

Date: Tuesday, 21 October 2014

Time: 2.00 pm

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

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## NORTH PLANNING COMMITTEE

### TO FOLLOW REPORT (S)

#### **2 Minutes (Pages 1 - 20)**

To confirm the Minutes of the meeting of the North Planning Committee held on 23<sup>rd</sup> September and reconvened on 1<sup>st</sup> October 2014, attached, marked 2. (To Follow)

Contact Emily Marshall on 01743 252726.

#### **5 Land Off Bearstone Road, Norton In Hales, Market Drayton, Shropshire (14/00790/OUT) (Pages 21 - 46)**

Outline application for the erection of fourteen dwellings incorporating two affordable units (to include formation of vehicular and pedestrian access)

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## Committee and Date

North Planning Committee

21<sup>st</sup> October 2014

## **NORTH PLANNING COMMITTEE**

**Minutes of the meeting held on 23 September 2014 and reconvened on 1<sup>st</sup> October 2014 In the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND  
2.00 - 4.00 pm**

**Responsible Officer:** Emily Marshall/ Shelley Davies

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### **Present**

Councillor Arthur Walpole (Chairman)

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

### **50 Apologies for Absence**

An apology for absence was received from Councillor David Minnery.

### **51 Minutes**

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

### **52 Public Question Time**

There were no public questions, statements or petitions received.

### **53 Disclosable Pecuniary Interests**

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

With reference to agenda item 16, Councillor Gerald Dakin declared that he would leave the room prior to consideration of planning application 13/03481/OUT due to a perception of bias.

With reference to agenda item 16, Councillor Joyce Barrow declared that she would leave the room prior to consideration of planning application 13/01393/OUT due to a disclosable pecuniary interest. She added that she would also leave the room prior to consideration of planning application 13/04845/FUL due to a perception of bias.

**54 Land Between Twyford Lane And Holyhead Road West Felton Shropshire SY11 4EQ (14/00734/OUT)**

The Principal Planning Officer introduced the outline application. She drew Members' attention to the schedule of additional letters and confirmed that Members had attended a site visit on Monday 22<sup>nd</sup> September 2014 to assess the impact of the proposed development on neighbouring properties and the surrounding area. The Principal Planning Officer explained that following the reduction of houses from 37 to 12 and the offers of funds to provide a footpath, Officers were now recommending approval of the application and advised that an additional condition to limit the number of houses to no more than 12 be added to any permission granted. She also confirmed that the Highways Agency had confirmed that 12 dwellings would have no detrimental impact on the A5 and had removed their holding objection.

Mr Stephen Haworth, representing West Felton Parish 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:

- Why did the report refer to 32 houses and not 12 as stated by the Principal Planning Officer;
- It was not clear from the Officers report whether the boundary was the fence or the stonewall;
- West Felton did not want any private market housing in the parish;
- SAMDev should be given substantial weight;
- Why did the Planning Authority not know agricultural land classifications;
- The development would impact on listed buildings; and
- There had been no arboricultural assessment in relation to the proposed footpath through Orchard Drive and Dovaston Court.

Mr Ian Hutchinson, representing West Felton 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:

- Six months ago the Committee approved an application for 35 houses in West Felton against the community's wishes;
- The Government had since confirmed that inappropriate developments could be refused;
- The site was classed as open countryside in SAMDev;
- The Parish Council did not consider the application to be democratic, sensible or necessary; and
- He urged the Committee to refuse the application.

Mr Martin Parish, agent for 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 proposal had been reduced to 12 dwellings;
- The application would not cause any ecological harm;

- The application preserved a grade 2 listed structure; and
- The application would not require Holyhead Road to be narrowed and included a footpath.

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

- There had been no assessment of the woodland area;
- The application would result in the overdevelopment of West Felton; and
- He asked the Committee to uphold the wishes of the residents.

In response to questions raised by speakers and Members of the Committee, the Principal Planning Officer confirmed:

- The application had been reduced in scale and an additional condition was advised to limit the number of houses to no more than 12;
- The boundary was the stonewall as shown on the plan;
- The grading of agricultural land was a matter for Ministry of Agriculture, Fisheries and Food (MAFF) and not the Council;
- There was no proposal to have a footpath through Dovaston Court;
- There was no detail at present in relation to the off-site footpath;
- The developer had agreed to put forward a financial contribution towards the footpath;
- There was no detail at present in relation to the sandstone wall, however, Officers would like to see the wall retained or repaired; and
- There was a requirement to retain the cider press but the arch was outside the application site.

During the ensuing debate Members of the Committee raised concern in relation to the cumulative impact of the development and considered the development would cause harm to the character of the village. It was also stated that the Oswestry Local Plan and Site Allocations and Management of Development DPD (SAMDev) classed the site as being within open countryside although it was acknowledged that full weight could not be given to these policies in view of the age of the Oswestry Local Plan and the fact that the SAMDev had not been through its examination in public and been adopted.

Having considered the submitted plans for the proposal, the majority of Members indicated that the harm resulting from the development would significantly outweigh the benefits of the proposed development and expressed their objection to the proposal.

**RESOLVED:**

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

1. It was acknowledged that the housing proposed by the development would contribute economically and socially by boosting the housing supply including

open market and affordable housing to which weight was given. However it was considered that this was outweighed by the harm identified. The Committee were concerned that the development would result in visual harm to the character of the rural village and would result in the loss of agricultural land. Furthermore weight was given to the fact that the proposed development was not plan led being contrary to both current saved policies of the Oswestry Local Plan and emerging policies in the Site Allocations and Management of Development DPD, which classified the site as being within open countryside and that the development, cumulatively with the approved site off Tedsmore Road and the significant amount of new housing which had been built in the village during the period of the Oswestry Local Plan, would result in a significant increase in the number of new dwellings to the detriment of community cohesion.

#### **55 Development Land At The Cross West Felton Shropshire (14/00133/OUT)**

The Principal Planning Officer introduced the outline application. She drew Members' attention to the schedule of additional letters and confirmed that Members had attended a site visit on Monday 22<sup>nd</sup> September 2014 to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Mr Chris Jones, representing West Felton Parish 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:

- He referred to an previous application that was refused by the Committee and urged Members to do the same for this application;
- He stressed that West Felton had tripled in size in recent years;
- The application was market led and on good quality agricultural land; and
- The application was not infill or sustainable development and would reduce community cohesion.

Mr Stephen Haworth, representing West Felton 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 application would result in a loss of agricultural land, cause visual harm to the village, endanger pedestrian safety and reduce community cohesion;
- The development would increase traffic in the village;
- It was unclear from the report if the grass verges were adopted;
- There had been no notification to the bus companies; and
- Soil testing had shown the land was of a high quality.

Mr Clive Roberts, agent for 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 loss of agricultural land was not significant;

- The agricultural land was shown as grade 3;
- Pedestrian safety would be improved by the development and the new footpath and the Highways Officer was satisfied with the proposal;
- The development would not cause harm to the village; and
- The education department had made suggestions on how to overcome the issue of over capacity at the primary school.

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

- The development would narrow the highway;
- The application would enable access to the large field;
- If development on agricultural land continued Shropshire would no longer be a farming community;
- The local community was against the development; and
- The Highways Agency had not been consulted on the proposed road narrowing.

In response to questions raised by speakers and Members of the Committee, the Principal Planning Officer confirmed that bus companies were not statutory consultees, the highway was adopted and the verge was a highway verge. It was further explained that the Highways Authority did not cut all verges but would have a duty to do so if required for safety reasons. She also confirmed that the Highways Agency had withdrawn their holding objection taking in to account the number of houses now proposed in the applications under consideration and already granted.

During the ensuing debate Members of the Committee indicated that the proposed development would result in a loss of good agricultural land and harm the character of the village. Additionally concerns were raised in relation to the cumulative impact of the development and that the site was classed as open countryside in the Oswestry Local Plan and Site Allocations and Management of Development DPD although it was acknowledged that full weight could not be given to these policies in view of the age of the Oswestry Local Plan and the fact that the SAMDev had not been through its examination in public and been adopted.

Having considered the submitted plans Members of the Committee unanimously indicated that the harm resulting from the development would significantly outweigh the benefits of the proposed development and expressed their objection to the proposal.

**RESOLVED:**

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

1. It was acknowledged that the housing proposed by the development would contribute economically and socially by boosting the housing supply including open market and affordable housing to which weight was given. However it was considered that this was outweighed by the harm identified. The Committee

were concerned that the development would result in visual harm to the character of the rural village and would result in the loss of agricultural land. Furthermore weight was given to the fact that the proposed development was not plan led being contrary to both current saved policies of the Oswestry Local Plan and emerging policies in the Site Allocations and Management of Development DPD, which classified the site as being within open countryside and that the development, cumulatively with the approved site off Tedsmore Road and the significant amount of new housing which had been built in the village during the period of the Oswestry Local Plan, would result in a significant increase in the number of new dwellings to the detriment of community cohesion.

**56 Land North Of Norton Farm, Main Road, Norton In Hales, Shropshire  
(14/00260/FUL)**

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 neighbouring properties and the surrounding area.

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

- The Parish Plan Action Group had balloted and fully consulted with the residents of Norton in Hales as part of the SAMDev process and they had agreed that the village should not be considered a hub/cluster and should remain designated as open countryside;
- The school created additional traffic congestion in the area;
- He was concerned about visibility splays and the cumulative impact of the proposed development and others that were in the pipeline would have on the village; and
- There was no demand for this type of housing within the village.

Mr Paul Turner, Agent 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 site was unique in that it was surrounded on three sides by residential development and on the fourth by a road;
- A good range of local services were available;
- The local primary school would benefit through the Community Infrastructure Levy (CIL) contribution;
- The proposed development would respect and reflect the architecture of the village; and
- Amended plans had been submitted in response to concerns.



The Principal Planning Officer responded to concerns raised by the local member relating to the cumulative impact of the proposed development on the village and explained that this was the first application before members; once a decision was reached on one application that did become a material consideration in relation to others. With regard to concerns surrounding the design of the proposed dwellings and whether they would be in keeping with the village, the Principal Planning Officer confirmed that Historic Environment Officers had confirmed that the designs were acceptable. Members of the Committee asked that Planning Officers ensured that the Conservation Officer was consulted when final details in relation to design were submitted.

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, subject to the applicants entering into a S106 agreement to secure affordable housing at the rate relevant at the time of the submission of reserved matters, the conditions set out in Appendix 1 and a note recording on file to ensure that the Conservation Officer is consulted when the final details in relation to design are submitted.

**57 Land Off Bearstone Road, Norton In Hales, Market Drayton, Shropshire (14/00790/OUT)**

The Principal Planning Officer introduced the outline application for the erection of fourteen dwellings incorporating two affordable units (to include formation of vehicular and pedestrian access). 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.

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

- Cumulative impact was an important consideration, the village of Norton in Hales could potentially see an increase of 35%; and
- Consideration should be given to SAMDev and developing plans.

During the ensuing debate, concern was expressed at the location of the proposed development which was on the edge of the village, extending it into open countryside, the cumulative impact of the development on the village of Norton in Hales and the inappropriate scale of the development given the local context. Whilst the Committee acknowledged the benefits in terms of the National Planning Policy Framework (NPPF) when there was an insufficient supply of housing land, they considered greater weight should be given to the emerging SAMDev Policies and saved local plan policies.

**RESOLVED:**

That Members were minded to refuse Planning Permission against the Officer's recommendation. The Committee acknowledged the social and economic benefits of boosting the supply of open market and affordable housing but were concerned at the cumulative impact the development would have on the village, which was covered by a Conservation Order (although it was noted that the site was not within the Conservation Area) and gave greater weight to the emerging SAMDev Policies and saved local plan policies which classified the site as being within open countryside. They considered that the application would therefore not be in accordance with policy CS6 as it would not protect the natural built and historic environment.

A further report, on reasons for refusal would be considered at a future meeting of this Committee, in accordance with Shropshire Council's Constitution.

**58 Cross Keys Inn, Kinnerley, Oswestry, SY10 8DB (14/02864/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 one dwelling with detached garage (revised scheme), drawing Members' attention to the schedule of additional letters and confirming 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 drew Members' attention to the need to pay special regard to the desirability of preserving the listed building and its setting in accordance with S66 of the Planning (Listed Buildings and Conservations Area) Act 1990 and Part 12 of the National Planning Policy Framework (NPPF).

Councillor Nick Barclay, 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:

- The cumulative effect of new development within Kinnerely meant that the village had already made a significant contribution to the Council's five year housing land supply; and
- The historic setting of the Cross Keys Inn must be protected.

Mr Charles Green, on behalf of The Cross Keys Action 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:

- The Public House was currently thriving;
- It had been registered as a community asset;
- The Grade II listing of the public house meant that it had historical significance and it dated from the 14<sup>th</sup> Century; and

- Weight should be given to paragraph 132 of the National Planning Policy Framework.

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:

- The loss of a section of the beer garden was offset by the fact that there was ample space for a large beer garden at the rear of the pub; and
- Changes were required to the Public House to ensure that it remained viable.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Council held on 27 February 2014, Councillor Arthur Walpole, as the Local Member, made a statement, and then left the room, taking no part in the debate and did not vote. During his statement the following points were raised:

- The Cross Keys Inn had been registered as a designated community asset, which represented the extent of the effort to protect a critical asset to the village;
- One dwelling built on the site would result in a critical loss of viability to the public house; and
- Kinnerley did not need any more houses.

During the ensuing debate, Members expressed concern at the close proximity of the proposed dwelling and the harm that the development would cause to the public house, which was a Grade II Listed Building and this would change the historical context of the centre of the village, including the listed Church, notwithstanding that English Heritage and the Council's Conservations Officer had not objected. As such Members considered that the development was contrary to Policy 6 of the Shropshire Core Strategy taking into account the character of the local area.

**RESOLVED:**

That Planning Permission be refused contrary to the Officer's recommendation for the following reason:

The development would cause substantial harm to the Grade II Listed Building due to its close proximity, which would change the historical context in which it is set and the historical environment in the centre of the village, including how it is read in connection with the listed pub and would have an adverse effect on the setting of the listed Church on the opposite side of the road. As such, the scheme does not contribute towards protecting, conserving or enhancing the natural and built environment, contrary to Policy 6 of the Shropshire Core Strategy and Paragraphs 131 and 132 of the NPPF. These factors were identified as significantly and demonstrably outweighing the positive benefits to the community and the viability of the public house.

**59 Land Adjacent To 10 Sungrove, Wem, Shropshire (14/02498/FUL)**

The Principal Planning Officer introduced the outline application for the erection of two one bedroom retirement bungalows, confirmed that Members had attended a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Councillor Edward Towers on behalf of Wem Town 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 considered to be speculative;
- The site was a narrow strip of land near to the river bank;
- The removal of tree roots would affect the land; and
- Although they acknowledged that the Environment Agency had not objected to the proposals, a storm drain in the area meant that the site was prone to flooding during heavy rain fall.

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 Member, made a statement, took no part in the debate and did not vote. During her statement the following points were raised:

- The site was very narrow and up to the edge of the pavement;
- The storm drain could potentially be damaged; and
- Concern was expressed at the detrimental effect the development would have on the amenity of existing residents.

During the ensuing debate, Members expressed concern at the size of the site, which would result in a cramped development and the provided limited residential amenity to future residents and was not in keeping with the character of the area.

**RESOLVED:**

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

The scheme resulted in development which would be cramped and contrived, provide very limited residential amenity to future occupiers and due to the close proximity to the road frontage, was not in keeping with the character of the area and was therefore contrary to Policy 6 of the Shropshire Core Strategy and H5 of the North Shropshire Local Plan.

*(Councillor Vince Hunt left the meeting at this point)*

**60 Proposed Residential Development Land South East Of Childs Ercall Shropshire (14/03006/OUT)**

The Principal Planning Officer introduced the application for the erection of two detached dwellings to include means of access and confirmed that Members had

attended a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Having considered the submitted plans for the proposal, the majority of Members expressed their support for the officer's recommendation, subject to an additional condition to require submission of details showing the levels of the site before and after development.

**RESOLVED:**

That Planning Permission be granted in accordance with the Officer's recommendation, subject to the conditions set out in Appendix 1 and an additional condition to require submission of details showing the levels of the site before and after development.

**61 Land At The Wheatlands, Baschurch, Shropshire, (14/02718/VAR)**

The Principal Planning Officer introduced the application for a variation of Conditions 6 and 7 of planning permission 12/02314/OUT. Conditions related to protected species (Great Crested Newts) which no longer appeared to be present at the site.

**RESOLVED:**

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

**62 Proposed Development Land South Of B5063, Welshampton, Shropshire (14/01063/OUT)**

The Principal Planning Officer introduced the outline application (access) for the erection of seven dwellings. He drew Members' attention to the schedule of additional letters, which provided an update from Natural England, confirming that they had no objection to the application. He confirmed that Members had attended a site visit the previous morning to assess the impact of the proposed development on the surrounding area.

Carole Warner, 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:

- Drainage and flooding should be given consideration in relation to adjacent properties and also the wider area;
- The Committee should give weight to the cumulative impact;
- The Parish Council were not against development but it should be phased and appropriate; and
- Consideration should be given to highways concerns, as the site was close to a junction and the access was only just within the 30 mph zone;

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:

- The site was not a SAMDev Site;
- Consideration should be given to cumulative impact; and
- The site was too close to the junction and the development would impact on highways safety.

Mrs Penny Bicknall, 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 would provide additional benefits to the community, through affordable housing, highways improvements, footpath widening and the provision of a community play area;
- The points made by the previous speaker relating to drainage were irrelevant and there would be no impact on the village in this respect; and
- The location was sustainable.

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, subject to the conditions set out in Appendix 1 and the applicant entering into a S106 to secure the provision of affordable housing.

*(Councillors Steve Davenport and David Lloyd left the meeting at this point)*

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

The Principal Planning Officer introduced the outline application for the erection of a single detached dwelling to include access, layout and scale. He drew Members' attention to the schedule of additional letters, which provided details of an amended Condition 5.

Carole Warner, 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 she briefly stated that she wished to reiterate the Parish Council's concerns in relation to SAMDev and drainage.

Mr Justin Stevenson, 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 application was for access, layout and scale;
- The site was well screened;

- Access to the site was from the North, along the existing road; and
- The application would improve visibility to the North West.

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, subject to the applicants entering into a S106 to provide an affordable housing contribution and subject to the conditions set out in Appendix 1 and as amended in the Schedule of Additional Letters.

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

The Principal Planning Officer introduced the outline application for the erection of 2 dwellings, to include access, layout and scale, drawing Members attention to the Schedule of Additional Letters.

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, subject to the applicants entering into a S106 legal agreement to secure an affordable housing contribution and subject to the conditions set out in Appendix 1.

**65 Appeals and Appeal Decisions**

**RESOLVED:**

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

**66 Date of the Next Meeting**

It was noted that the next meeting of the North Planning Committee would be held at 2.00 pm on Tuesday 21<sup>st</sup> October 2014, venue to be confirmed.

The Chairman advised that this meeting would be adjourned and reconvened on Wednesday, 1<sup>st</sup> October 2014 to consider Agenda Item 16 and the applications contained within the report.

This part of the meeting ended at 6.28 p.m.

**The meeting reconvened at 2.00 p.m. on Wednesday, 1<sup>st</sup> October 2014.**

Apologies for absence were noted from Councillor David Lloyd.

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

The Planning Services Manager introduced the report and provided clarification on the five year land supply issue. He explained that under delivery on the ground would continue to erode the five year land supply figure until such a time as development activity on the ground increased, with this in mind, in some cases and to encourage submission of Reserved Matters he was recommending that a limit of one year for the submission of Reserved Matters be agreed, rather than the three years previously agreed.

**67.1 Land Adjacent to Woodbury Hengoed, Oswestry, SY10 7EU (13/02994/OUT)**

**RESOLVED:**

That planning permission be granted subject to the conditions set out in the report to Committee of 15<sup>th</sup> October 2013, an amended condition limiting the outline permission to a period of 12 months.

**67.2 Land West of London Road, Irelands Cross, Woore, Shropshire/04483/FUL (13/02698/OUT)**

Mr Dave Richards, representing Woore 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 Parish Council strongly opposed the development;
- The proposed development would result in the erosion of the countryside; and
- The Parish had seen a 35% growth in residential development since 2010 and consideration should be given to the cumulative impact of the development;
- The Parish Council wrote to the Council's Planning Policy Manager on 11<sup>th</sup> April 2014 to say they wished the designation as a Community Hub and Cluster to be removed from the Site Allocations and Management of Development DPD and that therefore Policy CS5 regarding open countryside should now apply; and
- This change in circumstances should be taken into account in deciding the application.

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



- He questioned the validity of the terms of the S106 Legal Agreement, particularly in relation to Highways Condition in a letter sent to the Area Planning Manager; and
- Requested that consideration of the application be deferred until this matter was resolved.

Mr Gez Willard, representing 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 within a sustainable settlement and the minutes of the meeting at which the application was originally considered confirmed this was the view of the Committee;
- The S106 Legal Agreement was in place and the developer was waiting to start work on the site; and
- The development would make a contribution to the Council's five year housing land supply.

The Planning Services Manager advised that within the SAMDev DPD submitted by the Council to the Planning Inspectorate in July for examination, Woore Irelands Cross and Pipegate were designated as a Community Hub.

The Council's Solicitor confirmed that the S106 agreement was signed and awaiting completion subject to the outcome of this meeting and the terms of the agreement with regard to the requirements regarding the speed limit, were considered to be legally valid.

**RESOLVED:**

That planning permission be granted subject to the conditions set out in the report to Committee of 15th October 2013, an amended condition limiting the outline permission to a period of 12 months.

**67.3 Storage Land and Premises (former Dairy) Mile Bank Road, Whitchurch (13/03481/OUT)**

*(Councillor Gerald Dakin left the room whilst consideration of application 13/03481/OUT took place)*

The Planning Services Manager drew Members' attention to the Schedule of Additional Letters and a statement that had been received from the agent which raised concerns about the proposal to reduce the time in which to submit the reserved matters application due to site constraints in terms of its brownfield nature, the extent of existing buildings and hard standing and the potential for contamination. The Planning Services Manager was therefore recommending that Reserved Matters should be submitted within three years, in line with the original recommendation to Committee on 14<sup>th</sup> January 2014.

**RESOLVED:**

That, planning permission be granted subject to the conditions recommended previously in the minutes of the meeting of 14<sup>th</sup> January 2014. Reserved matters should be submitted within three years in line with the original recommendation.

*(Councillor Arthur Walpole left the meeting at this point and Councillor Paul Wynn presided as Chairman for the remainder of the meeting)*

**67.4 The Vicarage, Tilstock, Whitchurch, SY13 3JL (13/01912/OUT)**

The Planning Services Manager drew Members attention to the information from the developer contained within the Schedule of Additional Letters.

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

- If the developer was happy with two years, then he thought the Parish Council would be happy with two years.

**RESOLVED:**

That planning permission be granted in accordance with the Committee decision taken on 11<sup>th</sup> February 2014 subject to an amended condition limiting the grant of outline permission to a period of two years.

*(Councillor Peggy Mullock left the meeting at this point and did not return)*

**67.5 Proposed Dwelling Adjacent Cemetery Daisy Lane Whittington Shropshire (13/04606/OUT)**

**RESOLVED:**

That planning permission be granted subject to an amended condition to limit the permission to a period of 12 months and the conditions recommended previously at the meeting of 11<sup>th</sup> February 2014.

**67.6 Land East of The Old Rectory, Selattyn, Shropshire, SY10 7EZ (13/03821/OUT)**

**RESOLVED:**

That planning permission be granted in accordance with the Committee decision of 11<sup>th</sup> March 2014 and an amended condition limiting the grant of outline planning permission to a period of 12 months.

**67.7 Land Adjoining 8A St. Martins Moor, St. Martins, Oswestry (13/05016/OUT)**

*(Councillor Steve Davenport, stated that he would leave the room and not vote on this application for reasons of predetermination)*

**RESOLVED:**

That planning permission be granted in accordance with the Planning Committee decision of 11<sup>th</sup> March 2014, subject to an amended condition limiting the outline permission to a period of 12 months.

**67.8 Land north of Jubilee Cottage, Harmer Hill, Shrewsbury (13/04682/OUT)**

**RESOLVED:**

That planning permission be granted in accordance with the Planning Committee decision of 8<sup>th</sup> April 2014, subject to an amended condition limiting the outline permission to a period of 12 months.

**67.9 Residential Development South Of Old Mopsis Way, Morda (13/03846/OUT)**

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Council held on 27 February 2014, Councillor Joyce Barrow, 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:

- Referred to an email that had been received from a local resident outlining their concerns about the proposed development; and
- Requested an update on the progress of the Section 106 Agreement.

The Council's Solicitor confirmed that the S106 agreement had been engrossed and as such was therefore close to being completed.

**RESOLVED:**

That planning permission be granted in accordance with the Planning Committee decision of 6<sup>th</sup> May subject to an amended condition restricting the outline permission to a period of 12 months.

*(Councillor Joyce Barrow left the room during consideration of the following item)*

**67.10 Proposed Residential Development Land East Of Kingfisher Way, Morda (13/01393/OUT)**

The Planning Services Manager explained that the applicant had reconsidered the access issues and wished to delete the access via Kingfisher Way. Members raised concerns about re-opening this issue in the absence of further detailed advice concerning highways and it was therefore agreed to limit the consideration to issues arising concerning the change to the position with regard to the Council's five year housing land supply.

**RESOLVED:**

That planning permission be granted in accordance with the decision of Planning Committee of 3<sup>rd</sup> June 2014, and an amended condition limiting the grant of outline planning permission to a period of 12 months.

**67.11 Land opposite Sunnyside, off Wrexham Road, Whitchurch (14/00462/FUL)**

**RESOLVED:**

That planning permission be granted subject to the decision of Planning Committee of 3<sup>rd</sup> June.

*(Councillor Gerald Dakin requested that his vote against be recorded)*

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

**RESOVLED:**

That planning permission be granted subject to the decision of 1<sup>st</sup> July and an amended condition to limit the permission to a period of 12 months.

**67.13 Development Land East Of 163 Wrexham Road Whitchurch (14/00459/OUT)**

**RESOLVED:**

That planning permission be granted subject to the decision of Planning Committee of 1<sup>st</sup> July 2014 and an additional condition restricting the permission to a period of 12 months.

**67.14 Land on North Side of Whittington Road, Gobowen, Oswestry (13/02217/OUT)**

Members requested that improvements be made to the public right of way to ensure that it could be safely used by pedestrians.

**RESOLVED:**

That planning permission be granted subject to the decision of Planning Committee of 29<sup>th</sup> July 2014 and an amended condition restricting the permission to a period of 12 months.

*(Councillor Joyce Barrow left the room during consideration of the following application)*

**67.15 Land West Of Morda Bank, Morda (13/04845/FUL)**

**RESOLVED:**

That planning permission be granted in accordance with the Committee decision taken on 1<sup>st</sup> July 2014 with an additional condition relating to ecology as follows:

Work shall be carried out strictly in accordance with the Great Crested Newt Method Statement by FPCR dated September 2014

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

Signed ..... (Chairman)

Date: .....

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Committee and Date

North Planning Committee

21 October 2014

Item

**5**

Public

## Development Management Report

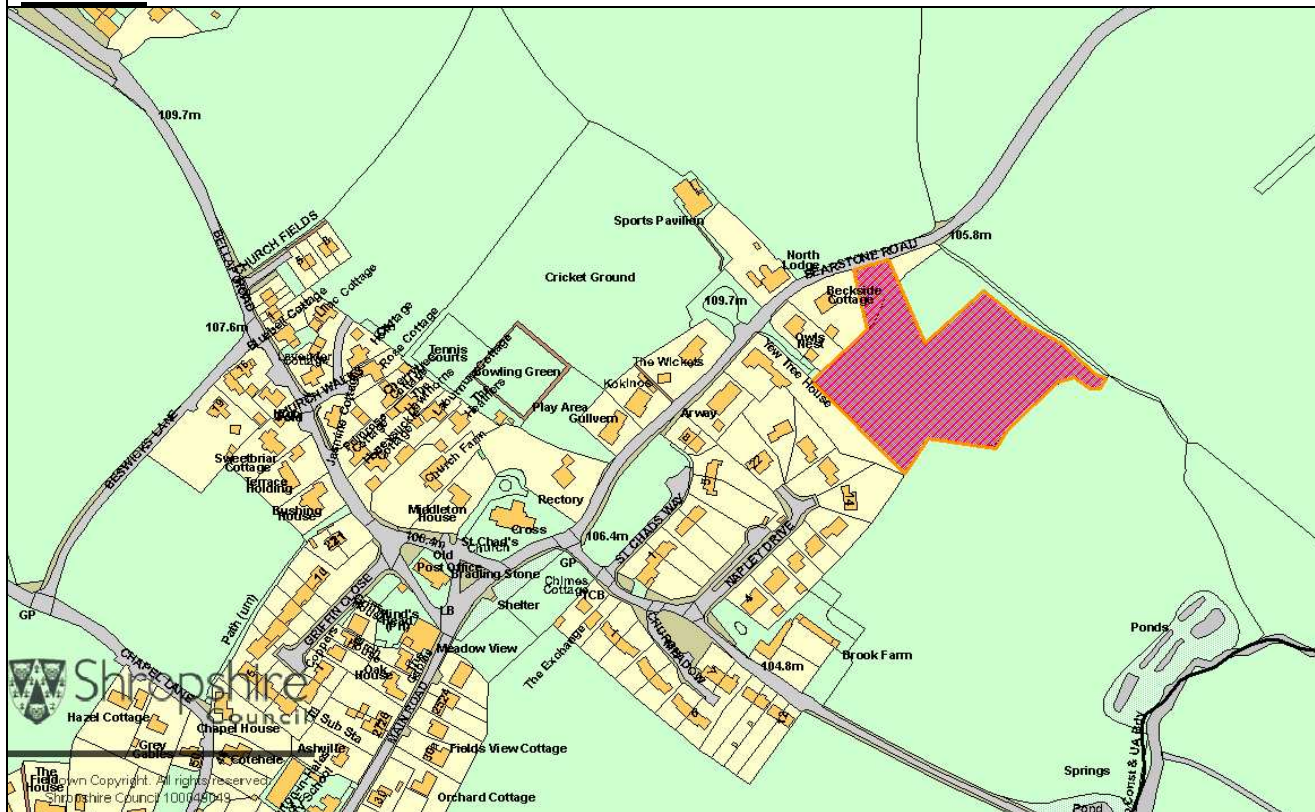
Responsible Officer: Tim Rogers

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

### Summary of Application

<b>Application Number:</b> 14/00790/OUT	<b>Parish:</b> Norton In Hales
<b>Proposal:</b> Outline application for the erection of fourteen dwellings incorporating two affordable units (to include formation of vehicular and pedestrian access)	
<b>Site Address:</b> Land Off Bearstone Road Norton In Hales Market Drayton Shropshire	
<b>Applicant:</b> JRT Developments Ltd	
<b>Case Officer:</b> Richard Denison	<b>email:</b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>

**Grid Ref:** 370608 - 338758



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**Recommendation:- That planning permission be granted subject to the applicants entering into a S106 agreement to secure affordable housing at the rate relevant at the time of the submission of reserved matters and subject to the conditions set out in Appendix 1.**

## REPORT

### 1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise members on the potential reason for refusal of this application and to set out the associated risks with this decision for consideration by members.
- 1.2 This report is written in accordance with paragraph 16.4 (part 5) of the Council's Constitution.

### 2.0 BACKGROUND

- 2.1 At the 23<sup>rd</sup> September 2014 meeting of the North Planning Committee Members resolved to refuse planning application reference 14/00790/FUL relating to the erection of 14 detached dwellings (four 3-bedroom and ten 4-bedroom) on land adjoining Norton in Hales, contrary to the officer recommendation. Where any proposed refusal reason may not be defensible if challenged, and may result in costs claim by the applicant at appeal, the Constitution requires the Committee to review the refusal reasons with officer advice on their potential wording and risks associated with the decisions. The final decision on the application still rests with the North Planning Committee.
- 2.2 Members were minded to refuse planning permission against the officer's recommendation as the committee were concerned at the cumulative impact the development would have on the village, which was covered by a Conservation Order (although it was noted that the site was not within the Conservation Area) and gave greater weight to the emerging SAMDev Policies and saved local plan policies which classified the site as being within open countryside.
- 2.3 These issues will all be considered, however, it is no intended to re-visit the issues dealt with in the previous report and the September report is appended for information and reference (see Appendix 2).

### 3.0 OFFICER COMMENTARY

#### 3.1 Policy

- 3.1.1 Members gave greater weight to the emerging SAMDev Policies and saved local plan policies which classified the site as being within open countryside.
- 3.1.2 It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point decision is taken. It is also the case that planning decisions are taken in accordance with the development plan unless material considerations indicate otherwise – Section 38(6) of the 2004 Planning & Compensation Act.



- 3.1.3 In the context of a significant economic downturn, particularly evidenced through the construction industry, Government planning policy seeks to deliver much needed housing to meet the needs for today & future generations. The Councils Core strategy adopted in 2011 anticipated the fragile economic conditions and provided a trajectory of increasing housing delivery throughout the plan period to deliver 27,500 houses over the plan period from 2006 to 2026. Notwithstanding this the Core Strategy did not anticipate the length and depth of the recession and its impacts on housing delivery.
- 3.1.4 The NPPF at paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 3.1.5 Shropshire Council has stated that it has a 5.47 years housing supply in its published statement of 12th August 2014. Notwithstanding any challenge to the five year housing supply position, the fact of having a five year land supply can never be a reason in itself for refusing a planning application; it simply affects what other policy considerations are applied.
- 3.1.6 The presumption in favour of sustainable development described in paragraph 14 of the NPPF applies in any event and all the applications are assessed first on this point having regard to the social, environmental and economic considerations. Where the Council has a five year supply of housing land the question is then what weight can be given to planning policies for the supply of housing.
- 3.1.7 Members have made reference to giving greater weight to the saved policies. Policy H6 'Other Limited New Housing and Conversions in Local Service Villages and other Villages with Defined Development Boundaries' of the North Shropshire Local Plan is still a current saved policy. Within this policy Local Service Villages and Other Villages are listed to indicate which settlements are suitable for residential infill development. Norton in Hales is indicated as a local service village which has a good range of local facilities serving a number of smaller settlements. Unfortunately, the proposed site is not located within the defined development boundary and under this policy would not be supported. However, the proposed North Shropshire Local Plan was adopted in 2005 and proposed to cover the plan period of 2000 to 2011. Although this policy is still saved it is now over 3 years out of date and was drawn up over 14 years ago. The housing supply has significantly altered since this policy was drawn up and therefore little weight can be given as new local policy guidance emerges.
- 3.1.8 Members have also made reference to giving greater weight to the SAMDev Plan. The SAMDev Plan has been submitted to the Secretary of State for its examination and is at an advanced stage of preparation. However, the Plan has not been through the examination stage and there are unresolved objections to elements of it (e.g. sites contributing to the housing supply), so the weight that can be attached has to be considered with care alongside the other material considerations and having regard to specific circumstances of particular planning applications. In addition to this there is a strong likelihood of continuing under delivery against the county-wide Core Strategy housing target for another few years until development activity on the ground increases. The NPPF at paragraph

216 explains that decision takers may give weight in emerging plans according to the stage of preparation. However, where there are unresolved objections to the relevant policies little weight should be given.

- 3.1.9 Officers are of the opinion that little weight can be given to the saved and emerging policies in SAMDev and therefore significant weight should be given to the NPPF to provide sustainable development.

## 3.2 Cumulative Impact on the Village

- 3.2.1 Members concerns were raised that this residential development would have a cumulative impact on the village and it was discussed at committee that the development would extend the village into open countryside and would result in a significant environmental impact.
- 3.2.2 Norton in Hales has always been viewed as a local service village providing key services to residents living within the village and the adjoining rural community. The key services include a primary school, village hall, Church, pubic house and recreational facilities. The village has a historic core which has slowly grown over the years and currently consists in the region of 160 dwellings. The proposed scheme will provide a relatively low figure of only 14 additional dwellings. However, having regard to the resolution to approve 14 additional dwellings on land adjacent to Norton Farm (application reference 14/00260/FUL) at the September committee this would increase the total number of dwellings in the village to 28 providing an increase of only 17.5%. This is still not considered a significant increase in the overall scale and size of the settlement.
- 3.2.3 The additional households would help to contribute to the retention of local services which are vital to the cohesion of the village. The Education Authority has indicated that Norton in Hales Primary School has a significant proportion of unfilled places and this is forecast to continue for the foreseeable future. Any school children that the proposed developments may yield are therefore likely to help maintain school numbers and assist in the retention of this key rural service for families living within the village and surrounding area. There has been no objection from either the Parish Council or local residents that the other key services would not benefit from the additional residents. Any future occupiers will help to maintain and improve the vitality of local services.
- 3.2.4 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. As noted within the previous report whether a development is sustainable is tested against the NPPF as a whole. However, there is also strong promotion within the NPPF for boosting the housing supply. The development of this site would contribute towards the overall housing supply, which is actively promoted within the NPPF and the Core Strategy and would contribute towards affordable housing and this contribution should be given significant weight in the consideration of the application.
- 3.2.5 Paragraph B18 of Circular 03/2009 Costs Awards in Appeals and other Planning Proceedings comments that: "Planning appeals often involve matters of judgement concerning the character and appearance of a local area or the living

conditions of adjoining occupiers of property. Where the outcome of an appeal turns on an assessment of such issues it is unlikely that costs will be awarded if realistic and specific evidence is provided about the consequences of the proposed development. On the other hand vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis, are more likely to result in a costs award."

- 3.2.6 Officers are not of the opinion that this development would provide any significant impact on the village and would assist to maintain the key services. However, if members are mindful to refuse this application on the cumulative impact it is suggested that the wording of the refusal reason should clearly indicate the precise reasons what impact would be caused and how this would have a significant environmental impact on the village.

### 3.3 **Environmental Impact on the Countryside**

- 3.3.1 Members raised concerns that due to the site being located outside of the settlement this would have a significant impact on the countryside.

- 3.3.2 The proposed site is a small field which adjoins the boundary of Norton in Hales and is enclosed by residential development along the western boundary, whilst mature trees and hedgerows are located along the east and south boundaries. Officers acknowledge that the development will be positioned in open countryside, although the development would be positioned adjoining the eastern most edge of the Norton in Hales Conservation Area and will be adjoining existing modern properties. The site is enclosed and would represent a natural extension to the village.

- 3.3.3 Paragraph B25 of Circular 03/2009 states: "Whenever appropriate, planning authorities will be expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed. They should consider any conditions proposed to them before refusing permission. A planning authority refusing planning permission on a ground capable of being dealt with by condition risks an award of costs where it is concluded on appeal that suitable conditions would enable the proposed development to go ahead". Should members have concerns regarding the visual impact on the countryside as viewed from the public highway then this could be mitigated by the provision of a landscaped frontage which could provide a soft approach into the village.

- 3.3.4 It is considered that the existing open field is not prime agricultural land and is not farmed intensively, whilst the development will be located on an enclosed area of land within easy walking distance of the local services in the settlement. Officers do not consider that the development will have a significant impact on the character of the village or open countryside. The larger more intensively farmed fields to the north (on the opposite side of the road) and to the south and west will not be impacted upon and the existing landscaping and fields will provide a defined and strong countryside edge to the settlement.

### 3.4 **Impact on Conservation**

- 3.4.1 It is not clear from the minutes, or officer's recollection of the meeting, the

reference to the impact on the Conservation Area. The proposed north western corner of the site adjoins the edge of the Conservation Area. The indicative layout does provide a road frontage property which is set back from the existing roadside properties and would allow for a landscaped frontage helping to minimise and reduce and dominant appearance as you approach into the village along Bearstone Road.

- 3.4.2 The Historic Environment Team were consulted on the application and considered the indicative layout considered to reflect the general grain and form of the village. It was indicated that the siting and design of the proposed dwellings should reflect the local vernacular detail in terms of scale, details and materials and it is considered that a well-designed scheme would not have any significant impact on the historic character or layout of the village. Should members have concerns regarding the impact of a development on the Conservation Area then clear and precise reasons should be given.

## **5.0 CONCLUSION**

- 5.1 The purpose of this report is to advise the Committee of the likely implications of the proposed reasons for refusal, in accordance with the Council's Constitution. The final decision rests with the North Planning Committee. Having regard to the comments above it is recommended that the NPPF should be given more weight than the emerging SAMDev policies and saved policies and that the development will not have a significant impact on the countryside, whilst the cumulative impact is minimal and would not have a detrimental impact on the village.

- 5.2 In this case the site is closely related to other dwellings and is close to the services provided in Norton in Hales and would provide a sustainable form of development. It is appreciated that the use of a car may be required but this is not considered a justified reason in the NPPF to demonstrate the site is not sustainable. The site is close enough to be able to use community services. Furthermore there remain economic, social and environmental benefits of developing the site and no significant and demonstrable harms. Accordingly, taking into account the update to the 5 year land supply the application is still considered to be sustainable development.

## **5.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### **5.1 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.

## 5.2 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.

## 5.3 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.

## 6.0 FINANCIAL IMPLICATIONS

- 6.1 There are likely financial implications of 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 dependant on the scale and nature of the proposal. The financial implications of any decision are not a material planning consideration and should not be "weighed" in planning committee members' mind when reaching a decision.

## 7.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application Reference 11/04052/FUL

Cabinet Member (Portfolio Holder) - Cllr M. Price

Local Member - Cllr John Cadwallader

Appendices

APPENDIX 1 - Conditions

APPENDIX 2 - Report to Members 23<sup>rd</sup> September 2014



## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

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

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning General Procedure Development 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 12 months from the date of this permission.

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

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

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

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

- The number of units
- The means of enclosure of the site
- The levels of the site
- The means of access for disabled people
- The drainage of the site
- The finished floor levels

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

5. 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.

6. No site clearance works shall commence until a disturbance licence has been issued from Natural England.

Reason: To ensure the protection of badgers, under the Badgers Act (1992).

7. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Ecological Survey Report by Pearce Environment Ltd dated January 2014 including the Badgers: Method Statement.

Reason: To ensure the protection of badgers.

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

8. Prior to the commencement of development a scheme showing the means of access, visibility splays, junction and internal road layout together with a footway scheme along Bearstone Road between the site access and Recreational Ground access shall be submitted to and approved in writing by the Local Planning Authority; the development hereby permitted shall not be first occupied until the access, visibility splays and footway scheme have been fully implemented in accordance with the approved details.

Reason: In the interests of highway safety.



## **APPENDIX 2 REPORT TO COMMITTEE 23<sup>rd</sup> SEPTEMBER 2014**

### **1.0 THE PROPOSAL**

- 1.1 This application seeks outline planning permission for a mixed residential development on agricultural land adjacent to Norton in Hales. The proposed application will consider the provision of a new vehicular access with all other matters reserved for later approval (appearance, landscaping, layout and scale). To assist consideration of the application an illustrative site layout has been provided indicating the provision of eight detached dwellings and six semi-detached dwelling with associated garages. The new dwellings would be served by a new estate road leading into the site, with direct access off the country lane onto Bearstone Road which leads towards the B5415. The indicative plan indicates the provision of a live/work unit and associated workshop, although this does not form part of this application and would be subject to a separate application.

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

- 2.1 The proposed site is adjoining the village boundary of Norton in Hales to the north west. Residential properties are located along the south western boundary, whilst Bearstone Road is located along the northern boundary and open countryside is located to the east and south.

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

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

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 Consultee Comments**

- 4.1.1 **Shropshire Council, Highways Development Control – No objections.** On the basis of drawing No.AL(0) Rev C, showing edged red the application site area, it is considered that a satisfactory access can be provided to meet visibility standards of 2.4 metres x 43 metres in accordance with acknowledged guidance Manual for Streets.

In terms of footway provision to the site linking to the village, there is an opportunity to provide a section of footway from the site across the frontage of Beckside Cottage. A further section of footway could be provided to the vehicular access serving Owls Nest which would provide access across to the Recreation Ground. From the frontage of Yew Tree House (opposite the Recreation Ground access) there is a continuous footway leading back into the centre of the village to the Public House and School.

Having regard to the above, whilst noting the concerns raised in representation against this development, the highway authority consider that it would be difficult to substantiate a highway objection. In the event that Members resolve to grant consent the highway authority would ask that the following conditions are imposed:-

“Prior to the commencement of development a scheme showing the means of access, visibility splays, junction and internal road layout together with a footway scheme along Bearstone Road between the site access and Recreational Ground access shall be submitted to and approved in writing by the Local Planning Authority; the development hereby permitted shall not be first occupied until the access, visibility splays and footway scheme have been fully implemented in accordance with the approved details. Reason: In the interests of highway safety.”

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

4.1.3 **Shropshire Council, Planning Ecologist** - An Ecological Survey Report has been carried which has identified two active subsidiary badger setts close to the site boundary and has been indicated that a 20 metre exclusion zone should be provided around the badger setts. The Proposed Site Plan shows a 5 metre wildlife corridor along the north east boundary, but it appears that some properties are proposed within 20 metres of the badger setts. If works are to be carried out within 20 metres of the setts, a Natural England licence will be required. A Method Statement will be required to be adhered to during works on site.

The Ecological Survey has also identified an ephemeral pond within 30 metres of the site boundary which has been given a Habitat Suitability Index (HSI) score of 0.41 and considered to have ‘poor’ potential for supporting great crested newts. Therefore, no further survey work is considered necessary for this pond. There are a group of six mapped ponds between 150 and 230 metres from the site boundary and a stream is likely to form a barrier to newt movement to the east of the site. An Addendum to the Ecological Survey has been submitted which indicated that all the ponds were found to contain fish and were given an assessment of ‘poor’ or ‘below average’ for Great Crested Newt suitability. Therefore, no further survey work is considered necessary.

The trees and hedgerows on site are likely to be used for bat foraging and commuting and a safeguarding condition regarding lighting is recommended. The trees and hedgerows on the site are likely to be used by nesting birds and safeguarding conditions and informatives are proposed.

4.1.4 **Shropshire Council, Flood & Water Management Team** - The following drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission is to be granted:

The Flood Risk Assessment is acceptable in principle; however, the risk of flooding from groundwater has not been mentioned. On the Groundwater Flooding Map, the site is at risk of moderate to high risk of flooding from groundwater. The groundwater flooding should be investigated and taken into account during the detailed design stage.

The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. A catchpit should be provided on the upstream side of the proposed soakaways.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity. This is to ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

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

As part of the SuDS, the applicant should consider employing measures such as the provision of water butts, rainwater harvesting system, permeable surfacing on any new driveway, parking area/ paved area, attenuation, grey water recycling system and green roofs. Details of the use of SuDS should be indicated on the drainage plan. This is to ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner. Consent is required from the service provider to connect into the foul main sewer.

- 4.1.5 **Shropshire Council, Historic Environment Team (Conservation)** - Norton-in-Hales has a conservation area. All of the proposed sites are unlikely to affect the setting of the Grade II\* Church, Grade II listed and Scheduled Ancient Monument Churchyard Cross and Grade II Font and Tomb Stone within the Churchyard. The proposal needs to be in accordance with policies CS5 Countryside Green Belt, 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 site layout would appear to reflect the general grain and form of the village. However, the siting and design of the proposed dwellings should reflect the local vernacular detail in terms of scale, details and materials. The quality and design of

any properties on any of these sites should be appropriate to Norton-in-Hales.

4.1.6 **Shropshire Council, Historic Environment Team (Archaeology)** - A formal response has been received indicating that no comments are made on this application with respect to archaeological matters.

4.1.7 **Shropshire Council, Learning & Skills** - Norton in Hales Primary School has a significant proportion of unfilled places and this is forecast to continue for the foreseeable future. Any school children that the proposed developments may yield (which are envisaged to be no more than around 10 in total) are therefore likely to help school numbers to a degree. From a site neighbour viewpoint, none of these proposed developments look like they will cause problems, such as traffic build up around the school. Secondary school numbers (Grove School, Market Drayton) are forecast to reach capacity by the end of the plan period, but any effect from the developments in Norton in Hales are expected to be minimal. It is not envisage that there will be any particular problems in the education sector if any or all of the development sites in Norton in Hales were to obtain approval.

4.1.8 **Norton in Hales Parish Council** - The Parish Council unanimously objects to this planning application on the basis of Road Safety:

The access to the site is on an extremely dangerous position in the road, being on a blind bend, in a dip and on a very narrow single track lane. There would be very limited visibility in or out of the site making it hazardous.

The Roads to and from the village are narrow and could not safely take any further traffic, including vehicles or the trucks supplying additional houses e.g. oil, work unit/ work shop suggested in this planning application. The site being built at the North end of the village means vehicles from that site would need to drive all the way through the village's narrow lanes to get to the nearest town i.e. Market Drayton. There is no bus service, as incorrectly stated in the planning application, all access to town would have to be by cars. On the 18<sup>th</sup> March 2014 there was a road collision between a tractor and a car on the narrow lanes approaching the village with more cars this would become more frequent.

The five entrance & exits to the village are already not safe and they have no passing points.

Footpaths - There is no footpath from the site to the village so residents would have to walk on a bend on a narrow highway to access the village. Footpaths within the village are very narrow due to the narrow lanes, these footpaths are not suitable to be parallel to narrow lanes with increased amounts of vehicles.

The site is situated outside the development limit for the village where new housing should only be approved if there is a proven need in connection with agriculture or forestry. In this case no proven need has been provided.

To approve the proposed development would be contrary to both local and national planning policy and would set a precedent for other similar development in the area.

83% of parishioners who responded to a survey, in relation to the SAMDev Plan, in

April 2012 voted to be classed as Countryside ie to have no development. In May 2012 the Parish Council requested to be classed as Countryside.

In addition the Parish Council has concerns over the sewerage infrastructure and whether the system could cope with extra houses a specific report would need to have been done.

## 4.2 Public Comments

4.2.1 Thirteen letters of objection have been received raising the following concerns:-

- Development is located in open countryside outside of the village.
- Norton in Hales is not being proposed as a community hub or cluster.
- Increase in traffic.
- Highway safety due to narrow access road.
- Norton in Hales lacks key services.
- Proposed application is exploiting the five year land supply shortage.
- Inadequate drainage provision.
- Concerns over live/work unit.

4.2.2 Eight letters of support have been received raising the following concerns:-

- The proposed development will assist in providing dwellings for people wishing to live in their local area where they were bought up in.
- Additional development in the village will assist local facilities.
- The development is not high density.
- The additional dwellings will allow future generations to reside in the village.
- The development will not result in the loss of view, privacy or light.
- The Community Infrastructure Levy payments will assist the community.
- Severn Trent Water have installed a 150mm diameter mains sewer and would be levying a charge on the development to cover any possible future infrastructure works.
- A footpath extending from the centre of the proposal to link with the existing field access between Owls Nest and Yew tree house affords safe pedestrian access to the play area and the centre of the village.
- The proposed increase in traffic is minimal and would not lead to highway safety issues.

## 5.0 THE MAIN ISSUES

- Policy & Principle of Development
- Assessment of Sustainability
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Impact on Trees
- Ecology
- Drainage
- Flooding

- Affordable Housing
- Community Infrastructure Levy
- Other Matters

## 6.0 OFFICER APPRAISAL

### 6.1 Policy & Principle of Development

6.1.1 The site is situated within Norton in Hales and is outside the development boundary on the proposals map of the NSDC adopted Local Plan and is also not coming forward as a hub or cluster settlement within the emerging SAMDev. The site is currently classed as 'Open Countryside' under CS5 and therefore open market residential development of the site would be contrary to current adopted and emerging policy and the application has been advertised as a departure. However, paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:

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

6.1.2 The emerging 'Site Allocations and Management of Development' Plan (SAMDev) is at the 'pre-submission draft' stage and has recently been submitted for examination. Paragraph 216 of the NPPF indicates that the 'weight' that can be attached to relevant policies in emerging plans such as the SAMDev depends on the stage of preparation, extent of unresolved objections, and degree of consistency with the NPPF. The Council's view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone very substantial public consultation, where weight can be attached but, pending examination and adoption, this needs to be considered with care alongside the other material considerations.

6.1.3 Paragraph 14 of the NPPF states that:

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

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the]Framework taken as a whole; or*
- *Specific policies in [the] Framework indicate development should be*

*restricted.*'

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

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

and that

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

- 6.1.4 In September 2013 the housing land supply in Shropshire fell below the 5 year requirement. This has now been updated following the submission of the SAMDev Final Plan to the Planning Inspectorate. The Council is now in a position that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. However, in calculating the 5 year supply the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies as there are significant unresolved objections which will not be resolved until the public examination of the SAMDev.
- 6.1.5 In this period prior to examination sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. Officers consider that it would be difficult to defend a refusal for a site which is considered to constitute sustainable development unless the adverse impacts of granting consent would significantly and demonstrably outweigh the benefits (as outlined in paragraph 14 of the NPPF).
- 6.1.6 It is acknowledged that the site is outside the development boundary within the adopted North Shropshire Local Plan and would not normally be supported for development. However, adopted local plan policies are at risk of being considered "time expired" due to their age and the time which has lapsed since the end date of the plan. Officers therefore advise that it is appropriate to assess this site within the context of the 'presumption in favour of sustainable development'.
- 6.1.7 The principle issue for consideration therefore is whether the development is sustainable or not when considered against the NPPF as a whole. The balance of material considerations is still in favour of boosting housing supply in locations that are considered to be sustainable. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether there would be any significant impact or harm as a result of the proposed development that would outweigh the benefits. This will be considered in the paragraphs below.
- 6.2 **Assessment of Sustainability**
- 6.2.1 Policy CS6, amongst a range of considerations, requires proposals likely to

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

6.2.2 Concerns have been raised from local residents that the village lacks key services. Norton in Hales is a village of approximately 160 dwellings and has a range of services and facilities within the village including a primary school, public house, village hall, church, recreational facilities (including cricket pitch, tennis court, bowling green and sports pavilion) and children's play area. These are all considered key services which you would expect to find in rural villages. With a small extension to the existing roadside footpath the proposed site would provide easy access to these facilities within the village and will provide improved access for neighbouring properties. Norton in Hales has strong links with Market Drayton which is only 2.4 miles away along a main country lane and provides a wide range of shops, employment opportunities, recreational and leisure facilities and public transport. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services and a range of facilities and employment opportunities.

6.2.3 However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is 'about positive growth – making economic, environmental and social progress for this and future generations'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

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

### Economic Consideration



- 6.2.4 The proposal will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The provision of additional houses will also support local businesses as future occupiers are likely to access and use local services and facilities helping them to remain viable. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable for a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

#### Social Considerations

- 6.2.5 The indicative proposal shows 14 dwellings which will help meet the housing shortage in Shropshire. In addition to boosting the supply of open market housing the proposal will provide affordable housing on site at the prevailing rate at the time of the reserved matters application. The current rate of 15% would provide 2 affordable dwellings on site. Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in settlements where it will support facilities helping to retain services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. It is recognised that increasing the number of dwellings in a settlement without a proportionate increase in the provision of local services risks impacting upon the social integrity of the settlement. Officers consider that the existing infrastructure is capable of accommodating the new development and that there is sufficient capacity in the primary school. A full application is also proposed on land North of Norton Farm, Main Road (application reference 14/00260/FUL) which also proposes 14 dwellings. There are approximately 160 dwellings in Norton in Hales and the cumulative impact of 28 additional dwellings (a 17.5% increase) is not considered to be a disproportionate number that would adversely change the structure and character of the community.

#### Environmental Considerations

- 6.2.6 The site is grade 2/3 agricultural land and has no heritage, cultural or ecological designation. The site is located adjoining residential properties which are positioned along the western boundary, whilst two properties and a large side garden are located along the northern boundary adjacent to Bearstone Road. It is considered that the loss of this piece of agricultural land is not significant and the proposal would not result in any adverse ecological or environmental implications and the proposal would provide some ecological enhancements of the site in relation to additional planting. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible on foot or by cycle to local services and facilities and is close to the array of services, facilities and employment opportunities in Market Drayton.
- 6.2.5 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 National Planning Policy Framework by providing economic, social and environmental benefits. Accordingly, it is considered that the principle of a residential development in this location is acceptable.

### **6.3 Design, Scale 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, ensure sustainable design and construction principles are incorporated within the new development. Policy D7 'Parking Standards' of the North Shropshire Local Plan is still a saved policy and indicates that all development should provide an appropriate level of vehicle parking to avoid on street parking and increasing traffic problems.

6.3.2 This is an outline application with the proposed layout, scale and appearance being reserved for later approval. The proposed site covers 1 hectare and is considered that there is adequate land available to provide fourteen residential dwellings with some roadside development to match existing properties along Bearstone Road. Adequate space would be provided for a residential scheme for fourteen dwellings and appropriate access, driveways and garden areas. The proposed site could provide adequate boundary landscaping against the open countryside to provide a soft edge to the settlement.

6.3.3 The proposed access, appearance, landscaping, layout and scale of the development would be considered as part of a subsequent reserved matters application.

### **6.4 Impact on Residential Amenity**

6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. Although this is an outline application with all matters reserved except the access it is considered that the site is significantly large enough to allow adequate separation from any proposed residential development with neighbouring properties. It is considered that residential development on this site can be designed in such a way to prevent any impact on neighbours from causing an overbearing impact, loss of light or resulting in overlooking and loss of privacy. As this is an outline application and does not include the layout for consideration the impact on the traffic numbers would have to be considered as part of the reserved matter application. However, the provision of fourteen dwellings would not result in significant traffic movements which would be detrimental to neighbouring properties.

### **6.5 Highways**

6.5.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based

travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all. Policy D7 'Parking Standards' of the North Shropshire Local Plan is still a saved policy and indicates that all development should provide an appropriate level of vehicle parking to avoid on street parking and increasing traffic problems.

- 6.5.2 Concerns have been raised from the Parish Council and local residents regarding the proposed new vehicular access and that it will lead to highway safety concerns. The proposed access forms part of this outline application and will involve the widening of the road along the site frontage and Beckside Cottage to provide a minimum width of 5.5 metres. The access will be located in a central position along the wide side grassed lawn associated to Beckside Cottage and will enable the provision of visibility splays of 2.4 metres by 43 metres which is inline with guidance indicated in the Manual of Streets. The Highways Authority have raised no objection to the proposed new access which will not result in any highway safety issues, whilst the road network is capable of accommodating the additional vehicle movements.
- 6.5.3 Concerns have also been raised that the proposed site does not have a pedestrian link into the village for residents to access the local services. However, this concern has also been raised with the Highway Authority and amended plans have been received indicating the provision of a new public footpath along the new vehicular access and along the frontage of Beckside Cottage and extending on the highway grass verge in front of Owls Nest. This will provide a safe means of pedestrian access to the local recreation facilities which are located on the opposite side of the road and will link into the existing footpath along Bearstone Road. This will allow pedestrians to gain access to the village church, public house, primary school and village hall. The proposed development also includes a new footpath from the centre of the proposed site towards the south west boundary linking into the access driveway between Owls Nest and Yew Tree House and will provide a safe pedestrian access for residents living towards the south area of the site
- 6.5.4 The proposed new vehicular access will not result in any detrimental impact on highway safety, whilst adequate pedestrian links are being proposed which will benefit existing residents and provided the new residents with residents with a safe route to the local facilities within the village.

## 6.6 **Impact on Trees**

- 6.6.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the local natural environment. The proposed site has a number of trees along the east and southern boundary and concerns have been raised that the development may impact on these trees. However, this is an outline application with the layout of the site reserved for later approval. Although the proposed application indicates the provision of fourteen dwellings the exact numbers of the development will be provided as part of the reserved matters application.
- 6.6.2 The proposed indicative layout has indicated rear gardens backing onto the boundary landscaping and would appear to provide adequate separation to prevent any potential long term damage. The proposed trees are not protected and are not

located within Norton in Hales Conservation Area. Having regard that the trees are located along the boundary it is considered that residential development could be positioned on the site without resulting in any impact on the existing trees.

## 6.7 Ecology

- 6.7.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environment and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in policy 11 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.
- 6.7.2 The Ecological Report identified two active subsidiary badger setts on the north eastern site boundary and it is stated that a 20 metre exclusion zone will be implemented around the badger setts. However, the proposed site plan shows a 5 metre wildlife corridor along the north east boundary; although it appears that some properties are proposed within 20 metres of the badger setts. If works are to be carried out within 20 metres of the setts, a Natural England licence will be required and a Method Statement will be required during works on site.
- 6.7.3 The Ecological Report also identified a pond within 30 metres of the site boundary, although this was assessed as having a Habitat Suitability Index (HSI) score of 0.41 and considered to have 'poor' potential for supporting Great Crested Newts. It was considered that no further survey was considered necessary for this pond. The report also indicated that there were a group of six mapped ponds between 150 and 230 metres from the site boundary. A stream is likely to form a barrier to newt movement to the east of the site. The Addendum to the report provides HSI figures for these ponds and the Ecological Assessment carried out netting and egg searching in April 2014. All the ponds were found to contain fish and were given an assessment of 'poor' or 'below average' for Great Crested Newt suitability. It is considered that no further survey is considered necessary.
- 6.7.4 The trees and hedgerows on site are likely to be used for bat foraging and commuting, together with nesting birds and therefore safeguarding informatives are proposed.

## 6.8 Drainage

- 6.8.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity.
- 6.8.2 The application indicates that foul water drainage will be directed to the existing foul

mains which is the preferred option and allows the foul water to be dealt with in an effective and sustainable manner. Concerns have been raised regarding the capacity of the existing sewerage system, although Severn Trent Water have an obligation to allow connections and the provision of capacity is a matter for Severn Trent Water to control. The application indicates that surface water runoff from the proposed highway and dwellings will be disposed of via a drainage pond which will feed into a nearby brook via a restricted outlet. The Drainage Engineer has not objected to this in principle and has confirmed that this would be subject to detailed plans. No concerns have been raised regarding the suitability of the local ground conditions and therefore it is recommended that both the foul and surface water drainage are conditioned accordingly for details to be submitted and approved prior to the commencement of works on site.

## 6.9 **Flooding**

6.9.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures for sustainable water management to reduce flood risk and development sites within flood risk areas should be developed in accordance with national planning guidance contained in Policy 10 'Meeting the Challenge of Climate Change, Flooding and Coastal Change' of the National Planning Policy Framework.

6.9.2 A detailed Flood Risk Assessment has been submitted which has indicated that the proposed site is not at a significant risk of flooding. An existing brook along the eastern boundary could be a possible source of risk of flooding. However, the brook falls away from the site at a constant gradient and due to the small catchment area of the brook and surrounding topography of the area, flooding onto the site from the brook is not likely. Due to the topography of the site any flooding of the brook would be to the east and south of the site away from any proposed dwellings. However, to ensure no flooding of the dwellings the developer has indicated that the dwellings will have a minimum finished floor level set at 600mm above the bank level to the brook.

## 6.10 **Affordable Housing**

6.10.1 Policy CS11 'Type and Affordability of Housing' of the Core Strategy indicates that all new open market housing development should make an appropriate contribution to the provision of local needs affordable housing having regard to the current prevailing target rate as set out in the Shropshire Viability Index. The existing target rate is 15% which equates to the provision of 2.1 affordable dwellings. This would provide two on site dwellings and the provision of a financial contribution of £9,000. The provision of the contribution would form part of a Section 106 legal agreement. However, as this application is not considering the layout the contribution will need to accord with the requirements of the Supplementary Planning Document on the 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.

## 6.11 **Community Infrastructure Levy**

6.11.1 Policy CS9 'Infrastructure Contributions' of the Shropshire Core Strategy indicates that development that provides additional dwellings or residential extensions over

100 square metres should help deliver more sustainable communities by making contributions to the local infrastructure. The arrangements for the use of the levy funds are detailed in the Local Development Frame Implementation Plan. The levy rates are set out in the CIL Charing Schedule and in this particular case will relate to £80 per square metre of new residential development. The levy charge would become active when the development commenced.

## 6.12 Other Matters

6.12.1 Local residents have raised concerns regarding the proposed live/work unit indicated on the proposed site plan. The proposed site plan indicates the provision of a work shop building accessed from Bearstone Road, together with a detached dwelling which will be accessed from within the proposed estate road. The proposed work shop and dwelling will create a live/work unit, although is not proposed as part of this application and will be considered as part of a separate application. To date no application has been received.

## 7.0 CONCLUSION

7.1 The proposed development is considered to represent sustainable development in a sustainable location having regard to the three dimensions of sustainable development and is therefore acceptable in principle. It is not considered that there would be any significant adverse impacts of the proposal that would outweigh the benefits. Layout, scale, appearance and landscaping of the scheme are reserved for later approval but it is considered that an acceptable and appropriately designed scheme could be achieved that would have no significant adverse impact on residential amenity and would not result in significant or demonstrable harm to the character and appearance of the locality. The proposal would not result in the loss of any significant trees, and have no adverse highway or ecological implications subject to conditions being imposed and landscape details and open space provision will be determined as part of an application for reserved matters. The on site affordable housing provision and any balance of AHC will be secured by a S106 agreement. It is therefore considered that the proposal accords with Shropshire LDF policies CS6, CS11, and CS17 and the aims and provisions of the NPPF.

## 8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

### 8.1 Risk Management

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

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

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:-

#### **National Planning Policy Framework:**

6 : Delivering a Wide Choice of High Quality Homes

7 : Requiring Good Design

- 8 : Promoting Healthy Communities
- 10 : Meeting the Challenge of Climate Change, Flooding and Coastal Change
- 11 : Conserving and Enhancing the Natural Environment
- 12 : Conserving and Enhancing the Historic Environment

**Shropshire Council Core Strategy (February 2011):**

- CS6 : Sustainable Design and Development Principles
- CS11 : Type and Affordability of Housing
- CS17 : Environmental Networks
- CS18 : Sustainable Water Management
- Supplementary Planning Document - Type and Affordability of Housing

**10.2 Relevant Planning History**

NS/06/00050/OUT - Affordable housing scheme of 10 semi-detached houses and 2 semi-detached bungalows. Withdrawn 28th February 2006.

14/00260/FUL - Full application for the erection of fourteen detached dwellings on Land North of Norton Farm, Main Road, Norton in Hales, Market Drayton, Shropshire. Subject to Committee Consideration.

14/00790/OUT - Outline application for the erection of fourteen dwellings incorporating two affordable units (to include formation of vehicular and pedestrian access) on Land Off Bearstone Road, Norton in Hales, Market Drayton, Shropshire. Subject to Committee Consideration.

14/01121/OUT - Outline application (all matters reserved) for residential development of up to twelve dwellings on Land East of Beswicks Lane, Norton In Hales, Market Drayton, Shropshire. Subject to Appeal for Non Determination.

14/01426/OUT - Outline application for the erection of 16 open market dwellings and 3 affordable dwellings to include access Land South Off Chapel Lane, Norton in Hales, Market Drayton, Shropshire. Current Application.

**11.0 ADDITIONAL INFORMATION**

List of Background Papers - Planning Application reference 14/00790/OUT

Cabinet Member (Portfolio Holder) - Cllr M. Price

Local Member - Cllr John Cadwallader

Appendices

APPENDIX 1 - Conditions