

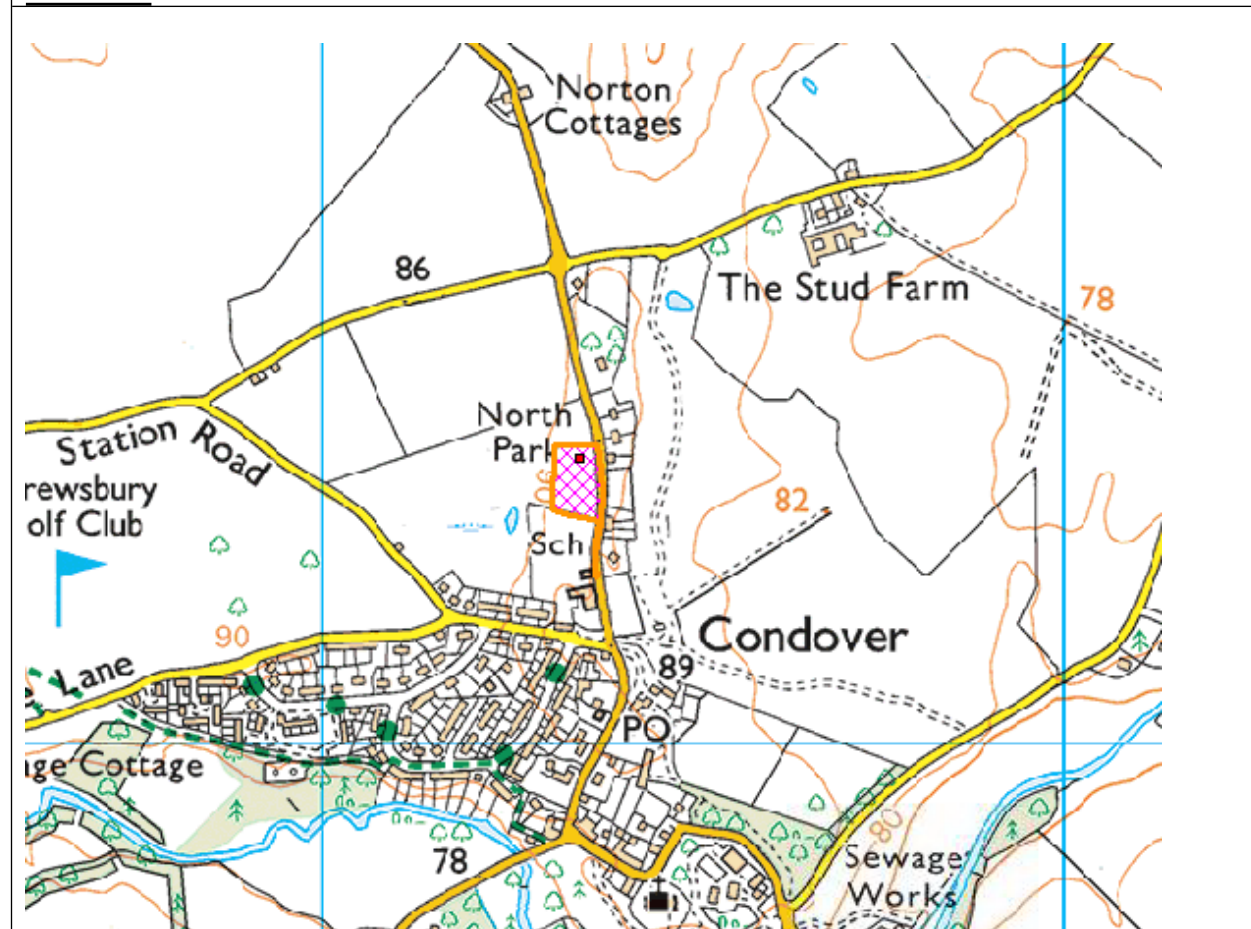
## Development Management Report

Responsible Officer: Tim Rogers

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### Summary of Application

<b><u>Application Number:</u></b> 18/04797/FUL	<b><u>Parish:</u></b>	Condover
<b><u>Proposal:</u></b> Erection of 20 affordable dwellings; formation of vehicular access with visibility splay; all associated works.		
<b><u>Site Address:</u></b> Proposed Rural Exception Site North of Condover, Shrewsbury, Shropshire		
<b><u>Applicant:</u></b> South Shropshire Housing Association		
<b><u>Case Officer:</u></b> Andrew Sierakowski	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	
<b><u>Grid Ref:</u></b> 349347 - 306386		



**Recommendation:- subject to the conditions set out in Appendix 1.**

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 This is a full application that has been submitted by the South Shropshire Housing Association for the erection of 20 affordable dwellings, formation of vehicular access with visibility splays and associated works, on land immediately to the north of Condover C. of E. Primary School.
- 1.2 The house types proposed will comprise 10 two-bedroom and 10 three-bedroom houses for people with a local connection in need of affordable housing. The design, the application states, is intended to create a group of dwellings that are of an appropriate scale for the site and neighbouring properties and in keeping with surrounding development. The dwellings would be two storey with elevational treatments aimed at giving a cottage village appearance in accordance with the requirements of the Pre-Application advice (Ref. PREAPP/18/00095) issued on 20th March 2018. The proposed housing aims to blend into the established streetscape by maintaining materials and architectural styles of existing buildings in the area, including brick detailing, render, small gables and a mixture of roof styles.
- 1.3 The site has been designed so that the houses are positioned on both sides of the road layout, with plots parallel to Shrewsbury Road. The internal access road has been designed to maximise the space and soften the appearance, and maintain the village feel. The road layout will also allow safe access for refuse and emergency vehicles.
- 1.4 Each dwelling would have 2 car parking spaces in front or to the side in a tandem or side by side arrangement and large rear gardens. Parking in this arrangement will reduce the visual impact of cars to the front of house and help to hide them from view to enhance the street scene.
- 1.5 The layout uses low maintenance planting and lawned gardens, with the site boundary defined by a native hedge mix and trees to soften the impact, within which individual plot boundary treatments will be made up of timber fences.
- 1.6 The application states that as part of the site selection process several sites were considered but others were discounted for various reasons including poor relationship to the village and amenities, unsuitable terrain and unavailability. The site that is the subject of this application was selected as the preferred option because it is fairly level, suitable for building, because there are nearby service connections, it is in close proximity to the village amenities and because it has a good relationship to other housing.
- 1.7 The site forms part of a larger arable agricultural field and well screened from the adjacent Shrewsbury Road by a well-established hedge and is within easy walking distance of local amenities and transport links.
- 1.8 Shrewsbury Road adjacent to the site ranges from 4.2m to 5.6m in width around the proposed new site entrance. The main access into the site would be a newly created,

access road providing a minimum of 2.4 x 43m visibility splays and an adoptable 4.8m estate road, including a pedestrian footpath within the development, all constructed to Shropshire Council Highways adoptable standards. Due to the visibility splay, a small part of the existing hedge will be removed and replanted behind the splays, so as not cause any loss of landscaping or biodiversity.

- 1.9 An adopted footpath is proposed from the southern point of the site connecting to the existing footpath adjacent to the Primary School. The intention is that this footpath link will provide connectivity to the centre of the village, local amenities and the school, and also provide a safe link for existing properties along Shrewsbury Road. The application states that Condover C. of E. Primary School, Shropshire Council and Shropshire Highways have all been consulted about the path and are supportive of it.
- 1.10 The application states that the surface water drainage system will be designed in accordance with BRE Digest 365 and will deal with storm water. Foul water will be discharged to a mains sewer which is located at the front of the site along the northern boundary.
- 1.11 The application is accompanied by an Ecological Appraisal, Landscape and Visual Appraisal, and Tree Condition Report/Arboricultural Impact Assessment/Method Statement and Tree Protection Plan.
- 1.12 The site forms part of a larger area of land to the north and east of Station Road and the west of Shrewsbury Road that was the subject of an Outline Planning Application Ref. 14/00335/OUT for the erection of 47 dwellings (including 7 affordable houses), a school hall, car parking area and an enlarged school playing field, allotments, a village green and informal open space. This was refused consent in November 2014 and was subsequently subject to an appeal APP/L3245/W/15/3007929 that dismissed in January 2016.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is part of a larger area of arable agricultural land currently accessed from Station Road to the west with the Shrewsbury Road running north-south to the east.
- 2.2 The site extends to 0.53 hectares adjoining the north side of Condover C. of E. Primary School. It lies outside the development boundary for Condover but adjoins a strip of ribbon development consisting of private housing lying directly opposite on the east side of Shrewsbury Road.
- 2.3 Shrewsbury Road is an adopted highway with a 30mph speed restriction, linking Condover with the A49, which runs to Shrewsbury to the north and Ludlow to the south.
- 2.4 The residential development on the east side of Shrewsbury Road, has a number of different sized dwellings on differing plot areas with a selection of elevational treatments. Whilst offering variety, no single architectural theme is dominant. Other land on the east side of Shrewsbury Road is subject to a number of planning permissions though dwellings have yet to be constructed.

- 2.5 Condover is a rural community with a village shop/post office, pre-school, primary school, church, golf course, village hall and social club and benefits from a regular bus service to Shrewsbury.
- 2.6 There is a large public sports field to the west of the site, within a short walking distance. This provides a substantial public open space with sports including football and cricket being played there. There is also a new woodland park and walk that provides children's play equipment.
- 2.7 Within Condover and its parish there are opportunities for work and employment at the Condover Industrial Estate, Condover Hall Activity Centre, Hanson Aggregates, Farm Friends Nursery, Cartwright Farms and other agricultural businesses.

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

- 3.1 The Parish Council have provided views contrary to the Officers recommendation. The Local Member has been consulted and has requested that the application be determined by the Committee. The Principal Officer, in consultation with the Chair and Vice-Chair of the South Planning Committee, consider that the material planning considerations raised require a committee determination of the application.

### **4.0 COMMUNITY REPRESENTATIONS**

- 4.1 Condover Parish Council: There have been two responses from Condover Parish Council as follows:
- 4.2 First Response: The Parish Council states that it is its expectation that its comments will be given detailed attention. It states that it is anticipated that all parties will recognise the effort by the Parish Council to increase the 'value' of proposed development to the local community by improving road safety and access to the school and village amenities, and also to target any housing delivered towards meeting a current gap in provision, namely affordable home ownership.
- 4.3 The Parish Council seeks confirmation that this scheme, if approved, would be community-led as indicated in the Design and Access Statement.
- 4.4 The Parish Council states that it has not been furnished with evidence of housing need. It states that the recent experience of the development at Brook Close, which it refers to as a "community-led housing scheme", would suggest all local eligible housing need for rented accommodation has been met, in Condover village and indeed in the Parish area. As a result, it states that the cascade for letting Brook Close was pushed beyond the Parish boundary. It states that this is not to say local village and Parish residents do not require affordable rented housing, rather that unless the eligibility criteria relating to household size and bedroom entitlement are varied, existing data referring to housing need would not in practice be relevant to this application. It contends that people not entitled to the proposed housing should not be presented as evidence of need for the housing. The Parish Council requests evidence of eligible housing need for additional rented housing in Condover which could realistically be met by this proposed development.

- 4.5 Condover Parish Council further states that it is developing a Neighbourhood Plan, in consultation with local residents, businesses and Shropshire Council. Local priorities for housing, it states, are emerging to meet housing needs and aspirations through staged mixed development over the full period of the Neighbourhood Plan/Shropshire Local Plan. A 100% affordable housing development of the scale proposed, delivered as a Rural Exception Site would, it states, conflict with the preference for integrated mixed development, delivered in a measured way over the life of the Neighbourhood Plan. Further, it would undermine the Parish Council's aim of promoting and supporting sustainable, diverse community life.
- 4.6 The Parish Council states that it has requested but not been provided with details of the anticipated cost to the purchaser of the shared ownership dwellings, as proposed. This should include the percentage purchase options proposed, the respective costs of these options, together with the corresponding rents and service charges.
- 4.7 Condover it further argues, has already 'over-delivered' against the SAMDev housing targets. The Parish Council seeks assurance that any housing brought forward on this proposed site would be off-set against any new housing development targets set within the emerging revised Shropshire Local Plan.
- 4.8 Second Response: In its second response the Parish Council confirms its objection set out in its initial response on the grounds that the proposed site is outside the development boundary and that in response to the last planning appeal, the Planning Inspector had been very specific that development of the top of the field would spoil the vista and appearance of the village, but that development at the lower end of the field would not have this negative impact.
- 4.9 The Parish Council re-emphasises that it is developing a Neighbourhood Plan, which would inform and help to manage development based on housing needs and community requirements. It states that bringing forward a site of this scale before the conclusion of the Neighbourhood Plan would undermine emerging local priorities and pre-empt decision-making within the Neighbourhood Plan process. However, the second response from the Parish Council also states that it is willing to work with the developer to secure a number of changes to the application which would enable the Parish Council to withdraw its objections, as follows:
1. The roadside footpath to be extended for the full length of the development;
  2. Provision of off-road school parking as part of the development or Provision of roadside layby style parking for the full length of the development;
  3. The scale of the development is reduced in size and limited to 10 "affordable" shared ownership properties only. This is on the basis that since SAMDEV came into force, 29 new properties had already received planning permission in Condover (of which 11 are "affordable") against a total provision in the Plan for 24. There was concern that provision of a further 20 "affordable" homes would be inappropriate, too many, too fast and would affect the sustainability/character of the community. The recent 10-property "Community Led Housing Development" took a considerable period of time to let, and it is the view of the Parish Council that there would insufficient demand from local people who would in practice be eligible for 10 further rented dwellings;

4. As part of the Design and Access statement the developer states "An Affordable Housing Development was completed in the village a few years ago which is highly thought of in the community and it is intended that our proposal will build on the values and significance demonstrated". The Parish Council sought confirmation that the development would be managed in an identical way i.e. through a community led approach; and
5. That local couples without children who meet the eligibility for housing criteria should be able to secure 2 bedroomed properties even though it may be considered as under occupation.

The Parish Council concludes that should agreement be secured with respect to the above five points then the Parish Council would not object to this planning application. The Parish Council requests that this application be determined by the Shropshire Council Planning Committee.

#### **4.10 Public Comments**

4.11 Three representations have been received from local residents, which in summary make the following points:

- That the site is a good site but would be improved if the path to the school was on the field side of the existing hedge away from the road with provision for bicycles;
- That since 2015, 17 dwellings have been built in Condover, one is under construction, a further 8 approved and there is other development too. There is now the prospect of 20 more on agricultural land. It would appear that applications largely determine what is happening on the ground rather than being made in response to any coherent overall planning policy;
- That there are problems accessing the A49 south of Bayston Hill where there is restricted visibility to the left and fast-moving traffic in both directions. The need is for a roundabout, traffic lights or an extension of the 30mph speed limit and until such time that it is built, no further expansion within the village of Condover should be permitted;
- That the provision of more affordable houses in the village is to be welcomed, but that Shrewsbury Road has become increasingly busy over the past few years with a considerable proportion of users of this road failing to observe the speed limit, and the size of lorries and tractors has increased. In consequence, walking into the village has become an unpleasant and hazardous experience;
- That further development along Shrewsbury Road will add to the traffic. The footpath should be extended as far as the entrance to the group of houses known as The Coppice. This would make life safer and more pleasant for people living north of the village and using the village amenities such as the Post Office and Village Hall;
- That the access to the site is not ideally situated, as visibility to the north is limited by a bend in the road and rising ground. For visibility, it would be better to site the

access to the north of the proposed houses, where there would be visibility along a slight downward slope in both direction; and

- That access on foot to the nearby sports field and woodland play area involves using roads which have no footpath.

#### **4.12 Technical Consultees**

4.13 Shropshire Council – Affordable Homes: Comment that the proposal is for 20 affordable houses for local people and should therefore be considered as an Exception Site under the relevant planning policies.

4.14 The scheme comprises; 10 x 2 bed, 10 x 3 bed dwellings and would be equally split between shared ownership and affordable rented tenure. The shared ownership dwellings will be offered with initial shares of between 25 and 75% with rent and service charges applied to the remaining share. This tenure provides an excellent opportunity for households to obtain a foot on the property ladder. The advantages of this tenure is that it requires a mortgage and deposit that is commensurate with the percentage purchased. The maximum share that can be acquired by the household will be 80%, which ensures that the dwelling will remain as affordable in perpetuity. There will be households in which there will be no opportunity or indeed desire to purchase even a small percentage and therefore the rented tenure will support this group of housing needs. The properties will be let in accordance with the local connection criteria imbedded in the Type and Affordability of Housing SPD together with a Local Letting Plan. The Housing Enabling and Development team are confident that there is sufficient need to support a development of this size.

4.15 Shropshire Council - Highways: Advise that there is no objection in terms of principle of development, as the site is located adjacent to the Primary School and in close proximity to other local amenities within the village of Condover. They do however recommend the following amendments to the layout of the site:

- That the footway indicated on the northern side of the estate road entering the site should be continued around the access radii and along the full length of the site road frontage up to the northern boundary of the property;
- That the visibility for the access to Plot 1 is restricted by the hedgerow around the junction and that section of hedgerow should be removed;
- That the position of the access to Plot 20 is not suitable and should be repositioned. This will necessitate the removal of a section of hedgerow around the site access junction with the adjacent public highway; and
- That Service strips are provided throughout the site.

4.16 As a result of the above comments the proposed layout has been revised to incorporate all four requested amendments, that SC Highways has advised is now acceptable.

4.17 Shropshire Council - Education: No Comment.

- 4.18 Shropshire Council - Ecology: Have reviewed the report of the Ecological Assessment that was undertaken on the site between May and August 2018 and make the following observations:
- 4.19 Habitats: Habitats on the site consist of arable land, agricultural weeds, an intact species-rich hedgerow along the eastern boundary and fencing. The landscaping scheme should include tree and shrub planting using native species of local provenance.
- 4.20 Bats: There are no potential roosting features on the site. The hedgerow is likely to be used by foraging and commuting bats. The lighting scheme for the site should be sensitive to bats (and other wildlife) and follow the Bat Conservation Trust's guidance. Bat boxes should be erected on the new dwellings to provide potential roosting opportunities for bats.
- 4.21 Great Crested Newts: There is a pond approximately 50m to the south-west of the site and another approximately 110m to the south. Both ponds were found to be dry during each of the site visits. Habitat Suitability Index assessments calculated both ponds as having 'Poor' suitability to support Great Crested Newts.
- 4.22 Birds: The hedgerow along the front of the site provides potential nesting opportunities for birds. Hedgerow removal should take place between September and February to avoid harming nesting birds. If this is not possible then a pre-commencement check must be carried out and if any active nests are present, works cannot commence until the young birds have fledged. Bird boxes should be erected on the new dwellings to provide replacement and additional nesting opportunities. Boxes suitable for starlings (listed as 'red' on the list of Birds of Conservation Concern), house sparrows (red), swifts (amber) and/or house martins (amber) would be most valuable.
- 4.23 Other species: The hedgerow may be used by foraging and commuting hedgehogs. The following working methods should be followed to protect common amphibians, reptiles and small mammals that may enter the site during the works:
- Removal of potential refugia should be carried out by hand between March and October when the weather is warm;
  - The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife;
  - Site materials should be stored off the ground, e.g. on pallets or in skips, to prevent them being used as refuges by wildlife;
  - Trenches should be covered overnight or contain a ramp so that any animals that become trapped have a means of escape;
  - Any common reptiles or amphibians discovered should be allowed to naturally disperse;
  - Advice should be sought from a suitably qualified ecologist if large numbers of common reptiles or amphibians are present;
  - If a hibernating hedgehog is found on the site then it should be covered over with a cardboard box and a suitably qualified ecologist contacted for advice; and
  - If a great crested newt is discovered at any stage then all work must immediately halt and a suitably qualified ecologist contacted for advice.



- 4.24 SC Ecology recommend the inclusion of conditions relating to landscaping, the provision of bat and bird boxes and the submission of a lighting plan for the lighting to be installed on the site and informatives relating to nesting birds and wildlife protection.
- 4.25 Shropshire Council - SUDS: Offer no objection subject to the inclusion of a condition requiring the submission of drainage details and the an informative on surface and foul water drainage.
- 4.26 Shropshire Council - Conservation (Historic Environment): Comment at the pre-application stage that proposed layout and style of properties should reflect the local vernacular in design and use of materials and are concerned that the submitted design does not satisfactorily reference this and leads to the creation of an awkward suburban incursion into the countryside. They are specifically concerned that the construction of solid fencing as a boundary treatment will exacerbate the detrimental effect on the rural character of this entrance to the village, and the proposed presentation of blank side elevations of the properties at the entrance to the site does nothing to reinforce a coherent aesthetic to the development. They consider that the strong traditional design and vernacular character of pairs of estate cottages could be better incorporated within the scheme if it is otherwise deemed acceptable.
- 4.27 Shropshire Council - Archaeology: Advise that the Shropshire Historic Environment record indicates that two cropmark pit alignments (HER 04919) are located c. 125m and c. 250m west of the proposed the proposed development site respectively. These features are thought to comprise the below ground remains of a land boundary of likely later Bronze Age or Early Iron Age date. A 2014 geophysical survey that included the area of the proposed development site, carried out in relation to a previous planning application (Ref. 14/00335/OUT), revealed a number of anomalies that were interpreted as agricultural features of possible medieval date. Given this and the proximity of the prehistoric pit alignments the proposed development site is considered to have low moderate archaeological potential.
- 4.28 Given this archaeological potential, and in line with SAMDev Policy MD13 and the NPPF Paragraph 141, SC Archaeology initially advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This they advised, should comprise a watching brief during the initial soil stripping or instructive ground works on the site. In response to this advice the applicant has submitted a Written Scheme of Investigation, which the SC Archaeology has confirmed is acceptable, and accordingly now recommend the inclusion of a condition requiring implementation of the submitted Written Scheme of Investigation.

## **5.0 THE MAIN ISSUES**

- **Principle of the Development (including siting, scale, design and visual impact);**
- **Local Need and the Level and Type of Affordable Housing Provision;**
- **Prematurity in relation Emerging Neighbourhood Plan; and**
- **Other Matters**

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of the Development**

- 6.1.1 In terms of the principle of the development, the Core Strategy Policy CS1 sets out a settlement hierarchy for Shropshire, with new development focussed in Shrewsbury, the main Market Towns, and other identified Key Centres whilst Policy CS4 seeks to ensure that in rural areas, those settlements defined as Community Hubs and Community Clusters are the focus for new development and investment.
- 6.1.2 In support of Core Strategy Policies CS1 and CS4, the adopted Site Allocations and Management of Development Plan (SAMDev Plan) (December 2015), Policy MD1 and the supporting Schedule MD1.1: Settlement Policy Framework identify Condover as part of a Community Cluster which comprises the villages of Dorrington, Stapleton and Condover
- 6.1.3 SAMDev Policy MD1 and Schedule MD1.1. are supported by Settlement Policy S16.1(vii) which identifies that development by infilling, groups of houses and conversions of buildings may be acceptable on suitable sites within the development boundaries for the villages identified on the Policies Map, with a housing guideline of around 20 to 25 in Condover.
- 6.1.4 The Policy identifies that there are two allocated housing sites in Condover which are identified on the Policies Map, comprising land opposite Condover C of E Primary School (Site CON006) and land east of Shrewsbury Road (Site CON005), which have identified provision of 5-10 houses each. The Policy identifies that the Parish Council's Village Design Statement seeks phasing of the two sites in Condover and stresses the need for the sites to include an element of affordable housing. The application site is situated immediately adjacent to, but outside, the development boundary which runs along Shrewsbury Road and opposite site CON005.
- 6.1.5 Outside the development boundary Policy CS5 applies. This states that new development will be strictly controlled in accordance with national planning policies for protecting the countryside, although this allows for some development on appropriate sites which maintain and enhance countryside vitality and character, where it improves the sustainability of rural communities by bringing local economic and community benefits, and particularly where it relates to affordable housing/accommodation to meet a local need in accordance with national planning policies and Policy CS11;
- 6.1.6 Policy CS11 on the Type and Affordability of Housing aims to ensure future housing need and to ensure the creation of mixed, balanced and inclusive communities. This includes ensuring adequate provision of affordable housing in accordance with the targets set through the Core Strategy, including permitting Exception schemes for local needs affordable housing on suitable sites in and adjoining Shrewsbury, Market Towns and Other Key Centres, Community Hubs, Community Clusters and recognisable named settlements, subject to suitable scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity.
- 6.1.7 Policy CS11 is further supported by a more detailed policy statement in relation to the way affordable housing will be delivered in Shropshire in the Council's Type and Affordability of Housing Supplementary Planning Document (SPD) adopted in September 2012, Chapter 5 of which deals with Rural Exception Sites for local people.
- 6.1.8 In this policy context the first issue as a Rural Exception Site is whether the development meets the criteria for the policy both as a Rural Exception Site in principle

and the secondly the criteria to be applied in the determination of planning applications for such sites. There is then a further issue, which arises from the Parish Council's comments, in relation to the scheme being "community led", which is concerned with the amount, and allocation of the housing to be provided in relation to local need in Condover. I will deal with this second set of issues under a separate heading below.

- 6.1.9 In relation to the overall principle, this is not itself being disputed by the Parish Council, who both except the need for at least some additional affordable homes provision in Condover, insofar as they have indicated that there may be a basis, with some change to the design of the development, for them to withdraw their objection, to development on the site proposed.
- 6.1.10 The general principles relating to the development of Rural Exception Sites are now well established, with Paragraph 77 of the National Planning Policy Framework (NPPF) making clear that local planning authorities should support opportunities to bring forward Rural Exception Sites that will provide affordable housing to meet identified local needs. The NPPF defines Rural Exception Sites as being small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural Exception Sites, it states, seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection.
- 6.1.12 The details of the how this advice is applied in Shropshire is set out in the Development Plan policy, as I have set out above, and in particular through Chapter 5 of the Council's Type and Affordability of Housing SPD. This makes clear (in paragraph 5.1 that "Exception Sites" are locations that would not normally obtain planning permission for new housing development, but the exception is made because it is development of affordable housing for local people. The sites can involve a number of dwellings (usually between 2 and 25) or be "single plot" exception sites. The former are normally developed by Registered Providers (housing associations) for a mixture of rental and shared ownership, as in the case in this application. There are criteria to be applied in relation to providing for local need, prioritising local people, tenure and ensuring affordability in perpetuity. Housing need is the main underlying issue, which if this can be demonstrated, then the other aspects of prioritising local people and the tenure and affordability considerations can be regulated either through a s.106 agreement or conditions, detailing the requirements and restrictions that will ensure that the dwellings constructed, remain available as affordable homes to meet the needs of the local community in perpetuity.
- 6.1.13 In relation to need, the application in this case states, that Shropshire Homepoint data identifies housing need in the area indicating that there are currently 18 persons/families on the waiting list for properties in Condover, with evidence of a local connection in the area. It also states that the Shropshire Council Housing Enabling Officer anticipates that there will also be hidden demand in the village once the development has started. The aim of the application to address this need by providing two and three-bedroom options for people in need of affordable housing. The properties would be allocated in accordance with the Council's local lettings criteria. As such the application confirms that there is a currently identified level of local need which justifies the number of houses proposed.

- 6.1.15 The second part of the test of whether the development is acceptable in principle is concerned with the criteria for Rural Exception Sites relating to the location, scale and design of the development. These, together with the criteria relating to providing for local need, prioritising local people, tenure and ensuring affordability in perpetuity are set out in paragraphs 5.4 and 5.5 of the SPD.
- 6.1.16 In relation to location, the SPD states that Exception Sites must be demonstrably part of, or adjacent to, a recognisable named settlement. It states that sites that do not lie in a settlement, constituting isolated or sporadic development, or which would adversely affect the landscape, local historic or rural character (for example due to an elevated, exposed or other prominent position) should not be considered to be acceptable.
- 6.1.17 In this case it cannot be argued that the site is isolated or sporadic development; it lies adjacent to the development boundary for Condover, immediately adjacent to the Primary school and is within easy walking distance of other social and community facilities in the village. It is visually detached from the rest of the village by the adjacent school playing field to the immediate south, but with the development of the two allocated sites on the east side of Shrewsbury Road almost immediately adjacent to the site, it will with the development of these sites, become part of the continuous built up area of Condover, albeit that much of this is characterised by individual houses set back in their plots with hedges along the street and road frontages.
- 6.1.18 The Parish Council's comments in its second response confirms its objection on the grounds that the proposed site is outside the development boundary, but this is only a qualified objection to the extent that it also states that its objection could potentially be overcome, i.e. the objection is not necessarily one which is fundamentally opposed to development of the site. The fact that the site is outside the development boundary where housing would not otherwise be approved, is the reason for the application being submitted as a Rural Exception Site. As such in terms of the location if it meets the criteria for such a Site, which in this case I consider that it does, then it cannot be considered to be contrary to Policies CS5 or CS11 or otherwise a justifiable reason for refusal.
- 6.1.19 Turning to the issue of scale and design, one other point that arises from the Parish Council's comments relates to the reference to the appeal decision on Application Ref. 14/00335/OUT (as detailed above). The Parish Council argues that the Planning Inspector in his appeal decision letter considered that development of the larger site that was the subject of the application and appeal at that time would unacceptably spoil the vista and appearance of the village. This is correct, although it was not the main issue in the stated reason for refusal in his decision to dismiss the appeal and uphold the Council's decision to refuse the application. This was he stated in the conclusion to his decision letter, because the application was primarily for additional market housing of the scale proposed and was outside the settlement boundary at a time when the Council had demonstrated a 5 year supply of deliverable housing land. As such approval was not justified.
- 6.1.20 The Parish Council in their comments also state that the Inspector concluded that "the development at the lower area of the field would not have this negative impact". This however is not an inaccurate reflection of the Inspector's comment in that he was concerned with the impact of the development as a whole, and was in fact more

critical of the impact on the lower end of the site adjacent to Station Road than the upper end of the site. He concluded that:

*“Although the proposed layout would seek to retain much of the existing hedgerow along the two adjacent roads and would also provide scope for additional planting, to be submitted under reserved matters, it would result in a significant number of breaks in the existing mature hedgerow to provide means of access. Some of these gaps would be relatively large, particularly along the narrow Station Road, which has an attractive appearance as a rural lane. Even though the proposed footway along that road would be set behind the hedge, it would need to join onto the existing highway by the creation of a gap in the hedgerow, and also gaps would need to be created for driveways and the proposed access road to part of the site. This would result in a harmful erosion of the rural character and appearance of that section of Station Road”.*

- 6.1.21 He was also concerned about the impact on the Shrewsbury Road, but in particular about the impact of the proposed layby adjacent to the school play field. In relation to this he commented that

*“Whilst there would be fewer gaps created in the hedgerow along Shrewsbury Road, the provision of a lay-by to be used for parking near to the School playing fields would be likely to reduce the level of planting adjacent to that road. In addition, some of the proposed houses would back onto that road and their rear elevations would be clearly visible over the remaining hedgerow. I agree with the Council’s submissions at the hearing that the proposed layout would not be consistent with the existing development along Shrewsbury Road, which generally fronts that road. With the provision of the proposed network of roads from Shrewsbury Road and a new footway and lay-by, it would provide the look of a suburban estate, which would fail to reflect the semi-rural character of the other development along that road. As such, the proposed development would seriously harm the character and appearance of that part of Shrewsbury Road and the approach to Condover Village”.*

- 6.1.22 Given these comments on the previous application, the Parish Council nevertheless raises a valid point about the impact of the development in terms of the scale and design in relation to the vista and appearance of the village. Whilst I consider that some weight can be attached to these comments, the scale of the development proposed in the current application is significantly less than in the application submitted in 2014 and would include only one point of access on to the Shrewsbury Road, no layby and would retain most of the existing hedge along the frontage with Shrewsbury Road. This together with the additional housing development along the east side of the Shrewsbury Road, combine to ensure that the impact along the eastern boundary of the site, will be substantially less significant than the impact of the development for which the 2014 application was submitted. It is proposed to include a footpath link to the school to the south, but this I consider to be essential to ensure safe pedestrian access from the site to the school and the centre of Condover as there is no pavement along Shrewsbury Road north the school, which is currently a significant hazard, as stated by objectors, to pedestrians who wish to walk from the existing houses to the north into the centre of the village, as well from the residents of the proposed housing.

- 6.1.23 The applicant has accordingly amended the application to include a further length of footpath to the north the junction of the internal access road with the Shrewsbury Road, as requested by the Parish Council. I do not consider this to be necessary in relation to

the development proposed, and it will add an additional urbanising feature to the development. The applicant is however willing to offer this in response to the Parish Council's request and it will improve pedestrian safety in a location where there is currently a significant hazard.

6.1.24 The proposal does not by contrast include the layby adjacent to the school requested by the Parish Council. Not only was the Inspector critical of this specific aspect of the development proposed in the 2014 planning application and subsequent appeal, but there is simply no justified need in asking for this in relation to the proposed affordable homes, as the occupiers of the houses would have no need to use these spaces, given they will be amongst the closest houses adjacent to the school. A requirement to include this cannot therefore reasonably be justified to make the development acceptable.

6.1.25 In overall terms therefore, I consider that the Principle of the Development in this case meets the criteria for the granting planning permission for the development of the site, as a Rural Exception Site. There is confirmed local need, conditions can be attached the consent setting out the requirements and restrictions that will to ensure that the dwellings constructed remain available as affordable homes to meet the needs of the local community in perpetuity, and the scheme can be considered to be acceptable in terms of its location and scale and layout.

6.1.26 As such there is a clear identified assessed need which has been confirmed by the Council's Housing Enabling Officer. The development accordingly meets the requirements as a Rural Exception Site of Core Strategy Policies CS1, C4, CS5 and CS11. Whilst as a Rural Exception Site it is outside the settlement boundary it is immediately adjacent to it and close to all the major community facilities in Condover and is adjacent to both of the allocated housing sites identified in the SAMDev on the Policies Map.

## **6.2 Local Need and the Level and Type of Affordable Housing Provision**

6.2.1 The issues under this second heading essentially arise from the comments of the Parish Council (set out above) but also form part of the overall need argument relating to the Principle of the Development set out above.

6.2.2 The overall need case is as set out in paragraph 6.1.13 above and had been confirmed by the Shropshire Council Housing Enabling Officer and by the Affordable Homes Officer (see above).

6.2.3 It is the identified level of need that the Parish Council is concerned about, not the need itself and it acknowledges that there is a "current gap in provision". In particular its concern is that additional provision should be community-led and it does not consider that housing need has been demonstrated, based on the recent experience in letting Brook Close development, which was granted planning permission in 2015 (Ref. 15/00671/FUL) and undertaken by Severnside Housing.

6.2.4 Although allocations for Brook Close have been made on the basis of the Shropshire Council's Housing Allocations Policy, the Parish Council states that the cascade for letting Brook Close has pushed beyond Parish boundary, and accordingly their concern is that local need in Condover is not at a level to justify development of the scale

proposed. Brook Close was a Community Led Exception Site Scheme and as such the Community Group were able to define through a Local Lettings Plan a requirement for a connection to a specific area of the Parish cascading to a wider geography over time. This Local Letting Plan effectively overrides the local connection area outlined in SPD Type and Affordability of Housing.

- 6.2.5 The allocations policy and how this operates is not itself at issue and this, for planning purposes, is set out in the Council's Type and Affordability of Housing SPD. This identifies the "Cascade Approach" to allocations, which is to apply once new housing has been built and reallocation of housing is to be made when properties become empty and available. Paragraphs 5.43 and 5.44 set out how the cascade will be applied. They state that:

*"5.43 A balance needs to be struck between keeping the affordable housing for local people, and affordable housing lying empty if there are no local persons at that time who are eligible to occupy the affordable housing. While exception sites are for local people and they will rightly be considered first, if there are no eligible local persons in housing need then the property must be made available to a wider catchment area of potentially eligible occupiers."*

*5.44 The 'cascade' approach is a progressive widening of the local area over time until an eligible person in housing need is found. The two important elements of a cascade are the geographic extent, and the time required before moving to the next level of the cascade. Such provisions may be revised from time to time, taking account of advice received from registered providers, mortgage lenders, financial advisors, government advice and other best practice. This is especially relevant for Shared Ownership and Single Plot affordable dwellings".*

- 6.2.6 If initial need is based upon the need at the time that any application for planning permission is submitted, and that need is identified as entirely local, then the cascade should not and will need to apply, and this is the case in terms of need that has been presented in relation to this application (as set out above). As such issue of the operation of the cascade is not directly relevant in the context of the current application. If the Parish Council is concerned that the operation of the cascade is resulting in allocations to prospective tenants from outside the Parish, then this will only occur in accordance with the allocations policy after the application of a priority order which should in the first instance offer local needs affordable homes to prospective tenants in accordance with the Policy, i.e. people with a local connection in preference to people from outside the Parish or without a connection to the Parish. This is ensured through the Planning Permission by the inclusion, as a standard condition for Rural Exception Sites, as set out in the Council's Type and Affordability of Housing SPD, that all lettings must meet the local connection and/or cascade requirements set out in the SPD. This is to ensure that compliance with the requirements with Core Strategy Policy CS11 and the SPD.

### **6.3 Prematurity in relation to the Emerging Neighbourhood Plan**

- 6.3.1 A further issue arising from the comments of the Parish Council, is its concern that it is the in the early stages of developing a Neighbourhood Plan for the Parish which, in line with the Local Plan Review, will also to cover the period to 2036. As set out above it states that local priorities for housing are emerging to meet housing needs and

aspirations through staged mixed development over the full period of the Neighbourhood Plan/Shropshire Local Plan. As part of the approach it is currently seeking to bring forward, it states that the development of a 100% affordable housing site of the scale proposed, delivered as a Rural Exception Site would conflict with the Parish's preference for integrated mixed development, i.e. sites that are a mix of market housing and affordable homes.

- 6.3.2 Members will be aware that the Shropshire Local Plan Review Consultation on Preferred Sites started on 29th November 2018 and is due to continue until the 31 January 2019. It should be noted that this does not as yet include any specific proposals for Condover, but instead states that the amount of development to be delivered through site allocations and through windfall development will be determined by the Condover Parish Neighbourhood Plan.
- 6.3.3 What this issue raises, is the question of just how much weight can be attached to the emerging Neighbourhood Plan, and whether the current application can potentially be refused on the basis that it would be prejudicial to the strategy and objectives to be set out in the future neighbourhood plan and therefore whether granting of planning permission would be premature?
- 6.3.4 The position currently is that Condover Parish Council submitted an application to Shropshire Council for the designation of a Condover Parish Neighbourhood Plan Area in April 2017, which was approved by Cabinet in September 2017. Since then it is understood that the Parish Council has set up a Steering Group to take forward work on the Plan, although as yet no draft Neighbourhood Plan has been prepared, published or been subject to statutory consultation.
- 6.3.5 In this situation the question is what status and weight can be attached to the Neighbourhood Plan? There is specific guidance on this point set out in the Planning Practice Guidance (PPG) on Neighbourhood Planning. This makes clear that the status of the Neighbourhood Plan is the same as the legal status as the Local Plan once it has been approved at a referendum. At this point it comes into force as part of the statutory development plan and applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (s.38(6) of the Planning and Compulsory Purchase Act 2004). The Condover Parish Neighbourhood Plan is clearly not yet at this stage, and as such does not form part of the statutory development plan
- 6.3.6 The question then is, can any weight be attached to the emerging plan, and if so how much? Planning Practice Guidance (Paragraph: 007 Reference ID: 41-007-20170728) on this point advises that an emerging neighbourhood plan may, although not part of the statutory development plan, be a material consideration and that as such it is for the decision maker in each case to determine what weight to give to it. It refers to Paragraph 48 of the NPPF which sets out the weight that may be given to relevant policies in emerging plans in decision taking. Factors to consider, its states include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Whilst a referendum ensures that the community has the final say on whether the neighbourhood plan comes into force, as part of the development plan, decision makers should respect evidence of local support prior to the referendum when seeking to apply weight to an emerging neighbourhood plan. The consultation statement submitted with the draft neighbourhood plan should reveal the quality and



effectiveness of the consultation that has informed the plan proposals. And all representations on the proposals should have been submitted to the local planning authority by the close of the local planning authority's publicity period.

- 6.3.7 Paragraph: 008 Reference ID: 41-008-20170728 of the PPG on Neighbourhood Planning specifically addresses the question of the circumstances in which it might be justifiable to refuse planning permission on the grounds of prematurity. It refers to Annex 1 of the National Planning Policy Framework which explains how weight may be given to policies in emerging plans. However, in the context of the Framework and in particular, the presumption in favour of sustainable development it states 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”.*

- 6.3.8 It goes on to state that:

*“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”.* (Paragraph: 014 Reference ID: 21b-014-20140306).

- 6.3.9 In the light of the above advice and the fact that there is yet not even a draft Neighbourhood Plan, the stated preference of the Parish Council that local priorities for housing should be met through staged mixed development over the full period of the Neighbourhood Plan/Shropshire Local Plan, cannot at this stage be attributed any significant weight and certainly not the degree of weight required to warrant refusal of the current planning application.

- 6.3.10 One further point arising from Paragraph: 008 Reference ID: 41-008-20170728 of the PPG on Neighbourhood Planning is that it makes clear that the policies of the NPPF must be taken into account as a material consideration. As I have set out in paragraph 6.1.10 above, the general principles relating to the development of Rural Exception Sites are now well established with Paragraph 77 of the NPPF which makes clear that local planning authorities should support opportunities to bring forward Rural Exception Sites that will provide affordable housing to meet identified local needs. In this context and with the stated policy set out in Core Strategy Policy CS11, any policy that may be set out in the Draft Neighbourhood Plan that is inconsistent with Policy CS11 and

Paragraph 77 of the NPPF is unlikely to meet what are known as the “basic conditions” that must be satisfied when the Plan is submitted for Independent Examination and before it can be submitted for referendum. These include “having regard to national policies and advice contained in guidance issued by the Secretary of State” and that it is “in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)”. On this basis, refusing the application at such an early stage in the preparation of the Neighbourhood Plan, and on the basis of informal statement of a future preferred policy approach, that were to be incorporated into the submission draft of the Neighbourhood Plan, that carries a potentially significant risk of not meeting the “basic conditions” is unlikely to be defensible at appeal.

- 6.3.11 For the reasons I have set out above, I consider that refusal of the application on the basis of the Parish Council argument that the development of a 100% affordable housing site of the scale proposed, delivered as a Rural Exception Site would conflict with the Parish’s preference for integrated mixed development, i.e. sites that are mix of market housing and affordable homes, could not be sustained on appeal.

## **6.4 Other Issues**

- 6.4.1 Highway Safety: There are three highway safety issues that have been raised by objectors in relation to highway safety. The first concerns the access on to the A49 south of Bayston Hill. Whilst this may be a valid highway safety concern, it is simply too remote from the site to amount to valid material consideration, particularly given the other potential vehicular routes into and out of Condover. Second in relation to the provision of footpath along Shrewsbury Road, this has been addressed by the applicant, and I have recommended a condition requiring the completion of the proposed footpaths along Shrewsbury Road prior to the occupation of the development. And third, in relation to visibility, it is proposed as part of the landscaping works to realign and replant the hedge along the front of the site to improve and ensure satisfactory visibility and SC Highways have advised that the proposed layout and design is acceptable. In relation to highway safety, the scheme can accordingly be considered to be acceptable in relation to Core Strategy Policy CS6 and SAMDev Policy MD2.
- 6.4.2 Ecology: The SC Ecologist has advised that the proposed scheme is acceptable subject to the inclusion of conditions relating to landscaping, the provision of bat and bird boxes and the submission of a lighting plan for the lighting to be installed on the site (and informatives relating to nesting birds and wildlife protection). With the inclusion of these conditions the scheme can be considered to be compliant with Core Strategy Policy CS15, SAMDev Policy MD12 and the NPPF Paragraph 175 and the legal requirements of the Habitats Regulations/Directive in relation to the protection of European Protected Species and the Council can be considered to have complied with the statutory duty to protect biodiversity under s.40 of the Natural Environment and Rural Communities Act 2006.
- 6.4.3 Drainage: The SC SUDS team have advised that the proposed scheme is acceptable subject to the inclusion of a condition require the submission of surface and foul water drainage details. The scheme can accordingly be considered to be acceptable in terms of the drainage requirements of Core Strategy Policies CS6 and CS18, SAMDev Policy MD2 and the NPPF Paragraph 163.

6.4.4 Impact on the Historic Environment: In response to the comments of SC Conservation the applicant has advised that the design dwellings and site layouts were developed bearing in mind comments received in the Shropshire Council Pre-Application enquiry response (PREAPP/18/00095 dated 20 March 2018) with the curved access road and pairs of dwellings with cottage type elevations. They state that as with many villages in Shropshire, Condover has developed over time with many different architectural elements in evidence throughout the village with no one style dominating. This is the case along the Shrewsbury Road, with a combination of Edwardian and other twentieth century cottages, mainly constructed in semi detached pairs. The proposed dwellings are shown with varied features to reflect this architectural blend, with which it is not inconsistent. As such there is no substantive basis on which to argue that the design of proposed dwellings is inconsistent with other nearby and adjacent properties along the Shrewsbury Road. The retention of most of the hedge along the Road frontage along the Shrewsbury Road, will not only serve in part to screen the proposed houses, and absorb them into the landscape once developed, but will retain a feature which is common with most of the other properties along the Shrewsbury Road. As such the scheme as proposed can be considered to be acceptable in terms of the requirements of the Core Strategy Policies CS6 and CS17 and SAMDev Policies MD2 and MD13 and the NPPF Paragraph 127.

6.4.5 In relation to archaeology, SC Archaeology has confirmed that the scheme is acceptable, subject to the inclusion of a condition requiring implementation of the submitted Written Scheme of Investigation. As such the scheme as proposed can be considered to be acceptable in terms of the requirements of the Core Strategy Policies CS6 and CS17 and SAMDev Policies MD2 and MD13 and the NPPF Paragraph 199.

## **7.0 CONCLUSION**

7.1 The proposed development of 20 affordable dwellings as a Rural Exception Site is acceptable in terms of: the principle of the development (including siting, scale, design and visual impact); local need and the level and type of affordable housing provision; the issue of prematurity in relation emerging neighbourhood plan; and other matters. It is therefore in accordance with Shropshire Local Development Framework Adopted Core Strategy (March 2011), Policies CS1, CS4, CS5, CS6, CS11, CS17 and CS18, the Shropshire Council Site Allocations and Management of Development Plan (SAMDev Plan) (December 2015), Policies MD1, MD2, MD12 and MD13 and the NPPF.

## **8.0 Risk Assessment and Opportunities Appraisal**

### **8.1 Risk Management**

8.1.1 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.

- 8.1.2 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.
- 8.1.3 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**

- 8.2.1 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.
- 8.2.2 First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.
- 8.2.3 This legislation has been taken into account in arriving at the above recommendation.

## **8.3 Equalities**

- 8.3.1 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**

- 9.1 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**

### **10.1 Relevant Planning Policies**

#### 10.2 Central Government Guidance:

- National Planning Policy Framework (2018); and
- National Planning Practice Guidance (Updated 2018).

#### 10.3 Core Strategy and Saved Policies:

- Shropshire Council, Shropshire Local Development Framework: Adopted Core Strategy (Adopted March 2011):
  - Policy CS1: Strategic Approach;
  - Policy CS4: Community Hubs and Community Clusters;
  - Policy CS5: Countryside and Green Belt;
  - Policy CS6: Sustainable Design and Development Principles;
  - Policy CS11: Type and Affordability of Housing;
  - Policy CS17: Environmental Networks; and
  - Policy CS18: Sustainable Water Management.
- Shropshire Council, Site Allocations and Management of Development (SAMDev) Plan (Adopted December 2015):
  - Policy MD1: Scale and Distribution of Development;
  - Policy MD2: Sustainable Design;
  - Policy MD12: Natural Environment;
  - Policy MD13: Historic Environment; and
  - Settlement Policy S16 Shrewsbury.

#### 10.4 Supplementary Planning Documents (SPDs):

- Type and Affordability of Housing Supplementary Planning Document (Adopted September 2012)

#### 10.5 Other Relevant Documents

- Condover Village Design Statement (May 2010)

#### 10.6 Relevant Planning History

:

- 14/00335/OUT: Outline Planning Application for the erection of 47 dwellings (including 7 affordable houses), school hall, carparking area and enlarged school playing field for existing school, allotments, village green and informal open space, that was refused consent in November 2014 and which was subsequently subject to an appeal APP/L3245/W/15/3007929 that dismissed in January 2016;
- PREAPP/18/00095 Rural Exception Site for 20no. affordable units with affordable rent and shared ownership.

### 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):

- Planning Application Supporting Statement (Undated);
- Ecological Assessment (May 2018);

- Landscape and Visual Appraisal (October 2018);
- Landscape Mitigation Plan 2992-001 Rev A (16<sup>th</sup> October 2018); and
- Tree Condition Report/Arboricultural Impact Assessment/Method Statement and Tree Protection Plan (13th March 2018).

Cabinet Member (Portfolio Holder)

- Cllr R. Macey

Local Member

- Cllr Dan Morris

Appendices

- APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (as amended).

2. 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.

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

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- a Construction Traffic Management Plan, including all HGV routing & unloading proposals; and
- an appropriate community liaison and communication strategy, to inform affected local residents and businesses, throughout the works.

Reason: To avoid congestion in the surrounding area, minimise disruption and to protect the amenities of the area.

4. No development shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

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

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

5. Prior to first occupation/use of the buildings, a landscaping plan, shall be submitted for the prior written approval to the local planning authority. The submitted plan shall include:
- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
  - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
  - c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
  - d) Native species used are to be of local provenance (Shropshire or surrounding counties);
  - e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works; and
  - f) Implementation timetables.

The plan shall be carried out as approved.

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

6. Prior to first occupation/use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:
- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species; and
  - A minimum of 6 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

7. 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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The



development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

8. No above-ground development shall commence until samples/precise details of all external materials/finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter maintained.

Reason: To ensure that the external appearance of the development is satisfactory, in accordance with Policies CS4, CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

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

9. Prior to the commencement of development, the tree protection measures set out in the Tree Condition Report/Arboricultural Impact Assessment/Method Statement and Tree Protection Plan prepared by Arborist & Ecological Services Ltd dated 13th March 2018 should be installed and subject to the written approval of the Local Planning Authority. Thereafter the tree protection barriers should remain in place throughout the duration of the development and only be taken down once all machinery, equipment and surplus materials have been removed from site. The tree protection barriers shall define a construction exclusion within which there is to be no construction related activity of any kind without the prior written approval of the Local Planning Authority.

Reason: To safeguard significant trees and hedges in order to safeguard the residential amenities of neighbouring properties, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

10. The programme of archaeological work for the development approved by this permission shall be carried out in complete accordance with the Written Scheme of Investigation by Aeon Archaeology submitted on December 2018 (v1.0).

Reason: The site is known to hold archaeological interest.

11. The existing hedge along the frontage with Shrewsbury Road shall be retained as shown on Drawing No. 268-01-02 Rev A Block Plan dated September 2018.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

12. The affordable dwellings hereby approved shall be for rent or shared ownership in the number indicated on the approved plan and shall not be let or occupied other than either:-

- a) under a tenancy in accordance with the normal letting policy of a Registered Provider; and/or

- b) by way of a Shared Ownership lease or equity share arrangement whereby the occupier cannot progress to or achieve a share greater than 80% of the whole (unless subject to Homes England grant funding);

Reason: To ensure compliance with the requirements of Shropshire Core Strategy Policy CS11 to ensure affordability in perpetuity.

13. In addition to the requirements of the Shropshire Affordable Housing Allocation Policy and Scheme, all lettings by Registered Providers shall meet the local connection and/or cascade requirements set out in the Shropshire Type and Affordability of Housing SPD or any policy or guidance that may from time to time replace it.

Reason: To ensure compliance with Shropshire Core Strategy Policy CS11 with regard to local needs and prioritisation for local people.

14. The affordable housing units for rent shall be advertised through the Shropshire Choice Based Letting scheme and allocated through the Shropshire Housing Allocation Policy and Scheme. The affordable housing units for sale shall be advertised in the Shropshire Choice Based Letting scheme.

Reason: To ensure that all affordable properties are advertised to local people and that the Shropshire Housing Allocation Policy and Scheme (in combination with any local lettings plan) is applied in allocating the affordable properties for rent.

15. The development hereby permitted shall not be brought into use/occupied until the internal access road, including the junction with Shrewsbury Road, visibility splay and footpaths, including the footpath along the frontage with Shrewsbury Road and the footpath link connecting with the existing footpath adjacent to the Condoover Primary School, have been completed and the car parking for each dwelling completed before that dwelling is occupied, as shown on the approved Drawing No. 268-01-02 Rev A Block Plan dated September 2018.

Reason: To ensure completion of the internal access road and the provision of adequate car parking, to avoid congestion on adjoining roads, and to protect the amenities of the area.

16. The car parking spaces to be provided shall be kept available for the parking of motor vehicles at all times. The car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure an appropriate level of parking is provided for the lifetime of the development.

17. The site shall be landscaped in accordance with the approved Landscaping Plan (Ref. SA30963 21). All planting/seeding/turfing comprised therein shall be completed during the first planting/seeding seasons following the substantial completion or first occupation of the dwelling, whichever is the sooner. Any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the external appearance of the development is satisfactory, to safeguard the visual amenity of the adjacent Shropshire Hills Area of Outstanding Natural Beauty, and to help ensure a reasonable standard of privacy in neighbouring properties, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

### **Informatives**

#### **General**

In arriving at this decision Shropshire 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 38.

#### **Ecology**

##### **Nesting Birds**

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to the building and begin nesting, work must cease until the young birds have fledged.

##### **Wildlife Protection**

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

## **Drainage**

1. The proposed surface water drainage system for the site should be detailed. This should illustrate how the development will comply with Shropshire Council's Surface Water Management: Interim Guidance for Developers and the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework for the particular flood zone/ site area (any Flood Risk Assessment required should comply with this) and how SUDs will be incorporated into the scheme. As part of the SuDS, the applicant should consider employing measures such as the following:

- Surface water soakaways (Designed in accordance with BRE Digest 365)
- Swales
- Infiltration basins
- Attenuation ponds
- Water Butts
- Rainwater harvesting system
- Permeable surfacing on any new access, driveway, parking area/ paved area
- Attenuation
- Greywater recycling system
- Green roofs

2. The use of soakaways should be investigated in the first instance for surface water disposal.

Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Should soakaways are not feasible, drainage calculations should 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 + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

3. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare Change allowance % of impermeable area

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum. Curtilage means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

4. Highway Gully Spacing calculations should be submitted for approval. Where a highway is to be adopted and gullies will be the only means of removing surface water from the highway, footpaths and paved areas falling towards the carriageway, spacing calculations will be based on a storm intensity of 50mm/hr with flow width of 0.75m, and be in accordance with DMRB CD526 Spacing of Road Gullies (formerly HA102) Gully spacing calculations must also be checked in vulnerable areas of the development for 1% AEP plus climate change 15 minute storm events. Storm water flows must be managed or attenuated on site, ensuring that terminal gullies remain 95% efficient with an increased flow width.

The provision of a finished road level contoured plan showing the proposed management of any exceedance flows should be provided. Vulnerable areas of the development are classed by Shropshire Council as areas where exceedance flows are likely to result in the flooding of property or contribute to flooding outside of the

development site. For example, vulnerable areas may occur where a sag curve in the carriageway vertical alignment coincides with lower property threshold levels or where ground within the development slopes beyond the development boundary.

Shropshire Councils Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12 (Local Standard D of the SUDS Handbook) requires that exceedance flows for events up to and including the 1% AEP plus CC should not result in the surface water flooding of more vulnerable areas (as defined above) within the development site or contribute to surface water flooding of any area outside of the development site.

By calculating highway gully spacings in this way it will ensure a highway surface water drainage system for a site which is fully compliant with regulations and is of a sufficiently robust design.

5. The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations.

### **Section 38 Agreement**

If it is the developer's intention to request Shropshire Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout, alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND.

No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into for all work on, within or abutting the public highway (including all footpaths and verges).

<https://shropshire.gov.uk/roads-and-highways/development-on-the-highway/housing-and-industrial-estate-roads/>

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway/verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or
- undertake the placing of a skip, scaffolding, hording or fencing on or immediately adjacent to the highway, or
- use the highway for any purpose associated with the construction of this development, such as unloading delivery vehicles, parking of plant or machinery or

- the storage of materials, etc.

The applicant should in the first instance contact Shropshire Councils Street works team.

See: <https://shropshire.gov.uk/roads-and-highways/application-forms-and-charges/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

It should also be noted that the Developer may be directed by Shropshire Council to carry out works, within the public highway, overnight or at weekends (outside of the scope of the planning consent) to ensure through traffic disruption and health & safety requirements are managed appropriately.

### **Waste Collection**

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

Please see: <https://shropshire.gov.uk/media/2326/shropshire-refuse-and-recycling-planning-guidance-september-2015.pdf>