



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

Date: Monday, 21 July 2014

Committee:
North Planning Committee

Date: Tuesday, 29 July 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 Apologies for Absence

To receive apologies for absence.

2 Minutes (Pages 1 - 10)

To confirm the Minutes of the meeting of the North Planning Committee held on Tuesday 1st July 2014, attached, marked 2.

Contact Emily Marshall on 01743 252726.

3 Public Question Time

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

4 Disclosable Pecuniary Interests

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

5 Land On North Side Of Whittington Road, Gobowen, Oswestry (Pages 11 - 26)

Outline application for mixed residential development; formation of open space; alterations to existing vehicular access.

6 Appeals and Appeal Decisions (Pages 27 - 28)

7 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 26th August 2014, in the Shrewsbury Room, Shirehall.



Committee and Date

North Planning Committee

29th July 2014

NORTH PLANNING COMMITTEE

Minutes of the meeting held on 1 July 2014

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

2.00 - 4.25 pm

Responsible Officer: Emily Marshall

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

Present

Councillors Paul Wynn (Vice Chairman)

Joyce Barrow, Martin Bennett, Gerald Dakin, Pauline Dee, David Lloyd, David Minnery, Peggy Mullock and John Cadwallader (substitute for Arthur Walpole).

16 Apologies for Absence

Apologies for absence were received from Councillors A. Walpole (substitute: J. Cadwallader), S. Davenport and V. Hunt.

17 Minutes

Councillor G. Dakin, requested that it be noted that in relation to the final paragraph on page 10 of the Minutes of the meeting held on 3rd June 2014, relating to planning application 14/00462/FUL, it had been confirmed that the visibility splay would be contained within the highways boundary.

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 3rd June 2014 be approved as a correct record and signed by the Chairman.

18 Public Question Time

There were no public questions, statements or petitions received.

19 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 Joyce Barrow declared that she would leave the room prior to consideration of planning application 13/04845/FUL due to a perception of bias.

(Councillor Joyce Barrow withdrew from the meeting whilst consideration of planning application 13/04845/FUL took place).

20 Land West Of Morda Bank, Morda, Shropshire (13/04845/FUL)

The Principal Planning Officer introduced the application, explaining that the application had been considered at the previous meeting at which Members had resolved that they were minded to refuse the application.

Shropshire Council's Senior Specialist, Planning Policy was in attendance and provided further explanation and clarification in relation to the SamDev Plan and the five year housing land supply. He confirmed that the site was in the Council's final version of the SAMDev Plan and overall the site was deemed to be fair in terms of sustainability. The site was a deliverable site that would boost the Council's housing land supply. For these reasons officers advised that it would be difficult to defend a decision to refuse the application based on the principle of development on this site upon appeal.

The Council's Solicitor responded to concerns raised by Morda Residents Group, in relation to the decision that had been taken at the meeting on 3rd June 2014. She explained that at the last meeting Members had expressed concerns in relation to the application and that because of these concerns they had resolved that they were minded to refuse the application, however officer's advice was that the reasons put forward for refusal might not have been defensible upon appeal and so in accordance with Shropshire Council's Constitution, Officers prepared a further report which addressed the concerns raised by Members and was before Members for consideration at this meeting.

Mr John Abram, representing Morda Residents Group, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- 140 residents had submitted their written objection to the application;
- Oswestry Rural Parish Council strongly opposed the proposals;
- It was Morda Residents Group's understanding that at the meeting on the 3rd June 2014 the North Planning Committee had resolved to refuse planning permission on this site;
- The Group were alarmed at the recommendation in the Planning Officers report to grant delegated powers to the Planning Services Manager to grant planning permission; and
- He urged Members to use their power as elected members to refuse the application.

Councillor Robert Milton, representing Oswestry Rural 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:

- Oswestry Rural Parish Council were firmly opposed to the application;
- The fragile green space buffer zone should be retained;
- No decision should be taken until the results of the ecological survey were made public and there had been a chance to comment; and
- Large scale development was taking place within Morda and the village needed breathing space to review existing approved developments.

Mr Jon Rowson, the applicant, spoke for the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- The site was a preferred option site and they intended to deliver housing; and
- The applicant's ecological consultant was in negotiations with Shropshire Council's ecology officers and was close to providing the information to allow officers to approve the application.

Some members expressed concern at the density of the development, however the majority of members, whilst sympathising with local residents and the Parish Council acknowledged that the principal of development on this site had been established within the SamDev document, which was at a very advanced stage and the site would be considered sustainable due to its close proximity to the market town of Oswestry.

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

RESOLVED:

That the Planning Services Manager be granted delegated powers to grant planning permission, subject to;

- The resolution of the outstanding ecology issue;
- The Conditions listed at Appendix 1;
- 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.

21 Development Land East Of 163 Wrexham Road, Whitchurch, Shropshire (14/00459/OUT)

The Principal Planning Officer introduced the outline application drawing Members' attention to the schedule of additional letters and confirmed that two additional letters of support and two additional letters of objection had been received and circulated to the Planning Committee.

Shropshire Council's Highway Development Control Manager was present and provided further information in relation to highway safety, access and visibility confirming that the proposals added value to the area as well as meeting the

required standards for highways safety and reminded Members that it was a single point of access only being considered.

Mr Ken Tidy, on behalf of local residents, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- It was irresponsible to even suggest that the Highways proposals were acceptable;
- Local businesses would be affected during construction of the development; and
- Every endeavour should be made to use brown field sites.

Mr Michael Birch, 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:

- The removal of the hedge would completely remove the blind spot on Chemistry Junction;
- There would be no direct impact on vehicular movements on to the Chemistry Road junction; and
- The layout of the junction would be similar to others within Whitchurch and the surrounding area;

Mr Sandy MacDonald, 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:

- The development was a modest size compared to other recent developments within the area;
- The proposed highways improvements would be of benefit to the area; and
- The CIL contribution would bring benefits to the area.

The Council's Solicitor advised Members that weight should not be given to the benefits that would be accrued from an additional offered unilateral undertaking, which was not considered necessary to make the development acceptable.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Council held on 27 February 2014, Councillor Peggy Mullock, as the local Ward Councillor, made a statement, took no part in the debate and did not vote. During her statement the following points were raised:

- She wished to reiterate the points made by Mr Tidy in objection to the proposal;
- The site was a pleasant Greenfield site which lead down to the canal and housing was not needed; and
- She requested that the application should come back to Committee at the Reserved Matters stage.

The Principal Planning Officer explained that Condition 1 would be amended to include scale and layout and a further standard condition in relation to Highways was recommended.

Having considered the submitted plans for the proposal Members unanimously expressed their support for the planning officer's recommendation.

RESOLVED:

That Planning Permission be granted in accordance with the Officer's recommendation, subject to an amendment to Condition 1, to include scale and layout in addition to appearance and landscaping and an additional Standard Highways Condition.

22 Development Land East Of Shrewsbury Road, Cockshutt, Shropshire (13/04868/OUT)

The Principal Planning Officer introduced the outline application. He drew Members' attention to the schedule of additional letters and confirmed that Members had attended a site visit that morning to assess the impact of the proposed development on the surrounding area.

Councillor John Dickin, representing Cockshutt 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:

- The proposed development was on high quality Grade 2 agricultural land;
- There was a connection between the two ponds on the site, raising ecology issues;
- Drainage and Flooding were important considerations within the area;
- Concern was expressed at parking outside the school and the additional burden that the proposed development would create on Cockshutt Primary School which was already growing fast; and
- Additional development in the area was not needed as many sites had not been completed.

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

- His concerns were similar to those of the Parish Council;
- Pedestrian safety would be minimal;
- No drainage details had been submitted and the sewage system was running at capacity; and
- The development would have a detrimental impact on the character of the village.

Mr Clive Roberts, 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:

- He hoped Members would give appropriate weight to the officers report which contained a clear explanation of policy issues;
- None of the statutory consultees had raised objections;
- The Parish Council's preferred sites would mean that below standard road junctions would be used and pedestrians would have to cross Shrewsbury Road.
- The preference for sites on the west side of the village was illogical;

In response to concerns raised by speakers, the Principal Planning Officer explained that the development would not result in the significant loss of agricultural land and so was not contrary to the National Planning Policy Framework (NPPF), there had been an ecological assessment and no objections had been raised by the Council's ecologist.

In relation to drainage, no objection had been received and it would be for the service providers to ascertain whether the sewage system would be able to accommodate a development.

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

RESOLVED:

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

23 Proposed Residential Development, Land West Of Stocks Lane, Welshampton, Shropshire (14/01723/OUT)

The Principal Planning Officer introduced the application drawing Members' attention to the schedule of additional letters and confirming 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. The Principal Planning Officer provided an update on ecology issues, explaining that following the submission of an updated information request from Natural England, the Council's ecologist had recommended that further information on the means and location of waste water disposal was required to enable the Local Planning Authority to carry out a Habitat Regulations Appraisal of the project and to assess the impact on the adjoining Clarepool Moss Site of Special Scientific Interest (SSSI) and the Ramsar Site. The Principal Planning Officer therefore explained that the recommendation would be to grant delegated powers to the Planning Service Manager to grant planning permission subject to the resolution of outstanding ecology issues.

Councillor Chris Symes, representing Welshampton and Lyneal 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:

- The development was outside the development boundary;

- The village of Welshampton could potentially see its housing stock increase by approximately 30%;
- Such a large increase could not be considered sustainable; and
- There was no local housing demand.

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

- Flooding, drainage, environmental concerns and an inadequate access were all material planning issues which needed to be taken into account.

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

- There was the presumption that Welshampton was a sustainable location;
- The developer had been working with Natural England and Shropshire Council's Ecology Officers; and
- They fully supported the recommendations contained within the Planning Officer's report.

Members of the Committee agreed that the implications of a potential failure in drainage systems were so significant that consideration of the application should be deferred until further information was obtained in relation to drainage and the impact on the adjoining Site of Special Scientific Interest (SSSI) and the Ramsar Site.

RESOLVED:

That consideration of this application be **deferred** until further information is obtained on the means and location of waste water disposal to enable the Local Planning Authority to carry out a Habitats Regulation Appraisal (HRA) of this project, under the Conservation of Habitats and Species Regulations 2010 (as amended).

24 Land Adjacent To Oakleigh Farm, Welshampton, Ellesmere, SY12 0PG (14/01721/OUT)

The Principal Planning Officer introduced the application drawing Members' attention to the schedule of additional letters and confirming 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. The Principal Planning Officer provided an update on ecology issues, explaining that following the submission of an updated information request from Natural England, the Council's ecologist had recommended that further drainage percolation tests were required to assess the impact on the Clarepool Moss Site of Special Scientific Interest (SSSI) and the Ramsar Site which were adjacent to the site. The Principal Planning Officer therefore explained that the recommendation would be to grant delegated powers to the Planning Service Manager to grant planning permission subject to the resolution of outstanding ecology issues.

Councillor Chris Symes, representing Welshampton and Lyneal Parish Council, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following point was raised:

- Every house in the area had septic tanks and the implications of this could lead to sewage flowing into gardens at certain times of the year.

In accordance with Rule 6.1 of the Council Procedure Rules contained in Part 4 of Shropshire Council's Constitution, Councillor Brian Williams addressed the Committee as the Local Member, stating that as the issues in relation to drainage applied to both sites, in his opinion it would be illogical to defer one site and not the adjoining site.

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

- The SSSI and Ramsar site is 400 meters to the south east of the site and the watercourse flows away from the SSSI site;
- The query from Natural England had arisen because they had introduced a new consultation zone around SSSI sites of which the applicant was unaware at the time of the application.

Members of the Committee felt that the implications of a potential failure in drainage systems were so significant that consideration of the application should be deferred until further information was obtained in relation to drainage and the impact on the adjoining Site of Special Scientific Interest (SSSI) and the Ramsar Site.

RESOLVED:

That consideration of this application be **deferred** until further information is obtained on the means and location of waste water disposal to enable the LPA to carry out a Habitats Regulation Appraisal (HRA) of this project, under the Conservation of Habitats and Species Regulations 2010 (as amended).

25 Avalon, Hollinwood, Whixall, Whitchurch, Shropshire (14/00922/VAR)

The Principal Planning Officer introduced the report.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Council held on 27 February 2014, Councillor Pauline Dee, as the local Ward Councillor, made a statement, took no part in the debate and did not vote. During her statement the following points were raised:

- She did not agree with the officers recommendation to approve the application;

- The best means of safeguarding the amenity of nearby dwellings would be through the approved plan under 13/00778;
- The Parish Council had concerns about the application; and
- Reiterated the points made by Councillor Chris Mellings (local ward Councillor) in his email to Members of the Planning Committee.

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

RESOLVED:

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

26 Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the northern area be noted.

27 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 29th July 2014, in the Shrewsbury Room, Shirehall.

Signed (Chairman)

Date:

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Committee and Date
 North Planning Committee
 29 July 2014

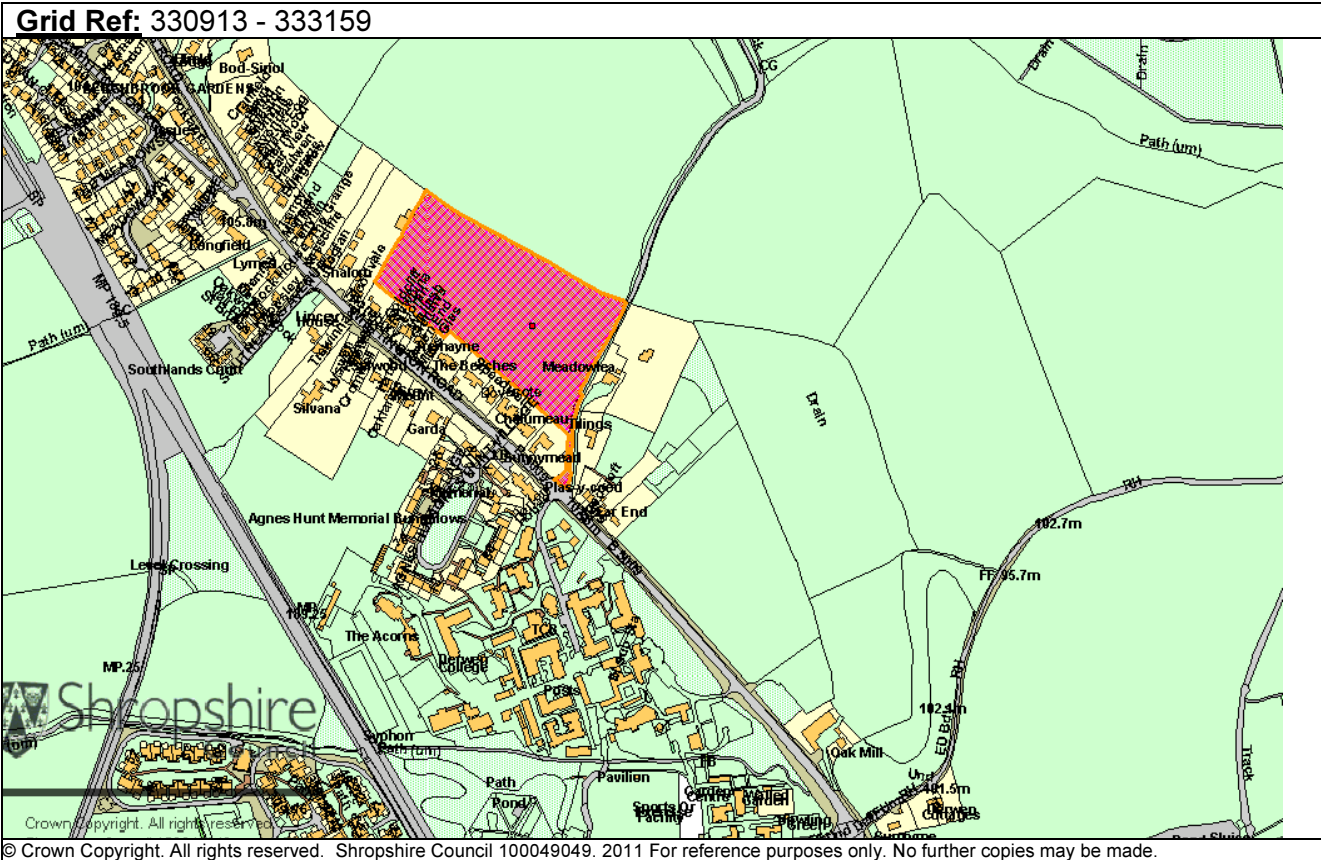
Item
5
 Public

Development Management Report

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

Summary of Application

Application Number: 13/02217/OUT	Parish:	Selattyn And Gobowen
Proposal: Outline application for mixed residential development; formation of open space; alterations to existing vehicular access		
Site Address: Land On North Side Of Whittington Road Gobowen Oswestry Shropshire		
Applicant: Mr M Evans		
Case Officer: Mark Perry	email: planningdmnw@shropshire.gov.uk	



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

REPORT

1.0 THE PROPOSAL

- 1.1 The submitted application is for outline planning permission for a residential development with all matters reserved for later approval. The applicant indicates in their submission that the site which covers an area of 2.96 hectares would be developed for housing and would include areas of public open space.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located in an area of countryside and is currently a field used for agricultural purposes. The site is on the northern side of the village and is on a parcel of land that gently slopes downwards in a north easterly direction. The site is currently accessed by a private driveway which leads to a former farm which has an established business use for the manufacturing of timber products. The south western boundary of the site follows the rear boundary fences of the dwellings that front onto Whittington Road. This boundary also forms the edge of the development boundary as defined in the Oswestry Borough Local Plan.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposed development has raised issues which in the opinion of the Local Member and the Chair of the Planning Committee need to be considered by the Planning Committee.

4.0 Community Representations

- 4.1 - Consultee Comments

4.1.1 Parish Council-

Having given consideration to the economic, social and environmental benefits of the revised plans, Selattyn and Gobowen Parish Council at its meeting held of 12.4.14 RESOLVED to continue to object to the application for the following reasons;

The application is outside of the development boundary and does not fit in with the SAMDev aspirations outlined by the Parish Council .

The amenity land offered as part of the application is not currently in a preferred location for the Parish Council as it is on flood plain and close to the Parish Council existing 8 acre playing field.

In the opinion of the Parish Council sustainable development can be defined as seeking positive improvements in the quality of the built, natural and historic environment of Gobowen. The Council consider that this application will not improve the quality of the built environment of the village as the proposals are for a

high density development on backland. In addition to this the drainage and flooding concerns associated with this proposed development will not deliver improvements to existing residents. Neighbouring areas including the Gobowen Playing field could all be detrimentally affected by the run off from the site

The entrance the development off the Whittington Road is close to the Derwen College and the traffic generated from the new development will have a negative impact on students and local residents crossing Whittington Road to access the bus stop.

4.1.2 **Highways-** the site has a suitable and safe access.

4.1.3 **Drainage-** Drainage details, plans and calculations could be conditions and submitted for approval at the reserved matters stage. Is of the opinion that, if flood water from the watercourse could get to this site, it would be only 10mm or so deep and so would not hinder safe access/egress. On this basis, see no reason, on flood risk grounds, for the development not to proceed.

4.1.4 **Environment Agency-** The revised FRA indicates that the residential element of the development will be wholly within Flood Zone 1 according to our Flood Map. This would comprise 'land assessed as having a less than 1 in 1000 annual probability of flooding (<0.1%)'.

The access to the site would still be within Flood Zone 3 and, as confirmed in the revised FRA, this would be the only vehicular and pedestrian access and egress for the development. This access route from Whittington Road would be within Flood Zone 3 which in this location would be the flow route for flood water to the natural low point to the north east of the development of the site. This flow route topography is backed up by our own LIDAR extents.

Through investigation of the data available to us it has been established that the maximum flow rate in a 1 in 100 year flood event would be 4.29 m³/s. This, combined with the LIDAR data, would suggest that although the flow route could well follow that indicated on our Flood Map the depth and velocity of water at the development site access point is likely to be negligible.

4.1.5 **Trees** - No objection in principal to the application. There appears to be only one significant tree on the site which is shown as being retained. The reserved matters application must be supported by an Arboricultural Implication Assessment demonstrating that the existing tree can be adequately protected and integrated into the proposed development. Loss of hedgerows must also be avoided and the AIA must include an assessment of the extent and impact of any unavoidable loss and make provision for compensatory planting.

4.1.6 **Ecology-** No objection subject to conditions and informatives

4.2 - **Public Comments**

30 letters of support and 22 letters of objection received, commenting on the following issues:

- 4.2.1 Support:
- There is shortage of new homes for young people
 - The site is well located
 - Development will provide employment during construction
 - Good visibility at access
 - Not visually intrusive
 - More affordable dwellings
 - Close to public transport
 - Close to Derwen College and hospital
 - Will help support local businesses
- 4.2.2 Objection:
- Proposal not in line with SAMDev
 - Outside of the development boundary
 - Whittington Road is a busy road
 - Loss of prime agricultural land
 - 75% of site at risk of ground water flooding
 - Sewerage system inadequate
 - No evidence for needing further dwellings in the village
 - Impact on highway safety
 - Proposal would set a precedent for other sites to be developed
 - Increase in traffic
 - Impact on ecology
 - The aspirations of 150-200 new dwelling by 2026 can be achieved without the proposed development
 - Loss of privacy
 - No demand for a second skate park
 - Not in keeping with local context of street pattern
 - Site is too far from school- 25 min walk
 - Inadequate capacity in school

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 Gobowen development boundary as defined by the Proposals Map of the Oswestry Borough Local Plan. Regard must 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.

6.1.2 The SAMDev Pre-submission Draft (Final Plan) has identified Gobowen as a 'Community Hub' as set out under Policy CS4 of the Core Strategy. Gobowen would have future housing growth of about 200 dwellings over the plan period. This includes 110 dwellings being provided on two allocated sites with the remainder provided as infill, groups of houses and conversions. However, the

emerging policies are yet to go through the process of examination and as such limited weight can be awarded to these.

- 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. 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. 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 Despite the objections from the Parish Council and neighbours on the grounds that the site is outside of the existing development boundary, there must still be a presumption in favour of sustainable development as required by the NPPF. As a consequence little weight can be awarded to current housing supply policy that is now considered as not being up to date. Government guidance contained in policy 6 'Delivering a Wide Choice of High Quality Homes' of the NPPF indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development. It is accepted that the application would be a departure from the current saved Oswestry Borough Local Plan policies but there is now greater weight given to the NPPF than the saved policies.
- 6.1.5 The proposed development would be located adjacent to the existing development boundary which runs along the rear boundary of the road frontage properties. The site was initially considered as part of SAMDev although it did not become one of the preferred options for further housing development in the village.
- 6.1.6 As part of SAMDev the site was subject to a Stage 2a assessment (sustainability appraisal). The site scored negatively for access to Primary Schools and some types of open space and for potential loss of high quality agricultural land. The site scored positively for access to a bus route, access to some types of open space and low flood risk and the site is well related to village centre services and facilities. Overall the sustainability of the site was judged to be fair. More detailed assessment in Stage 2b highlighted groundwater flood risk. The assessment goes on to say that whilst development in this location could form a natural extension to the built area in a location reasonably well related to main settlement and services, the scale of development and the availability of more favourably located sites means that it was not required during the current Plan period.

6.2 **Is the site sustainable?**

6.2.1 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 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 that are already on offer locally.

6.3.2 Gobowen has a sizeable range of facilities and services within its centre including, shops, service and community facilities which includes which includes a railway station, bus service and employment opportunities at the hospital, college and a large care home. Most facilities and employment opportunities are within a 10-15 minute walk of the site. Gobowen also benefits from a regular hourly bus service to Oswestry passes the site which passes along Whittington Road.

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.

6.4.2 Overall it is considered that the proposed addition of around 50 dwellings (subject to reserved matters approval) would not result in a level of pressure on local infrastructure or be of such a scale where it detrimentally affects the social cohesion of the village or its character.

6.5 **Environmental Considerations**

6.5.1 The issue of sustainability and the impact on the environment and character have recently been considered following the appeal against the refusal of planning permission for a residential development on the neighbouring site called 'The Tilings' which was refused for a residential development (application no. 13/01005/OUT). The appeal was allowed as the Inspector was satisfied that the site was in a sustainable location and that, "the site would not be detached or sporadic development in an isolated position".

6.5.2 It is considered that the appeal decision is a significant material consideration and has set a precedent for new residential development on this outer edge of Gobowen and also for new development behind the existing road frontage

properties. The appeal site was slightly different as there were already two existing properties set back from the road, however the appeal will allow houses to be set even further back from the edge of Whittington Road than any existing properties currently are. The site being considered by Members would effectively infill the gap between the appeal site to the south east and the existing development to the north-west.

- 6.5.3 Included within the application site it is proposed that there would be a large area of public open space which would also double as part of flood zones 2 and 3. The Parish Council have already commented that the open space would not be their preferred location as it is close to the flood plain and close to the Parish Council's existing 8 acre playing field. The public open space would be a community benefit to both existing residents and future occupiers of the new dwellings. If the Parish Council are not willing to take on the management of the play space it would need to be maintained by the applicant or an appointed management company to ensure that it remains available for use in the long term. The Place Plan has identified that the provision of additional open spaces/ common land as a 'Key' priority in the Place Plan, the proposed scheme could help contribute towards this need. Although it is recognised that the Parish Council are not supportive of the proposed location for the open space
- 6.5.4 There is recognition that the proposed development is on a parcel of Grade 3 agricultural land that sits outside of the built environment of Gobowen. 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. 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.
- 6.5.5 The balance of material consideration remains one of boosting housing supply in locations that are considered to be sustainable even if they fall outside of the defined development boundaries within existing saved and adopted development plan policies. The proposed site is considered to be in accordance with the sustainable objectives that are set out in the NPPF and identified by the Planning Inspector for the appeal on the neighbouring site. Accordingly, it is considered by officers that the principle of a residential development in this location is acceptable in terms of its sustainability.
- 6.6 **Siting, scale and design of structure**
- 6.6.1 During the course of the application the applicant provided a series of indicative layouts. The scheme was significantly amended to swap the position of the open space and the dwellings to move the dwellings away from flood zone 3 and into flood zone 1 where there was less risk of flooding- this is discussed later in this report. The revised plans showed all of the proposed dwellings to the western side of the site with the public open space being provided to the east. The indicative layout does show a typical modern housing estate layout of 50 dwellings at a

density of development that is significantly higher than existing linear development to the south. The applicant then amended the application removing the indicative layout from the proposed plans to only show the areas of residential development and the area of open space. This will then allow the number of dwellings, density and layout of the development to be considered as part of any subsequent reserved matters application. As such the indicative layout and numbers are not for consideration at this stage.

- 6.6.2 The large area of public open space falls within the area that is identified as being flood zone 3 and is approximately half of the application site. Amenity land, open space and sports pitches are considered by the National Planning Practice Guidance to be a “Water Compatible Development”. The site only has one point where there could be a vehicular access at the south eastern corner which is adjacent to the open space. The applicant has shown that there would be a footpath link to an existing public right of way to the north of the application site which goes from Whittington Road along a narrow gap in the frontage properties and out across agricultural fields. The right of way is not managed or surfaced in anyway and as such would be limited value as a pedestrian connection to the rest of the village without significant improvement being made.
- 6.6.3 The applicant has adequately demonstrated that the site is capable of being developed for around 50 dwellings, although a lower number may be more appropriate given its edge of village semi-rural location. Although the development would significantly alter the appearance of the site by introducing built development onto an open field, the new dwellings would be seen against the back drop of the existing Whittington Road dwellings when viewed from the public footpath which crosses the fields to the north.
- 6.6.4 The application site could be described as being semi-rural in its character given the proximity to other existing built development. It is considered that although the proposed development is large, it is not considered to be so excessively large to overwhelm the rest of the settlement and would significantly contribute towards Gobowen’s windfall requirement of 90 dwellings. Behind the Whittington Road frontage properties the land continues to fall away meaning that the proposed dwellings would be no higher than the existing dwellings. From Whittington Road and on the approach into the village from the south east the appearance of the area would remain primarily unchanged as a large proportion of the proposed development would be hidden by the existing dwellings which line Whittington Road which sit higher than the application site, although there would be glimpses of the new dwellings through the gaps in the Whittington Road frontage. As such the proposed development would be barely visible from Whittington Road and this part of Gobowen would continue to be characterised by its semi-rural character .
- 6.6.5 The appearance, layout and scale of the development are all reserved for later approval as such full consideration would be given to these aspects of the scheme which includes the number of dwellings once an application is made for reserved matters approval.
- 6.6.6 Officers consider that the use of the land for housing would represent a logical extension to the village. The development of the land for residential purposes would not result in the site being in an isolated or detached location as it would be

bound on three of its sides by existing residential curtilages; only the northern boundary of the site would be against open fields although it is recognised that the view from the open field could be changed by the loss of an existing area of open land. However, in the planning balance this is not considered to be of sufficient harm to outweigh the presumption in favour of sustainable development.

6.7 Ecology

6.7.1 The existing site is an agricultural field and has been used for arable farming and subject to regular ploughing etc. There are no water courses or ponds within the site or on the neighbouring land. As such the land itself would be unlikely to be of any significant ecological value. The application site itself is lined with mature native hedgerows and there is a large mature tree at the centre of the site which is the only feature within the site. The applicant has indicated in their submission that the hedges and the tree would be retained and therefore the few existing natural features that may have some ecological value would be preserved. The applicant also intends to provide additional planting and the appropriate management of the public open space to enhance the ecological value of the site.

6.8 Highway safety

6.8.1 The access to the site is one of the reserved matters and therefore it only needs to be demonstrated that it is possible to achieve a safe access to the site. The indicative layout shows that the existing access would be used. This is an access that has a junction onto a straight section of road and is within the 30 mph speed limit. The exact details of the access would be fully considered at any subsequent reserved matters application. At this outline stage it is considered that the residential development could be served by an acceptable access arrangement.

6.9 Drainage and Flood risk

6.9.1 Approximately half of the site falls within flood zone 3 with the other half within flood zone 1. Since the original submission the applicant has revised the scheme so that the area proposed for open space falls within the area liable to flooding and the dwellings moved to outside of this area. As the site only has one possible point of access the estate road would need to pass through flood zone 3.

6.9.2 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 therefore at risk from flooding, although the applicant has contested the accuracy of the current flood maps. However the part of the site that would be developed with dwellings is in flood zone 1 which has a less than 1 in 1000 annual probability of flooding.

6.9.3 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.

6.9.4 The Environment Agency have commented on the application 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.

- 6.9.5 In this particular instance, the access route from Whittington Road would be within Flood Zone 3 which would also be the flow route for flood water to the natural low point at the north east of the development of the site. The EA go on to state that the maximum flow rate in a 1 in 100 year flood event would be 4.29 m³/s with the depth and velocity of water at the development site access point is likely to be negligible. The Council Drainage Engineer commented that should flood water get to the site it would only be around 10mm deep and would not hinder safe access/ egress.
- 6.9.6 The submitted application is only seeking outline permission with all matters 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, the area falling within flood zones 3 would be used as public open space .
- 6.9.7 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”. During a flood event although there may be water on the access road access would still be possible and safe because of its very slow depth and low velocity.
- 6.9.8 Based on the above assessment although the open space and the access road fall within flood zone 3 it is possible for the design to avoid placing dwellings at risk from flooding. The small amount of water on the access road would ensure that access and egress is always possible. As such taking a risk based approach it 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.
- 6.10 **Impact on Neighbours**
- 6.10.1 The application site is located is located directly behind the dwellings that front onto Whittington Road. These existing properties do benefit from substantial rear gardens which combined with the likely size of gardens associated with the proposed dwellings would be sufficient to avoid any loss of privacy. This would only be fully considered once any subsequent reserved matters application has been submitted and the exact layout of the site and the scale and design of the dwellings are known.
- 6.10.2 The neighbouring dwellings to the south east side of the site have good sized rear gardens but these are most likely to be affected by the increase of traffic flows along the private driveway which currently has comparatively few vehicle movements along it. Officers consider that the access will mainly be used by cars at low speeds, when this is balanced against the noise already generated by the vehicles using Whittington Road, the access would be unlikely to cause disturbance to such an extent where it detrimentally impacts upon the amenities of neighbouring occupiers.

6.11 **Affordable Housing**

- 6.11.1 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 but based on the 50 dwellings indicatively; shown this would equate to 5 on site affordable dwellings being provided although the exact number would be dependant on the target rate at the time the reserved matters application is submitted. A S106 will secure the provision of affordable housing in accordance with the Shropshire Viability Index as set out in the adopted SPD.

7.0 **CONCLUSION**

- 7.1 The site is located outside of the current Gobowen development boundary and is therefore classed as a departure from the development plan. However, because it has been demonstrated that the Council does not have the 5 years worth of housing land required by the NPPF significant weight must now be awarded to paragraphs 7 and 8 of the NPPF where there is a presumption in favour of sustainable development.
- 7.2 It is considered that the benefits of the scheme of providing affordable dwellings and being located in a sustainable settlement outweigh the harm of being outside of the existing development boundary. A similar stance was taken by the planning inspector for the appeal on the neighbouring site (The Tilings).
- 7.3 It is considered that the site can be developed for around 50 dwellings without there being any detrimental impact on amenities of neighbouring occupiers or the safety of highway users, therefore complying with relevant local policy and the requirements of the NPPF. Therefore subject to the applicant entering into a S106 to secure the provision of affordable dwellings the application is recommended for approval.

8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

NPPF

NPPG

Core Strategy and Saved Policies:

CS6- Sustainable Design and Development Principles

CS11- 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 David Lloyd MBE
Cllr Robert Macey

Appendices
APPENDIX 1 - Conditions

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

1. Details of the access, 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. An Arboricultural Implication Assessment shall be submitted as part of the first reserved matters application.

Reason: To demonstrate how existing trees(s) are protected and integrated into the proposed development

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

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

6. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the

development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of visual amenity

7. There should be no land raised within Flood Zone 3, the high risk Zone.

Reason: To maintain the flow and storage capacity of the watercourse, in order to prevent increased likelihood of flooding to third parties

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.

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<u>Committee and Date</u>
North Planning Committee
29 July 2014

<u>Item</u>
6
Public

SCHEDULE OF APPEALS AS AT COMMITTEE 29th July 2014

Appeals Lodged

LPA reference	14/01268/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs G Glynn
Proposal	Outline application for the erection of one dwelling (all matters reserved)
Location	Gadlas Croft Gadlas Ellesmere
Date of appeal	24.06.2014
Appeal method	Written
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	14/01121/OUT
Appeal against	Non Determination
Committee or Del. Decision	
Appellant	Mrs W Andrews
Proposal	Outline application (all matters reserved) for residential development of up to twelve dwellings
Location	Land East Of Beswicks Lane Norton In Hales Market Drayton
Date of appeal	17.07.14
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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