 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.

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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

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9.0 FINANCIAL IMPLICATIONS

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS16 - Tourism, Culture and Leisure
CS17 - Environmental Networks

CS18 - Sustainable Water Management

Relevant Planning History:

NS/07/01195/FUL Proposed erection of a reception cabin in association with equestrian cross country course CONAPP 1st August 2007

11/02093/FUL Provision of catering unit and toilet block GRANT 21st July 2011

12/03675/AGR Erection of an agricultural building for the storage of agricultural equipment and machinery PNR 13th September 2012

13/00656/FUL Erection of an agricultural workers dwelling and double garage PDE

14/01807/SCR Proposed solar farm PCO

11. Additional Information

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

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

4. Prior to the commencement of development details of the measures to be put in place to prevent pollution of the canal from the foul drainage provision shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details.

Reason: To ensure that foul sewage from the site is disposed of in a safe and appropriate manner in order to safeguard the canal environment and water quality in accordance with policies CS6: Sustainable design and development principles, CS16: Tourism and culture and CS17: Environmental Networks of the Adopted Shropshire Core Strategy.

5. No development shall take place until full details of the intended surface water drainage arrangements have first been submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details.

Reason: To ensure that surface water from the site is disposed of in a safe and appropriate manner in order to protect the integrity of the waterway structure and water quality in accordance with policies CS6: Sustainable design and development principles, CS16: Tourism and culture and CS17: Environmental Networks of the Adopted Shropshire Core Strategy.

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

6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out within the first planting season of works

commencing on site associated with the proposed development. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

7. The whole site shown within the red edging on the approved plan, shall be used for no more than a maximum of 10 touring and 8 seasonal caravans at any one time. The site shall be used for touring and seasonal caravans only and shall not be used as the sole, primary or permanent residence of any occupier. For one whole month between November and February each pitch shall be completely cleared of caravans.

Reason: To safeguard the visual amenities of the area and to prevent the establishment of a permanent residential planning unit in an area where new dwellings would not normally be permitted.

8. The owners/operators of the site shall maintain an up-to-date register of the names and main home addresses of all occupiers of individual caravans and shall make this information available on request at all reasonable times to the Local Planning Authority.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised residential occupation.



<u>Committee and Date</u>
North Planning Committee
3 June 2014

<u>Item</u>
14
Public

APPEALS AND APPEAL DECISIONS

Appeals Lodged

LPA reference	13/03184/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr R Hill
Proposal	Change of use of land to form new access to replace access arrangements approved under application 11/04122/OUT
Location	Plas Wilmot, Weston Lane, Oswestry
Date of appeal	28.04.2014
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	14/00239/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs E Burton
Proposal	New dwelling
Location	Land at Bottom of Old Mapsis Way, Morda
Date of appeal	12.05.2014
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	13/01142/OUT
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Severnside Housing
Proposal	Erection of three storey block comprising 12 No. two bedroom apartments following demolition of existing building; alterations to existing vehicular access and formation of associated car parking
Location	Overdale, Middleton Road, Oswestry
Date of appeal	19.05.2014
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	13/03414/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Maiden
Proposal	Outline application for residential development to include means of access
Location	Land At O.S.5073 Newport Road Hinstock Shropshire
Date of appeal	21.05.14
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	