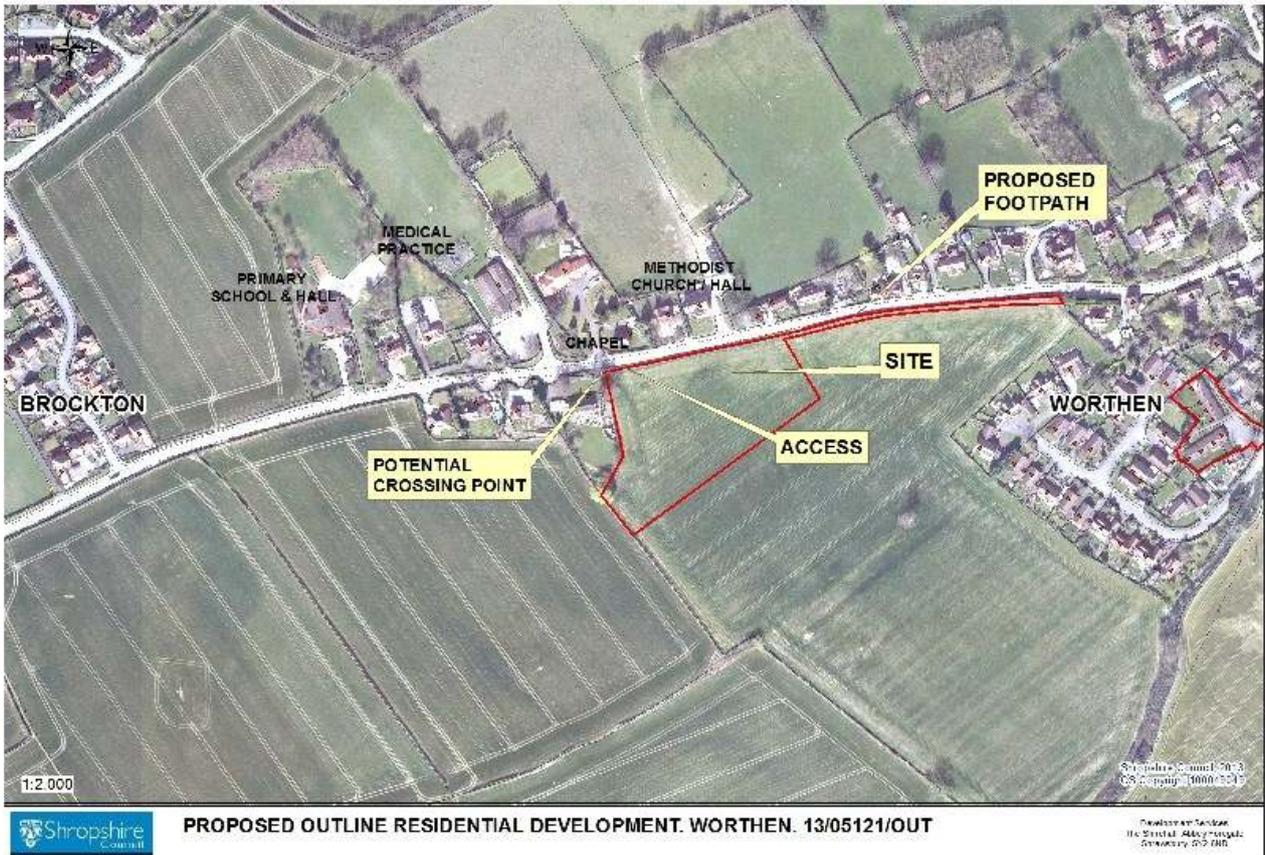


Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 14/00398/OUT	Parish:	Worthen with Shelve
Proposal: Outline application (access and footpath) for phased mixed residential development; formation of vehicular access and new footpath		
Site Address: Land at Worthen, Shropshire SY5 9HT		
Applicant: Mr B Holloway		
Case Officer: Grahame French	email: planningdmsw@shropshire.gov.uk	



Recommendation: Grant Permission subject to the conditions and informatives set out in Appendix 1, and subject to a Section 106 legal agreement to secure the payment of an affordable housing financial contribution, in accordance with the Council's affordable housing policy.

REPORT

1.0 THE PROPOSAL

- 1.1 Outline permission is sought for the erection of up to 25 family sized houses to the immediate west of the village of Worthen, some 10 miles west of Shrewsbury. The applicant states that the design of the scheme would be sympathetic to the architectural styles of the area and the scale would be appropriate to the site. Adequate parking and turning areas would be provided and there would be a garden area for each property. A new access off the B4386 would be created, and the development would also provide for a new 300m stretch of pedestrian pavement along the frontage of the development, to improve the accessibility of the area.
- 1.2 The application is in outline, with all matters of detail reserved for subsequent approval. Notwithstanding this, the applicant has provided an indicative layout plan and details of the likely housing types. This indicates a mix of housing types ranging from larger bungalows fronting the road to 2 and 3 bedroom detached and semi-detached houses elsewhere, ranging from 800 to 1,450 square feet. All would have good sized gardens, garages and sufficient parking for 2 cars within the curtilage. The new dwellings would be intended for 'open market' sale and occupation. All existing structures within the site would be removed. Foul drainage would go to the existing mains sewer in the road.
- 1.3 The applicant states that plots are proposed to be family sized homes of modest accommodation to satisfy an identified need in the community. It is stated that the housing density would provide an acceptable balance between making best use of land, whilst respecting surrounding development character and patterns. The proposed development land is situated at a lower level than the road so it is stated that some two storey dwellings could potentially be considered as part of the housing mix.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site (area 1.2ha) comprises a roughly rectangular area (130m E-W x 80m N-S) at the northern end of a large arable field. It is located some 430m east of the centre of Worthen and 19 km south west of the Shrewsbury town centre. The northern boundary is defined by the B4386 Westbury to Montgomery road. A mixture of one and two storey properties surround the site on 3 sides. To the south the land slopes towards the Worthen Brook some 320m away, with a fall of approximately 10m from north to south across the site. The Shropshire Hills AONB is located 1.2km to the south. The nearest public footpaths are located 330 south east and 400m west of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application has been referred to the committee by the local member and this decision has been ratified by the Chairman of the Planning Committee and the Development Manager in accordance with the Council's adopted Scheme of Delegation.

4.0 COMMUNITY REPRESENTATIONS

4.1.1 Worthen with Shelve Parish Council – Objection.

- i. Housing policy: The SAMDev revised preferred options draft dated July 2013 clearly states that the Site WORTH002 is not allocated for housing. The Parish Council and the local community have worked tirelessly for a number of years with Shropshire Council in planning for the future sustainable development of the parish as part of the SAMDev process encouraged by central government in their Localism agenda. Local consultation events have taken place in partnership with Shropshire council and the parish council. We have been actively involved in determining the level and quantity of development within our Parish Boundary. Furthermore, The Site Allocations & Management of Development (SAMDev) process has seen us being actively consulted on not one, but two occasions, and we are generally content in supporting the levels of development in the plan which is shortly to be submitted to the Planning Inspectorate for examination of soundness. Alongside this process, Worthen with Shelve Parish Plan Committee have held at least six public consultation events to gauge opinion on many local matters including planning. The work carried out by the Parish Council, the Parish Plan committee, and many other community organisations in the parish has resulted in a level of development which is considered sustainable by the local community and Shropshire Council. The Worthen with Shelve Parish Plan was adopted in January 2014. In addition, a Local Implementation Plan was put in place by the Parish Council based on evidence gathered from the aforementioned events and the preliminary results of the parish plan questionnaire (which was distributed to every household in the parish). This document now sits within the Parish Plan. Worthen has been included as a component of a proposed Community Cluster within the SAMDev Revised Preferred Options report for the Bishops Castle area and the Parish Council feel this can be afforded some weight since this DPD is now at an advanced stage in the process towards examination and adoption. A sustainable growth target of 30 houses up to and including 2026 for the whole of the Worthen ward has been established, with a community preference of estates of no more than 5 houses and a maximum of 10 houses to be built in each 1/3 of the plan period. These open market properties should be delivered through infill and windfall. The Parish Council are mindful that an appropriate mix of housing for the community is required and are encouraging the growth of the parish in a staged and sustainable manner. A preference for a housing mix of 2 and 3 bedroom properties and bungalows has been expressed by the Parish Council. At the time of writing, Worthen with Shelve Parish Council have already been consulted on applications for at least 12 new open market properties in the Worthen ward.
- ii. Highways, general: The safety of the public highway network is a material consideration, and it should be noted that visibility from the proposed development site on to the B4386 could be restricted by a hedgerow. Furthermore, visibility for vehicles turning right from the proposed site would be poor due to the fall away of

the road down The Bank. This worrying concern would be reversed for vehicles travelling through Worthen towards Brockton. The carriageway is also very narrow in places. The volume of traffic (particularly HGVs) is ever increasing through the villages and a development of some 25 houses would add to the vehicle movement in and around the area. There is a bus service, four times daily Mon-Sat. This services Shrewsbury itself and not the surrounding satellite shopping areas where most supermarkets are located. It is envisaged an additional 25 houses on top of the 12 already applied for will increase traffic by way of personal use and supermarket delivery vans. The well-used village hall currently accommodates a pre-school, mums and tots, a Doctors surgery (a new surgery will be built adjacent to the primary school commencing 2014). In addition, two childrens play areas, a well-used Methodist church (community hall) and a primary school are all situated on the opposite side of the road with no safe crossing place.

- iii. Highways, pavement: We note the applicant has included a pavement in the planning application and in order for this scheme to proceed other landowners would need to be approached and may well refuse the use of their land. As the pavement is included in the scheme would this and a safe crossing be a cost for the developer?
- iv. Highways, Speeding traffic: Despite recent and ongoing speed enforcement by the police, speeding vehicles continued to be a priority danger in the villages. We would urge the Councils Highways Development Control Team to acknowledge the Parish Councils current concerns combined with the additional safety issues which would be as a direct result of the proposed development location.
- v. Flooding: We have concerns that if building on this field goes ahead there will be drainage issues which may result in additional flooding of agricultural land and properties elsewhere in the area. The proposed site is on a slope directly above land which has already been designated as liable to flooding by the environment agency (please refer to The Environmental Agencies Fluvial Flooding Map for Worthen). The map highlights the areas near Millstream and Brookside which have suffered flooding even after remedial measures were undertaken as a joint venture with The Parish Council and Shropshire Council. We are also aware that the Old Mill Race runs through this field and is not drained properly. The NPPF, paragraph 103, states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. The application accepts that flood risk would be increased elsewhere in the area.

4.1.2 SC Archaeology (Historic Environment): Further information is requested. The proposed development site lies to the east of the village of Worthen on slightly elevated land that skirts the edge of a low lying flood plain of Rea Brook. As part of the ongoing aerial survey of archaeological sites in Shropshire a cropmark complex of ring ditches, enclosures and pits (HER PRN 28714) were recently located 300m east of the proposed development site along the same contour level. This density of Bronze Age ritual monument and possible later settlement attest to the favourable location for prehistoric occupation of the current development site. A number of other non-designated heritage assets dating from the Roman and Post-Medieval period are located in the surrounding area. No previous archaeological work has been undertaken in this area. In view of the above and in accordance with NPPF Section 128 I would recommend that a Heritage Assessment of the application site be undertaken prior to any planning application being determined. This should take

the form initially, of a desk based assessment of the site and walk over survey to include all heritage assets that may be directly affected by the development and addressing any issues of setting of heritage assets that may arise. Additionally a geophysical survey of the site should be undertaken as part of this assessment. The desk based assessment and geophysical survey may conclude that further evaluation may be necessary to assess the extent, survival and significance of any archaeological remains. This in turn would enable an informed planning decision to be made regarding the archaeological implications of the proposed development and any appropriate archaeological action or mitigation.

- 4.1.3 SC Affordable Housing: - No objection. If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full application or a Reserved Matters application. The current prevailing target rate for affordable housing came into force on the 1st September 2013 and in this area is 20%. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. The size, type and tenure of the affordable homes will need to be agreed with the Housing Enabling Team before any further application is submitted.
- 4.1.4 SC Conservation (Historic Environment): - No objection. The proposed development site sits between Worthen and Brockton, neither of which have Conservation Areas, but which do however contain listed buildings. The location of the site is a distance away from the listed buildings. However there are some interesting traditional buildings to the north which are of local historic value. Surrounding the site to the north, east and west are a mix of traditional and modern construction, mainly brick and render with slate and clay tile roofs. The main issue with this site is the impact the development would have on the landscape and this must be dealt with sensitively. If the principle of development in this location is supported the dwellings should be of high quality design and materials and pick up on the local vernacular, particular attention should be made to the street scene and the design of the entrance and buildings upon the roadside.
- 4.1.5 SC Drainage: - No objection subject to conditions covering surface drainage (included in Appendix 1).
- 4.1.6 SC Learning & Skills: - No comments received.
- 4.1.7 SC Highways DC: – To be reported verbally.
- 4.1.8 Housing Enabling & Development Officer – As the proposal relates to the provision of replacement dwellings there is no requirement for an affordable housing contribution in this instance.
- 4.1.9 SC Ecology: – No objection subject to conditions and advisory notes relating to Bats Great Crested Newts, Badgers and nesting birds.

Public Comments

4.1.10 The application has been advertised in accordance with statutory provisions and the nearest residential properties surrounding the site have been individually notified. Thirty objections have been received. The main issues are as follows:

- i. Planning policy: conflicts directly with the village development plan. This calls for much smaller groups of properties built over a number of years on infill sites. I think to build 25 houses in Worthen is totally inappropriate & completely ignores the wishes of the majority of local residents, as I understand smaller scale infill housing over a period of time has been discussed, agreed & laid out in a local parish plan which would seem a far more acceptable & less disruptive solution to local housing needs. The scale of the development is far too large. It does not meet the needs of the local community which has been identified as smaller homes for older people and affordable starter homes for young families. The Parish Plan is designed to allow the organic growth of the village in response to need. It allows a diversity of styles to suit the needs of house builders and maintains the character of the village which is due to the several hundred years over which building has occurred. This plan fulfils the aims and objectives of the Localism Act. The community has worked well together to develop a village plan. This plan rejected the area being a HUB for many very good reasons. Not least of these were that any such larger development would cause the above problems to be made worse and would end up with some homes having to be abandoned or modified in order to try to protect them from flooding and contamination. Facilities would also be needed which Shropshire council would be very unlikely to provide. When we have all done the work and put the plan together the council and central government have a duty to listen to the wishes of the community. If by some travesty the proposal are accepted it will open the flood gates to other proposals from developers who I know are waiting in the wings causing a free for all of get rich quick merchants who could care less about the future of our villages and local communities or the problems caused to the environment and the infer-structure. We are being bullied into having a larger development of housing than we need or want on an inappropriate site because there is a national need for more homes. The planning statement says the development has the supported by both the council and community however nothing could be further from the truth ? the SAMDev consideration was removed after public consultation. It also says the application (8.9) is in line with the Parish Plan and subsequent Parish Council plan. Again a miss representation the Parish Plan. The plan driven by the community says it needs conservative developments and the villages certainly did not need estates of houses being built, so this development does not meet the aims of the Parish Plan (as claimed), which seeks sustainable development.
- ii. Sewerage: The sewerage system in the village is already overburdened, with blockages and flooding all too frequent. The addition of another 25 properties before this problem is adequately addressed will lead to further pollution incidents, with implications for human health and environmental impact on the brook. I am aware that on at least two occasions recently there has been sewage coming up through a manhole in the garden. I was told the sewage system is struggling to cope with the present volume of waste. Until such time as this present problem is resolved to allow another 25 houses to discharge into the system can only lead to further pollution of the brook and unpleasantness and health risks in Millstream.

The drains - if they cannot cope now how will they cope with another 50 toilets, 25 showers, 25 baths, 25 washing machines etc. The area is already unable to sustain the number of houses that exist here because serious flooding of the water courses happens on a regular basis with untreated sewage escaping into streams and on to adjacent land.

- iii. **Flooding:** There is likely to be increased surface water run-off from the roads, driveways and buildings of the proposed development. This will be discharged into Worthen Brook above the point where there have been considerable flooding issues in recent years. I am aware of the current situation with flooding but am concerned that the proposed development will increase that risk. This could affect the property I am hoping to purchase. During the recent heavy rains I could see the overflowed brook in the field to the rear of the proposed development. This will only be made worse when the excess water cannot soak into the field but will run off the concrete of the development increasing the flooding in the field to the rear, sending the water down stream into the existing housing. The Rea Valley upon the side of which Worthen lies was historically a bog which has been drained and converted into agricultural land. The fall in land from the watershed near Marton, is about 5 metres in the 3000 metres between Worthen and Marton and is susceptible to flooding. The foundations to the new houses which are to be built on sloping land will need to be substantial and may disturb drainage. Although the new houses themselves are unlikely to be flooded, flooding has occurred in Millstream and Brookside. Problems have been reported with overload of the foul sewer. The area to be developed has the old Mill Race running across the field, and there is a concern that the flooding problem within the village would be exacerbated by new houses. The NPPF, paragraph 103, states that 'when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere...' The proposal accepts that flood risk is increased elsewhere but says that surface water will be disposed of by a sustainable drainage system. Where will it go that will not put the houses in Millstream and Brookside at greater risk? There is already a problem with flooding in that area. The proposed site is on a slope directly above land which has already been designated as liable to flooding by the environment agency and which adjoins Millstream and Brookside. On the 'Outline Planning Permission' application submitted, the applicant in response to Question 12 when asked 'Will the proposal increase the risk of flooding elsewhere?', has answered 'Yes'. This will then presumably be increasing the potential of other, existing properties to be at risk of flooding. Given the present situation across many parts of the UK, one would think that any new builds proposed that would knowingly increase a flood risk would be stopped.
- vi. **Traffic:** An increase of 25 houses at one site is unsustainable in terms of local employment, meaning an additional burden of commuter traffic on the minor roads which serve the village. Increased traffic flow at peak times also increases the risk to pedestrians crossing the B4386 road to access village facilities. The construction of 25 new houses would inevitably lead to more traffic using the B4386 road through the village with the obvious increased danger to road users & pedestrians especially those trying to access the School, Village Hall & Doctors Surgery. The B4386 is a very busy road and cars and lorries speed through here especially after the hours of darkness. As a new resident I am surprised that a major accident has not already happened. Another 25 houses will bring with it at least another 25-50 cars (most households having two these days), and a car is a necessity living in this

area especially as regards the commute to work. This will increase the traffic density and road noise. Poor visibility and access onto busy road adjacent to school and village hall/doctors surgery. Building this large number of houses over a short period of time will result in a significant increase in the numbers of cars on the roads. At some times of the day the road (B4386) is very busy with a mixture of cars, heavy long distance lorries agricultural machines and delivery vans. Some of the larger vehicles straddle the white line in the middle of the road. A number of prosecutions have been made for speeding but the number of police available is insufficient for sustained enforcement. People wishing to join the main road from the development may find it difficult. Because of the limited bus service it is likely that there will be a need for at least one car per household. This can only lead to more congestion. There are occasions when cars need to park along the road causing yet more congestion. The road system serving the village is inadequate and very poorly maintained. Many choke points and dangerous corners at the end of fast straight cause accidents and danger. In the village the layout of facilities mean that the proposed development would add to the problems and general road danger. Of most importance is a road safety issue. Despite a 30 mph limit in force throughout the village, speeding cars are a daily occurrence. The proposed site is on a section of straight road, so cars turning out of the proposed development have to face speeding motorists. There would naturally be an increased number of vehicles causing increased air and noise pollution. Significantly the speeding problem has become so severe, that the police, on a couple of occasions in recent months, have been monitoring the situation and issued a number of speeding tickets. A number of events happen at the Methodist Chapel, which is opposite this development and close to the proposed access road. People tend to park in the road here as there is no other choice, especially if walking is not an option. The proposed development would make things more dangerous and may lead to the curtailment of events at this venue ? a disruption to regular life in the village. There will be a Highway Safety risk with a development of this size. We have found the B4386 is already over used and dangerous. There have been a number of accidents in and around the village including one near fatal accident opposite our house on the 18th August 2011. Within an approximate length of 200 metres (on B4386) we have a new bigger Surgery (being built), a School, Village hall, Methodist Chapel and now this proposed housing estate. I think this is too much traffic in such a small length of road. The 'old' Methodist Chapel (opposite the proposed new development) is very well attended with various interest groups. Many are elderly and like to park nearby. The proposed Junction to the Development will create a dangerous parking problem. Although we have a 30 mph speed limit through our village this is very rarely adhered to with the fastest traffic being just at the place where the entrance to this proposed new estate is going to come out onto the road. This is confirmed by the very fact that the Police very often park up at Millfield House to enforce the speed limit through the village. As the saying goes, should the scheme get the go ahead, then there would be an accident waiting to happen. The increase traffic and turning onto the B4386 has been totally missed in the application the presumption is that development with the addition of footpath and the existing bus service will reduce the number of car movements and so is sustainable. I am sure that study of the traffic figures before and after Brockton Meadow was built (developed between 2001 and 2003 and acknowledged by some in Shropshire Council as a mistake) you will see an increase in traffic movements. This has two consequences; one the claim for the sustainability credentials from

traffic reduction is entirely wrong. Also the increase in traffic applies more pressure to widen the road to a sustainable width and to widen the existing pavement.

- v. Loss of amenity: As the owners of Millfield House we moved to The Oaks, two doors away, less than five months ago. The attraction to the property being of course the view. Agreed we are not automatically entitled to a view but what about privacy? From the upstairs of The Oaks you can clearly see into at least half of the field proposed for the development, if I can see the field then any properties built will be able to see straight into our garden. Peace and privacy no more. What about the impact on the houses in the hills? They will have full view of an urban development rather than a quirky village. The noise and pollution from building works that will continue for months disrupting the community, no doubt at times closing the road and when this part of the development is built what about the rest of the field? Are we to put up with this for years to come? Worthen is a small village with magnificent views towards a designated Area of Outstanding Natural Beauty, and, although pockets of development have taken place mainly in the Millstream area in recent years, it continues to retain its character of a largely unspoilt rural village with open aspects over the surrounding countryside. We feel that the building of a housing estate on the land adjacent to Millfield House and opposite the Methodist Chapel will largely destroy this due to the density of the housing being proposed. Building houses in these numbers will also result in loss of privacy for the people living in adjacent homes, an increase in noise levels during the daytime and evening, and, due to the amount of street lighting which will inevitably be installed, a reduction in the dark night-time skies, from which the people living in this area benefit. The physical spaces between the proposed dwellings and the existing ones has been greatly reduced; especially between Stourton Cottage (where I live) and the first detached property. This will impinge on my privacy. I have lived in an adjoining property for 40 years. I am concerned that if houses are built on the higher ground my bungalow and garden will be overlooked, which I shall object to. The loss of hedgerow H2 which currently provides a buffer between the site and our property.
- vi Questioning need: The area already has an relatively new housing estate with houses that have been up for sale for months and even, I am told in one case, years. If existing properties are not selling then why build more in the same area? This community does not need this kind of development but the organic development outlined in the Parish Plan of a few houses scattered here and there, not all built together on one site. The application of the parish plan will result in a similar number of houses being built in response to local needs as need arises and is compatible with future expansion. At present there are about 8 houses which have been for sale for many months or over a year. Some small houses in Worthen have been bought, extended and sold on, at present two houses for which buyers could not be found, have been sold at knock down prices as "buy to let" investments. They still have no tenants. The Housing Association has land available elsewhere in Worthen which is suitable for affordable housing and rentable accommodation. Firstly, we would question whether the village needs a housing development of this size. A separate proposal to build new housing at Millstream following the demolition of now derelict sheltered housing has already been submitted to the planning department. In addition, we feel it is important to note that there are a number of houses for sale in Worthen and Brockton in a range of price brackets and sizes, which have now been on the market for many months,

suggesting that there is no shortage of available housing in the village. We also feel that the outcome of the application for outline planning permission should be guided by the preferences of the people living in Worthen and the recommendations of the Parish Council. A development of this size will become a buy-to-let or holiday estate; not what the local community wants at all. The village already has an area in Old Millstream Close which is ready for development. The new builds in that development will be more than adequate for a village of this size. Additionally, when houses here are placed 'For Sale', they remain in that state, without a buyer, for many months, if not years. This is not the first application for the development of this site. The last was larger and created strong objections. The public meeting on Saturday 22nd February suggests those sentiments are still shared. It would appear there is no market for such homes and I am left wondering why this application has been made given the last time it was opposed and local residents feel so strongly it should be rejected.

- vii. Questioning footpath benefits: They will build a footpath but this will not I understand extend as far as the shop and what about a pedestrian crossing - you will need one of those - attended at school times. The proposal does not adequately address the problem of an unsafe footpath between the village shop and the school. There will be a need for a form of pedestrian crossing controlled by lights to enable mothers and children to use the new footpath. In addition, outside school hours pedestrians will wish to cross the road to the medical centre or village hall. There are school buses to the secondary school but no public transport. Whilst the footpath would be a much needed asset to the village, it would likely only be used by those living in these new houses, and there would still be the necessity for people to cross over the road in order to access the Doctors / School / Village Hall and busy Methodist chapel. A new footpath is proposed, but despite being welcome in the village it will only serve people walking down to the Village Stores and the Parish Church. The majority of the widely used public buildings in the area i.e. doctors surgery, primary school, village hall, will necessitate the crossing of this busy fast road without any official crossing facility. I'm not sure if the proposed footpath will be behind the current hedgerow, or will be in place of the hedgerow. Behind the hedgerow may lead to an isolated dangerous path, especially after dark. If the hedgerow is taken out to accommodate the footpath, this would lead to even more loss for our wildlife with the loss of the hedgerow. There is no safe crossing point along that stretch of road. The major village facilities of Primary School, Doctor's Surgery and Village Hall and playing field are on the opposite side of the road to the proposal and, with 25 additional households needing those facilities, there is a potential source of danger from children and parents crossing, particularly to the school and doctor's surgery. I understand that if the application does get the go ahead then a new wider pavement will be put in place for people to be able to walk down into the village of Worthen making walking in that direction safer. However, in the opposite direction there will be no such pavement and so the walk up to the school, Dr's surgery, village hall, pub and to Brockton itself will still be the same unsafe pavement that has always been with the added hazard to those of any new houses on that side of the road of having to cross this very straight, fast road that we have through our village. A good footpath on the south side of the B4386 would be most welcome but this could be achieved by Mr. Holloway agreeing to sell a strip of land to make it possible. It would also need more thought as to the start and finish of the path and a suitable crossing place. The Planning Statement says: - the application is supported by a Land Ownership Plan however I can't see it in the

documents on the portal. Why is this important? It's clear in the appendix 3 Mouchel identify land on other properties owned by other villagers that would make the proposed footpath work and the application highlights this is an important aspect leading to sustainability by promoting sustainable transport. With such a dependency I think this is an important omission and giving the impression that the footpath is the 'done deal' and I think the Mouchel in the appendix give a more authoritative and accurate (if out of date) account of what is required including road calming and a number of other funding and ownership challenges to be accounted for if the footpath is to be taken into account with application. The 'safe' footpath is highlighted as being important for walking, sustainability and access to the main facilities reducing car journeys, however all the facilities mentioned are on the other side of the road to the proposed footpath; so crossing this busy road in possibly two places is the natural consequence of this proposal. What would be truly sustainable would be if the road could be widened and to improve the existing pedestrian access. Something else in favour of this was a recent Severn Trent mains replacement works meant the road had to be closed because the width of road was not suitable for two way traffic operation and on occasion pedestrian access. If sustainability is a core deliverable then widening of to the road and the existing footpath would be excellent.

- viii. Ecology: On the site, we have seen Red Kite's and other birds of prey, as well as Otters in the brook that need to be considered, as the impact on wildlife cannot be undone, a full ecological survey should be undertaken to ascertain what damage maybe caused to species already endangered. A full ecological survey must be done as we have otters on the Worthen Brook and a rich mix of mammal and bird species. If bats are roosting in the area this must be of great concern.
- ix. Other: Devaluation of property that overlooks the proposed development - I along with the owners of Millfield House will look for compensation. At present the housing on The Mount is linear with interesting houses fairly widely spaced on the hillside. Any additional housing here should fit in with the existing landscape. This is agricultural land at the present time. Mr Holloway is not a farmer but works in the financial sector outside the United Kingdom and European Union and now wishes to divest himself of his holding. No information is provided on the manner in which this new estate is to be built. If houses are built as buyers are found, the completion of the estate may take several years as there is already a number of houses readily available for occupation. The existing housing along the main road is very varied and it is unlikely that this housing development will have the same variety. The new development is also likely to be the start of ribbon development along both sides of the road between Brockton and Worthen. Owners of the proposed houses would be dissatisfied because of the blight caused by helicopters from RAF Shawbury over flying them constantly. The proposed housing development is likely to bring a significant increase in children to a village where there is already little for young people to do in the evenings or at weekends. The proposed dwellings would be out of character with the main housing in that area which are single dwellings along the side of the road. A dense estate would not be appropriate in the village. If this proposal goes ahead it will create a precedent for more on this site. The density is too high for a Village this small. Consultation has also been undertaken with the local community in particular at a public consultation organised by the parish council held on 23rd June 2012 What it does not say over 80% of those consulted did not support the development. The proposed outline

does not respect the local context or street pattern and is out of character with the area.

5.0 THE MAIN ISSUES

- Policy context and principle of the proposed development;
- Design of the proposed development
- Environmental impacts of the proposals – traffic, drainage, sewerage, ecology, visual impact;
- Social impact – residential amenity, public safety, footpath;
- Economic impact;
- Overall level of sustainability of the proposals.

6.0 OFFICER APPRAISAL

6.1 Policy Context and principle of the development:

6.1.1 Worthen falls within the Bishop's Castle area of the emerging SAMDev and is identified as part of a Community Cluster, together with the settlements of Brockton, Little Worthen, Little Brockton, Binweston, Leigh, Rowley, Aston Rogers and Aston Pigott. Draft policy S2.2(x) advises that where development by infilling and conversions may be acceptable on suitable sites. The housing guideline for the Cluster is around 30 additional dwellings over the period to 2026. The Worthen with Shelve Parish Council Local Implementation Plan expresses a preference for the following:

- a) Phased development so that no more than 10 houses are permitted in each third of the Plan period,
- b) No single site is developed for more than 5 houses,
- c) The existing gap between the villages of Worthen and Brockton remains undeveloped to maintain the distinctive character and separate nature of the two settlements.

6.1.2 The current proposals to develop up to 25 properties in one specific area of the community cluster would not comply with this emerging policy due to the number of houses proposed. It is also questionable whether the site could be viewed as 'infill development' in the terms meant by this draft policy. However, housing land supply in Shropshire has recently fallen beneath the 5 year level required by the National Planning Policy Framework (para. 47). As a consequence, existing saved policies on housing supply are now out of date and this has implications for future planning decisions. The NPPF states (para 14) that 'where the development plan is absent, silent or relevant policies are out-of-date, (permission should be granted) unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted'.

6.1.3 As existing housing supply policy is now out of date, permission must be granted for new housing proposals which are 'sustainable' (NPPF 197). This is the case, even where, a proposal would represent a departure from existing saved policy or emerging SAMDev policy. Relevant housing supply information indicates that the level of housing undersupply is continuing to increase so this situation is likely to

remain until the SAMDev is adopted. Legal caselaw has established that whilst the SAMDev is at a relatively advanced stage, little weight can be accorded to these policies in the context of the current housing supply shortfall. The NPPF therefore provides a temporary 'window of opportunity' for developers to come forward which developments which might not otherwise succeed when the SAMDev is adopted.

- 6.1.4 The key policy test to apply therefore at this stage is not whether the proposal complies with emerging policy and the parish plan but whether or not it would be so fundamentally flawed that it should not be regarded as sustainable. If a proposal does not comply fully with some individual sections of the NPPF it may still be regarded as sustainable overall. The NPPF advises that there are three dimensions to sustainable development – environmental, social and economic (NPPF 7). In order to assess the sustainability of a proposal it is necessary therefore to evaluate these three dimensions before deciding whether the development can be regarded as sustainable overall. This is having regard to relevant policies and guidance and also to any benefits offered by the proposals.
- 6.1.5 The main issue to address is whether the proposals would result in any additional impacts on surrounding properties, amenities, the environment, infrastructure, economy and local community relative to the existing situation and, if so, are these impacts capable of being mitigated such that the proposals would be sustainable. If the proposals can be accepted as sustainable then the presumption in favour of sustainable development set out in the NPPF would apply. Sustainable proposals would also be expected to be compliant with relevant development plan policies including Core Strategy Policies CS5 and CS6.

6.2 Environmental Considerations

- 6.2.1 Traffic: Objectors have expressed concerns that the proposed access would join a dangerous stretch of the public highway and would exacerbate existing traffic capacity issues through the village. It is acknowledged that the road has some width limitations in this locality and can at times be busy. However, it is not considered that the proposed development of up to 25 houses in this location near the centre of Worthen would be likely on its own to add to an unsustainable increase in levels of traffic on this B-class road. The Applicant has provided indicative access and layout plans which suggest that a safe access compliant with relevant highway visibility standards is capable of being achieved. There is a fall of 2.5m into the site and this would be negotiated by adding providing a curved road into the site to slacken the gradient. Whilst the concerns of objectors are noted it is not considered that the proposals would be likely to lead on its own to an unsustainable increase in traffic through the village. The proposed footpath would be expected to reduce the need for some vehicle movements associated with the development. It may also reduce the level of village traffic visiting the nearby community facilities as it would provide pedestrians with the opportunity to walk to these facilities instead. Exact details of the junction and internal access roads would be provided at the reserved matters stage. However, it is considered on balance that refusal on highway or access reasons could not be justified at this outline stage. (Structure Plan Policy CS7).

- 6.2.2 Ecology: An ecological survey confirms that this existing agricultural field has limited habitat interest. The Natural Environment section has not objected subject to the inclusion of appropriate informative notes referring to ecological interests on any decision notice. Landscaping is proposed and would add to overall levels of biodiversity within the site. The proposals therefore comply with Core Strategy Policy CS17.
- 6.2.3 Drainage / Flooding: Objectors have raised concerns that the proposals could make existing local flooding problems with Worthen Brook worse due to replacing agricultural field with less permeable surfaces. The land slopes from north to south and there is potential for water to be discharged more rapidly off the site. However, the Council's drainage team has not objected, provided appropriate drainage conditions and advisory notes and placed on any decision notice. These are included in appendix 1. Surface water from roofs would be taken to suitably sized soakaways, the design of which would be dealt with at building regulation stage, and would comply fully with BRE 365. The use of permeable paving and gravelled parking areas would ensure that no unnecessary surface water run-off is created. Water butts could also be incorporated into the scheme to ensure that a natural resource is not wasted. The Environment Agency Flood Map indicates that the development is not within an area that is at risk of fluvial flooding. It is not considered that the proposals would result in an unsustainable increase in local drainage levels provided appropriate measures are employed as per the recommended conditions. These are capable of being secured at the reserved matters stage. The proposals are therefore capable of complying in principle with Core Strategy Policy CS18 relating to drainage.
- 6.2.4 Sewerage: The applicant is proposing that foul water from the proposed dwellings would be taken to the existing foul sewer that runs nearby to the site. Local residents have expressed concerns that the proposals could increase the level of strain on local sewerage capacity and may also contribute to flooding. If the applicant achieved an agreement to link to the mains sewer then Severn Trent Water will be statutorily obliged to ensure that the sewerage system has sufficient capacity to accommodate the development. There is no reason to suspect that such an agreement would not be forthcoming. The option of installing a package/biodisc treatment plant at the site would however exist if a main sewer connection was not possible, subject to a separate planning permission. It is considered that this would be a potentially sustainable fall-back position given the size and location of the site. (Core Strategy Policy CS8, CS18)
- 6.2.5 Visual amenity: The proposed site is located 1.1km north of the AONB and the land slopes towards the AONB. The existing settlement of Worthen is visible from some elevated locations within the AONB. However, it would not break the skyline as seen from the AONB and it is not considered that the development would be visually intrusive from this location. The land continues to rise to the north of the B4386 and there are a number of 2 storey dwellings and mature trees which would be more likely to be visible as skyline features, framing any distant views towards the site from the AONB.
- 6.2.6 Some objectors express concerns that the proposals would result in damage to south facing views towards the AONB of properties north of the B4386. Whilst there is no legal right to a view the applicant has discussed this matter with planning

officers and has agreed that the row of houses nearest to the road should be bungalows to prevent overlooking and loss of views. The 2 floor houses would be located further south on land at least 3-7m lower than the highway. Hence views would be limited and the upstairs windows of the properties to the north would maintain views towards the AONB hills. Landscape planting is also proposed to further integrate the development with its surroundings. The site is set down significantly relative to the highway, behind an existing mature roadside hedgerow and the nearest properties to the road would be bungalows. It is not considered therefore that the development would present an overbearing appearance or compromise any sense of openness in this village edge location.

- 6.2.7 The conservation officer states that the building design should be in keeping with the local vernacular. Whilst this is an outline application the applicant has confirmed that this would be the case. It is concluded that the proposals are capable of complying with relevant policies covering visual amenity and wider sustainability issues. (CS5, CS6, CS16, CS17)
- 6.2.8 Amenities: Some objectors have expressed concern that the construction period could adversely impact on local residential amenities. A condition requiring submission of a Construction Management Plan has been recommended in recognition of this concern. This would control matters such as hours of working and management of construction traffic. It is recognised that the site also benefits from a degree of natural screening from vegetation, topography and that the number of publicly accessible viewpoints is very limited.
- 6.2.9 Agricultural land: The site currently comprises agricultural land, some of which is of best and most versatile quality and is protected by the NPPF. However, the area of such land is not great and the site has limitations for modern farming due to the relatively steep slope and current limitations with the agricultural access. It is not considered that an objection on the grounds of effects to agricultural land could be sustained in these circumstances.
- 6.2.10 Archaeology: The council's archaeologist has requested that a desktop archaeological evaluation supplemented by field investigations and geophysical survey work is undertaken at this stage. This is based on recent crop mark records of some potential bronze aged features 300m to the east, which places them in a different geographic context in the centre of the village of Worthen. The applicant accepts the need to undertake an evaluation but questions the justification for undertaking it at this outline stage, when no clear evidence of prior archaeological remains or historical interest has been identified specifically at the site. The preparation of a full archaeological survey will entail significant cost and potential delay to the applicant. The key tests to apply when considering the justification for planning conditions is whether they would be reasonable, necessary and linked to the development. Relevant heritage guidance also advises that the extent of any heritage information requirement should be proportionate to the level of significance of a potential asset.
- 6.2.11 In this case it is considered that there is insufficient evidence to clearly justify the preparation of a full archaeological investigation and associated cost and delay to the applicant when an 'in principle' outline decision is currently being sought and there is ultimately no guarantee that the development will proceed. The field has

been intensively farmed for many years and is adjacent to a steep roadside bank which would reasonably be expected to have deterred historic settlement. The earliest buildings on historic maps are on more level land to the north of the road and the area is shown as a large open field, as currently, on historic ordnance survey maps dating to the 1870's. It is considered that requiring the provision of an archaeological evaluation at this outline stage would not meet the test of reasonableness and would be open to appeal by the applicant. Such a condition would however be appropriate at the reserved matters stage and a suitable condition has been recommended in appendix 1. This has been agreed by the applicant. Core Strategy Policy CS17.

- 6.2.11 Conclusion on environmental effects: The proposals would result in some disturbance to local amenities during the construction phase and there would a change to some local views. There would also be an additional pressure on the public highway and on local sewerage services and a need for archaeological evaluation at the reserved matters stage. However, it is not considered that there is any evidence that there would be any unacceptably adverse environmental effects which would justify refusal when available mitigation measures and recommended conditions are taken into account. The outline proposals therefore the environmental sustainability test set out in the NPPF.

6.3 Economic sustainability:

- 6.3.1 All housing schemes have some benefits to the local economy from building employment and investment in local construction services. The occupants of such properties would also spend money on local goods and services, thereby supporting the vitality of the local community. In addition, the proposals would generate an affordable housing contribution, CIL funding and community charge revenue which would also give rise to some economic benefits. Inappropriate development can potentially have adverse impacts on other economic interests such as existing businesses and property values. In this particular case however it is not considered that there would be any obvious adverse economic impacts. There are no leisure or tourism facilities in the immediate vicinity which would be adversely affected. The site is sufficiently far from the AONB for there to be no material effect on the enjoyment of the AONB. No public footpaths would be affected by the development. It is not considered that there would be any material impact on property values provided a sensitive design and landscaping are applied at the reserved matters stage. It is considered overall therefore that the economic effects of the proposals would be positive and that the economic sustainability test set out in the NPPF is therefore met. (Core Strategy Policy CS5, CS13)

6.4 Social sustainability:

- 6.4.1 Local housing need: Worthen with Shelve Parish Council has indicated that it is mindful of the need for an appropriate mix of housing to be delivered in a staged and sustainable manner. A preference for a housing mix of 2 and 3 bedroom properties and bungalows has been expressed. The applicant's indicative layout plan indicates that the development would deliver mainly 2-3 bedroom properties of modest size which would be capable of meeting the above need. It is also stated that these would not be built all at once but would be phased to meet local demand. Whilst the proposals would exceed the level of housing provision referred to in the

SAMDev phasing the development would provide a mechanism for sustainable release of the properties over a period of time in response to market demand. The details of this would be agreed at the reserved matters stage. The proposals would also bring new people into the community who may potentially contribute to the social vitality of the community.

- 6.4.2 Footpath: The proposals involve the provision of a new 300m roadside pavement to the immediate north of the site on land owned by the applicant and Shropshire Council as highway authority. The plan at the beginning of this report shows that the site is located between the settlements of Worthen and Brockton where there is also a concentration of community assets, including a village hall, a school and a new doctor's surgery. A fundamental limitation with the geography of this arrangement is the lack of a safe footpath link to these facilities from Worthen and this is recognised by the Parish Council. As a consequence, users of these facilities need to drive rather than walking. However, a number of the Methodist hall users for example are elderly and may not have access to a car. This is an unsustainable situation and it is recognised that a footpath is badly needed to allow pedestrian access to these facilities.
- 6.4.3 Worthen is not designated as a community hub so it is not expected to benefit from significant Community Infrastructure Levy contributions like some equivalent sized settlements elsewhere in the county. The current application offers a potentially unique opportunity therefore for delivery of this important community facility which may not otherwise be deliverable. Some objectors have noted that the application refers to a wider pedestrian improvement scheme by Mouchel which also involves a crossing and extension of the footpath to the north of the. These areas are not under the control of the applicant and this extended scheme does not form a commitment of the current application. It is however considered that the footpath proposals linked to the current application would form a vital component of this wider scheme which could in principle be progressed separately by the Parish Council in association with the Council as Highways Authority. The proposals will also deliver a significant sum of CIL money, some of which could potentially be diverted towards use in the wider footpath scheme. Following discussion with officers the agent has also agreed in principle that the proposed development should provide funding for a crossing point to the north side of the road. This is to be welcomed and an appropriate legal clause has been recommended.
- 6.4.3 Location and design: The proposed site is located close to key community facilities and would be linked to them by the proposed footpath. The indicative layout plan also shows the proposed properties as all possessing generous garden space and a communal green area. There would also be good levels of natural light given the unshaded south facing aspect of the plot. It is considered that these factors increase the overall the level of social sustainability of the proposals.
- 6.4.4 Social considerations, conclusion: The proposals would offer significant benefits to the occupants of the new properties and the existing local community through delivery of a footpath and pedestrian crossing point. These benefits may not be readily deliverable through other mechanisms and will significantly increase the level of sustainability of the settlement. It is concluded that the social sustainability test set out by the NPPF is also met on balance.

7.0 CONCLUSION

- 7.1 The proposal would involve the development of up to 25 dwellings for open-market occupation in a developing village edge location area between Worthen and Brockton where a number of community facilities are located. This would potentially deliver more houses that are required under the emerging SAMDev and a number of objections have been received from local residents. However, in the current sub-5 year housing supply situation decisions on housing applications must be taken on the basis of whether a development would be sustainable in the terms meant by the NPPF, rather than with reference to extant or emerging housing policies.
- 7.2 It is considered that the housing mix would meet the criteria of the Parish Council for intermediate scale 2-3 bedroom family houses. Whilst the proposals involve more housing than the limited amount envisaged in the emerging SAMDev phasing of the development is proposed and would prevent market over-supply. It is also considered that the application site is of a suitable size to accommodate the development and would not have an unacceptable impact on the amenities of the nearby existing properties, provided the properties accord with the general scale and layout shown in the indicative site plan. Nor is it considered that there would be any unacceptably adverse impacts on the character of the village, the rural landscape, or on highway safety provided appropriate design measures were adhered to at the reserved matters stage.
- 7.2 The proposal to deliver a pedestrian footpath and the recent agreement to also fund a highway crossing point are considered to add significantly to the level of overall sustainability of the development. It is considered on balance that the proposals are sustainable in environmental, social and economic terms and are compliant with the NPPF and Core Strategy Policy CS6. Outline permission is therefore recommended, subject to appropriate conditions and a legal agreement to deliver the footpath, pedestrian crossing and affordable housing contribution.

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. If 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 intervene where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than three months after the grounds for making 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 1970.

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.

10.0 BACKGROUND

Relevant Planning History

None of relevance to this proposal

Relevant Planning Policies

Central Government Guidance:

10.1 National Planning Policy Framework (NPPF) (DCLG – July 2011)

10.1.1 The National Planning Policy Framework (NPPF) came into effect in March 2012, replacing most former planning policy statements and guidance notes. The NPPF provides a more concise policy framework emphasizing sustainable development and planning for prosperity. Sustainable development 'is about positive growth – making economic, environmental and social progress for this and future generations'. 'Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision'. The framework sets out clearly what could make a proposed plan or development unsustainable.

10.1.2 Relevant areas covered by the NPPF are referred to in section 6 above and include:

- 1. Building a strong, competitive economy;
- 3. Supporting a prosperous rural economy;
- 4. Promoting sustainable transport;
- 7. Requiring good design;

- 8. Promoting healthy communities;
- 10. Meeting the challenge of climate change, flooding and coastal change;
- 11. Conserving and enhancing the natural environment;
- 12. Conserving and enhancing the historic environment;

10.2 Core Strategy:

10.2.1 The Shropshire Core Strategy was adopted in February 2011 and sets out strategic objectives including amongst other matters:

- To rebalance rural communities through the delivery of local housing and employment opportunities (objective 3);
- To promote sustainable economic development and growth (objective 6);
- To support the development of sustainable tourism, rural enterprise, broadband connectivity, diversification of the rural economy, and the continued importance of farming and agriculture (objective 7);
- To support the improvement of Shropshire's transport system (objective 8);
- To promote a low carbon Shropshire (objective 9) delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management.

10.2.2 Core Strategy policies of relevance to the current proposals include:

i. CS6: Sustainable Design and Development Principles:

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which *mitigates and adapts to climate change*. This will be achieved by: Requiring all development proposals, including changes to existing buildings, to achieve criteria set out in the sustainability checklist. This will ensure that sustainable design and construction principles are incorporated within new development, and that *resource and energy efficiency and renewable energy generation are adequately addressed* and improved where possible. The checklist will be developed as part of a Sustainable Design SPD; Requiring proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced; And ensuring that all development: Is designed to be adaptable, safe and accessible to all, *to respond to the challenge of climate change* and, in relation to housing, adapt to changing lifestyle needs over the lifetime of the development in accordance with the objectives of Policy CS11 Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, *landscape character assessments and ecological strategies where appropriate; Contributes to the health and wellbeing of communities, including safeguarding residential and local amenity* and the achievement of local standards for the provision and quality of open space, sport and recreational facilities. Is designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision and taking

account of site characteristics such as land stability and ground contamination; Makes the most effective use of land and safeguards natural resources including high quality agricultural land, geology, minerals, air, soil and water; Ensures that there is capacity and availability of infrastructure to serve any new development in accordance with the objectives of Policy CS8. *Proposals resulting in the loss of existing facilities, services or amenities will be resisted unless provision is made for equivalent or improved provision, or it can be clearly demonstrated that the existing facility, service or amenity is not viable over the long term.*

ii. CS13: Economic Development, Enterprise and Employment:

Shropshire Council, working with its partners, will plan positively to *develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities*. In doing so, particular emphasis will be placed on: Promoting Shropshire as a business investment location and a place for a range of business types to start up, invest and grow, recognising the economic benefits of Shropshire's environment and quality of life as unique selling points which need to be valued, conserved and enhanced Raising the profile of Shrewsbury, developing its role as the county town, growth point and the main business, service and visitor centre for the Shropshire sub-region, in accordance with Policy CS2 Supporting the revitalisation of Shropshire's market towns, developing their role as key service centres, providing employment and a range of facilities and services accessible to their rural hinterlands, in accordance with Policy CS3 *Supporting the development and growth of Shropshire's key business sectors and clusters, in particular: environmental technologies; creative and cultural industries; tourism; and the land based sector, particularly food and drink production and processing Planning and managing a responsive and flexible supply of employment land and premises comprising a range and choice of sites in appropriate locations to meet the needs of business, with investment in infrastructure to aid their development or to help revitalise them*. Supporting initiatives and development related to the provision of higher/further education facilities which offer improved education and training opportunities to help raise skills levels of residents and meet the needs of employers Supporting the development of sustainable transport and ICT/broadband infrastructure, to improve accessibility/connectivity to employment, education and training opportunities, key facilities and services Encouraging home based enterprise, the development of business hubs, live-work schemes and appropriate use of residential properties for home working In rural areas, recognising the continued importance of farming for food production and *supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with agricultural and farm diversification, forestry, green tourism and leisure, food and drink processing, and promotion of local food and supply chains*. Development proposals must accord with Policy CS5.

v. CS17: Environmental Networks

Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development: Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors. Further guidance will be provided in

SPDs concerning the natural and built environment; Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB, the Meres and Mosses and the World Heritage Sites at Pontcysyllte Aqueduct and Canal and Ironbridge Gorge Does not have a significant adverse impact on Shropshire's environmental assets and does not create barriers or sever links between dependant sites; Secures financial contributions, in accordance with Policy CS8, towards the creation of new, and improvement to existing, environmental sites and corridors, the removal of barriers between sites, and provision for long term management and maintenance. Sites and corridors are identified in the LDF evidence base and will be regularly monitored and updated.

vii. Other relevant policies:

- CS4 - Community hubs and community clusters
- Policy CS5: Countryside and Green Belt;
- Policy CS7: Communications and Transport;
- Policy CS8: Facilities, services and infrastructure provision.
- CS11 - Type and affordability of housing;

Supplementary Planning Guidance: Type and affordability of housing (March 2011)

Emerging Planning Guidance

SAMDev

i. MD1 – Scale and Distribution of Development

Further to the policies of the Core Strategy:

1. Overall, sufficient land will be made available during the remainder of the plan period up to 2026 to enable the delivery of the development planned in the Core Strategy, including the amount of housing and employment land in Policies CS1 and CS2;
2. Specifically, sustainable development will be supported in Shrewsbury, the Market Towns and Key Centres, and the Community Hubs and Community Cluster settlements identified in Schedule MD1.1, having regard to Policies CS2, CS3 and CS4 respectively and to the principles and development guidelines set out in Settlement Policies S1-S18 and Policies MD3 and MD4;
3. Additional Community Hubs and Community Cluster settlements, with associated settlement policies, may be proposed by Parish Councils following formal preparation or review of a Community-led Plan or a Neighbourhood Plan and agreed by resolution by Shropshire Council.

ii. MD2 – Sustainable Design

Further to Policy CS6, for a development proposal to be considered acceptable it is required to:

1. Achieve local aspirations for design, wherever possible, both in terms of visual appearance and how a place functions, as set out in Community Led Plans, Town or Village Design Statements, Neighbourhood Plans and Place Plans.
2. Contribute to and respect locally distinctive or valued character and existing amenity value by:
 - i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building

- heights and lines, scale, density, plot sizes and local patterns of movement; and
- ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and
 - iii. Respecting, enhancing or restoring the historic context, such as the significance and character of any heritage assets, in accordance with MD13; and
 - iv. Enhancing, incorporating or recreating natural assets in accordance with MD12.
3. Embrace opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style;
4. Incorporate Sustainable Drainage techniques, in accordance with Policy CS18, as an integral part of design and apply the requirements of the SuDS handbook as set out in the Water Management SPD
5. Consider design of landscaping and open space holistically as part of the whole development to provide safe, useable and well-connected outdoor spaces which respond to and reinforce the character and context within which it is set, in accordance with Policy CS17 and MD12 and MD13, including;
- i. Natural and semi-natural features, such as, trees, hedges, woodlands, ponds, wetlands, and watercourses, as well as existing landscape character, geological and heritage assets and;
 - ii. providing adequate open space of at least 30sqm per person that meets local needs in terms of function and quality and contributes to wider policy objectives such as surface water drainage and the provision and enhancement of semi natural landscape features. For developments of 20 dwellings or more, this should comprise an area of functional recreational space for play and recreation uses;
 - iii. ensuring that ongoing needs for access to manage open space have been provided and arrangements are in place for it to be adequately maintained in perpetuity.
6. Ensure development demonstrates there is sufficient existing infrastructure capacity, in accordance with MD8, and should wherever possible actively seek opportunities to help alleviate infrastructure constraints, as identified with the Place Plans, through appropriate design;
7. Demonstrate how good standards of sustainable design and construction have been employed as required by Core Strategy Policy CS6 and the Sustainable Design SPD.

iii. MD3 - Managing Housing Development

Delivering housing:

1. Residential proposals should be sustainable development that:
 - i. meets the design requirements of relevant Local Plan policies; and
 - ii. for allocated sites, reflects any development guidelines set out in the relevant settlement policy; and
 - iii. on sites of five or more dwellings, includes a mix and type of housing that has regard to local evidence and community consultation.

Renewing permission:

2. When the proposals are for a renewal of planning consent, evidence will be required of the intention that the development will be delivered within three years.

Matching the settlement housing guideline:

3. The settlement housing guideline is a significant policy consideration. Where development would result in the number of completions plus outstanding permissions exceeding the guideline, decisions on whether to exceed the guideline will have regard to:
 - ii. The likelihood of delivery of the outstanding permissions; and
 - iii. Evidence of community support; and
 - iv. The benefits arising from the development; and
 - v. The presumption in favour of sustainable development.
4. Where a settlement housing guideline appears unlikely to be met by the end of the plan period, additional sites beyond the development boundary that accord with the settlement policy may be acceptable subject to the criteria in paragraph 3 above.

iv. MD7a – Managing Housing Development in the Countryside

1. Further to Core Strategy Policy CS5 and CS11, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs, other relevant policy requirements and , in the case of market residential conversions, a scheme provides an appropriate mechanism for the re-use and retention of buildings which are heritage assets. In order to protect the long term affordability of affordable exception dwellings, they will be subject to size restrictions and the removal of permitted development rights, as well as other appropriate conditions or legal restrictions;
2. Dwellings to house essential rural workers will be permitted if:-
 - a. there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural enterprise; and,
 - b. in the case of a primary dwelling to serve an enterprise without existing permanent residential accommodation, relevant financial and functional tests are met and it is demonstrated that the business is viable in the long term and that the cost of the dwelling can be funded by the business. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, a financial contribution to the provision of affordable housing will be required, calculated in accordance with the current prevailing target rate and related to the floorspace of the dwelling; or,
 - c. in the case of an additional dwelling to provide further accommodation for a worker who is required to be present at the business for the majority of the time, a functional need is demonstrated and the dwelling is treated as affordable housing, including size restrictions. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, it will be made available as an affordable dwelling, unless it can be demonstrated that it would not be suitable. Where unsuitability is demonstrated, a financial contribution to the provision of affordable housing, equivalent to 50% of the difference in the value between the affordable and market dwelling will be required.

3. Such dwellings will be subject to occupancy conditions. Any existing dwellings associated with the rural enterprise may also be subject to occupancy restrictions, where appropriate. For primary and additional rural workers' dwellings permitted prior to the adoption of the Core Strategy in March 2011, where occupancy restrictions are agreed to be removed, an affordable housing contribution will be required in accordance with Policy CS11 at the current prevailing target rate and related to the floorspace of the dwelling.
 4. In addition to the general criteria above, replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use. Replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case. Where the original dwelling had been previously extended or a larger replacement is approved, permitted development rights will normally be removed;
 5. The use of existing holiday let properties as permanently occupied residential dwellings will only be supported if:
 - a. the buildings are of permanent construction and have acceptable residential amenity standards for full time occupation; and,
 - b. the dwellings are restricted as affordable housing for local people; or,
 - c. the use will preserve heritage assets that meet the criteria in Policy CS5 in relation to conversions and an affordable housing contribution is made in line with the requirements set out in Core Strategy Policy CS11.
- v. MD7b – General Management of Development in the Countryside
Further to the considerations set out by Core Strategy Policy CS5:
1. Where proposals for the re-use of existing buildings require planning permission, if required in order to safeguard the character of the converted buildings and/or their setting, Permitted Development Rights will be removed from any planning permission;
 2. Proposals for the replacement of buildings which contribute to the local distinctiveness, landscape character and historic environment, will be resisted unless they are in accordance with Policies MD2 and MD13. Any negative impacts associated with the potential loss of these buildings, will be weighed with the need for the replacement of damaged, substandard and inappropriate structures and the benefits of facilitating appropriate rural economic development;
 3. Planning applications for agricultural development will be permitted where it can be demonstrated that the development is:
 - a. Required in connection with a viable agricultural enterprise and is of a size/ scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise that it is intended to serve;
 - b. Well designed and located in line with CS6 and MD2 and where possible, sited so that it is functionally and physically closely related to existing farm buildings; and,
 - c. There will be no unacceptable impacts on environmental quality and existing residential amenity.
- vi. MD8 –Infrastructure Provision
Existing Infrastructure

1. Development should only take place where there is sufficient existing infrastructure capacity or where the development includes measures to address a specific capacity shortfall which it has created or which is identified in the LDF Implementation Plan or Place Plans. Where a critical infrastructure shortfall is identified, appropriate phasing will be considered in order to make development acceptable;
2. Development will be expected to demonstrate that existing operational infrastructure will be safeguarded so that its continued operation and potential expansion would not be undermined by the encroachment of incompatible uses on adjacent land;

New Strategic Infrastructure:

3. Applications for new strategic energy, transport, water management and telecommunications infrastructure will be supported in order to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts. Particular consideration will be given to the potential for adverse impacts on:
 - i. Residential and other sensitive neighbouring land uses;
 - ii. Visual amenity;
 - iii. Landscape character and sensitivity, including impacts on sensitive skylines;
 - iv. Recognised natural and heritage assets and their setting, including the Shropshire Hills AONB (Policy MD12);
 - v. The visitor and tourism economy including long distance footpaths, cycle tracks and bridleways (Policy MD11);
 - vi. Noise, air quality, dust, odour and vibration;
 - vii. Water quality and resources;
 - viii. Impacts from traffic and transport during the construction and operation of the infrastructure development;
 - ix. Cumulative impacts.

Development proposals should clearly describe the extent and outcomes of community engagement and any community benefit package.....

vii. MD12: The Natural Environment

In accordance with Policies CS6, CS17 and through applying the guidance in the Natural Environment SPD, the conservation, enhancement and restoration of Shropshire's natural assets will be achieved by:

1. Ensuring that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets where proposals are likely to have an unavoidable significant adverse effect, directly, indirectly or cumulatively, on any of the following:
 - i. the special qualities of the Shropshire Hills AONB;
 - ii. locally designated biodiversity and geological sites;
 - iii. priority species;
 - iv. priority habitats
 - v. important woodlands, trees and hedges;
 - vi. ecological networks
 - vii. geological assets;
 - viii. visual amenity;

- ix. landscape character and local distinctiveness.
In these circumstances a hierarchy of mitigation then compensation measures will be sought.
- 2. Encouraging development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition.
- 3. Supporting proposals which contribute positively to the special characteristics and local distinctiveness of an area, particularly in the Shropshire Hills AONB, Nature Improvement Areas, Priority Areas for Action or areas and sites where development affects biodiversity or geodiversity interests at a landscape scale, including across administrative boundaries.

S2: Bishop's Castle Area

S2.2 (x) Worthen, Brockton, Little Worthen, Little Brockton, Binweston, Leigh, Rowley, Aston Rogers and Aston Pigott.

The settlements of Worthen, Brockton, Little Worthen, Little Brockton, Binweston, Leigh, Rowley, Aston Rogers and Aston Pigott within Worthen with Shelve Parish are a Community Cluster where development by infilling and conversions may be acceptable on suitable sites. The housing guideline for the Cluster is around 30 additional dwellings over the period to 2026.

The Worthen with Shelve Parish Council Local Implementation Plan expresses a preference for the following:

- a) phased development so that no more than 10 houses are permitted in each third of the Plan period,
- b) no single site is developed for more than 5 houses,
- c) the existing gap between the villages of Worthen and Brockton remains undeveloped to maintain the distinctive character and separate nature of the two settlements.

APPENDIX 1

Legal Agreement

1. Affordable housing contribution;
2. Delivery of pedestrian footpath prior to the first occupation of the properties;
3. Funding for a pedestrian crossing to be provided prior to the commencement of the development.

Planning Conditions

STANDARD CONDITIONS:

- 1 The development hereby permitted shall not be commenced until the Local Planning Authority has approved the following details (hereinafter referred to as the 'reserved matters'):
 - i. The siting and ground levels of the dwellings;
 - ii. The design and external appearance of the dwellings;
 - iii. Details of the materials, finishes and colours of the dwellings;
 - iv. Details of the landscaping of the site.

Reason: The application was made as an outline planning application in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and the provisions of Section 92 of the Town and Country Planning Act 1990.

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be commenced either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES:

- 4a. Construction of the development hereby permitted shall not be commenced until details and sizing of the proposed soakaways have been submitted to and approved in writing by the Local Planning Authority.

- b. If non permeable surfacing is used on the driveway and parking area or the driveway slopes toward the highway, the applicant shall submit for approval a drainage system to prevent water flowing onto a public highway.
- c. A contour plan of the finished road levels shall be provided to the local planning authority prior to the commencement of the development. The contour plan should be accompanied by a confirmation that the design has fulfilled the requirements of Shropshire Council's Interim Guidance for Developers on Surface Water Management (paragraphs 7.10 to 7.12) to ensure that the development site does not contribute to surface water flooding of any area outside of the development site.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site to minimise the risk of surface water flooding (4a) and to ensure that no surface water runoff from the new driveway runs onto the highway (4b) and to ensure that any flows from internal road surfaces are managed acceptably on site (4c).

Notes:

- i. *Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. A catchpit should be provided on the upstream side of the proposed soakaways. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.*
 - ii. *The applicant should consider employing measures such as the following:*
 - Swales
 - Infiltration basins
 - Attenuation ponds
 - Water Butts
 - Rainwater harvesting system
 - Permeable surfacing on any new access road, driveway, parking area/ paved area
 - Attenuation
 - Greywater recycling system
 - Green roofs
 - iii. *Consent is required from the service provider to connect into the foul main sewer.*
- 5a. Construction of the development hereby permitted shall not be commenced until the proposed method of foul water sewage disposal has been submitted to and approved in writing by the Local Planning Authority, along with details of any agreements with the local water authority. The foul water drainage system shall comply with the Building Regulations H2.

- b. If main foul sewer is not available for connection, full details and sizing of the proposed septic tank including percolation tests for the drainage field soakaways shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the development hereby permitted.

Reason: To ensure that the foul water drainage system complies with the Building Regulations H2 (5a) and to ensure an appropriate alternative means of foul sewer solution is available in the event that a mains connection cannot be made (5b).

Note:

The details required by Condition 7b should include the Foul Drainage Assessment Form (FDA1 Form). British Water 'Flows and Loads: 3' should be used to determine the number of persons for the proposed development and the sizing of the septic tank and drainage fields should be designed to cater for correct number of persons and in accordance with the Building Regulations H2. These documents should also be used if other form of treatment on site is proposed.

- 6a. No ground clearance, demolition or construction work shall be commenced on the application site until a scheme of protection measures for the existing trees and hedges within and adjacent to the site has been submitted to and approved by the Local Planning Authority. The submitted tree protection scheme shall include a tree protection plan that reflects the guidance within BS5837:2012. All measures comprised in the tree and hedge protection scheme shall be implemented and retained throughout all of the clearance and construction works on the site.
- b. Where the approved detailed plans indicate that construction work is to take place within the Root Protection Area (RPA) of any retained trees or hedges, an Arboricultural Method Statement (AMS), detailing how the approved construction works will be carried out, shall be submitted to the Local Planning Authority for approval prior to the commencement of any development works. The AMS shall include details of when and how the construction works will take place and be managed, and how the trees and hedges will be protected during the works.

Reason: To safeguard the existing trees and hedges in and adjacent to the site in the interests of visual amenity (and in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy).

7. No development shall commence at the site until a Heritage Assessment has been submitted to and approved in writing by the local planning authority in consultation with the Local Planning Authority's Archaeology service. This shall take the form of a desk based assessment accompanied by the results of walk over and a geophysical surveys of the site. If the results of the heritage survey indicate that further survey work is required before the development commences then such works shall be undertaken in accordance with the recommendations of the heritage survey.

Reason: To allow appropriate opportunities for inspecting any archaeological remains present within the site prior to the commencement of the development.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT:

8. The dwellings hereby permitted shall be bungalows adjacent to the public highway and shall consist of no more than two floors of living accommodation elsewhere within the site.

Reason: In order to be in keeping with the character of the existing nearby dwellings and to protect the amenities of neighbouring residents (and in accordance with Policy CS6 of the Shropshire Core Strategy).

9. No external lighting shall be installed at the development hereby permitted until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved lighting shall be retained thereafter for the lifetime of the development. The submitted lighting scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet 'Bats and Lighting in the UK'.

Reason: To minimise disturbance to bats, which are a European Protected Species (and in accordance with Policy CS17 of the Shropshire Core Strategy).

- 10a. Within the first planting and seeding season following the completion of the dwellings hereby permitted, a scheme of new tree and hedge planting shall be implemented within and bordering the grounds of the dwellings, in accordance with full details to be submitted to and approved by the Local Planning Authority.

- b. Any new trees and hedges planted as part of the required planting scheme which, during a period of five years following implementation of the planting scheme, are removed without the prior written approval of the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced during the first available planting season with others of such species and size as the Authority may specify.

Reason: To ensure that new planting is undertaken, in order to enhance the appearance and privacy of the site (and in accordance with Policy CS6 of the Shropshire Core Strategy)(10a). To ensure that the approved planting scheme is effective and in accordance with Policy CS6 of the Shropshire Core Strategy (11b).

11. Existing shrubs and hedges within and around the margins of the site shall be retained and protected from damage for the duration of the construction works. No such shrubs or hedges shall be removed unless this has first been approved in writing by the Local Planning Authority.

Reason: To ensure that the screening and amenity effect of existing shrubs and hedges around the margin of the site is protected in the interests of residential amenities.

Notes:

- i. *All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations*

2010 and the Wildlife & Countryside Act 1981 (as amended). If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice. The single in-field ash tree has some potential for bat roosts. If this tree will be removed, it should be inspected for bat roosts prior to felling or works.

- ii. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended); an active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work should if possible be carried out outside the bird nesting season, which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active birds' nests should be carried out. If vegetation cannot be clearly seen to be clear of birds' nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*
- iii. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.*
- iv. 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 closefitting 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.*
- v. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*

Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012

The authority worked with the applicant in a positive and pro-active manner in order to seek solutions to problems arising in the processing of the planning application.

This is in accordance with the advice of the Government's Chief Planning Officer to work with applicants in the context of the NPPF towards positive outcomes. Further information has been provided by the applicant on indicative design, layout and housing need. The submitted scheme has allowed the identified planning issues raised by the proposals to be satisfactorily addressed, subject to the recommended planning conditions.