

Development Management Report

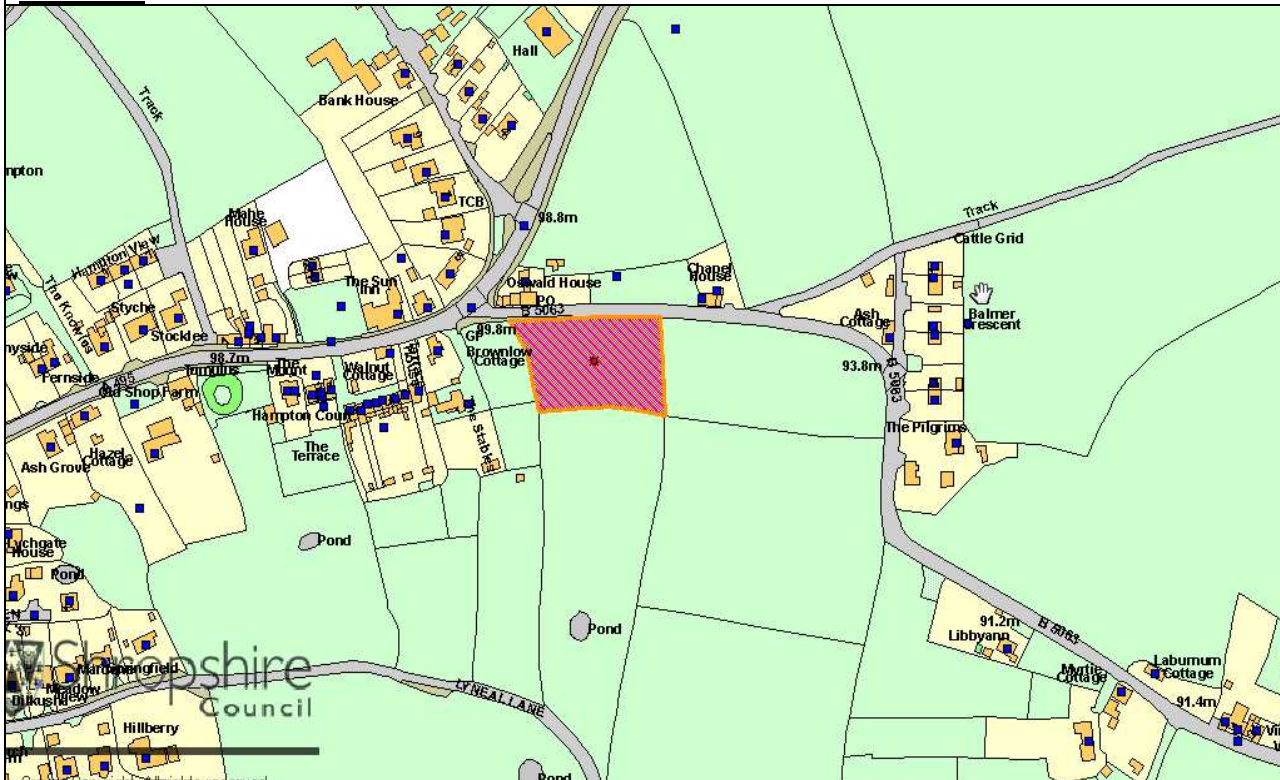
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Summary of Application

Application Number: 14/01063/OUT	Parish: Welshampton And Lyneal
Proposal: Outline application (access) for the erection of 7 dwellings	
Site Address: Proposed Development Land South Of B5063 Welshampton Shropshire	
Applicant: Les Stephan Planning Ltd	
Case Officer: Mark Perry	email: planningdmnw@shropshire.gov.uk

Grid Ref: 343768 - 335018



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and the applicant entering into a S106 to secure the provision of affordable housing and no objection being received from Natural England.

REPORT

1.0 THE PROPOSAL

- 1.1 The submitted application seeks outline planning for a residential development. The appearance, landscaping, layout and scale are all reserved for later approval. The applicant is seeking approval for the principle of a residential development on the site and the means of access. The original application was for the erection of 10 dwellings and included the layout of the site. The applicant has since amended the application reducing the number of dwellings down to 7 and adding layout to the list of reserved matters.
- 1.2 In addition to the dwellings the applicant is also proposing the creation of a new bus stop and a new footpath link to the eastern extremity of the site.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is a 0.3 hectare area of land which is approximately half of a long narrow field running along the southern edge of the Welshampton to Wem road on the edge of the village. To the south of the site there are open agricultural fields defined by intermittent native hedge planting and to the west there is a small paddock area. On the opposite side of the road it is predominantly agricultural/ paddock land with two dwellings located hard on the edge of or very close to the passing road.
- 2.2 The main part of Welshampton is to the west of the application site and mainly fronts onto the A495 Ellesmere to Whitchurch Road. The village has a predominantly linear form although there are a number of instances of backland development and mini estates. To the east of the application site and on the outside of a sharp bend in the road there is a small cluster of eight dwellings, these sit very slightly detached from the rest of the village because of the broken street frontage and the presence of the agricultural fields and hedgerows. These dwellings also sit outside the village's 30 mph speed limit.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The local member and the Chair of the planning committee considers that the Parish Council have raised material planning issues that warrant consideration by the members of the north planning committee.

4.0 Community Representations

- Consultee Comments

4.1 Parish Council

At the meeting of Welshampton and Lyneal Parish Council held on 28 May 2014 the following points were noted:

The Parish Council's input into the SAMDev consultation included the following statements:

- Maximum 5 dwellings per site
- All development to be in line with the Village Design Statement
- To keep in line with statements in the Parish Plan.

The Village Design Statement (VDS) includes the following:

If future development is to take place the following should be considered:-

- Any such schemes must carefully consider the method of disposing of surface and foul water, not only within the curtilage of the scheme but the effect the scheme will have on existing properties.

The Parish Plan adopted in 2008 contained the following comment:

- Important that we keep a balanced view on new homes, so that we take on board that our lanes and roads are not overloaded with traffic.

It was resolved to object to the application for the following reasons:

Number of dwellings

The proposal is for 10 dwellings so this application does not meet with the statement within the SAMDev SDP “The settlements of Welshampton and Lyneal are a Community Cluster where development by infilling, small groups of up to 5 houses and conversions may be acceptable on suitable sites within the development boundaries.”

Site Layout

The current plan is the third submitted to the Parish Council for consideration albeit only the second one submitted to Shropshire Council. The layout is not considered appropriate for the village and it is assumed the prime reason for the design is to make further development on adjoining sites possible. There is also an electricity transformer in the centre of the site and it is not clear whether this has been taken into account.

Drainage

Both the SAMDev SDP and the VDS makes reference to drainage issues. The statement in the VDS is outlined above the statement in the SAMDev is as follows:

- All new development is subject to establishing adequate foul drainage and water supply There is no mains sewage system in Welshampton and the Parish Council is aware that residents living in the already sodden areas in the village are seriously concerned about the increase in extra water arising from the development. The Parish Council confirms the comments made by several residents direct to Shropshire Council, as part of previous planning application consultations, that current drainage systems are struggling to cope.

In particular, residents have made representations to both Shropshire Council and the Parish Council that the recent development at The Sun Inn has impacted on the water levels and that this development could compound the problem.

The Parish Council strongly requests that, based on the above comments, Shropshire Council's Drainage Engineer considers the impact of this development not just on 'adjacent properties' but a wider area.

The Parish Council also notes that drainage details, plans and calculations can be made conditional at Outline application stage but due the serious concerns raised the Parish Council considers these should be addressed fully at this stage.

Traffic

The increased volume of vehicles caused by the size of this development will lead to traffic converging at a short stretch of the busy B5063 particularly at peak times. The recent reduction of public transport available to residents in the village leads to a greater dependence on private transport at peak times. The safety of pedestrians walking along this stretch of B5063 is already a concern before taking into account the traffic issues identified above. The re-siting / addition of the school bus stop is not considered a safer alternative.

Sustainability and local Infrastructure

The Parish Council would draw the attention of Shropshire Council to the fact that at the current time applications amounting to 20 houses, in addition to this application, have been submitted for determination. The Parish Council is concerned about over development for what is essentially a small village. If all submitted applications are granted in such a short time frame, the village would potentially increase its housing stock by approximately 30%. This large increase cannot be considered sustainable. If planning applications amounting to the same percentage were submitted in Shrewsbury or Oswestry would Shropshire Council not take an holistic approach? Shropshire Council Housing Enabling Team has also confirmed that there are currently only 2 households on the housing register already resident within the Parish. The need for 30 houses must be questioned. Although it is acknowledged that Welshampton has the benefit of some services, primary school, pub, hairdresser and garage (no petrol), the Parish Council has serious concerns that such a large increase in dwellings overall will negatively impact the sustainability of the village as a whole and cause major concerns to the local infrastructure.

Sustainability as outlined in NPPF paragraph 7

Economic benefits - apart from providing an economic gain from the actual developments, such large scale development will not enhance the local employment economy as there are no local businesses which could support such an increase in population.

Social benefits - the local primary school has a limit on expansion due to physical restraints and access to all other services (eg shopping, medical facilities etc) will need transport to access them as there is inadequate public transport.

Environmental benefits – the size of development that is currently being proposed for Welshampton as a whole does not contribute to protecting and enhancing the natural environment. The need to use transport to access all local services does not minimise waste and pollution. It will not contribute to a low carbon economy. Local Infrastructure. As outlined above, Welshampton does not have the benefit of a mains sewage system. Other elements of infrastructure should be investigated to assess whether such a large increase of dwellings is capable of being sustained. For example, water pressure, electricity, pavements to access village service, the cumulative impact on already busy A and B roads, and most significantly, the village primary school.

It is not the intention of the NPPF to facilitate unsustainable, random, highly speculative, unnecessary development which results in a small community of 100

houses being extended by 30%. It is not the intention of the NPPF to build houses where children have to be driven to school, where all employment has to be accessed by private transport. It is not the intention of the NPPF to cause social upheaval by the building of too many houses for the local need, arising in a massive increase in the number of new residents from outside the region.

The Parish Council is seriously concerned that to determine each application in isolation will result in a dysfunctional village. To develop a large number of houses on isolated sites without the proof of housing need, when each application will be "claiming" the same demand, will lead to properties not being sold, bankrupt developers and eyesores of empty half-built sites. The Parish Council does not want this to happen, and nor should Shropshire Council. 3 June 2014

Parish Council general further comments (5/9/14)

Drainage

As indicated in the section for Welshampton in the submitted SAMDev Policy, "All development is subject to establishing adequate foul drainage and water supply". Paragraph 5.90 gives further explanation: "In the case of waste water infrastructure capacity, whilst the allocated sites may not independently have an impact, the scale of development may mean that hydraulic modelling is needed for the catchment as a whole. Development should be phased appropriately to take into account of critical infrastructure improvements." In addition, the number of dwellings in Welshampton is set at a maximum of 20 houses. To avoid any confusion, Welshampton has no mains foul water drainage, all dwellings are served by septic tanks.

Of the 5 current applications totalling 30 dwellings there is only one site with 7 dwellings within the development boundary and it is believed a positive determination will soon be issued. A further 2 applications of 3 dwellings is currently seeking additional information to the effect of drainage on a nearby SSSI Ramsar site. This leaves 20 houses, 10 nearer the main part of the village than the other 10.

In light of the number of resident's concerns regarding the current impact on drainage from the development of 6 dwellings at The Sun, the Parish Council would strongly request that Planning Officers seek guidance on the cumulative effect of possibly 30 dwellings on drainage to the village which is in line with explanation paragraph 5.90 and additional sub-clause (v) in Policy MD3.

Matching housing guideline – cumulative effect

With regard to Policy MD3 'Matching the settlement housing guideline', it is clear that the current number of dwellings proposed exceeds the Welshampton guideline. Therefore the amendments to explanation paragraph 4.22 referring to the cumulative effects resulting in unsustainable development is applicable not just on infrastructure but on the community goodwill.

The potential detrimental impact on community cohesion following such a high percentage of new dwellings at one time is of significance. The Council is aware that community cohesion is a material consideration taken into account with recent applications in West Felton.

Weight attributed to SAMDev

The Parish Council's opinion is that although it is recommended that limited weight

given to the SAMDev as it is still to undergo examination, the Policy would not have been submitted to the Inspector if Shropshire Council did not consider it sound. It is noted there are no challenges to the section for the Welshampton and Lyneal Cluster. The Parish Council considers therefore that the weight allocated to SAMDev for applications in Welshampton can be increased.

The Parish Council requests that these comments are taken account when determining all 5 applications.

- 4.2 **Highways-** No objection subject to conditions requiring localised widening of the road, visibility splays and the provision of the bus stop.
- 4.3 **Drainage-**
No objection subject to 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.
- 4.4 **Ecology-**
No objection subject to informatives. The application site is within 750 metres of Clarepool Moss, a component SSSI of the Midland Meres and Mosses Phase 1 Ramsar site and West Midland Mosses SAC. Cole Mere SSSI and Ramsar site is 1.5km distant. Fenn's, Whixall, Bettisfield Wem and Cadney Mosses SAC/Ramsar is 3.3km to the west. It is considered that with conditions requiring a drainage scheme which meets the requirements set out by the Councils Drainage Section and the Environment Agency's permitting standards at Reserved Matters stage, there is no risk of an impact on the water quality of any European site.
- 4.5 Natural England- No response at time of writing report.
- 4.6 **Affordable Housing-**
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.
- 4.7 - Public Comments
8 letters of objection received commenting on the following grounds:
Site is outside of the development boundary
Unsafe vehicle access and inadequate A495/ B5063 junction
Scheme will cause water to be on the road
Village infrastructure is over loaded
School bus stop adjacent to the site
Scheme is the first stage of the development of the larger field
Noise pollution generated by extra cars
Inadequate water pressure in the village
No demand for dwellings as house in the village are unsold.
Not in accordance with the Village Design Statement
No need for an alternative bus stop

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Principle of development

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

6.1.2 The NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking (para. 14), so it applies, as a material planning consideration, in any event. The NPPF specifically aims to 'boost significantly the supply of housing' therefore, the fact (and degree) that a proposed development helps to boost housing supply is a significant material consideration to which considerable weight must be attached. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply.

6.1.3 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 years' 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 and adoption of the SAMDev.

6.1.4 In the intervening period between submission and adoption, sustainable sites for housing where the 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 such it remains officer's advice that it would be difficult to defend a refusal for a site which constitutes sustainable development and that the presumption in favour of sustainable development at paragraph 47 of the NPPF is given greater weight than either the adopted or forthcoming policies. The NPPF does not permit a housing development free-for-all, the principle issue for consideration is whether the development is sustainable or not when considered against the NPPF as a whole. As such a development which is not sustainable can be refused against the NPPF but officers advise that caution should always be taken when considering refusal against the NPPF. Paragraph 14 advises that the

adverse impacts of granting consent would need to significantly and demonstrably outweigh the benefits.

- 6.1.5 It is acknowledged that the site is outside of the Welshampton development boundary previously set within the North Shropshire Local Plan. As such the application has been advertised as a departure from the adopted local plan and would not normally be supported for development. However, these 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’.
- 6.1.6 Policy CS6 of the Core Strategy, 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.
- 6.1.7 As part of SAMDev Welshampton has been put forward as a Community Cluster and states that, “development by infilling, small groups of up to 5 houses and conversions may be acceptable on suitable sites within the development boundaries identified on the Policies Map, with housing guidelines of around 20 additional dwellings in Welshampton and 5 additional dwellings in Lyneal. All new development is subject to establishing adequate foul drainage and water supply”. Whilst the Parish Council and residents have referred to this the SAMDev is yet to go through the process of examination in public. As such only limited weight can be awarded to the document at this stage.
- 6.2 **Is the Site Sustainable?**
- 6.2.1 Paragraph 7 of the NPPF explains that there are three dimensions to sustainable development, these are economic, social and environmental. Paragraph 8 goes on to advise that in order to achieve sustainable development, economic, social and environmental gains should not be sought in isolation, because they are mutually dependant.
- 6.3 **Economic Consideration**
- 6.3.1 In economic terms the proposed development will provide employment during the construction process and support suppliers, provide Community Infrastructure Levy contributions, New Homes Bonus and additional community charge receipts; although these benefits would be achieved by any new housing development in any location. The most important economic benefit would be the spending power of new residents who would help to support limited local services such as the pub and local garage. It is acknowledged that Welshampton itself has very few job opportunities and as such residents are likely to travel to Oswestry, Ellesmere, Shrewsbury or further afield to find employment. As such economic benefits are likely to be felt not just within the village. As such it is considered that the economic

benefits of providing additional housing can be awarded some weight.

6.4 **Social Consideration**

- 6.4.1 Socially the scheme will provide both affordable and open market housing of which there is a proven need across Shropshire as set out in policy CS11 of the Core Strategy. Typically the number of affordable dwellings would be based on the target rate at the time of the reserved matters submission; currently set at 10%. However the applicant is willing to commit to providing 2 of the dwellings to be affordable, equating to an overprovision of 29%. The applicant has confirmed that the Wrekin Housing Trust have expressed an interest in the affordable dwellings.
- 6.4.2 The scheme would provide infrastructure improvements through the payment of the Community Infrastructure Levy under policy CS9. The contribution is dealt with outside of the planning process and after development commences and is used to pay for infrastructure identified as local priorities. However, it is a material consideration in the determination of the application and the acknowledgement of the requirement to pay the CIL ensures that this matter will be dealt with after the consent. The CIL contribution would provide for infrastructure enhancements as required.
- 6.4.3 It is recognised that increasing the number of residences in a settlement without a proportionate increase in the provision of local shops, infrastructure, employment opportunities and other local services risks eroding community cohesion. It is also recognised that Welshampton is the subject of a number of other planning applications which if all approved would result in an expansion of around 27 dwellings in the village. The Parish Council have commented that this would result in a housing stock increase of 30% which could not be sustained and would negatively impact on the local infrastructure.
- 6.4.4 The scheme must be considered on its individual merits although the cumulative impact of additional new housing is also a material consideration. Recent planning inspectors' decisions have taken into account the adverse impact of increasing the number of dwellings in an settlement, outside of the plan making process, as a material consideration. Substantial increases in residences could result in harm because of the need to allow time for proportionate increases in infrastructure and for the community to adapt, and the possible adverse impact on community cohesion. Welshampton has recently been subject to 5 separate planning applications (including this current application) equating to a total of 27 dwellings. So far only the 7 dwelling adjacent to Old Shop Farm has received a resolution to grant planning permission. Welshampton has around 115 dwellings in its main core of the village, as such it is considered that the scheme of this scale is in relation to the overall size of Welshampton. Even with the other current applications it would still result in a relatively small percentage increase and would not be disproportionate to the size of the settlement and the services it currently has. It is considered that the above issue would not outweigh the presumption in favour of sustainable development given the current housing shortfall.
- 6.4.5 It is recognised that the proposed development is on a parcel of agricultural land that sits outside of the existing built environment of Welshampton. Building houses on undeveloped parts of the countryside would conflict with the core planning principles, set out in paragraph 17 of the NPPF of conserving and enhancing the natural environment and encouraging the effective use of land by reusing land that

has been previously developed. To meet Shropshire's current and future housing needs it will necessitate the development of agricultural land in addition to brownfield sites. Paragraph 112 of the NPPF requires the Local Planning Authority to take into account the economic and other benefits of the best and most versatile agricultural land. Whilst the loss of agricultural land will cause economic harm in term of a reduction in the land available for farming the site is grade 3 agricultural land which is only of "good to moderate" quality and furthermore the scale of the development proposed will not result in significant loss of agricultural land. It is considered that loss of the grade 3 land is outweighed by the economic benefits of providing additional housing in this instance.

6.4.6 Any built development will inevitably have an impact on any site by the replacement of natural land with built development. At present there is only a limited feeling of being 'within' the village until you reach the junction with the A495 when travelling from the Wem direction. Instead the approach to Welshampton feels semi-rural with the narrow width of the road and the scattering of dwellings before meeting the more dense development of the main core of the village at the junction. However, whilst the development of this parcel of land would result in a change to its character the new built development would not appear disconnected to the rest of the village or appear out of context as it would link the main core of the village to the small number of dwelling further to the east and would be a logical expansion of the village in keeping with its linear form. It is Officers opinion that that the harm that the proposed development would cause to the character and appearance of the area would not result in an adverse impact of considerable weight.

6.4.7 Welshampton has a limited range of facilities which include a public house, hair dressers, vehicle repair garage, place of worship and a primary school. In addition to the facilities in the village there is also a bus service to Ellesmere; although this is fairly infrequent with just 3 buses a day. Whilst the accessibility and the facilities available is less than in other settlement is just one consideration in assessing the site sustainability. It is not the only consideration with sustainability being a much broader subject.

6.4.8 The proposed development would result in the expansion of the village on a parcel of agricultural land, it would however not extend beyond other dwelling which would reasonably be considered to be part of Welshampton (Balmer Crescent). To provide the required housing growth for Shropshire there will be a need to provide housing on the edge of existing settlements. The proposed development would be 'read' as being part of the existing settlement and would not appear isolated or detached and it would not affect any specifically valued landscape, affect protected wildlife or harm a site of historic importance. Whilst it is recognised that there would be some harm it is considered by Officers that this would not be sufficient to outweigh the benefits referred to above.

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

6.5.1 The appearance, landscaping, layout and scale of the site are all reserved for later approval. The applicant has now reduced the number of dwellings proposed down from 10 to 7. The indicative layout now provided by the applicant only shows the outline of the site and the approximation position of the bus stop and footpath towards Balmer Crescent. The finer detail of the scheme would be fully considered

at the time of the reserved matters application. Officers opinion is that the size of the site is capable of accommodating a development of 7 dwellings without the site appearing cramped or out of context with the prevailing layout of the area. The layout and form of the development is not known at this stage and would still be subject to full consideration at the reserved matters stage.

6.6 Highway Safety

6.6.1 The applicant proposes a single point of access into the site, this would be approximately 50 metres to the east of the junction between the B5063 and the main road through Welshampton. Also included within the proposal is the localised widening of the B5063. At present overrunning is occurring at the edge of the existing carriageway due to its limited width. Increasing its width would make it easier for HGV's or agricultural vehicles to pass one another. The development would also provide an opportunity to create a new bus stop lay-by. At present there is a bus stop on the B5063 which is adjacent to the junction. This includes a shelter but buses have to stop on the highway as there is no layby. As a consequence causing traffic queues to form at the junction, the creation of new bus stop would help to provide a safer environment for highway users as the bus would not obstruct the flow of traffic. The applicant also proposes to provide a footpath within the application site which would extend east leading to the inside edge of the 90 degree corner on the road. This would be of benefit both proposed and existing residents who currently have to walk along the narrow road in order to walk to the school or public house.

6.6.2 It is considered that the provision of the bus stop and appropriate footpath is of benefit although it is acknowledged that the Parish Council consider the bus stop to be on a dangerous stretch of road and therefore do not support its provision. The scheme has been considered by the Council's Highways Officer who raises no objection subject to conditions that require the bus stop and footpath to be provided prior to occupation of the dwellings.

6.6.3 Impact on Neighbours

The addition of 7 dwelling on a site will inevitably increase the number vehicle movements and increase the amount of activity on a site that is currently used for agricultural purposes. The 7 dwellings would effectively be self-contained with vehicles accessing the site by the access created as part of the scheme. There are no other dwellings that immediately adjoin the site and on the opposite side of the road the nearest dwelling is to the north west. The layout of the site is one of the reserved matters and would therefore be fully considered at a later date. However, it is considered that the site is adequately large enough to be able to provide adequate distances of separation to existing dwellings to ensure that there is no detrimental impact on residential amenities.

6.7 Drainage

6.7.1 Welshampton does not benefit from any mains drainage system as such it will be necessary for the development to be served by a private package treatment plant located within the site. This is a point that is acknowledged by the Council in the submitted SAMDev document which states that, "All new development is subject to

establishing adequate foul drainage and water supply”, it goes on to state in para 5.90, “In the case of waste water infrastructure capacity, whilst the allocated sites may not independently have an impact, the scale of development may mean that hydraulic modelling is needed for the catchment as a whole. Development should be phased appropriately to take account of critical infrastructure delivery and seek to positively contribute towards local infrastructure improvements”. As SAMDev has yet to be adopted only limited weight can be awarded to the specific wording of the document.

6.7.2 As this is an outline planning application only seeking to establish the principle of a residential development no precise details of the drainage system have been provided. Instead it is considered appropriate to require the drainage details; which would include relevant percolation tests and calculations to be provided as part of the reserved matters submission.

6.7.3 The surface water flows would also be discharged to soakways and the applicant has confirmed that such a system would incorporate suitable attenuation so that they can cope is a storm event. The Council’s Drainage Engineer is satisfied that it would be appropriate for the full details of the drainage system to be provided as part of the reserved matters submission.

6.8 Ecology

6.8.1 The Council’s Ecologist has been in consultation with Natural England regarding the impact upon any European protected sites. The outcome is that the Council must satisfy itself “that there is at least one measure of treating the foul effluent arising from the development without affecting the European site be that septic tank with soakaway or sealed cesspool with effluent removed from catchment.” The Council’s Drainage Engineer is satisfied that an acceptable drainage system can be achieved and that the precise details can be submitted as part of the reserved matters application for consideration. It is considered that with conditions requiring a drainage scheme which meets the requirements set out by the Councils Drainage Section and the Environment Agency’s permitting standards at Reserved Matters stage, there is no risk of an impact on any European site.

6.8.2 The Council’s Ecologist has also provided comments with regards to badgers, bats and nesting birds and relevant planning conditions will be imposed. Overall it is considered that the development can take place without detrimentally impacting upon the ecological value of the site or protected species.

6.9 Affordable Housing

6.9.1 In accordance with the adopted Core Strategy all new open market development must make a contribution towards the provision of affordable housing, unless there are other material planning considerations. Although the number of dwellings proposed has been reduced from 10 to 7 the applicant is still proposing to provide 2 affordable dwellings; equating to a 29% provision which significantly exceeds the policy requirement of 10%. A 10% provision on a development would only require a financial contribution and rather than affordable dwellings on the site. The applicant has signed the affordable housing pro-forma agreeing to the contribution

and to meet the legal cost of preparing the Section 106 agreement.

7.0 CONCLUSION

7.1 The site is located outside of the current Welshampton development boundary and is therefore classed as a departure from the development plan, however, significant weight must be awarded to paragraphs 7 and 8 of the NPPF where there is a presumption in favour of sustainable development.

7.2 The proposal will be of some benefit in terms of boosting the local housing supply including the provision of two affordable dwellings. It is considered that Welshampton is of sufficient size with some services and facilities in both the village and the wider Ellesmere area to be a sustainable location for new residential development. Accordingly, it is considered on balance that the benefits of the scheme is not demonstrably outweighed by the harm caused and that the proposal complies with policies CS6 and CS11 of the Core Strategy and the requirements of the National Planning Policy Framework.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS4- Community Hubs and Community Clusters
CS5- Countryside and Greenbelt
CS6- Sustainable Design and Development Principles
CS9- Infrastructure Contributions
CS11-Type and Affordability of Housing

11. Additional Information

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

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Brian Williams

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

Reason: The application is an outline application under the provisions of Article 2(1) of the Town and Country Planning (Development Management Procedure) Order 2010 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of 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. A scheme of foul drainage, and surface water drainage including all relevant calculations and specifications has shall be submitted with the first reserved matters submission. The approved scheme shall be completed before the development is occupied.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. No development shall take place until a scheme for the localised widening of the Class II road to 5.5 metres and provision of 1.8m wide footway along the site road frontage and the footpath leading to Balmer Crescent as shown on drawing no 04 Rev B (received 8th July 2014) has been submitted to and approved by the Local Planning Authority; and the development hereby permitted shall not be occupied until the works have been carried out strictly in accordance with the approved details.

Reason: In the interests of highway safety.

6. Details of the design and construction of any new roads, footways, accesses together with the disposal of surface water shall be submitted to, and approved in writing by the Local Planning Authority before the development begins. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure an adequate standard of highway and access for the proposed development.

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

7. Six woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be provided prior to the occupation of the dwelling/ building.

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

8. A minimum of 2 car parking spaces shall be provided for each unit of living accommodation in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide for the parking, loading and unloading of vehicles off the highway in the interests of highway safety.

9. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 or any order revoking and re-erecting that Order with or without modification, no hedges, fences, growths or other structures shall be planted or erected within the approved visibility splays.

Reason: To maintain a satisfactory measure of visibility from the road junction(s)/access in the interests of highway safety.

10. At the junction of the main estate road/access with the adjoining highway visibility splays in both directions along the adjoining highway shall be provided as follows:

- (a) A point 2.4 metres measured along the centre line of the main estate road/access measured from the continuation of the nearer edge of the adjoining highway carriageway.
- (b) Points 43 metres along the nearer edge of adjoining highway carriageway measured from the intersection of the centre line of the main estate road/access.
- (c) A straight line joining the above points.

Reason: To provide a satisfactory measure of visibility from the main estate road/access in both directions along the adjoining highway.

11. The gradient of the drives between the edge of the estate road carriageway(s) and the back of the footway/verge/margin shall be not exceed 1 in 24 and thereafter the gradient shall not exceed 1 in 10.

Reason: To ensure the formation of satisfactory access (es) to the properties in the interests of highway safety.

12. The carriageway(s) and footway(s) shall be completed to base course macadam level before any dwelling is occupied.

Reason: To ensure the formation of satisfactory access (es) to the properties in the interests of highway safety.

13. The junction of the estate road with the adjoining highway shall be constructed in accordance with the Local Planning Authority's specification for the time being in force for residential and industrial estate roads.

Reason: To ensure the formation of a satisfactory estate road junction to serve as a means of access to the development.