



Committee and Date  
North Planning Committee  
28<sup>th</sup> May 2019

Item  
**7**  
Public

## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

<b>Application Number:</b> 19/01359/OUT	<b>Parish:</b>	Hodnet
<b>Proposal:</b> Outline application (layout for consideration) for residential development		
<b>Site Address:</b> Land South Of The Woodlands Peplow Market Drayton Shropshire		
<b>Applicant:</b> FW Brown And Co (Lincs) Ltd		
<b>Case Officer:</b> Sue Collins	<b>email:</b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>	

**Grid Ref:** 363127 - 324920



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

## Recommended Reason for Approval

**REPORT****1.0 THE PROPOSAL**

1.1 This application seeks outline planning permission for a residential development comprising four dwellings. The layout of the proposed development is to be dealt with as part of this outline application but the issues of appearance, scale, access and landscaping are to be dealt with as reserved matters at a later date.

1.2 This is a resubmission of a previous application and has reduced the number of dwellings to 4 and includes a landscaped buffer area.

**2.0 SITE LOCATION/DESCRIPTION**

2.1 The site is located within the settlement of Peplow and is adjacent to a group of 4 semi-detached dwellings. Peplow is identified in the SAMDev as part of a Cluster with Marchamely and Wollerton.

2.2 The land is currently used for agricultural purposes with a mature hedgerow and trees along the road frontage.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 Applications where the Parish Council submit a view contrary to officers (approval or refusal) based on material planning reasons the following tests need to be met:  
(i) these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and  
(ii) the Area Manager or Principal Planning Officer in consultation with the committee chairman or vice chairman and the Local Member agrees that the Parish/Town Council has raised material planning issues and that the application should be determined by committee

**4.0 COMMUNITY REPRESENTATIONS full details of the responses can be viewed online****4.1 Consultee Comments****4.1.1 Parish Council:** objects

- it was deemed unsuitable in scale for the location
- the proposals were out of character with the existing housing in the location

4.1.2 **Affordable Housing:** If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Council's housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance.

4.1.3 **Highways:** No objection – subject to the development being constructed in accordance with the approved details and the recommended conditions and informative notes.

The application is seeking outline consent with all matters reserved, except for

layout for a residential development of 4 dwellings on a plot of land located between Peplow House and No.1 The Woodlands. The application is a resubmission of an earlier application for 5 dwellings under reference 19/00228/OUT.

Layout is to be considered as a determined matter. Access has not been included as a matter to be determined but its position will be determined by the approved layout? The details have been given as an 'Indicative' Site Block Plan (Drawing No. Rev C) with the layout of the site being inconsistent with the details shown on the Drainage Layout Plan (Drawing No. WL-DL-100)?

From the highway perspective, the application site as determined by the red line, the number of properties proposed, served by means of a private drive with a single point of access is considered to be acceptable in principle. The access will however need to be formed over quite a deep highway verge and ditch. Culverting of the new access road over the watercourse requires Ordinary Watercourse Consent from Shropshire Council. Visibility splays commensurate with the prevailing highway conditions will also need to be demonstrated as part of the detailed matters submission, requiring all vegetation/shrubs being cleared within the visibility envelope.

Based upon the information contained within the application it is considered that, subject to the above conditions being included on any approval, there are no sustainable Highway grounds upon which to base an objection.

4.1.3 **Ecology:** No objection

Providing the mature trees adjacent to the site are retained and there is no loss of bat roosting habitat I do not object to this proposal.

In order to enhance the site for biodiversity the recommended conditions and informatives should be included on a planning decision notice.

4.1.4 **Tree Officer:** No objection

The mature frontage trees are clearly an important feature of this proposal and shown as retained on the submitted plan with a new access through the trees. A full application needs to include a Tree Protection Plan and an Arboricultural Method Statement to provide a methodology for implementation of any site layout that has the potential to result in loss or damage to a tree prepared in accordance with BS 5837 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection.

4.1.5 **Drainage:** No objection subject to the inclusion of the recommended conditions.

4.1.6 **Regulatory Services:** No objection

Regulatory services have reviewed the application and have no objection subject to the inclusion of the recommended informative is provided to the applicant.

4.2 **Public Comments**

4.2.1 Three letters of representation have been received with the following concerns raised:

- Lack of consultation by developer to the local residents
- There are factual errors in the submitted information.
- Peplow has met more than its share of the number of dwellings required by

the policies.

- No mains water is available in the area and development could affect the borehole water supplies
- Treatment works has no additional capacity for new housing
- Roadside ditch is not free flowing due to blockages to treatment plant.
- Infrastructure such as phone, mobile phone and internet are abysmal and will be exacerbated if further development is permitted.
- Additional housing on the narrow lane will pose a highway safety risk.
- Loss of privacy to neighbouring properties
- The layout and density is not in keeping with other development in the area.
- Better use of brownfield development should be made first before agricultural land is used.
- Unacceptable loss of trees and vegetation which will affect wildlife in the area.

## **5.0 THE MAIN ISSUES**

- Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Ecology
- Trees
- Drainage

## **6.0 OFFICER APPRAISAL**

### **6.1 Policy & principle of development**

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 Peplow is identified in SAMDev as being part of the community cluster with Marchamley and Wollerton. Peplow is a loose knit community with small pockets of development spread over a relatively wide area. The adopted policy indicates approximately 15 dwellings over the period to 2026 for the cluster achieved through infilling, conversions and small groups of houses on suitable sites within the village of Peplow.
- 6.1.3 Concerns have been raised that the number of dwellings approved in Peplow has exceeded its share of this amount. However the policy does not imply that this is a maximum number of dwellings for the Cluster but a guide as to the level that should be achieved. The latest figures show that within the cluster 3 completions have taken place within the period 2011/12 to 2017/18 with a further 3 sites having

permission which had not commenced as at 31<sup>st</sup> March 2018. However this does not meet the requirement of at least 15 dwellings across the cluster and therefore on the basis that 15 is not a maximum and the cluster has not achieved this target this is not a basis on which it would be possible to defend a refusal of the current application.

6.1.4 As previously identified, the site is adjacent to residential dwellings which lie to the north east of the site. Agricultural land extends to the south east and west with the highway passing to the north west. The land to the south east separates the site from the residential curtilage of Peplow House and another small collection of dwellings which is typical of the pattern of development in Peplow. Within Peplow there are a wide range of housing ranging from large detached properties set within very large gardens to smaller cottages set within modest gardens.

6.1.5 In view of the above it is the opinion of officers that the principle of development in this area which is adjacent to existing dwellings within the village is acceptable and in accordance with adopted local policies S11.2(viii) and CS4 of the Shropshire LDF.

## 6.2 **Affordable Housing**

6.2.1 This proposal is for the construction of four dwellings and is therefore does not meet the criteria where an affordable housing contribution is to be paid or dwelling provided.

## 6.3 **Design, Scale and Character**

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. The National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. In addition policy MD2 of SAMDev builds on policy CS6 and deals with the issue of sustainable design.

6.3.2 Concern has been expressed that the proposal does not reflect the pattern and form of development that is currently within the village. In addition it is raised that there are a lack of services such as mains water, drainage, internet etc. available and that any development will cause these to be made worse.

6.3.2 As previously described in this report Peplow comprises many different styles and sizes of property. The current application is only dealing with the potential layout of the site, but it is clear that the intention is to provide a variety of size of dwelling as required by adopted local policies. Plots 1 and 2 take reference from the neighbouring semi-detached properties. They would follow the angle and line of the existing properties with parking spaces and large rear gardens provided. Plots 3 and 4 are to be detached dwellings of differing sizes with the land adjacent to plot 4 to be landscaped to provide screening but also to provide improvements to the ecology and biodiversity of the area.

6.3.3 In terms of the services available such a water and landline telephones, this would be the responsibility of the developer to provide them but is not a reason to justify refusal of an application.

6.3.4 Overall from the above it is the opinion of officers that the layout of the proposal is acceptable and it is in keeping with the pattern and form of development within the village and surrounding area. Therefore the proposal complies with policies CS6 and MD2 of the Shropshire LDF.

#### 6.4 **Impact on Residential Amenity**

6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

6.4.2 Concerns have been raised by a local resident that the proposal would give rise to a potential loss of privacy to neighbouring properties.

6.4.3 It is appreciated that the application does not provide the full details of the design of the proposed dwellings. However any future application would need to take into consideration the potential impact of the development on the residential amenities of the area. The layout of the site is however for determination and it is possible to determine a number of issues in relation to the proposal. None of the proposed dwellings will have elevations that will provide direct overlooking that would reduce existing privacy levels. Plot 1 is parallel to 1 The Woodlands and while there maybe views over part of the rear garden from the rear elevation, this would be no more that experienced from No. 2 The Woodlands. In terms of Plot 4, the nearest dwelling is Peplow House. The nearest wall of Peplow House that faces the site is in excess of 40 metres from the development. There is no adopted policy in relation to separation distances for privacy, but a general guide used is for a minimum of 21 metres uninterrupted views between habitable room windows. As this distance is exceeded and there will be additional landscaping on the land to the side of Plot 4 it is considered that there would be no loss of privacy as a result of the proposal.

6.4.4 Overall in view of the above comments officers are of the opinion that the development would not result in a detrimental impact on the residential amenities of the area. Therefore the proposal is in accordance with policy CS6 of the Shropshire Core Strategy.

#### 6.5 **Highways**

6.5.1 A number of concerns have been raised that the highway is a narrow single track road and any extra traffic will be a danger to highway safety.

6.5.2 The proposal has been assessed by the Council's Highway Development Control Manager. No objection to the proposal has been raised. The provision of a single access to serve four dwellings is acceptable, however as part of any reserved matters application the full details for the proposed access will need to be provided. This will include visibility splays and details as advised in their response. A number of conditions and informatives have been recommended for

inclusion on any planning permission that may be granted.

6.5.3 While Officers appreciate the comments received from local residents the proposal is considered to be acceptable with no sustainable highway grounds on which to base an objection.

## 6.6 Ecology

6.6.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Policy MD12 of SAMDev further supports the principle of protecting and enhancing the natural environment. Therefore the application has been considered by the Council's Ecologist.

6.6.2 It has been raised as a concern by local resident that the loss of trees and vegetation to achieve the development would have a detrimental impact on the wildlife of the area.

6.6.3 The scheme as submitted has included an appropriate habitat report and no objection has been raised to the proposal provided that the mature trees adjacent to the site are retained and there is no loss of bat roosting habitat. The Council's Ecologist has recommended a number of conditions and informatives to ensure that appropriate enhancements and protection is in place.

6.6.3 In view of the above it is considered that the proposed development will not have a detrimental impact on statutorily protected species and habitats. Therefore the proposal meets the requirements of the NPPF policy CS17 of the Shropshire Core Strategy and policy MD12 of SAMDev

## 6.7 Trees

6.7.1 The Council's Tree Officer has viewed the application and raised no objection to the proposal. However it is identified that the mature frontage trees are an important feature and are to be retained. Any subsequent application for the site will require a Tree Protection Plan and Arboricultural Method Statement to be submitted. This is to provide a methodology for implementation of any site layout that has the potential to result in loss or damage to a tree prepared in accordance with BS 5837 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection. A condition has been recommended for inclusion to ensure these are provided.

6.7.2 Overall from the information provided it is considered by officers that the proposal is acceptable and in accordance with policies CS17 and MD12 of the Shropshire LDF.

## 6.8 Drainage

6.8.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.

6.8.2 Concerns have been raised regarding the proposed means of drainage of the site. It is stated that the ditch is not free flowing due to obstructions in the culvert and

that the water treatment plant does not have capacity to deal with more properties.

6.8.3 In terms of surface water drainage, the details submitted indicated that run off is to be dealt with through a soakaway system with holding tank to limit the run off in to the ditch. The use of permeable surfacing will also reduce the amount of surface water run off that will be entering the system. The foul drainage is indicated to be connected to the existing treatment plant that serves the neighbouring properties.

6.8.4 The Council's Drainage Engineer has assessed the information submitted and raised no objection. However, conditions have been recommended for inclusion to ensure that appropriate schemes for foul and surface water drainage are installed as well as obtaining appropriate consents for works to the watercourse.

6.8.5 In view of the above it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

## 6.9 **Private Water Supplies**

6.9.1 Local residents have raised concern that there is no mains water supply and houses in the area are supplied from boreholes. There are fears that additional usage of these could impair the water supplies and in addition development could contaminate the supplies.

6.9.2 The Council's Regulatory Services Officer has viewed the proposal and raised no objection to the proposal on these grounds. They have recommended however, that an informative be placed on any decision advising a future developer of the requirements to protect the supplies.

## 7.0 **CONCLUSION**

7.1 Overall in view of the above it is considered by officers that the proposed development is appropriate in its layout and will provide a mix of housing as required by adopted policy. While concerns have been raised in relation to the proposal, most of these can be overcome or are matters for future developers of the site to deal with. As such the proposal is in accordance with the NPPF and policies S11.2(viii), CS4, CS6, CS17, CS18, MD2, and MD12 of the Shropshire LDF.

## 8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### 8.1 **Risk Management**

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

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

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

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

## 8.2 **Human Rights**

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

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

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

## 8.3 **Equalities**

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

## 9.0 **FINANCIAL IMPLICATIONS**

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

## 10. **Background**

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

Settlement: S11 - Market Drayton

CS4 - Community Hubs and Community Clusters

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

19/00228/OUT Outline application for residential development (5 dwellings) WDN 6th March 2019

19/01359/OUT Outline application (layout for consideration) for residential development PCO

PREAPP/18/00427 Proposed residential development of upto 5 dwellings PREAIP 11th

September 2018

19/00228/OUT Outline application for residential development (5 dwellings) WDN 6th March 2019

19/01359/OUT Outline application (layout for consideration) for residential development PCO

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)
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Cabinet Member (Portfolio Holder)
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Cllr R. Macey
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Local Member
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Cllr Karen Calder
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Appendices
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APPENDIX 1 - Conditions
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## **Conditions**

### **STANDARD CONDITION(S)**

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

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

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

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

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

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

4. The development shall be carried out strictly in accordance with the approved layout plan.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

5. As part of the first submission of reserved matters a Tree Protection Plan and an Arboricultural Method Statement shall be included. It shall provide a methodology for implementation of any site layout that has the potential to result in loss or damage to a tree prepared in accordance with BS 5837 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection.

Reason To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area.

6. The first submission of reserved matters shall include a landscaping plan. The submitted plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, 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;
- f) Boundary treatments.

The plan shall be carried out as approved, by the end of the first planting season following construction of any dwelling on site.

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

7. As part of the first application for the approval of reserved matters full details of the means of access, including the layout, construction and sightlines shall be submitted. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

Reason: To ensure a satisfactory means of access to the highway.

8. As part of the first application for the approval of reserved matters details for the parking, turning, loading and unloading of vehicles shall be submitted. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

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

9. Prior to first occupation / use of the building[s], the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 2 external woodcrete bat box or integrated bat roost feature, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, 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 opportunities for bats, in accordance with MD12, CS17 and section 175 of the NPPF.

10. Prior to first occupation / use of the building, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 5 artificial bird boxes, of either integrated brick design or external box design, suitable for House Sparrow, Swallow & Wren should be installed on site. The boxes should be sited in an appropriate location and thereafter maintained for the lifetime of the development.

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

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

11. 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. 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.

