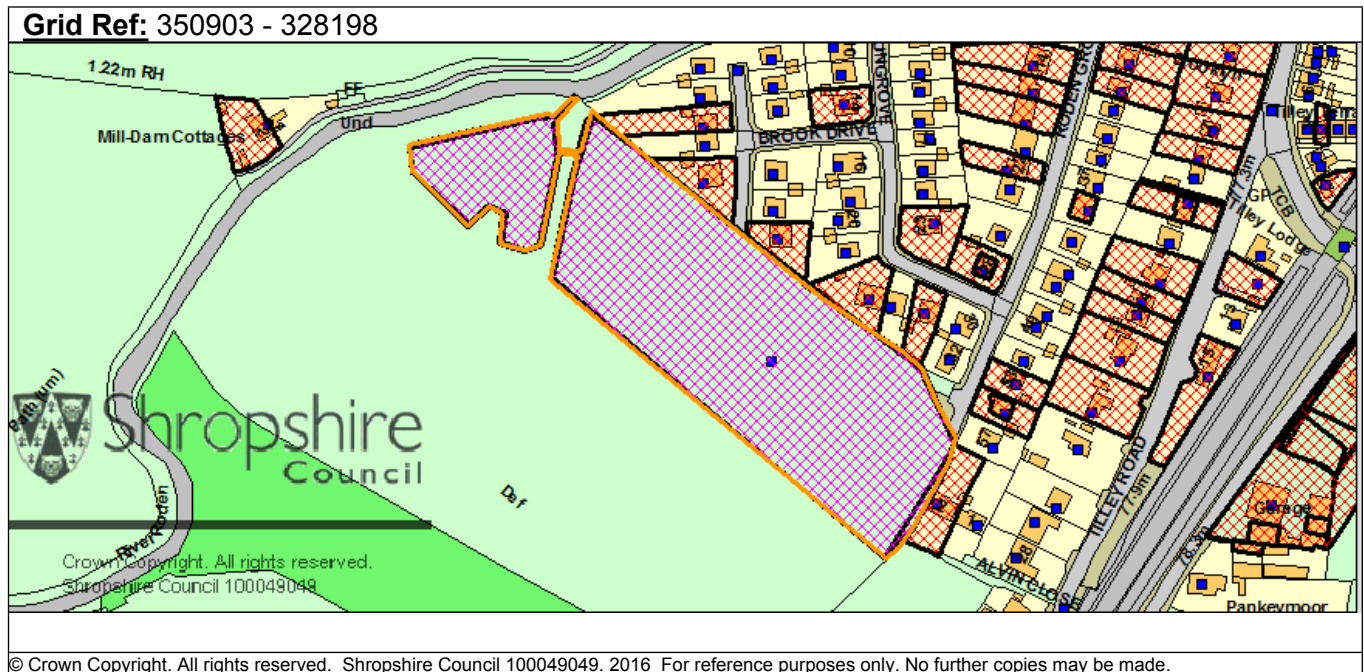


## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

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|---|--|
| <b>Application Number:</b> 18/00846/REM   | <b>Parish:</b> Wem Urban   |
| <b>Proposal:</b> Reserved matters (appearance, landscaping, layout and scale) pursuant to 14/02851/OUT for the erection of 25 dwellings |  |
| <b>Site Address:</b> Land Off Roden Grove Roden Grove Wem Shropshire  |  |
| <b>Applicant:</b> Mrs M.E. Ward and Fletcher Homes (Shropshire) Ltd   |  |
| <b>Case Officer:</b> Jane Preece  | <b>email:</b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a> |



**Recommendation:-** That subject to the receipt of a satisfactorily amended landscape plan to move the large trees TP1 2 and 3 into the ecology buffer and the specimen garden trees TP6 (x2) Rosebud Cherry and TP4 Rowan into the POS to address future potential overshadowing issues; to the receipt of an amended Affordable Housing Proforma and CIL Form O to correlate with the revised dwelling floor areas and to

**confirmation from the applicant/agent that all reference to the affordable dwellings is as 2 bed 3 person units rather than 2 bed 4 person units, that reserved matters approval be granted, subject to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

1.1 Outline planning permission for the erection of 25 dwellings to include means of access was granted in 22<sup>nd</sup> May 2015 (reference 14/02851/OUT). The site will utilise an existing access connecting the land to Roden Grove.

1.2 Access is not therefore a reserved matter. Access was included at the outline stage and the full design and engineering details are to be secured through pre-commencement condition 5 of the outline planning permission.

1.3 Condition 5 reads as follows:

*'Prior to the commencement of development full engineering details of the access road extension of Roden Grove to serve the site 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 scheme have been implemented fully in accordance with the approved details*

*Reason: To ensure a satisfactory means of access to the development site and in the interests of highway safety.'*

1.4 A concurrent discharge of conditions application has been submitted pursuant to the discharge of condition 5 (reference 18/00863/DIS).

1.5 Only matters relating to the layout, scale, appearance and landscaping are reserved for later approval – condition 1 of the outline consent refers:

*'Approval of the details of the siting, design and external appearance of the development and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.*

*Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2010 and no particulars have been submitted with respect to the matters reserved in this permission.'*

1.6 This current application therefore seeks reserved matters approval for the layout, scale, appearance and landscaping of development in accordance with the outline pursuant to permission 14/02851/OUT for the erection of 25 dwellings.

1.7 None the less, the Highway Authority have been consulted on the reserved

matters application, in so far as the scale, layout and landscaping have implications for highway matters.

1.8 Condition 4 attached to the outline consent also requires:

*‘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 foul and surface water drainage of the site*
- *The finished floor levels*
- *Public open space*

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

1.9 The number of units is as per the consented outline description of development, ie 25.

1.10 The site is to be enclosed by the existing hedgerow to north east boundary with Roden Grove/Sun Grove/Brook Drive. The enclosure of the site to the west and south west will be in the form of a newly planted hedgerow of native species, together with incidental tree planting as part of the landscaping proposals. An area of designated open space is to be provided on the north western part of the site, amounting to 2806 sq m in area. Otherwise, cross sections accompany the submission, together with information on finished floor levels and details of the proposals for foul and surface water disposal. As indicated at outline stage, the drainage scheme includes for the provision of an attenuation pond to the north west with an outfall to the River Roden.

## 2.0 **SITE LOCATION/DESCRIPTION**

2.1 The land is located to the south west of Roden Grove in an area which was identified as being part in open countryside and part in the Council’s Site Allocations and Management of Development Document (SAMDev) adopted on 17 December 2015. The site lies to the south of the River Roden and the land is generally low lying with a slightly elevated section towards the centre of the site.

2.2 The land is primarily used for grazing of livestock with there being a belt of trees to the south west of the field. Other trees are along the bank of the River Roden which meanders from Tilley into Wem.

2.3 To the north east and to the east of the application site there are residential properties. These were mainly constructed in the 1970’s and range in size and style. Some are two storey and some are single storey.

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

3.1 The Local Members have requested that the application be referred to the Planning Committee for determination and the Chair and Vice in consultation with

the Principal Planning Officer have concluded with consideration to local concerns and material planning issues raised that it is appropriate for this application to be considered at Committee.

#### 4.0 **Community Representations**

##### 4.1 **Consultee Comments**

4.1.1 **SC Highways** – No objection - subject to the development being carried out in accordance with the approved details and general informative notes.

4.1.2 **SC Affordable Houses** – We note the plot number for the affordable housing are now 5 and 6 which are 2 bed properties. There is a need for 2 bed affordable units in this area but would ask that dwellings as proposed are classed as 2 bed/3 person units as these are not considered suitable as 2bed/4 person units. A proforma should also be submitted so the financial contribution can be agreed.

4.1.3 **SC Archaeology (Historic Environment)** – Note that the planning agent acting for the applicant has accepted the archaeological condition that was recommended in our previous advice. As a consequence, have no further comments to make with respect to archaeological matters.

Suggested Condition: Pre-commencement securement of implementation of a programme of archaeological work in accord with a written scheme of investigation (WSI).

4.1.4 **SC Trees** The landscape plan has been amended to reflect my previous comments of 23/3/18 including the addition of 3 large canopy trees planted as standard size in the POS. I can now support the arboreal proposals for this scheme.

4.1.5 **SC Ecology** – Welcomes the attenuation pond, ecological buffers, additional hedge and tree planting. Would request that a construction environmental plan and long term habitat management plan is submitted - this could be an additional planning condition. Would seek alterations to the tree planting in the public open space to ensure that all species chosen are native and found locally within Shropshire. Elder included in the native hedge mix should be changed for another native species as it tends to outgrow a hedgerow.

Recommended conditions: Construction Environmental Management Plan; Landscaping Plan; Habitat Management Plan.

Informatives: Landscape planting of locally native species.

4.1.6 **SC Parks and Recreation** – The development includes 25 properties equating to 78 bedrooms. Working on 30 square metres per person it equates to an area of 2340m<sup>2</sup>. The layout plan attached to the application shows the OAS area extending to 2806m<sup>2</sup> which fulfils the planning criteria.

4.1.7 **Severn Trent Water** – No objections subject to the inclusion of the following

condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

NB: Severn Trent Water have been re-consulted on the amended plans and additional drainage information but no re-consultation response has been received at the time of writing.

- 4.1.8 **SC Learning and Skills** – No comments received.
- 4.1.9 **SUDS** – The surface water drainage layout and design is acceptable.
- 4.1.10 **Environment Agency** – With regards this site we would have no comments to offer on the application as the site falls within Flood Zone 1, the low risk Zone. Looking at the plan you attached there is a proposed outfall to the River Roden which will require a Flood Risk Activity Permit from us (previously called a Flood Defence Consent). The applicant is advised to contact our Partnerships and Strategic Overview (PSO) team to discuss further (pso.midswest@environment-agency.gov.uk).
- 4.2 **Public Comments**
- 4.2.1 **Wem Town Council** – After carefully considering the amended application at a meeting of the Planning and Transport Committee the Council is of the opinion that the response provided by the agent to the Town Council's previous objections does not sufficiently address the council's objections to the application submitted on 4.4.18. Therefore the Town Council will not be changing its previous objections to the application.

Previous objection of 4.4.18:

The Town Council is disappointed that the applicant has continued with this application as the Town Council has previously strongly objected to any development of this land.

Having studied the reserved matters application the Town Council has the following objections

Flooding - The application does not address the surface water flooding concerns previously raised by the Town Council that will be created should the development go ahead. The surface water from development will flow directly onto existing properties neighbouring the site which will cause potential flooding problems for these existing properties. In addition to this the Town Council is very concerned about the proposed drainage for this development which is

inadequate as the French drains proposed will only last 10 years and The Town Council would like to know which authority will be responsible for dealing with the future flooding issues that this development will cause.

Property size - the size of houses proposed are the wrong type for the area. Smaller houses are needed to meet local housing needs.

Topography of the site - the houses on the southern side sit higher than the existing properties so there will be a negative impact on the townscape.

Impact on local highway network - the number of extra vehicles this development will produce will increase the amount of traffic onto neighbouring roads. This is unacceptable to the Town Council as Mill Street is already congested.

Sewage System - As previously stated the Town Council has concerns that the plans to link the new properties up the existing sewage system and not upgrade the existing system. The sewage system to the existing properties in the area is already inadequate as the residents of Brook Drive frequently suffer from sewage problems. Linking an additional 25 dwellings into the current system which is not currently fit for purpose will impact negatively on both new and existing properties.

Access to the site - The Town Council remains unconvinced that the applicant has ownership of the access to the site where the development is to be place. Proof must be given that the landowner owns the access to the site.

The Town Council consider it imperative that this application is determined by the North Area planning committee.

4.2.2 **Public representations** – 111 contributors have submitted representations of objection. The contributors include the two Local Members; the Roden Grove Action (Campaign) Group and local residents (some of whom have submitted multiple representations).

The main **objections** raised relate to:

- Discontent with granting of outline approval. Site beyond development boundary of the town. Should have been refused. Site has history of rejections. Call for previous decision to be reversed.
- This application should be refused.
- Land is unsuitable for building.
- Lack of/stretched infrastructure in Wem: schools; doctors; dentist.
- Flooding/drainage concerns: Wet ground conditions/high water table/affected by surface water flooding.
- EA flood risk map. Fails sequential test – are other sites with lower/no flood risk.
- Question validity of drainage information/credibility of drainage report.
- Question ability of measures to mitigate flood risk.
- French trains have limited life (7 to 10 years).
- Attenuation pond is potential health and safety hazard to young children.

- Question responsibility for maintaining drainage proposals and dealing with future flooding issues the development will cause.
- Sewage. Are problems with existing sewage facilities. Do not consider the sewage system can cope. Severn Trent Water have been called out to Brook Drive/Sun Grove due blockages and failure of water pump on Sun Grove.
- Site has potential to generate litigious public health issues with drainage in general and with sewage in particular.
- Topography. Land is not flat. Is higher on southern side. Drainage and townscape impact of topography.
- Access. Are existing problems onto Mill Street. Mill Street is already congested. Roden Grove is narrow and not compatible for extra traffic and emergency vehicles.
- Ownership of access – proof of ownership must be given.
- Increase in traffic. Traffic report figures are too low.
- Nuisance from construction traffic.
- Damage to wildlife. Destruction of habitat. Pollution of River Roden.
- Impact on historic environment/heritage assets.
- Damage to archaeological remains.
- Detrimental to setting of Tilley and River Roden.
- Need to retain separation between Wem and Tilley
- Size of properties. Wrong type for area. Smaller houses are needed to meet local needs.
- Proposal inappropriate in size and scale in relation to character of area.
- Dwellings are overbearing/over dominant.
- Overlooking.
- Loss of light and views from tree planting.
- Proposal does not contribute positively to the local character and distinctiveness
- Layout is poor and an over intensive form of development.
- Concerned this is phase 1 of a large development. Note the open ended road on plan.
- Impact of lighting.
- Excessive noise and nuisance from people using public open space.
- If approval recommended, permitted development rights must be removed by condition.

4.2.3 The full content of all consultee comments and public representations are available to view on line.

## 5.0 THE MAIN ISSUES

5.1 As stated in 1.1 above, the site has outline planning permission for the erection of 25 dwellings to include means of access, granted on 22<sup>nd</sup> May 2015 (reference 14/02851/OUT).

5.2 The principle of residential development for 25 dwellings and the associated access provision are therefore established in accordance with the outline

consent.

- 5.3 The main issues therefore relate to the acceptability of the ‘reserved matters’ details submitted for consideration in respect of appearance; layout and scale and landscaping, in addition to the details submitted for consideration in accordance with condition 4 of the outline, which includes drainage. The potential impact on the historic environment and archaeological has also been raised since the granting of the outline consent.

## 6.0 OFFICER APPRAISAL

### 6.1 Background

- 6.1.2 Issues relating to the policy and principle of development; highways and access provision; ecology and drainage were all considered at the outline stage. The principle of development has been established with the granting of the outline planning permission and the access provision secured as a determined matter. In terms of ecology and drainage/flooding the outline application was accompanied by an Ecological Survey Report and a Flood Risk Assessment respectively. It was accepted that the site could be provided with satisfactory foul and surface water drainage arrangements and without being harmful to local habitats or biodiversity. Apart from the usual ‘reserved matters’ condition whereby details of the siting, design and external appearance of the development and the landscaping of the site are yet to be approved, as part of the outline approval additional conditions are also in place to ensure the prior approval of the engineering details of the access, together with the foul and surface water drainage of the site and to ensure the appropriate provision of bat boxes/bricks and external lighting and that all work is carried out in accordance with the Ecological Survey Report.

- 6.1.3 Whilst objectors continue to raise access objections in relation to matters of principle associated with housing planning policy, access, ecology and drainage such matters of principle are not before the Council for consideration as part of this reserved matters application.

- 6.1.4 In addition, officers have already previously dealt with a request to revoke the outline planning permission ref: 14/02851/OUT in the summer of 2016. The request was submitted by the Roden Grove Campaign Group on the generally summarised grounds that outline planning permission should not have been granted due to sustainability and flood risk issues. However, revocation was not considered expedient and the legal tests for a Local Planning Authority to revoke the grant of planning under s97 of the Town & Country Planning Act were not met. Therefore, the outline planning permission was not revoked.

### 6.1 Appearance, Scale and Layout

- 6.1.1 As originally submitted the application proposed 17 x 4 bed dwellings; 6 x 3 bed dwellings and 2 x 2 bed dwellings. Of those 15 were detached houses, 8 were semi-detached and 2 were dormer bungalows.

- 6.1.2 However, in response to objections received in relation to the dwelling types and sizes and their layout a revised scheme has been submitted. The application



now proposes a mix of 5 x 4 bed dwellings; 18 x 3 bed dwellings and 2 x 2 bed dwellings. Of the 25 dwellings, there are 8 detached houses; 8 semi-detached houses; 4 dormer bungalows and 5 bungalows.

#### 6.1.3 In more detail, the housing mix is as follows:

Plot 1 – 121 sq m – 4 bed dwelling. Semi-detached single garage and parking  
 Plot 2 – 104 sq m – 4 bed dwelling. Semi-detached single garage and parking  
 Plot 3 – 67 sq m – 3 bed semi. Parking  
 Plot 4 – 67 sq m – 3 bed semi. Parking  
 Plot 5 – 67 sq m – 2 bed semi. Tandem parking (Affordable dwelling)  
 Plot 6 – 67 sq m – 2 bed semi. Tandem parking (Affordable dwelling)  
 Plot 7 – 112 sq m – 3 bed dormer bungalow. Semi-detached single garage and parking  
 Plot 8 – 112 sq m – 3 bed dormer bungalow. Semi-detached single garage and parking  
 Plot 9 – 112 sq m – 3 bed dormer bungalow. Semi-detached single garage and parking  
 Plot 10 - 112 sq m – 3 bed dormer bungalow. Semi-detached single garage and parking  
 Plot 11 - 77 sq m – 3 bed bungalow. Semi-detached single garage and parking  
 Plot 12 - 77 sq m – 3 bed bungalow. Semi-detached single garage and parking  
 Plot 13 - 103 sq m - 3 bed bungalow. Attached double garage and parking  
 Plot 14 – 77 sq m – 3 bed bungalow. Semi-detached single garage and parking  
 Plot 15 – 77 sq m – 3 bed bungalow. Semi-detached single garage and parking  
 Plot 16 – 88 sq m - 3 bed dwelling. Semi-detached single garage and parking  
 Plot 17 – 88 sq m - 3 bed dwelling. Semi-detached single garage and parking  
 Plot 18 – 104 sq m – 4 bed dwelling. Semi-detached single garage and parking  
 Plot 19 – 88 sq m - 3 bed dwelling. Semi-detached single garage and parking  
 Plot 20 – 67 sq m – 3 bed semi. Parking  
 Plot 21 – 67 sq m – 3 bed semi. Tandem parking  
 Plot 22 – 67 sq m – 3 bed semi. Tandem parking  
 Plot 23 – 67 sq m – 3 bed semi. Tandem parking  
 Plot 24 - 121sq m – 4 bed house. Semi-detached single garage and parking  
 Plot 25 - 121sq m – 4 bed house. Semi-detached single garage and parking

#### 6.1.4 Despite objections to the contrary, it is considered that the mix as proposed here has been amended to offer a suitable range of smaller dwellings and includes the provision of two 2 bed affordable dwellings on site (plots 5 and 6), which together with the financial contribution will satisfy local need and adopted policy. In response to the comments of the Council's Housing and Enabling Officer, the agent will be requested to confirm that all reference to the affordable dwellings is as 2 bed 3 person units rather than 2 bed 4 person units (as it is understood that the latter does not meet the size criteria for registered providers in terms of floor area). Further the agent will be requested to provide an updated affordable housing contribution proforma. The currently submitted proforma details a contribution of £40,950 based on the floor area of the originally submitted suite of house types. The revised proposals will attract a lesser contribution due to the reduced floor area, calculated by officers to be in the region of £37,800.

- 6.1.5 In terms of external design and appearance, seven dwelling types are generally proposed with an element of variety provided through design detailing, size and use of materials. All house types will be finished externally with a mix of walling material to include brick and render. Render will be ivory or off white in colour. Roofing will be plain concrete tiles, either slate grey or tudor brown in colour. A materials schedule has been provided. Roofs are to be dual pitched, with some variation in roof design with the incorporation of eye brow dormer features, dormer windows and projecting gables on some house types. Otherwise, architectural details include brick eaves corbelling and verge details; reconstituted stone heads and sills; and timber and canopy porches. Differing dwelling types also include for a chimney and a bay window.
- 6.1.6 In all it is considered that the scale and appearance of the proposals are not unduly inappropriate for the area and are of sufficient visual interest, which when coupled with the layout and landscaping, will create a reasonably attractive environment. It is considered therefore, that the proposed development would be acceptable in scale and design as required by Core Strategy policy CS6, SAMDev policy MD2 and the Housing SPD and would not adversely detract from the quality of the environment and setting to this part of Wem, satisfying also Cores Strategy policy CS17 and the NPPF.
- 6.1.7 As submitted the application attracted objections in relation to over dominant development due to the size, layout and positioning of the properties in relation to the topography of the site. The topography of the site rises on its southern side away from the existing dwellings. In response, amended dwelling types have therefore been submitted, to provide more single storey and smaller scale units. Furthermore, the layout has been adjusted to provide a less regimented and more spacious pattern of development. It is considered by officers that these revisions help to assimilate the development better with the scale of development locally and will appear less visually domineering in the townscape.
- 6.1.8 In relation to density officers are satisfied that the amended proposals provide adequate space about the proposed buildings and that the site will not appear unduly cramped or out of context in relation to surrounding development.
- 6.1.9 Officers are further satisfied that the scale and layout of the proposed dwellings will cause no undue harm to the residential amenities of neighbouring residents.
- 6.1.10 Leading on from the above, a particular objection has been submitted to both the original and the revised scheme by the occupants of number 5 Brook Drive on the grounds of loss of privacy and light. In response to the original objection both the position and the scale of the nearest proposed dwelling has been adjusted. The proposed dwelling has been shifted back on the site, so that it no longer projects forward of number 5 and the dwelling type (which is a dormer bungalow) has been reduced in width and height. Further, the gable end of the proposed will be blank with no windows. Having considered the revised plans and whilst noting the neighbours continue to object, officers do not consider the siting, scale and design of the proposed dwelling concerned will result in a loss of privacy or overshadowing to number 5 sufficient for officers to be unsupportive of the revisions.

- 6.1.11 In the event that permission is approved the objector has requested the removal of permitted development rights by condition. A further objector has request the conditional removal of permitted development rights for alterations and additions and the erection of fences etc on all plots should the development be approved. To impose either such a condition is considered unduly onerous.
- 6.1.12 A further issue in relation to layout is that of the landscaping of the site and the provision of open space. This issue is discussed further below.
- 6.2 Landscaping**
- 6.2.1 The application is accompanied by a detailed landscaping scheme and ecology plan. As part of the landscaping proposals, the existing northern boundary hedge will be retained and a hedgerow of native species planting along the new boundaries to the south/south west and north west of the site. Incidental tree planting is also proposed alongside the new boundaries and within the site. To the north west, the plan also identifies an area designated as public open space (POS), adjoined by an attenuation pond and ecology buffer zone (beyond the new hedge line and adjacent the River Roden).
- 6.2.2 The Council's Parks and Recreation, Tree and Ecology Officers have all been consulted on the landscaping and ecology plan proposals. Following on from an amendment to trees species in the POS (to replace the Swedish Birch with native species) all are satisfied with the proposals.
- 6.2.3 Indeed in ecological terms the proposed attenuation pond, ecological buffers, additional hedge and tree planting are welcomed as they offer environmental enhancements. The Ecology Officer has agreed that her request for the replacement of Elder in the hedge planting mix with another native species can be dealt with by condition as can the provision of hedgehog friendly gravel boards within the design and construction of the proposed close boarded fencing that will line the existing hedgerow between the existing and proposed dwellings. Otherwise, it is agreed that it would be inappropriate to impose a pre-commencement condition requiring the submission of a landscaping plan, given the level of detail provided on the submitted landscape plan for which reserved matters approval is sought, and the agent has confirmed agreement to the imposition of conditions requiring the submission and prior approval a Construction Environmental Management Plan and a Habitat Management Plan.
- 6.2.4 Notwithstanding the above, an objection has been received from residents in Brook Drive on the grounds of overshadowing from the proposed trees. This concern has been referred back to the Council's Tree Officer, who has advised that as residents are concerned about shading in the future decades above the screening value of the trees to soften the built environment, then the developer could be requested to move the large trees TP1 2 and 3 into the ecology buffer adjacent and the specimen garden trees TP6 (x2) Rosebud Cherry and TP4 Rowan could then be moved into the POS.
- 6.2.5 A further concern that has been expressed by residents is the erection of the proposed 1.8 m high close boarded fence along the existing hedge line and

consequences for hedge maintenance. The agent has responded by stating that fence will limit growth on the development side and therefore the need for maintenance cutting. Any dispute over the access for maintenance purposes is a private civil matter.

### 6.3 **Impact on historic environment and archaeology**

6.3.1 The Council's Archaeologist has commented that: *'Information provided to the Shropshire Historic Environment Record after the determination of the outline application in May 2015, which included an interpretative assessment of Environment Agency LiDAR data, suggests that a number of degraded archaeological earthwork features are likely to be present on, and within the vicinity of, the development site. The majority of these are considered to be of agricultural origin and to relate to earlier field systems; Wem's medieval town fields and a subsequent water meadow system of possible 16th or 17th century date. However, they also include a potential building platform (the field is named as 'Windmill Field' on the Tithe Award map of 1838 for Tilley and Trench Townships in Wem Parish) and, near the boundary of the site, a palaeochannel of the River Roden.*

*For these reasons, the proposed development site is considered to have archaeological interest, albeit in relation to features of likely local level importance. ...'*

6.3.2 In view of the above, and in relation to Paragraph 141 of the NPPF and SAMDev Plan policy MD13, it is advised that a phased programme of archaeological work (to secure the implementation of a programme of archaeological work in accord with a written scheme of investigation (WSI)) should be made a pre-commencement condition of any planning permission for the proposed development. The agent has accepted the imposition of such a condition.

6.3.3 In terms of the historic environment, objectors have also raised a concern over the potential impact of the development on local heritage assets, including listed buildings in the hamlet of Tilley. Having regard to the context and setting of the nearest listed buildings and the general character of the area, and the requirements in relationship to the historic environment as set out in the NPPF and local plan policies, officers are of the opinion that the proposal will have no significant harm on the character and setting of local heritage assets.

### **Technical Matters**

#### 6.4 **Highways**

6.4.1 As referred to in paragraph 1.2 above access is not a reserved matter. Means of access was included at the outline stage and the full design and engineering details of the access are to be secured through pre-commencement condition 5 of the outline planning permission.

6.4.2 None the less, as further referred to in par. 1.5 above, the Highway Authority have been consulted on the reserved matters application, in so far as the scale, layout and landscaping have implications for highway matters.

6.4.3 Overall, the Highway Authority raises no objection to the revised scheme, subject to the development being carried out in accordance with the approved details and recommended informative notes. Additionally, the Highway Authority advises that in order to satisfy the adoption requirements of the Highway Authority the submitted road, footway, construction and drainage details need to be technically approved to enable the completion of an agreement under Section 38 of the Highways Act 1980.

6.4.4 Whilst objections on the grounds of means of access and traffic generation have been received such objections are not reasons to refuse a reserved matters application where access has already been approved as a determined matter under the outline planning permission.

6.4.5 Further, whilst some contributors call for ownership of the access to be proven, proof of ownership is not necessary as part of this reserved matters application. Any dispute over the ownership of the access is a private civil matter.

## 6.5 **Drainage**

6.5.1 In accordance with condition 4 of the outline planning permission foul and surface water details have been submitted for consideration at this time.

6.5.2 The application has attracted particular objections from local residents, the Town Council and Local Members on drainage and flood risk grounds.

6.5.3 The Council's Drainage advisors, Severn Trent Water and the Environment Agency have been consulted on the application.

### **Foul drainage**

6.5.4 Foul drainage is to be disposed of to the local mains sewer. Despite objections from local residents, Local Members and the Town Council on the grounds that the existing system is already experiencing problems and that the existing sewer infrastructure does not have the ability to cope with further connections Severn Trent Water have raised no objection to this reserved matters application on foul drainage grounds. Furthermore, in support of the application the agent has submitted a copy of letter from Severn Trent Water, dated 20<sup>th</sup> December 2017, confirming that *'The Pumping Station in question has capacity to receive the flows from the proposed 25 dwellings. As such a new connection to either of the foul sewers in Brook Drive or Roden Drive would be allowed subject to a formal S.106 sewer connection approval.'*

### **Surface water drainage**

6.5.5 The Environment Agency have raised no objection to the application. The EA have confirmed that the site falls within Flood Zone 1, the low risk Zone.

6.5.6 Likewise, the Council Drainage advisor confirms *'Except for the outfall to the River Roden, the development site is within Flood Zone 1, which has less than a 0.1% chance of flooding from the River Roden.'*

6.5.7 The Council's Drainage advisor further comments that: *'... Environment Agency mapping shows that a small area of the development has a greater than 3.3%*

*chance of flooding from surface water run-off. Surface water flooding as a result of run-off from the field, is well documented by the adjacent residents of Roden Grove.*

*The development will intercept much of the existing surface water run-off which will be directed to the attenuation pond and discharge to the River Roden at a greenfield run-off rate. ..*

- 6.5.8 As such the surface water drainage scheme has the potential to alleviate the existing surface water flooding problems which some neighbouring residents occasionally experience from the current site surface water run-off.
- 6.5.9 In brief surface water drainage is to be disposed of via new French drains and an attenuation pond that discharges into the River Roden in a controlled manner, ie via a hydro brake at typical greenfield run-off rates. The system is designed to intercept and direct all surface water from the site into the attenuation pond. In response to the initial consultation comments of the Council's Drainage advisor revised and additional drainage information has been submitted (to include for a 1 in 100 year event + 35% climate change; 10% urban creep and the provision of longitudinal sections and the design of road gullies etc).
- 6.5.10 The additional drainage information has been re-considered by the Council's Drainage advisor, who has now confirmed both the design and the layout of the proposed drainage scheme and details to be acceptable.
- 6.5.11 Notwithstanding the above, objectors remain concerned regarding existing drainage problems in the area and the potential of development to exacerbate the situation and lead to more flooding. Objectors also continue to question the validity of the drainage information submitted in support of the application.
- 6.5.12 In summary, it is the professional opinion of the Councils' Drainage advisor, that sufficient and adequate information has been submitted in support of the application and that both the design and the layout of the proposed drainage scheme and details are now acceptable. Therefore, whilst it is acknowledged that there remains local concern about increased surface water problems from developing the site, it is considered that the site can be developed with the agreed drainage scheme in place, secured by conditional requirements, to ensure that there is no greater risk of flooding either within the site or in the wider area and as such would comply with policy CS18 and the NPPF with regard to this matter.

## 7.0 **CONCLUSION**

- 7.1 The principle of a residential development on this land, along with the access has been accepted with the grant of outline planning permission reference 14/02830/OUT.
- 7.2 It is considered that the proposals (as amended) are acceptable in terms of layout, scale, appearance and landscaping taking into consideration local context and character and will not adversely detract from the immediate locality or the

wider landscape setting of Wem; nor adversely impact on ecology, neighbour amenity or heritage assets.

- 7.3 Surface water drainage issues that have been identified and raised during the consideration of this reserved matters application have been addressed to the satisfaction of the Council's Drainage advisor and, despite local objections to the contrary, the surface water drainage details that have been provided (as amended) are now considered acceptable.
- 7.4 Foul drainage proposals have resulted in no objection from Severn Trent Water and are considered acceptable.
- 7.5 Access was approved at the outline stage and the full engineering details of the means of access to the site from Roden Grove remain covered for prior approval by a pre-commencement condition imposed on the outline consent. The Highway Authority is satisfied with the internal access layout and details.
- 7.6 With the recommended archaeological condition in place, it is considered that the proposals comply with the requirements of policy MD13 of the adopted SAMDev Plan; together with the NPPF in relation to archaeological matters.
- 7.7 It is considered that the application proposals meet with adopted Core Strategy policies CS6, CS11, CS17 and CS18; adopted SAMDev policies MD2, MD3, MD12 and MD13; the Council's adopted SPD on the Type and Affordability of Housing; the National Planning Policy Framework and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 – all subject to compliance with planning conditions.
- 7.8 On this basis approval is recommended, subject to conditions.
- 7.9 In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.
- 8.0 Risk Assessment and Opportunities Appraisal
- 8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning

issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

# 10. Background

## Relevant Planning Policies

Central Government Guidance:



## National Planning Policy Framework

## Core Strategy and SAMDev Plan Policies:

CS3 - The Market Towns and Other Key Centres

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD3 - Managing Housing Development

MD2 - Sustainable Design

MD12 - Natural Environment

MD13 - Historic Environment

Settlement: S17 - Wem

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

14/02851/OUT Outline application for the erection of 25No dwellings (to include access)

GRANT 22nd May 2015

18/00863/DIS Discharge of Condition 5 (Access details) relating to Planning Permission

## 11. Additional Information

View details online:

|  |
|--|
| 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)<br>Cllr R. Macey   |
| Local Member<br><br>Cllr Pauline Dee<br>Cllr Chris Mellings  |
| Appendices<br>APPENDIX 1 - Conditions  |

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. 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.

2. Notwithstanding the details shown on the approved landscaping and ecology plan no Elder (*Sambucus nigra*) shall be included within the native hedge planting mix. Any reference to Elder shall be replaced with Honeysuckle (*Lonicera periclymenum*).

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

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

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

Reason: The site is known to hold archaeological interest.

4. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots) will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- e) Identification of Persons responsible for:
  - i) Compliance with legal consents relating to nature conservation;
  - ii) Compliance with planning conditions relating to nature conservation;
  - iii) Installation of physical protection measures during construction;
  - iv) Implementation of sensitive working practices during construction;
  - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction.

All construction activities shall be implemented strictly in accordance with the approved plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

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

5. A habitat management plan shall be submitted to and approved by the local planning authority prior to the occupation of the development. The plan shall include:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Monitoring and remedial/contingencies measures triggered by monitoring.

The plan shall be carried out as approved, and remain in place for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

7. The design and construction of the 1.8 m high close boarded fence indicated on the approved landscaping and ecology plan shall include for the installation of hedgehog friendly gravel boards which shall thereafter be maintained and retained for the lifetime of the development.

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

8. No dwelling shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned, domestic gardens, has been submitted to and approved by the local planning authority. The landscape management plan shall be carried out as approved.

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

9. No dwelling shall be occupied until a surface water management plan, including management responsibilities and maintenance schedules for the approved surface water drainage scheme, including the attenuation pond throughout its lifetime, has been submitted to and approved by the local planning authority. The surface water management plan shall be carried out as approved.

Reason: To secure the provision and long term management and maintenance of the approved surface water drainage scheme