

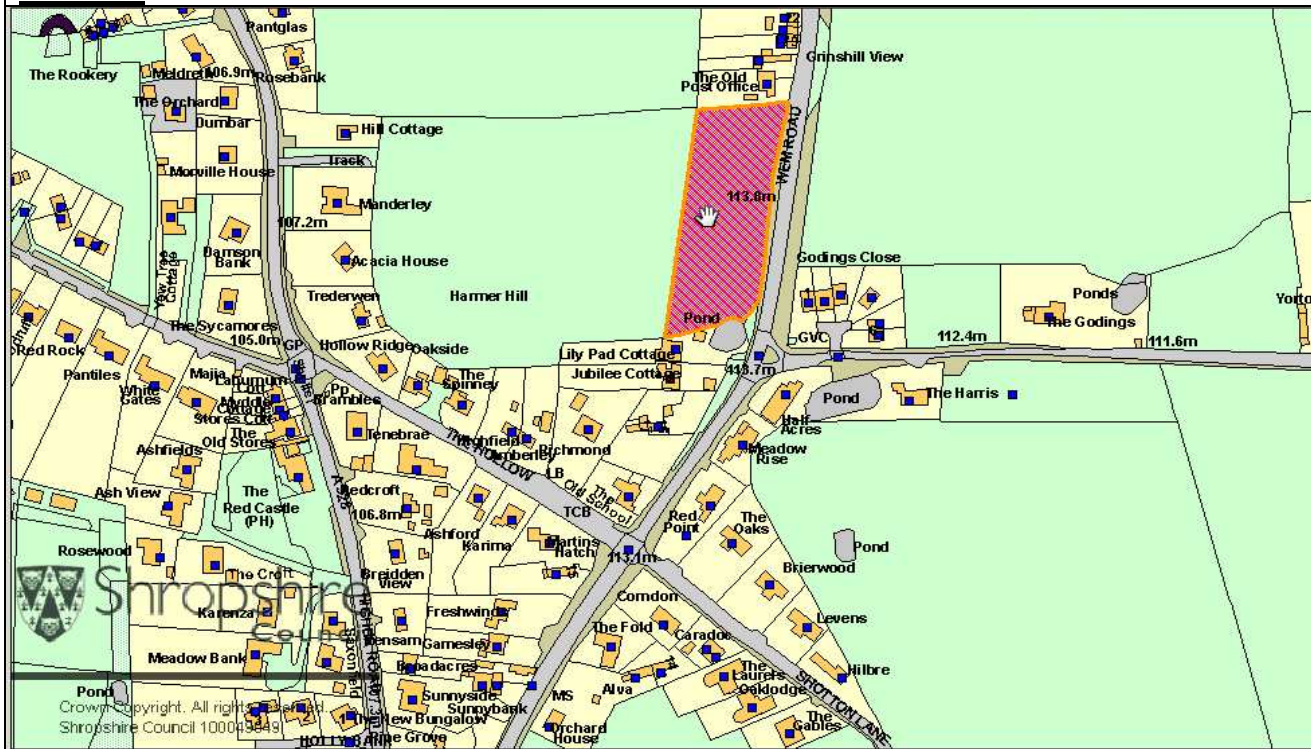
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 13/04682/OUT	Parish: Myddle And Broughton
Proposal: Erection of 6no detached dwellings (including 1no affordable unit) with means of access and layout	
Site Address: Land north of Jubilee Cottage Harmer Hill Shrewsbury SY4 3DZ	
Applicant: C/o Agent	
Case Officer: Karen Townend	email: planningdmne@shropshire.gov.uk

Grid Ref: 349170 - 322317



Recommendation:- That Subject to the applicants entering into a S106 legal agreement to secure affordable housing Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This report is an addendum to the report presented to members in March 2014 which detailed the proposal for outline planning permission for residential development on land north of Jubilee Cottage in Harmer Hill. Layout and access are submitted for approval at this outline stage with scale, appearance and landscaping reserved for later approval. As such the application seeks consent for the principle of developing the site for housing and for the access and layout of the proposed 6 dwellings.
- 1.2 The following report seeks to advise members on the reason for deferral from the March meeting. The minutes of the meeting record that members sought further advice on the impact of the recently published Planning Practice Guidance and the implications of the shared agricultural and residential access. These issues will be considered within this report, however it is not intended to re-visit the issues dealt with in the previous report and the March report is appended for information and reference as appendix 2.

2.0 MATTERS FOR CONSIDERATION

- Planning Practice Guidance
- Agricultural access
- Other matters

2.1 Planning Practice Guidance

- 2.1.1 Members deferred determining the application at the March committee meeting to take further advice on the implications of the statement by the Planning Minister, Nick Boles, and to take advice on the Planning Practice Guidance.
- 2.1.2 Nick Boles' written statement commented on making the planning system easier and allowing local communities to shape where development should and should not go. This is already reflected in the NPPF at paragraph 16 which promotes community engagement in the development of plans which support the strategic development needs set out in local plans and community engagement in positively supporting local development. Shropshire Council SAMDev has primarily been formed on the basis of the aspirations of local communities and parish councils. It has been a bottom up, locally led, approach. However, the SAMDev is not yet adopted and has not yet been sent to the planning inspectorate for examination. As such, the SEMDev, although expressing the opinions of the community, is not yet a formally adopted policy.
- 2.1.3 The written statement also notes the publication of the final version of the Planning Practice Guidance and that this will, amongst other things, clarify when councils can consider refusing permission on the grounds of prematurity in relation to draft plans. The written statement does not provide the detail or alter either the legislation in the Town and Country Planning Act or the primary guidance in the NPPF, which itself is a material consideration as detailed at paragraph 13.

2.1.4 The Planning Practice Guidance advises that “arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.”

2.1.5 The proposed development of 6 houses is not considered to be so substantial, either on its own or cumulatively with other developments in Harmer Hill, or to be so significant as to undermine the plan making process. The development of 6 dwellings would not significantly alter where sites are proposed to be allocated, ie the scale, location and phasing of new housing. For a development to meet part a) of this advice it would need to be of such a scale as to provide a significant number of houses which would then call into doubt the need for all of the proposed allocated sites.

2.1.6 As advised at 2.1.2 the SAMDev, which is the emerging plan, is not considered to be at an advanced stage as it has not been submitted for examination. At this time the SAMDev is still under consultation and objections may still be submitted to the published final version. Officers would caution against refusing the proposed development on the grounds of non-compliance with the SAMDev.

2.1.7 The Planning Practice Guidance also provides more advice on considering rural housing proposals advising that housing supports the broader sustainability of villages and smaller settlements; that rural housing is essential to ensure viable use of local facilities and that all settlements can play a role in delivering sustainable development in rural areas.

2.1.8 The practice guidance provides a streamlined version of other government guidance which has now been cancelled: it hasn't changed the NPPF, the interpretation of which remains a matter of law. It has not changed the position of Shropshire Council's SAMDev or the 5 year land supply and as such, although its advice can be considered, it does not alter the recommendation of officers given at the March committee meeting.

2.2 **Agricultural access**

- 2.2.1 Members at the March meeting raised concerns about the proposed access serving both the dwellings and to serve the remaining field and the potential impact on amenity and conflict of traffic movements.
- 2.2.2 The agent has provided the following information in response to these concerns: “The land in question has been in the ownership of the same family since the 1800s. This is not simply a developer looking to make a “quick buck” but a local family looking to invest in the future of the village and promote, what they feel to be, an appropriately sized development for this village to boost and support local services. You may also be aware that the landowners have made land available (adjacent to the Village Hall) to Saxonby and Wrekin Housing Trust to provide 10no affordable dwellings and this application is also currently being considered.
- 2.2.3 Prior to the 1940’s, access to the field was via an agricultural access in the position of the property known as ‘Trederwen’ (marked on the attached location plan). This was at a time when the field was previously used for the grazing of the yearlings and the cattle were walked all the way down Lower Road from Hill Farm to the north of the village!
- 2.2.5 The family purchased the entire strip of land along Lower Road (hatched blue) over 65 years ago and engulfed this into the overall family estate. When permission was applied to build ‘Trederwen’ for the applicants grandmother, the landowners applied for and were granted a new formal agricultural access off Wem Road (the one that currently exists). This has now been in existence for over 50 years and is used as the primary access to this land. The applicants Grandmother lived in ‘Trederwen’ and his Auntie in the newly created ‘Acacia House’ (formerly known as ‘The Bend’). Subsequently in later years, the properties of ‘Manderley’ and ‘Hill Cottage’ were also built and formerly housed family members. These have since been sold (when older relatives moved to more age-appropriate housing) and are no longer in the ownership of the Williams family.
- 2.2.6 At the time that ‘Hill Cottage’ and ‘Manderley’ were built, the landowners agent at Halls advised them that it would be beneficial to provide access from this end of the village and to retain ownership of such a track. The track was never intended to be used as the primary access point to the field, as one had already been approved and created off Wem Road. It was simply a secondary track created at the suggestion of the applicants former agents and to provide domestic access to ‘Manderley’.
- 2.2.7 At present, the field is used for arable purposes and is hungry, easy draining ground. It is therefore only visited sporadically to sow, tend to and harvest any crops. The landowner advises us that the plough would take place in September and would usually consist of 3hours over a single day. This would be followed by fertiliser/spraying during the dry spring period and appropriate muck spreading as and when required. The combine usually requires two trailers loads of grain to be taken from the site at the time of harvest. This process results in a maximum of 12 vehicular movements to/from the site throughout the year. In terms of the combine itself utilising this access, it would be very limited.

- 2.2.8 Access from Lower Road, for the use of a combine harvester (or even large tractor) is not possible. Access is difficult due to its steep-sloping and restrictive nature and also by the fact that a right of way exists over the land as the only form of access to 'Manderley' and its private parking area to the rear.
- 2.2.9 The applicants do not own the land to the north of this field and therefore, access from the northern field cannot legally be achieved without third-party involvement. The agricultural access proposed with this development can only be seen as betterment to the existing situation whereby the site is accessed from a field gate immediately adjoining the highway. At present agricultural vehicles must park along the highway to open the field gate and manoeuvre into the site at the risk of passing traffic. The track off Lower Road can still be used for general maintenance however, the existing formal agricultural access from Wem Road must be retained (as has been the case for the past 50-60 years) to ensure the continued and viable use of the land for agricultural purposes.
- 2.2.10 In terms of the proposed layout, the agricultural traffic will enter the site direct without obstruction or having to manoeuvre into either of the two residential zones served by private drive access arrangements. The holding bay will ensure that no-one is obstructed whilst the field gates are opened/closed – attached site layout demonstrates. In any event, the mix between residential and agricultural traffic movements is an everyday occurrence in rural communities and not something that should be an issue for development. The landowner advises that the land will continue to be used for arable purposes in the future and the limited level of activity described will therefore remain."
- 2.2.11 The above information has been provided in order to assist members in considering whether the proposed shared agricultural and residential access is appropriate. It should also be noted that the Council Highway Officer had advised previously that there is no reason to refuse the scheme on highway safety grounds and promoted a single point of access advising that this was welcomed and necessary in order to try and achieve an acceptable measure of visibility in both directions along the Class II road. The provision of two separate accesses would increase the number of accesses provided along the Class II road and also still result in an agricultural access between houses. If the agricultural access were to be provided along the northern or southern edge of the application site the access would be provided between new housing and existing housing, the proposed scheme provides the agricultural access between new housing only and therefore has less of an impact on existing properties. As advised at the March meeting the buyers of the new properties will be aware of the agricultural access and will need to consider this in their purchase.
- 2.2.12 Officers are of the opinion that, given the detailed information provided by the agent, the use of the agricultural access would be limited given the size of the field it serves. As such officers consider that the use of the access for agricultural vehicles as well as to serve the dwellings would not result in significant harm to the amenities of the residents of the proposed properties as to warrant a refusal of the application.

2.3 Other matters

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

3.0 CONCLUSION

- 3.1 The development on this site is considered to constitute sustainable development in accordance with the NPPF and the presumption in favour of sustainable development where a Council are unable to show a five year supply of housing land. The site is adjoining the existing development boundary and can be provided with a safe means of access serving both the proposed dwellings and the remaining agricultural field without harming the amenities of the proposed properties. Furthermore the site can be developed without harm to the amenities of existing residents, or impact on any protected species or trees.

- 3.3 It is therefore considered that this application will assist in contributing to the five year land supply and that having regard that the development site is adjoining a key sustainable settlement where future residents could access a number of services resulting in a sustainable form of development this application should be considered acceptable in principle against the NPPF.

4.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

4.1 Risk Management

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

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

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

Both of these risks need to be balanced against the risk of not proceeding to

determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

4.2 **Human Rights**

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

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

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

4.3 **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.

5.0 **FINANCIAL IMPLICATIONS**

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

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Details of the appearance, landscaping 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 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

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

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

4. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:
 - The means of enclosure of the site and properties
 - The drainage of the site
 - The finished floor levels
 - Details of the tree, root protection area and measures to protect the tree

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

5. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Ecological Assessment submitted 17th September 2013 by Star Ecology

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

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

6. The visibility splays, access, internal private drive, parking and turning area shall be satisfactorily laid out and completed in accordance with the approved plan 03 Rev A prior to any dwelling being occupied. The new access with the adjoining highway shall be constructed in accordance with Shropshire Councils specification for the time being in force for the formation and construction of a vehicular access.

Reason: In the interests of highway safety.

7. Prior to the first occupation of the dwellings details of 5 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

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

8. Prior to the first occupation of the dwellings details of 8 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

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

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

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

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

10. The access and layout of 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.

APPENDIX 2

REPORT

1.0 THE PROPOSAL

1.1 This application seeks outline planning permission for residential development on land north of Jubilee Cottage in Harmer Hill. Layout and access are submitted for approval at this outline stage with scale, appearance and landscaping reserved for later approval. As such the application seeks consent for the principle of developing the site for housing and for the access and layout of the proposed 6 dwellings.

1.2 In support of the proposal the application has been submitted with a design and access statement, separate highways access report, drainage assessment and ecological report. The submitted layout plan, which is for consideration at this outline stage shows a single point of access off the B5476, Shrewsbury to Wem road, just off the centre of the site which is proposed to serve a single width estate road within the site. The layout shows 6 detached houses, each with a garage, driveway, private garden to the rear and an agricultural access between the third and fourth dwelling.

2.0 SITE LOCATION/DESCRIPTION

2.1 The proposal relates to a arable field, 0.48 hectares in area, located on the western side of the B5476 Shrewsbury to Wem road between a small group of dwellings and the main part of Harmer Hill but within both the 40mph speed limit and within the village signs on the B5476. The roadside boundary is made up of post and wire fencing, a field gate and poor hedging. Along the northern boundary with The Old Post Office is a red sandstone wall. The properties on the Ellesmere Road, on the western edge of the field, are visible from the application site.

2.2 In terms of current development plan policies the site sits within an area defined as open countryside. In terms of the emerging Site Allocations and Management of Development (SAMDev) Plan Harmer Hill has been put forward as a cluster. However, as the site remains outside the established development boundary for the settlement the site will remain designated as open countryside.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 Myddle and Broughton Parish Council – Objects.

The Parish Council is opposed to the proposed development for the following reasons:

1. It is outside the current development boundary as identified in the Community

Led Plan, which was adopted by both the Parish Council and Shropshire Council earlier this year.

The CLP states that the largest number of respondents 151 out of 286 wanted any new building to be within the current development boundary and 90 specified in-fill between existing properties. The boundary is identified as the line drawn up in North Shropshire District Council's Local Plan 2000-2011.

2. Access on to the Wem Road is unsafe.

Wem Road is busy with fast moving traffic and access from an additional six properties will add to the potential hazard. A further important issues is that the site is designed with a shared access for agricultural machinery, which adds to the complexity and consequent risk inherent in this design

3. Not a sustainable development.

This is not a sustainable development within the terms and conditions specified for 'sustainability', when building outside the current development boundary. The village has no shop, post office, doctor's surgery or school.

The Council does not wish to leave Shropshire Council with the impression that it is opposed to development but are anxious to have development that closely accords to the wishes expressed in the CLP.

This concluded that the parish would plan for 53 properties over the planning period to 2026. Of this number, planning permission has already been granted to 33 and the Parish Council has supported an application for a further five houses, together with the refurbishment of the public house in Myddle. This matches the wishes expressed in the CLP for more development to take place in Myddle, rather than Harmer Hill and supports a development which will add substantially to the social fabric and foster greater community spirit.

Furthermore the Council has published a desire to evaluate accurately the need for affordable housing. Articles have been published in the local parish magazine and the Shropshire Star and the Council has held public meetings in both villages. Whilst there have been few respondents, it is intended to repeat this process in the coming months.

In summary the Council will support further development in the parish where it reflects the wishes expressed in the CLP and where such developments, not only accord with the wishes of the public, but also enables us as a parish to further its well being.

The proposed development achieves none of the Council's aims and in conclusion it is opposed to this development.

- 4.1.2 **Affordable Housing Officer** – If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full application or a Reserved Matters application.

The current prevailing target rate for affordable housing came into force on the 1st September 2013 and in this area is 15%. Therefore the provision of one on-site affordable house would currently satisfy this requirement. We would expect the tenure of the proposed dwelling to be either social/affordable rented. The property would need to be offered through the Council's Choice Based Letting Scheme in accordance with the adopted Allocation Policy. Therefore the allocation would be taken from the wider Housing Register.

- 4.1.3 **Highway Officer** – Following submission of amended plans relocating the access further north along the B5476 to increase the measure of visibility on the traffic side for emerging vehicles. On further consideration the Highway Authority is of the view that the amended proposal is satisfactory for the prevailing highway conditions and **raises no objection to the development as submitted.**

The site is located on the western side of the B5476, Wem Road, towards the northern outskirts of the village. It is considered that the likely number of traffic movements generated by the proposed development can be satisfactorily accommodated on the adjoining Class II road; the proposed access arrangement/layout for the development is not however considered to be acceptable.

Whilst the site is located within the local 40 mph speed limit, this does not appear to be particularly well observed by passing motorists especially those entering the village and travelling towards Shrewsbury. The proposed visibility splays have been based on the absolute minimum distances, not accounted for the bonnet length of a vehicle and for passing traffic that is not observing the speed limit.

The principle of a single point of access is welcomed and necessary in order to try and achieve an acceptable measure of visibility in both directions along the Class II road. The proposed access layout, parking provision and turning areas are satisfactory.

- 4.1.4 **Ecologist** – Raised **no objection** and recommended conditions and informatives.

- 4.1.5 **Tree Officer** – **No objection** in principal - would need further details of the large tree on site including species and root protection area shown on a plan with a full application

- 4.1.6 **Drainage Engineer** – The following drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission is granted:

The Drainage Assessment Report is acceptable in principal. Rainwater harvesting, permeable paving, water butts and soakaways will be used on the new development.

SuDS Applicability for the site is Attenuation. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. A catchpit should be

provided on the upstream side of the proposed soakaways.

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

If the driveways slope toward the highway, the applicant should submit for approval a drainage system. To ensure that no surface water runoff from the new driveways run onto the highway.

Consent is required from the service provider to connect into the foul main sewer.

4.2 **Public Comments**

4.2.1 37 letters of representation have been received. The areas of concern relate to:

- The site is outside the development boundary
- Outside the building area for the village
- Harmer Hill does not need anymore dwellings
- Information submitted assumes local support for development outside the boundary is greater than it is
- No shops or school, housing should be built closer to services
- Access to local services and facilities would have to be by car
- Unsustainable location
- No economic, social or environmental gains
- Does not enhance the community
- Future pressure for more development in this area of the village
- The adjacent dwellings are surrounded by a sandstone wall and detached from the village
- Loss of historic feature of views of adjacent enclosed properties
- Linear nature of proposal would be out of keeping
- Dangerous access
- Traffic does not adhere to speed limit
- Access not appropriate for agricultural vehicles
- May result in loss of privacy
- Impact on wildlife and newts in pond of adjacent property
- Potential loss of trees and hedges
- Soakaways will not work on this site due to the ground conditions
- Potential for water to run-off onto the road and increase flood risk to neighbouring properties
- Increase burden on the foul pumping station
- water pressure is low and will be affected

4.2.2 Brian Williams, Shropshire councillor for Harmer Hill wrote early in December providing the following comment:

I am opposed to the application for housing on Wem Road since the site is outside the development boundary included in the filed Local Plan for Myddle & Broughton Parish. Also the number of houses proposed will take up some of the headroom

needed to be left for the development of housing in the parish in the later years of the plan to 2026. At this present time there are already permissions for 60% of the plan's required housing in the first 15% of the time span of the plan. In addition this is not a site proposed for inclusion in the SAMDev submissions.

Mal Price, the Cabinet member for planning has just written to advise councillors on the land supply position and has advised that "local policy is still a material consideration". This will mean that, should you be inclined to recommend approval of this application, there is material consideration for a decision which will need to be made by the North Planning Committee rather than by delegation to yourself as the relevant officer. And this I request.

- 4.2.3 Following the submission of the amended access one further objection has been received commenting that the amendment fails to address the principle objections to developing housing in this location.

5.0 THE MAIN ISSUES

- Policy & principle of development
- Affordable housing
- Layout, scale and design
- Impact on residential amenity
- Highways, access, parking and rights of way
- Ecology and trees
- Drainage

6.0 OFFICER APPRAISAL

6.1 Policy & principle of development

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

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

favour of sustainable development.

- 6.1.3 In September the calculation was a supply of 4.95 years, however this included counting some of the emerging SAMDev sites and questions have been raised as to whether this is appropriate and also the likely number of houses to be delivered in the five years. Given this position, and that the figure is most likely to have reduced rather than increased, therefore taking the Council further from the 5 year supply required officers advise that it would be difficult to defend a refusal for a site which is sustainable. Significant weight must now be given to the NPPF which is for the presumption in favour of sustainable development, with less weight to housing allocation policies. This means looking at the sustainability of the proposed development and the balance of the impacts/benefits, within the context of seeking to boost housing supply. Sites on the edge of towns and villages which might previously have been unsuitable for development due to being located outside of any development boundary and therefore contrary to policy will be considered acceptable in principle.
- 6.1.4 The application has been advertised as a departure as it lies outside the development boundary previously set within the North Shropshire Local Plan and would also be outside the proposed development boundary for Harmer Hill within the emerging Site Allocations and Management of Development (SAMDev) document in which Harmer Hill forms part of a Community Cluster with Myddle. However, given it has been established that limited weight should be given to this policy framework in light of the current housing supply position, it is appropriate to assess this site within the context of the 'presumption in favour of sustainable development'. The site lies between houses on the Wem Road in Harmer Hill, it is outside the main built up part of the village and would extend the main part to the small group of houses on the outside edge which are currently separated by the agricultural field which makes up the application site. It is acknowledged that this would have an impact, as would building on any agricultural field around any village, however officer do not consider that the development of this site would be significantly or demonstrably harmful to the character of the village. The proposed site would result in development being located between existing properties within Harmer Hill, has pedestrian access to the village facilities including the leisure activities and public transport. Harmer Hill is also closely associated with Myddle where other services and facilities are available.
- 6.1.5 Policy CS6, amongst a range of considerations, requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. For the application site, as noted above it is within walking distance of Harmer Hill and is also considered to be within cycling distance of Myddle. 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. For the application site this would be through a Community Infrastructure Levy payment at £80 per square metre of open market dwellings created.
- 6.1.6 It is also appropriate to consider the NPPF as a whole in assessing the sustainability of this proposal. Paragraph 14 of the NPPF states that within the

context of the 'presumption in favour' development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweighs the benefits.

- 6.1.7 The principle concern raised by objectors to the development is that it is not sustainable. The objectors note that the houses on the site would be reliant on cars to access shops, schools, employment and services such as doctors. The objectors have also noted that there is environmental harm in developing this greenfield site which will have some ecological habitats; that they consider the only economic benefit is to the developer and land owner's profits and that there is no social benefit in developing the site.
- 6.1.8 These points are noted, however there is a social benefit in developing new housing which is in high demand across the country and in Shropshire where the house building has not been meeting targets. It is accepted that there has been house building recently in the village and that there may be properties for sale, however this does not outweigh the general pressure for more housing. There is also the benefit of providing affordable housing, which the site would need to contribute to under the adopted policies. There are economic benefits of house building in employment opportunities and material construction as well as the longer term benefit in providing more households using the local services and facilities. However, it is also accepted that these benefits would come from any housing development.
- 6.1.9 As noted Harmer Hill has been put forward as a part of a community cluster where it is acknowledged that settlements work together to provide the services and facilities required for residents. Harmer Hill provides two public houses and a village hall, Myddle has a primary school and a shop and a public house which at present is closed but may re-open subject to a current application for house building. The provision of new housing in Harmer Hill is supported in principle to support the community cluster. Whether this site is of an appropriate scale or is appropriate in terms of its siting, layout and density will be considered below.

6.2 **Affordable Housing**

- 6.2.1 If this site is deemed suitable for residential development, then there would be a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of Reserved Matters application. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Councils prevailing Allocation Policy and Scheme. If this site is deemed suitable for residential development, then the number, size, type and tenure of the on-site affordable units must be discussed and agreed with the Housing Enabling Team before a reserved matters application is submitted.

6.3 **Layout, scale and design**

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the

local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. "Saved" policy D6 of the North Shropshire Local Plan also requires that the proposed extension should reflect the character and appearance of the existing dwelling as well as being subordinate in scale to the original.

- 6.3.2 As detailed in the description of development this outline application seeks consent for the access to the site and the layout of the 6 dwellings proposed. As such a layout plan has been submitted. The plan shows 6 large detached family dwellings, each with a garage, private garden to the rear and new hedge boundaries between the properties. The scale and appearance of the properties is not detailed at this time and is reserved for later approval. However, the current submission does allow for consideration as to whether the layout and density is appropriate or not in relation to the context in which it is proposed.
- 6.3.3 Concern has been raised by local objectors that the linear development of this site is out of keeping with the area and that the existing dwellings to the north are separated from the rest of the village and enclosed by a sandstone wall. It is acknowledged that the development of the application site would join these properties to the rest of the village, however they would still be read as the historic group enclosed by the wall. A gap of approximately 5 metres is retained between the sandstone wall to the north and the new dwelling, there is a garage proposed in front of this plot and it may be that moving this garage would help to open up the view of the sandstone wall and thereby retain a significant part of the view from the village of the existing properties.
- 6.3.4 It should also be noted that the layout proposes the dwellings set further back from the B5476 than the properties to the north to enable a driveway within the site providing a single point of access to all 6 properties and parking within the curtilage of each property. This is considered in greater detail below but does also allow for the views of the existing properties to be prominent in the landscape when approaching from the village and would also not detract from the views of the existing properties as approached from Wem. To the south of the application site a new property has been erected, Lily Pad Cottage, which is a large detached, cream rendered, dwelling with a detached garage to the front and a pond between the garage and the road. This property will be set further back than the proposed dwellings. The impact on amenities is considered below. However officers consider that the proposed layout, in its linear form, is appropriate and although the properties to the south do turn onto The Hollow which leads onto the Ellesmere Road the properties to the north are a small linear group and the properties along Ellesmere Road are also linear in layout. Officers therefore consider that the site lends itself to a linear development.
- 6.3.5 The application form submitted notes that materials for the dwellings is to be approved and this can be dealt with through an appropriately worded condition to ensure that the dwellings relate to the character and materials in the local area. The recent developments in Harmer Hill have been a mix of brick and render and as such officers would be seeking a mix to enhance the mix of house sizes and

shapes shown on the layout plan. The existing boundary treatments are noted as a mix of post and wire fencing and the existing sandstone wall. The proposal would be to retain the wall and replace the fencing with post and rail fencing and hedging. New hedges are shown around the boundaries of the dwellings and also along the northern boundary, however this could be controlled by condition to ensure that the existing sandstone wall is retained and remains visible from the road.

6.3.6 The potential for other sites to come forward is not a material consideration, each application would need to be considered on its merits. Officers consider that the site is appropriate as it is located between existing properties and proposes a road frontage development in line with the context of the existing built form at this end of the village.

6.4 **Impact on residential amenity**

6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. At this outline planning stage the layout of the site has been submitted for approval and as such it is possible, in part, to consider the potential impact on the existing residents either side of the site. However, the elevations and appearance of the dwellings has not been submitted and as such it is not possible to fully establish the impact.

6.4.2 The layout plan does show that the proposed dwellings would be off-set from the existing properties with the nearest property to the north being The Old Post Office being set further forward than the proposed development and the new property Lily Pad Cottage to the south further back from Wem Road than the proposed development. The layout plan also shows an area of landscaped buffer between the southern most proposed dwelling and Lily Pad Cottage to increase the distance between these properties as the new dwelling has been built quite close to the edge of its plot. Overall, subject to appropriate elevations, officers consider that the site can be developed for 6 houses and not result in unacceptable impact on privacy or loss of light. It is acknowledged that the views from the existing properties will alter, however this is a private view and the development would not significantly alter any wider publicly acknowledged important view. It is therefore considered that the development meets the requirements of policy CS6 with regard to protecting amenity.

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

6.5.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic 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. The development proposed at this site is for 6 dwellings and is therefore not considered to be a development which would generate significant levels of traffic in relation to the requirements to provide a transport assessment. The access is submitted at this outline stage and has been considered by the Council Highway Officer. The proposal is to provide an access to the site which will serve the new housing and also provide continued

agricultural access to the field beyond the development.

- 6.5.2 The Parish Council and local representations have raised concerns about the proposed access on to the Wem Road being unsafe. The Parish Council comment that Wem Road is busy with fast moving traffic and access from an additional six properties will add to the potential hazard and local representation has noted that traffic does not adhere to the speed limit. A further important issue for the Parish Council is that the site is designed with a shared access for agricultural machinery, which adds to the complexity and consequent risk inherent in this design.
- 6.5.3 The Council Highway Officer has assessed the submitted details and considered the proposal taking into account the existing highway and its location. As noted above the Highway Officer has advised that the likely number of traffic movements generated by the proposed development can be satisfactorily accommodated on the adjoining Class II road. However, the access details as submitted are not acceptable.
- 6.5.3 The Council Highway Officer has acknowledged that the 40mph speed limit in which the site lies does not appear to be particularly well observed by passing motorists especially those entering the village and travelling towards Shrewsbury and this accords with the concerns raised locally. However, the Highway Officer has not raised an objection and the comments detailed at 4.1.4 advise that that the point of access should be moved further to the north of the site and the visibility splays should be increased.
- 6.5.3 The suggested changes could be worked into the scheme and the Council Highway Officer has been favourable of the principle of a single point of access rather than multiple accesses along this stretch of the road. Furthermore the internal layout, parking provision and turning areas are considered to be satisfactory. It is therefore considered that the site could be developed in terms of having a safe means of access and would not result in a significant amount of additional traffic on the local highway network to result in any highway safety concerns.
- 6.6 **Ecology and trees**
- 6.6.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. Therefore the application has been considered by the Council's Ecologist and Tree Officer.
- 6.6.2 Concerns have been raised locally about the potential impact on wildlife and the loss of trees and hedges. This second concern is not wholly clear as the site is currently an open agricultural field with no trees or hedge within the site. A new access is proposed to be created through the existing roadside hedge, however at present this hedge is not constant along the roadside and the proposal is to provide a new roadside hedge and also new hedges around the curtilages of the new dwellings.
- 6.6.3 Star Ecology (2013) carried out an assessment of ponds with 250m of the site for

great crested newts and concluded that none of the ponds within 250m of the site provide suitable breeding habitat for GCN and also consider that the site is poor terrestrial GCN habitat, no further survey is deemed necessary. No survey access was granted for pond 2 (50m from the site) and pond 3 (120m away) was dry. Pond 1 (immediately adjacent to the site) was surveyed for GCN eggs and efts but none were found. Star Ecology do however recommend risk avoidance measures for GCN because they are generally present in north Shropshire. A 10 metre undeveloped buffer to Pond 1 is shown on the Proposed Site Layout and these matters can all be dealt with by condition.

- 6.6.4 The new property neighbouring the site has submitted a further representation noting that they have seen newts near the pond in the front of their property. This pond was assessed by Star Ecology and the agent has also noted that there was no evidence of any Great Crested Newts at the time of the consent for the new dwelling was granted in 2012 or at the time of the recently constructed garage. Reasonable avoidance measures were suggested at the time of the construction of Lily Pad Cottage and are also proposed as part of this application.
- 6.6.5 A mature oak tree is situated within the south boundary of the site. Trees on site and immediately adjacent to it were surveyed but judged to have no bat roosting opportunities. However the trees and boundary hedgerows may be used by foraging bats and therefore lighting should be controlled. The erection of bat boxes is recommended by Star Ecology (2013) and the provision of bat boxes and appropriate lighting can also be controlled by condition. With regard to other trees and hedges these are not protected and providing any work is done outside bird nesting seasons the removal of the section of roadside boundary to provide the access would not harm wildlife.
- 6.6.6 The Council Tree Officer has advised that there is no objection in principal but has requested further details of the large tree on site including species and root protection area shown on a plan to be submitted with the reserved matters application. The provision of new landscaping is considered to be a benefit to the amenity of the area and the local wildlife. Furthermore the submitted layout, which is for consideration at this time, shows a wildlife buffer. It is therefore considered by officers that the development will not adversely affect statutorily protected species and in that regard meets the requirements of policy CS17.
- 6.7 **Drainage**
- 6.7.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. The application form advises that the foul drainage from the development is proposed to be connected to the existing mains sewerage system and the surface water discharged via a sustainable drainage system.
- 6.7.2 Concerns have been raised about the potential for soakaways not to work on this site due to the ground conditions, for ground water to run-off onto the road and increase flood risk to neighbouring properties and over the increase burden on the foul pumping station and water pressure. The issues of water pressure and the foul pumping station have not been supported by any evidence and no objections have been raised by the water and sewerage provider. Any development will

need to obtain the consent of the water and sewerage provider to gain a connection to the existing systems. Any capacity problems are a matter for the statutory provider of these services and without an objection from the provider it would be unreasonable to seek to refuse consent on these matters.

- 6.7.3 The Council Drainage Engineer has assessed the proposal in terms of surface water and flood risk and has not raised any objection to the proposal recommending conditions are imposed to require the submission of a detailed drainage scheme. The application was submitted with a Drainage Assessment Report which the Council Officer has considered acceptable and which also advises that rainwater harvesting, permeable paving, water butts and soakaways will be used on the new development. As such the development will provide means to reduce the surface water run-off. As a greenfield site the Council would expect the development to not increase run-off above the existing greenfield rate and these benefits would help to limit the water.
- 6.7.4 The Council Drainage Engineer has advised on surface water systems and noted that the site would have to provide attenuation in addition to soakaways but also advised that this could be dealt with through a condition and the submission of percolation tests. Although the concerns of the local residents are noted Officers consider that a scheme could be designed to provide a surface water drainage system that does not result in additional run-off and therefore would not increase the risk of flooding either within the site or the wider area and would comply with policy CS18.

7.0 CONCLUSION

- 7.1 The development on this site will constitute the provision of a residential development in open countryside and would be contrary to the principles for residential development as indicated in the North Shropshire Local Plan. However, Harmer Hill is being promoted to fall within the Community Cluster of Myddle and Harmer Hill where new residential development would be acceptable under the SAMDev plan. The latest proposed figures for infill residential development requested by Myddle and Broughton Parish Council indicate the provision of 50 dwellings during the plan period. Although this application has indicated the provision of 6 dwellings and would fall within this figure the Parish Council has requested that any additional dwellings are provided as individual or small groups of housing as infill development.
- 7.2 However, Shropshire Council currently has a housing land supply shortage and the National Planning Policy Framework does give a presumption in favour of sustainable development with less weight to housing allocation policies. This means looking at the sustainability of the proposed development and the balance of the impacts/benefits, within the context of seeking to boost housing supply, whilst remembering the status of the development plan and all other material considerations.
- 7.3 The proposed development is adjoining the existing development boundary for Harmer Hill and provides a number of local services including two public houses; a bus service to Wem, Ellesmere and Shrewsbury; a village hall; church; and employment opportunities in a hotel, together with Lea Hall business park (0.9km away). The development site can be developed to provide a safe means of

access, suitable drainage and a layout which could be designed to prevent any detrimental impact on neighbouring properties. The use of the land would not result in the impact on any protected species and wildlife, whilst no important trees will be lost. The development would be positioned between existing residential properties and would be considered as infill development within Harmer Hill.

- 7.4 It is therefore considered that this application will assist in contributing to the five year land supply and that having regard that the development site is adjoining a key sustainable settlement where future residents could access a number of services resulting in a sustainable form of development this application should be considered acceptable in principle against the NPPF.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

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

9.0 FINANCIAL IMPLICATIONS

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

10.0 BACKGROUND

10.1 Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management

10.2 Relevant planning history

No relevant history

11.0 ADDITIONAL INFORMATION

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

Appendices APPENDIX 1 - Conditions
