



Committee and date

South Planning Committee

12 March 2019

Development Management Report

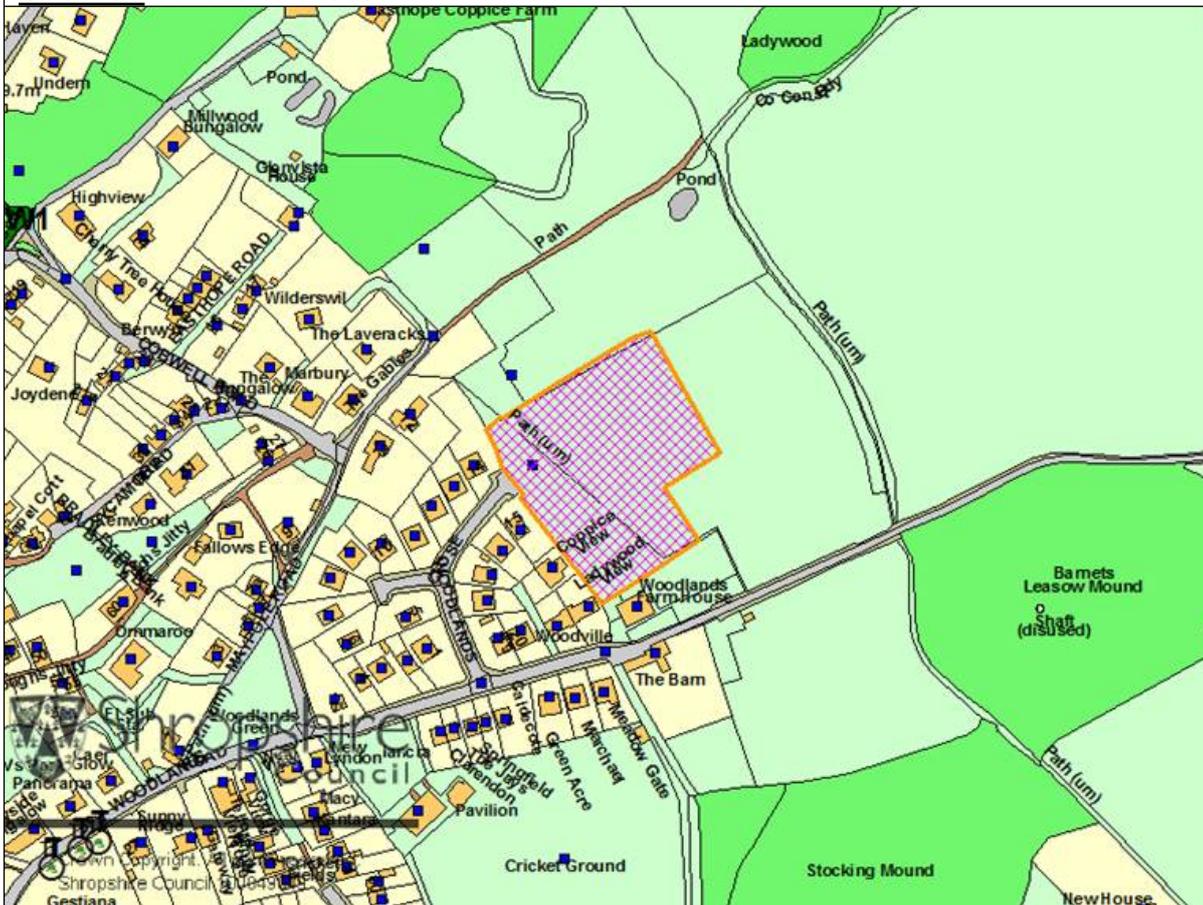
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 15/02877/OUT	Parish: Broseley
Proposal: Outline application for residential development (all matters reserved).	
Site Address: Land To The East Of Woodlands Close Broseley Shropshire	
Applicant: Messrs Duppa	
Case Officer: Lynn Parker	email: planningdmse@shropshire.gov.uk

Grid Ref: 367383 - 302805



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Contact: Tim Rogers (01743) 258773

Recommendation:- Refuse

Recommended Reason for refusal

1. The proposed development is located outside of any development boundary and within open countryside, and therefore is in a location which is considered inappropriate for new housing development; as such the proposal fails to comply with adopted policies CS3, CS5, CS6, and CS17 of the Core Strategy; Policies MD1, and MD7a of the Site Allocations and Management of Development (SAMDev) Plan and the objectives of the National Planning Policy Framework. The Council has a robust five-year housing land supply within settlements designated for development and so the housing policies of the Development Plan must be attached full weight, and whilst the proposed scheme would deliver modest economic and social benefits there are no material considerations of sufficient weight to justify a departure from the Development Plan. The proposal is therefore contrary to the aforementioned policies.

2. The proposed site is within a 'Local Green Space' as designated on the Broseley Town Plan Map where under Policy ENV.1 of the Broseley Town Plan 2013-2026 proposals for development of any kind in relation to these valued green spaces are not supported. The benefits of the proposal would not outweigh the loss of this valued area which serves as a protective buffer zone preventing physical and visual encroachment between Broseley and the Ironbridge Gorge World Heritage Site and is an unacceptable amenity loss contrary to Policy H.7 of the Broseley Town Plan 2013-2026. The adverse impact of the loss of this 'Local Green Space' on the adjacent historic environment is contrary to the Shropshire Council Local Development Framework Policies CS6 and CS17, and Site Allocations & Management Of Development Plan Policy MD13 in addition to the objectives of the National Planning Policy Framework.

REPORT**1.0 THE PROPOSAL**

1.1 This is an Outline Planning Application with all matters reserved for residential development on land to the east of Woodlands Close, Broseley. On the submitted application form it states that all matters are reserved, however within the Design, Access and Planning Statement it is stated that access is to be considered with the application as being from Woodlands Close, and that the visibility splay onto the road is already adequate. The site covers an area of approximately 0.49 hectares of Grade 3 agricultural land. It would provide public open amenity space. All existing boundary hedging would be retained and the site would be landscaped and planted with a reasonable amount of trees to soften and landscape the development.

1.2 Indicative information has been provided on a Proposed Site Plan showing the access into the site from the north east cul-de-sac end of Woodlands Close. Seven detached dwellings are indicated either side of a central access road with an area of public amenity space to the south east side. These would be 2 – 4 bedroom dwellings, each with their own curtilage containing drives and parking.

- 1.3 In addition to the Design, Access and Planning Statement, an Ecology Assessment by Churton Ecology dated May 2015 has also been submitted in support of the proposal. The agent has responded to the public representations in an email of 7th September 2015.
- 1.4 The proposal is for an open market residential windfall development outside the Broseley Development Boundary. However following advice from officers that such a proposal would be contrary to adopted planning policy, the agent has sought discussions with various housing associations, Broseley Town Council and the SC Housing Enabling Officer in order to amend the proposal to a 100% affordable site. The agent has been advised that such an amendment would require the submission of a new Planning Application following the Withdrawal of this one. To date there has been no resolution of this matter. The consideration time of this application has been extended since its submission in 2015 at the request of the agent.
- 1.5 Members should note that there is proposal for a single plot affordable dwelling immediately adjacent to the north west of this site under Planning Ref: 18/03001/FUL which is also on this agenda and has also been recommended for Refusal.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site falls within open countryside adjacent to the Development Boundary on the north east side of the Key Centre of Broseley. The proposed plot additionally falls within land which is designated in the Broseley Town Plan as 'Local Green Space'. There are public rights of way several metres to the north and east of the site. The Broseley Conservation Area boundary is approximately 10m to the west, and the Ironbridge Gorge World Heritage site is to the north east, approximately 160m away at its closest point.
- 2.2 The site itself is positioned on the east side of the dwellings which form Woodlands Close and to the north of Woodlands Farm House. A strip of land to north has been separated off by post and wire fencing and contains pigs and associated paraphernalia, and slopes steeply downwards to the north from a level shelf. The land within the plot is level open grass land with a perimeter defined by nature native hedging. There are informal paths across it, however formal public rights of way are located to the north and east of the wider field.
- 2.3 Land further to the east is agricultural up to the wooded side of the Ironbridge Gorge. Land to the west is the built environment of Woodlands Close characterized by detached bungalows constructed in the latter half of the 20th Century in red brick, cream render, white panelling and concrete roof tiles. The substantial, two storey Woodlands Farm House is adjacent to the southern boundary of the proposed site. Dwellings further to the north within the Conservation Area are set at a much lower level.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Local Member at the time of submission of this application requested Committee determination. In view of the application for an affordable dwelling adjacent to this site which is also on this agenda (18/03001/FUL), and the exploration of whether this proposal would become a 100% affordable housing scheme, the Chair of the South Planning Committee, in consultation with the Principal Planning Officer, considers that material planning considerations are raised which warrant consideration by the South Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Broseley Town Council (28th August 2015) – Object

- a. A development on this site would be outside the Development Boundary in the Broseley Town Plan. This part of the SAMDev Plan, the Planning Inspector having made no modifications, is now recognised as ‘sound’ in principle and there should therefore be a presumption in favour of refusal. Councillors do not feel there are significant planning benefits to justify departing from this.
- b. Councillors believe this development would affect the setting of the Ironbridge Gorge World Heritage site (NPPF 129), being visible from the Madeley side of the gorge. Councillors do not feel this harm is outweighed by the public benefits of the proposed development (NPPF 134).
- c. The already acute problems of access in this area (there is a choice of 3 routes that in places are single track without any footway and there is no easy, safe access to timetabled public transport) make a further 7 houses in this area unsustainable, as was argued in relation to previous applications for this site. Councillors are also concerned that any further increase in traffic along Balls Lane will make the junction with the Ironbridge Road (in Telford and Wrekin) unacceptably dangerous.

4.2 SC Affordable Housing (15th August 2015) - If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a Full application or the Reserved Matters application.

4.3 SC Conservation - It is considered that the proposed site contributes to the character and setting of the adjacent Conservation Area by providing an open agricultural aspect and a buffer between the extent of the built form of Broseley and the dense woodland of the Ironbridge Gorge World Heritage site. This area is distinctively open in nature which contrasts to the enclosed wooded areas beyond and provides an attractive open view which contributes to the character of the area. It is considered that development in this location would harm this open aspect and

encroach into this designated greenspace. Therefore the proposal would not be considered to accord with policies, guidance and legislation.

4.4 SC Drainage – Conditions recommended in relation to the consideration of disposal of surface water from the site, its accesses and roads.

4.5 SC Regulatory Services - The area has been extensively mined in the past. As a result there may be pathways introducing ground gas associated with coal seams to the area. Therefore contaminated land conditions recommended including the pre-commencement approval of a Site Investigation Report.

4.6 SC Ecology – Conditions and informatives recommended in relation to nesting birds, reptiles and bats, including the pre-commencement erection of fencing along the northern boundary of the site to protect reptiles during construction work.

4.7 SC Highways – No objection. Pre-commencement conditions recommended in relation to the design and construction of new roads, footways, accesses and parking, and access details including layout, construction and sight lines.

4.2 - Public Comments

4.2.1 Site notice displayed 13th August 2015.

4.2.2 Thirty five public representations have been received from thirty two different people, twenty six raising objections, and nine expressing support. These can be viewed in full online, however are summarised below:

4.2.3 Objections:

- o The current housing policy in Broseley is already addressing the need for local social housing and this proposal serves only to financially benefit the owner of the land.
- o The site would extend beyond the town boundary and cause a sprawl.
- o The development appears to be designed so that there would be access to any future development in the rest of the field.
- o The field is of a size suitable for agriculture. What will become of the remainder once half of it has been developed?
- o 60% of Broseley residents responding to a recent survey voted that this field should be considered 'Valued Green Space'.
- o The site was put forward for inclusion in the 2001 and 2010 development plans and not included as being suitable for development.
- o In October 2014 proposals were put to the Ironbridge Gorge World Heritage Site Committee to extend the World Heritage Site to include important parts of Broseley and link up to the Conservation Area. Although rejected it was supported by Shropshire Council. The land proposed for development was included in this area, therefore planning decisions should

take into account its possible inclusion in the World Heritage Site.

- o This build would be visible from the Ironbridge World Heritage site.
- o As the area has seen extensive mining in the past, further development so close to the steep sides of the Gorge could destabilise it.
- o The field looks over the Severn Gorge and provides open views for those who walk along the public footpath.
- o Many local residents take advantage of this area to walk their dogs and it would be a loss to Broseley if yet another rural amenity is built on.
- o I am very concerned for the local flora/fauna, including Muntjac deer, which have been seen in this field and in local gardens. They have been displaced as a result of other building work in Broseley.
- o The destruction of this wildlife habitat seems unjustified for the end result. We have seen deer, owls, woodpeckers, buzzards, grass snakes and bats in the field proposed for building.
- o Balls Lane is inadequate to cope with further traffic as is Woodlands Close itself.
- o The road from the junction of Duke Street and King Street narrows as the site is approached. It is often difficult to pass parked cars in these streets.
- o The surrounding roads are popular with dog walkers and families with young children taking a stroll. The quiet nature of the roads and the absence of pavements will inevitably see higher rates of traffic bringing highway safety concerns.
- o Schools are not a 'safe walk' away for primary aged children. Neither is there a secondary school in the vicinity.
- o We have witnessed a number of near collisions at the intersection of Woodlands and Maypole Roads.
- o When all the lorries with building materials are travelling through the cul-de-sac to the site it will be a nightmare for residents.
- o Some residents already avoid trying to use their vehicles when the refuse lorry is due at the road is impassable.
- o The field currently holds a foul drainage pipe that was parallel with the hedge, which has overflowed on more than one occasion.
- o Water often runs off onto the Bridgnorth/Ironbridge Road and Balls Lane as it is.
- o There is I understand an underground stream running under Woodlands Close which may continue under the proposed field.
- o The size of the proposed houses looks to be disproportionately large in comparison with most of the existing bungalows in Woodlands Close.
- o Our property is likely to be subject to loss of privacy/overlooking from the new properties and their gardens.

4.4 Support

- o There is a shortage of bungalows in Broseley and this could help this be reduced.
- o There is a need for small developments such as this to meet a national shortage of housing.
- o The applicant is hoping to use local builders which will bring some much needed work to Broseley.

5.0 **THE MAIN ISSUES**

- o Principle of development
- o Impact on the adjacent historic environment
- o Affordable Housing

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy, the National Planning Policy Framework (NPPF) has been published and revised in July 2018, and needs to be given weight in the determination of planning applications.
- 6.1.2 The NPPF in itself constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications. The NPPF sets out the presumption in favour of sustainable development. These considerations have to be weighed alongside the provisions of the development plan.
- 6.1.3 For the purposes of the assessment of this application the development plan presently comprises the adopted Shropshire Council Local Development Framework Core Strategy 2011, the Site Allocations and Management of Development (SAMDev) Plan, and a range of Supplementary Planning Documents.
- 6.1.4 The site is positioned in open countryside outside of the adjacent Broseley Development boundary or any other development boundaries designated under existing planning policies where open market housing would not normally be permitted. LDF Core Strategy Policy CS5 states that new development will be strictly controlled in accordance with National Planning Policies protecting the countryside. The policy goes on to state that proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits.

6.1.5 In relation to new housing proposals, Policy CS5 identifies specific types of development that could be acceptable in the countryside including dwellings for agricultural, forestry or other essential countryside workers, or other affordable housing/accommodation to meet a local need, or conversion of a building of historic merit. Policy MD7a of the SAMDev Plan reinforces CS5. A proposal for new open market residential development on Land to the East of Woodlands Close would not fall within any of the exception development types which could be acceptable within the open countryside. This proposal is therefore intrinsically contrary to adopted policy.

6.1.6 The Broseley Town Plan provides for a limited amount of new housing to meet local needs. It will do this by:

1. Developing partnerships with one or more Housing Associations to bring forward affordable housing on exception and other sites;
2. Permitting a limited number of small scale developments within the Town;
3. Supporting the redesignation of some brownfield (previously used) sites from employment to mixed uses;
4. Ensuring that developments are sustainable.

Therefore the Town Plan does not support open market development outside its development boundary. Policy H.7 may support 100% affordable housing developments outside the development boundary provided that the amenity loss is acceptable, the proposed sites must be easily accessible to the main services in the town centre, and the existing infrastructure must be able to meet the needs of the development with little or minor modification.

6.1.7 Additionally, the site is designated on the Broseley Town Plan Map as being 'Local Green Space'. Policy ENV.1 of the Broseley Town Plan states that,

'In recognition of their special local and historic significance and importance to the community, the areas marked on the Town Plan Map are designated as Local Green Space. Proposals for development of any kind in relation to these valued green spaces will not be supported.'

The Local Green Space is described in the Plan as,

'an area of open farmland on the norther boundary of Broseley served by two well used footpaths. This area is of value because it is immediately adjacent to the Severn Gorge World Heritage Site and serves as a protective buffer zone preventing physical and visual encroachment'.

6.1.8 Therefore, the plot is also in Local Green Space and its development would result in the loss of this amenity. It is considered that the benefits of the proposal are unlikely to outweigh the loss of amenity in this case. The principle of the proposed development on this site within Local Green Space is not acceptable.

6.2 Impact on the adjacent historic environment.

6.2.1 LDF Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's historic environment and does not adversely affect the heritage values and function of these assets. Policy MD13 of the SAMDev Plan sets out criteria by which Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.

6.2.2 From a conservation perspective it is considered that the proposed site contributes to the character and setting of the adjacent Conservation Area by providing an open agricultural aspect and a buffer between the extent of the built form of Broseley and the dense woodland of the Ironbridge Gorge World Heritage site. This area is distinctively open in nature which contrasts to the enclosed wooded areas beyond and provides an attractive open view which contributes to the character of the area. It is considered that development in this location would harm this open aspect and this encroachment into this designated local green space does not appear justified and would not be in accordance with policies, guidance and legislation.

6.3 Affordable Housing

6.3.1 In order to meet the diverse housing needs of Shropshire residents now and in the future and to create mixed, balanced and inclusive communities, Policy CS11 seeks to ensure that all new open market housing makes appropriate contributions to the provision of local needs affordable housing having regard to the current prevailing target. An affordable housing contribution proforma has been submitted during the course of the application.

6.3.2 In a Written Ministerial Statement on 28 November 2014, Brandon Lewis MP, Minister of State for Housing and Planning, announced that the Government was making a number of changes to the national Planning Practice Guidance (PPG) with regard to Section 106 planning obligations. These included the introduction of a threshold beneath which affordable housing contributions should not be sought. The Ministerial Statement confirms that for sites of 10 units or less and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. Local authorities may choose to implement a lower threshold of five units or less in designated rural areas.

6.3.3 At paragraph 63, the NPPF (revised July 2018) confirms that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.

6.3.4 Therefore as the indicative number of dwellings is seven on this proposed residential site and it does not fall within a designated rural area, the Council would not in this

instance seek provision of on-site affordable housing and/or and affordable housing contribution. Had it been possible to amend this application to a 100% affordable housing development the proposal would still be considered unacceptable due to the Loss of Local Green Space as discussed in sections 6.1 and 6.2 of this report.

7.0 CONCLUSION

7.1 With consideration given to: the unresolved proposal to amend the scheme from open market to 100% affordable and which officers' have advised would require a new planning application; that new open market residential development in the countryside is intrinsically contrary to policy; the concerns of officers in relation to the implications for developing contrary to Broseley Town Plan Policy ENV.1, as well as to the impact of the development on the wider historic environment; taking into account both the public representations of objection and support; and with Planning Application Ref: 18/03001/FUL for a single plot affordable development on the adjacent site to the north in mind, which is as yet undetermined but is also recommended for Refusal, the proposed development is recommended for Refusal for the following reasons:

7.2 The proposed development is located outside of any development boundary and within open countryside, and therefore is in a location which is considered inappropriate for new housing development; as such the proposal fails to comply with adopted policies CS3, CS5, CS6, and CS17 of the Core Strategy; Policies MD1, and MD7a of the Site Allocations and Management of Development (SAMDev) Plan and the objectives of the National Planning Policy Framework. The Council has a robust five-year housing land supply within settlements designated for development and so the housing policies of the Development Plan must be attached full weight, and whilst the proposed scheme would deliver modest economic and social benefits there are no material considerations of sufficient weight to justify a departure from the Development Plan. The proposal is therefore contrary to the aforementioned policies.

7.3 The proposed site is within a 'Local Green Space' as designated on the Broseley Town Plan Map where under Policy ENV.1 of the Broseley Town Plan 2013-2026 proposals for development of any kind in relation to these valued green spaces are not supported. The benefits of the proposal would not outweigh the loss of this valued area which serves as a protective buffer zone preventing physical and visual encroachment between Broseley and the Ironbridge Gorge World Heritage Site and is an unacceptable amenity loss contrary to Policy H.7 of the Broseley Town Plan 2013-2026. The adverse impact of the loss of this 'Local Green Space' on the adjacent historic environment is contrary to the Shropshire Council Local Development Framework Policies CS6 and CS17, and Site Allocations & Management Of Development Plan Policy MD13 in addition to the objectives of the National Planning Policy Framework.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

LDF Core Strategy Policies:

CS1 Strategic Approach

CS5 Countryside And Green Belt

CS6 Sustainable Design And Development Principles

CS11 Type And Affordability Of Housing

CS17 Environmental Networks

CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD1 Scale and Distribution of development

MD2 Sustainable Design

MD7a Managing Housing Development In The Countryside

MD12 Natural Environment

MD13 Historic Environment

S4 Broseley

Supplementary Planning Documents (SPDs):

Type And Affordability Of Housing

Broseley Town Plan 2013-2026

RELEVANT PLANNING HISTORY:

None for this specific plot

Land adjacent to the north

18/03001/FUL – Erection of single plot affordable dwelling, formation of access. Recommended for Refusal

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NQXBDKTDLON00>

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

- Design, Access and Planning Statement dated July 2015
- Ecology Assessment by Churton Ecology dated May 2015.
- Agent Response To Representations dated 7th September 2015.

Cabinet Member (Portfolio Holder)
Cllr R. Macey

Local Member
Cllr Simon Harris

Appendices
APPENDIX 1 - Informatives

APPENDIX 1

Informatives

1. If your application has been submitted electronically to the Council you can view the relevant plans online at www.shropshire.gov.uk. Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.

2. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

LDF Core Strategy Policies:
CS1 Strategic Approach
CS5 Countryside And Green Belt
CS6 Sustainable Design And Development Principles
CS11 Type And Affordability Of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:
MD1 Scale and Distribution of development
MD2 Sustainable Design
MD7a Managing Housing Development In The Countryside
MD12 Natural Environment
MD13 Historic Environment
S4 Broseley

Supplementary Planning Documents (SPDs):
Type And Affordability Of Housing

Broseley Town Plan 2013-2026

3. Shropshire Council seeks to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of an area in accordance with paragraph 38 of the National Planning Policy Framework. However in this case the application is not considered in principle to fulfil this objective having regard to relevant development plan policies and material planning considerations.

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