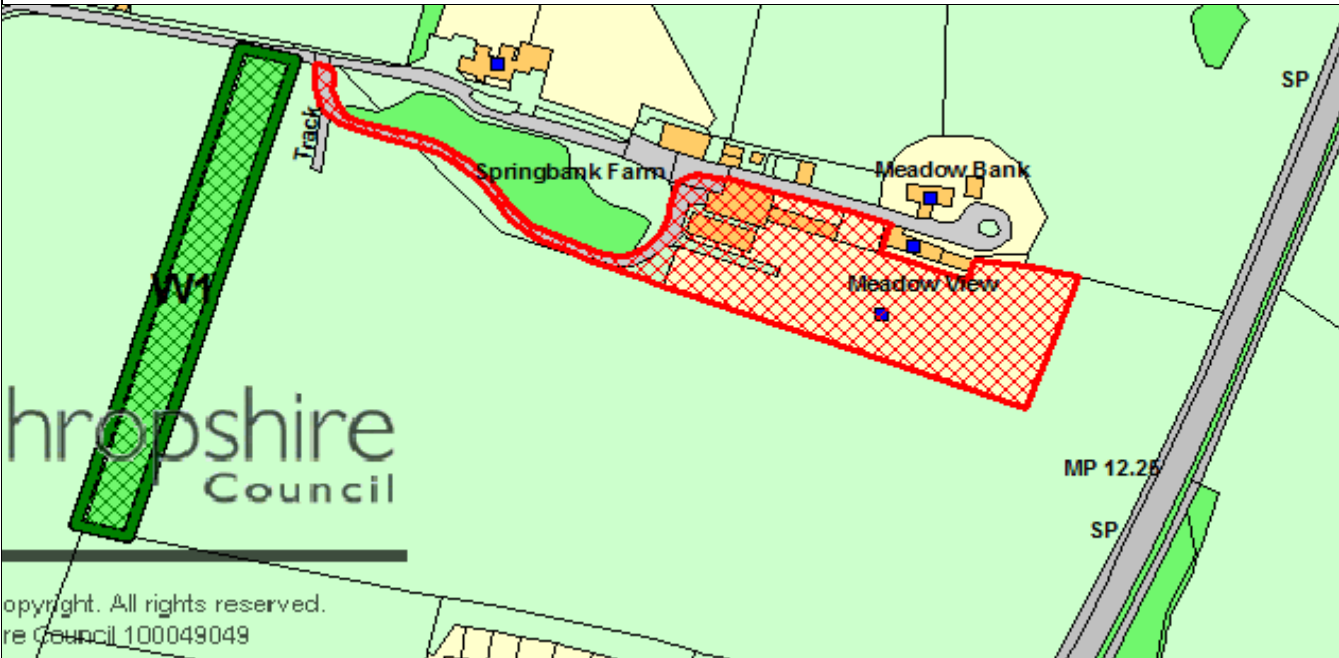


## Development Management Report

Responsible Officer: Tim Rogers

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### Summary of Application

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|---|---|
| <b><u>Application Number:</u></b><br>18/01258/OUT   | <b><u>Parish:</u></b><br>Church Stretton  |
| <b><u>Proposal:</u></b> Outline application for the erection of 5 No dwellings, to include means of access (re-submission)                    |   |
| <b><u>Site Address:</u></b> Proposed Residential Development Land South East of Springbank Farm<br>Shrewsbury Road Church Stretton Shropshire |   |
| <b><u>Applicant:</u></b> Mr & Mrs JN & SA West  |   |
| <b><u>Case Officer:</u></b> Andrew Sierakowski  | <b><u>email:</u></b> <a href="mailto:planning.southern@shropshire.gov.uk">planning.southern@shropshire.gov.uk</a> |
| <b><u>Grid Ref:</u></b> 345946 – 294347   |   |
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**Recommendation:- Refuse for the reasons set out in Appendix 1.**

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 This is a resubmission of an outline application for the erection of five (previously six) dwellinghouses, including the means of access on land to the south east of Springbank Farm, Shrewsbury Road, Church Stretton. All matters are reserved apart from the access. The application includes an indicative layout. The application was submitted in March 2018 but has been held in abeyance at the request of the applicant since then, pending publication in July 2020 of the Shropshire Pre-Submission Draft Local Plan 2016-2038. The applicant has now requested that the application be determined.
- 1.2 The application proposes the redevelopment of a campsite, that is no longer in use, for up to five dwellinghouses.
- 1.3 Although an outline application, it states that, in relation to appearance, layout, scale, amount and landscaping, that the development will be intended to respond to and reflect the local vernacular by comprising dwellings up to two storeys in height to echo the existing surrounding development, using a palette of materials that will complement the existing nearby built development, and will potentially utilise passive solar heating and solar PV panels.
- 1.4 The site is bounded by mature tree planting on the southern boundary including a number of conifers. It is proposed to remove all of the conifers on the site but retain the other mature deciduous trees as part of the development.
- 1.5 Access would be provided via the existing access to Springbank Farm off the Shrewsbury Road and 10 car parking spaces would be provided.
- 1.6 Due to shallow groundwater at the site, the drainage of surface water to soakaways is not feasible. Instead, a new system of surface water and foul drains would be installed, with the surface water discharging, via a new shallow attenuation pond, to a pond located to the north east of the main part of the application site. Foul drainage would be to the public sewer that runs along the Shrewsbury Road to the west of the site, although this will require the construction of a pumping station as part of development and installation of a new connection between the site and the Shrewsbury Road.
- 1.7 The following assessments were either submitted with the application or have been submitted during the course of the determination period; a Phase 1 Habitat Survey; a Method Statement to Avoid Damage to Great Crested Newts; A Flood Risk and Drainage Assessment; a Tree Condition Report, Arboricultural Impact Assessment (AIA) Arboricultural Method Statement and Tree Protection Plan; a Heritage Impact Assessment (HIA) and a Technical Note on drainage. The drainage proposals have been amended in the course of the application.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site extends to 0.55ha, with the main part of the site located approximately 800m north-east of Church Stretton town centre, between the Shrewsbury Road to the west and the Shrewsbury to Hereford railway line and A49 to the east. Church Stretton School lies immediately to the west of the main part of the site.
- 2.2 With the adoption of Shropshire's Site Allocations and Management of Development Plan (SAMDev) in 2015, the site is now situated between a housing land allocation for up to 50 dwellings to the west and an employment land allocation to the east. In addition, residential development has been relatively recently completed at Lawley Close approximately 130m to the south of the main part of the application site. The application states that as a result of recent development, the appeal of the former campsite's location, as a relatively quiet and secluded location in open countryside, has been significantly compromised.
- 2.3 The application describes Church Stretton is an historic market town that is notable for the quality of its built environment, benefitting from a number of listed buildings and a significant Conservation Area. It acknowledges that it is therefore sensitive to the impacts of additional built development. However, it states that development on the site will be well screened by existing and proposed built development, landscaping and the surrounding landform.
- 2.4 The site lies on the valley floor to the north of Church Stretton, and although part of the area falls within the Flood Zone 2 on the Environment Agency's Flood Map most of the site falls outside this, with only part of the access immediately adjacent on to the Shrewsbury Road and a small area of the main part of the site are located with Flood Zone 2.
- 2.5 The Conservation Area extends out from the town centre and along the Shrewsbury Road to the north, with the boundary of the Conservation located 380m west of the main part of the site. There is an unlisted single storey brick-built dwelling immediately adjacent to the north side of the application site, Meadow Bank, which is believed to be a converted agricultural building, dating from c.1880 which is listed on the Historic Environment Record as a non-designated heritage asset.
- 2.6 The site is located with the Shropshire Hills Area of Outstanding Natural Beauty (AONB) and as such is located on land that forms part of the Shropshire Environmental Network (SEN), lies 620m east of the Long Mynd Site of Special Scientific Interest (SSSI) and 60m north west of the Coppice Leasowes, Church Stretton Local Nature Reserve (LNR).
- 2.7 Church Stretton is included as one of the Market Towns and key Centres in Core Strategy Policy CS3 and SAMDev Policy MD1 and Schedule MD1.1 and under Policy S5 and S5.1 is identified as providing a focus for development in South Shropshire with a housing guideline of about 370 dwellings. New housing development is to be delivered through the allocation of two greenfield sites together with windfall development within the town's development boundary as shown on the Policies Map. The site falls outside the development boundary, being

located approximately 100m east and 190m north of it. One of the two allocated housing sites is the School Playing Fields site (Site Ref. CSTRO18) located approximately 110m west of the main part of the application site and adjacent to the access (included in the current application) on to the B5477 Shrewsbury Road. This extends to approximately 2.2ha and has been allocated for up to 50 dwellings. In addition, there is an allocated employment site, ELR078 (Springbank Farm) located to the immediate north east of the application site, which has been allocated for B1 use.

2.8 There have been several previous planning applications relating to the site, including the following:

- SS/1981/552/P/ for the use of land as a caravan site for 12 static holiday caravans - Refused 15/01/1982;
- SS/1/98/ 009369/CE for the use of land as a Touring Caravan site - Approved 08/03/2000;
- SS/1/99/009910/F for the Conversion of a building to form a service block for the caravan park - Withdrawn 26/04/1999
- 17/01212/OUT which was outline application for the erection of 6 no. dwellings to include means of access - Withdrawn 09/06/2017.

2.9 In addition, there was a Pre-Application Enquiry Ref. PREAPP/14/00454 which related to the development of nine dwellinghouses on the site, which was submitted in August 2014. The response to this advised that the site would be in the open countryside and as such that any application for open market housing would be contrary to policy. The response did however advise that if the SAMDev was adopted and included the then proposed allocations for new housing and employment, that this may, given the proximity of the site to Church Stretton, provide the basis for justifying a departure from policy. The application submitted in 2017 followed from the response to the Pre-Application Enquiry in 2014.

2.10 With work on the Shropshire Local Plan Review on-going, the potential to develop the site has also been raised in the context of the review. The site was not included as a preferred site allocation for new housing in the Shropshire Local Plan Review Consultation on Preferred Sites (undertaken between 29 November 2018 and the 31 January 2019), and it is not now proposed to extend the development of Church Stretton to include the site as part of the Local Plan Review. The Shropshire Pre-Submission Draft Local Plan 2016 to 2038 was published for consultation in July 2020 with the consultation running from 3rd August 2020 to 30 September 2020. This has proposed the deletion of existing allocated housing site, CSTRO18, although as yet little weight can be attached to the deletion. This is understood to have followed from a decision by the Church Stretton School which owns the site, to no longer continue with its development for housing, effectively rendering the allocation unviable. The Pre-Submission Draft Local Plan does not propose any extension to the development boundary to north of Church Stretton to include Springbank Farm or any of the surrounding land and in fact with the proposed deletion of allocated housing site, CSTRO18 it also now proposed to pull back the northern limit of the development boundary to exclude the existing allocation.

2.11 It should be noted that there was a planning application, Ref. 15/01276/FUL which included the land to the south of the current application site and the allocated

housing site CSTRO18, that was withdrawn in January 2020. This was for the erection of 47 dwellings and included the relocation of the sport fields on the allocated site to the area to immediate south of the current application to compensate for the loss. If approved and developed it would have resulted in the extension of the built-up area of Church Stretton to include the allocated housing site, (which is located within the development boundary), but would also have seen the land to the immediate south of the current application site retained as open playing fields. With the withdrawal of the application, it understood that there is now little or no likelihood of the allocated site being developed and why the deletion of the allocation is now proposed in the Local Plan Review.

- 2.12 Despite the location of the application site outside the development boundary, the withdrawal of the planning application on the nearby allocated site and the proposed deletion of the allocated site, the application nevertheless argues the location of the site is sustainable given its close proximity to Church Stretton.

### **3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**

- 3.1 The proposed development does not accord with development plan policy. Craven Arms Town Council has however not objected to the application, but the officer recommendation is contrary to the view of the Town Council, and these contrary views cannot reasonably be overcome by negotiation or the imposition of conditions. The Principle Planning Officer in consultation with the Committee Chairman and Vice Chairman and the Local member, consider that it raises material issues and that it should therefore be referred to the Committee for determination.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **Parish Council**

- 4.1 Church Stretton Town Council: Comment have not objected to the application but have made a number of points as follows:

- That a tree survey should be undertaken (the report of which has subsequently been submitted), as there are some specimen trees, which could be incorporated into a site-landscaping scheme. They are concerned that the trees to the north of the site should be retained as should those on the eastern boundary, as they would form a screen against the railway line. They consider that the conifers to the south should be removed but that the mature trees abutting the boundary fence should be retained. They also comment that the hedgerow to the south should be retained and filled out with additional hedge planting;
- That noise levels may need to be assessed to determine whether acoustic glass would be needed in any future housing;
- That the character and amenity value of the area should be retained and that a Heritage Impact Assessment should be submitted (which has also subsequently been submitted);
- That details of the foul sewage were initially unknown (but have subsequently been submitted) and they ask if the development is proposing to connect to the existing drainage system;

- That a Great Crested Newt Method Statement, incorporating Risk Avoidance Measures will be required as Great Crested Newts are known to breed in nearby ponds; and
- That part of the access road passes over land, that is in different ownership.

## **Public Comments**

4.2 In addition to the comments from Church Stretton Town Council there have been three third party representations, two of which are stated as being neutral, with one of these being from the Church Stretton Civic Society and, one that offers objection. The two neutral comments make the following points:

- That any developer building in the fields behind Church Stretton School needs to be aware that the developments may alter the balance of water drainage for existing properties in the area and that at times of heavy rainfall water seeps down towards the properties known as Meadow Bank and Meadow View and that the ground stands in shallow water until it has had the opportunity to drain through the heavy clay soil. This is particularly so in the garden behind and to the west of Meadow Bank. These properties have never flooded up to now but an increase in hardstanding ground cover associated with the development may have a deleterious effect;
- That the site is adjacent to the SAMDev allocated sites for employment and housing so that its development would be appropriate infilling that would provide windfall housing between existing developments. However, there has also been a substantial delay in getting the school playing field housing application (now withdrawn) to the approval stage mainly because of the difficulty in reconciling the development with the protection of the borehole water supplies for the adjacent water bottling plant;
- That there are doubts about the demand for artisan, or any other employment units, and therefore the commercial viability of the employment site. If the Council were to decide to delete the housing and employment sites from the list of allocated sites then the approval now of the application would mean that approval had been given to an application within the AONB on land classified as open countryside where development is regarded as exceptional;
- That would therefore be prudent to delay any decision on the application until the it is determined whether future of development on the allocated sites will go ahead; and
- That it may be appropriate for the Council to include the application site with other options for allocated housing sites which will be the subject of formal consultations as part of the Local Plan Review.

4.3 The objecting representation makes the following points:

- That traffic using the access road will be a nuisance to the houses across the main road and a danger to the children coming/going to the school;
- That any disturbance to the trees and the surrounding grounds will be detrimental to the wildlife in the area; and
- That approval of the application will not be of any benefit to Church Stretton and will cause a harm and nuisance.

## Technical Comments

- 4.4 Shropshire Council - Affordable Housing: Advise that an affordable housing contribution will be required. or if the development exceeds 1000 sq. metres that on-site provision of affordable housing will be required and that the grant of planning would need to be subject to a s.106 Agreement.
- 4.4 Shropshire Council - Highways: Advise that they have no objection subject to the development being carried out in accordance with the approved details and the inclusion of standard informatives relating to mud on the highway, no drainage discharging to the highway, works on, within or abutting the public highway.
- 4.5 Shropshire Council - SUDS: Comment that part of the site lies within Flood Zone 2. They therefore advise that the Flood Risk (and Drainage) Assessment (FRA) submitted with the application needs to demonstrate that the area of the application site to be developed lies outside of Flood Zone 2 plus climate change.
- 4.6 They initially commented that the Flood Risk and Drainage Assessment states that the surface water drainage from the proposed development is to be disposed of via soakaways, but that no details of infiltration rates and sizing of the proposed soakaways have been supplied.
- 4.7 Following submission of the amended drainage details which now proposes surface water drainage to a pond located to the north east of the main part of the application site via a new attenuation pond, and foul drainage to the public sewer on the Shrewsbury Road, the SUDS Officer has advised that in principle the drainage strategy is acceptable subject to it being demonstrated that the existing drainage system remains in working condition and that the existing pond has a positive outfall to a watercourse. A further response is awaited from the applicant at the time of writing this report but a further update will be provided to the Committee before the application is determined.
- 4.8 Shropshire Council - Trees: Comment that the site contains a large number of mature trees of mixed species including a mature line of cypress trees along the southern boundary and that in aggregate these trees provide a significant feature in the landscape and a link with other blocks of woodland, hedgerows and wet/rough pasture making it an integral part of a local wildlife corridor linking green infrastructure across the valley bottom.
- 4.9 They further comment that the development would require the removal of approximately 60 trees significantly eroding the depth, durability and benefits of the existing screening. They advise that the remaining trees along the southern boundary comprise grey alder and ash, many of which have poor form and condition and would not be compatible in the long term with the development of the site as proposed, and they consider that further losses would be likely to accrue following the occupation of the development due to proximity and shade issues and concerns regarding safety.
- 4.10 They also comment, contrary to what is stated in the applicant's Planning Statement, that the remaining alders (where retained) would not provide a

significant or long-lived screen to the new development and that the loss of the trees on the eastern boundary would open the whole development up to views in from the A49 and from public open space in the AONB from Helmeth Hill and Caer Carodoc.

- 4.11 They further comment, whilst the Design and Access Statement submitted with the application suggests that new native planting would enhance the ecological value of the site and further assist in integrating the development into its landscape setting, that the layout as proposed is such that realistic compensation and improvements for what had been lost, would not be possible.
- 4.12 Consequently, given the likely impacts to trees and green infrastructure the Tree Officer comments that the development of the site as proposed would not be sustainable or meet the requirements set out in local and national policies on natural environment assets and the AONB. They consider that it would erode local green infrastructure and tree cover without the scope to provide adequate restoration or enhancement both from a tree and landscape perspective and in terms of ecological value of the site. They therefore advise that the development would not meet with the requirements set out in the NPPF or Core Strategy Policies CS6 and CS17 or SAMDev Policies MD2 and MD12.
- 4.13 Shropshire Council - Ecology: Initially advised, because of the presence of three Great Crested Newt breeding ponds within 100m of the site and a Great Crested Newt record at Spring Bank Farm itself, that the Reasonable Avoidance Measures Method Statement (RAMMS) is appropriate. However, they have also advised that site lies within the Shropshire Environmental Network and, as such should demonstrate how the development will 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by Core Strategy Policy CS17 and Paragraph 117 of the National Planning Policy Framework. Accordingly, they advise that details of landscaping provision and how biological and ecological mitigation is to be provided on the site, especially in light of the level of tree losses proposed, as detailed in the comments of the Tree Officer.
- 4.14 Shropshire Council - Conservation: Advise that the proposal, although outside the Church Stretton Conservation Area, which is 380m to west, will have some impact on it and that it will affect a non-designated heritage asset immediate adjacent to the north side of the site, Meadow Bank. They also comment that the site is located within the AONB. They advise from a heritage perspective, that the main consideration is the design of the development. They advise that site does not form part of the built-up area of the Church Stretton and that in visual and landscape terms it relates to the adjacent rural setting, albeit that this is close to Church Stretton. For this reason, they advise that it should avoid having an overly domestic/suburban character and appearance, and they suggest instead that it should appropriately be more agricultural in character, utilising a layout and design similar to barn style buildings to ensure that it does not look like an incongruous 'add-on', thereby providing a degree of integration into the rural landscape and character of the area.
- 4.15 They advise that the proposal should utilise high quality design, informed by the local vernacular, including high quality materials to mitigate potential impact on the



setting of adjacent non-designated heritage asset and the Conservation Area. They comment that although the Planning Statement mentions the use of appropriate materials, further detail outlining possible materials should be provided as part of the overall proposed design rationale. They initially advised that a Heritage Impact Assessment work should be undertaken (as the application was initially submitted without the assessment) to gauge the overall impact of the proposal, including that of the proposed roofscapes. This was subsequently submitted, and whilst they do not fully agree with all of its conclusions, particularly in relation to the impact on the setting of Meadow Bank, they do not offer objection to the conclusions of the assessment.

- 4.16 However, they advise that they still concerned with the proposed layout of the site which they consider, even with the reduced number of houses, to be overly suburban, in a rural location in the AONB. They have reiterated their comments that the overall form should reflect that of the existing barns and be linear, consisting of one to one and half storeys buildings and possibly semi-detached units to accentuate the linear form with the end (easternmost) plot consisting of an 'L' shape with two units, to reference adjacent building. They advise that the units could be separated by open bays for parking, ancillary storage.
- 4.17 Shropshire Council Archaeology: Advise that they have no comments to make on the application with regard to archaeological matters.
- 4.18 Shropshire Hills AONB Partnership: The Shropshire Hills AONB Partnership have provided their standing advice that the planning authority has a legal duty to take into account the purposes of the AONB designation in determining the application and should take account of planning policies which protect the AONB, and the statutory AONB Management Plan and they state that their response does not indicate either an objection or 'no objection' to the current application.

## **5.0 THE MAIN ISSUES**

- **Principle of the Development;**
- **Impact on Trees and Landscape;**
- **Impacts on Ecology;**
- **Flood Risk and Drainage;**
- **Heritage; and**
- **Other Issues**

## **6.0 OFFICER APPRAISAL**

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

- 6.1.1 The key issue in relation to the principle of the development is that the site is located close to, but outside, the development boundary for Church Stretton, and that approval of the application would be a departure from the Development Plan. As a site outside the development boundary the application raises the issue of whether or not there is justification under SAMDev Policy MD3 paragraph 3, for granting consent for the scheme, as a windfall site, taking into consideration the current settlement housing guideline figure for Church Stretton and whether this is being met.

- 6.1.2 In terms of the development strategy, Core Strategy Policy CS1 sets out the overall Strategic Approach to development in Shropshire, with development concentrated in Shrewsbury and County's Market Towns and Other Key Centres. Church Stretton is identified in Core Strategy Policy CS3 and the SAMDev Policy MD1 and Schedule MD1.1 as one of the Market Towns and Key Centres, and SAMDev Policy S5 identifies it as provide a focus for development in south Shropshire, with a housing guideline of about 370 dwellings in the period between 2006 and 2026 and it states that new housing development will be delivered through the allocation of greenfield sites together with windfall development which reflects opportunities within the town's development boundary as shown on the Policies Map. The allocated housing sites are set out in Schedule S5.1a and identified on the Policies Map. The development boundary is shown on the Adopted Policies Map 2015 – Church Stretton Area Place Plan (Inset 1). This shows the development boundary largely extending along the edge of the built-up area of the north side of Church Stretton approximately 200m south of the site, except where the built area has extended north of the development boundary at Lawley Close and where it extends around the allocated housing site, CSTRO18 approximately 110m west of the site.
- 6.1.3 As such the site falls within the area of land to be treated as countryside under Core Strategy Policy CS5 and SAMDev Policy MD7a.
- 6.1.4 Neither Core Strategy Policy CS5 nor SAMDev Policy MD7a envisage the development of new open market housing in the countryside and both make clear that new development will be strictly controlled in accordance with national planning policies protecting the countryside. Furthermore, paragraph 172 of the NPPF makes make that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty and that they should be attributed the highest status of protection in relation to these issues.
- 6.1.5 However, Paragraph 3 of SAMDev Policy MD3 sets out that there are circumstances in which planning permission may exceptionally be approved for sites outside settlement development boundaries.
- 6.1.6 Paragraph 3 states that where a settlement housing guideline appears unlikely to be met, additional sites outside settlement development boundaries that accord with the settlement policy may be acceptable subject to the considerations set out in Paragraph 2. The considerations set out in paragraph 2 include:
1. The increase in number of dwellings relative to the guideline; and
  2. The likelihood of delivery of the outstanding permissions; and
  3. The benefits arising from the development; and
  4. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and
  5. The presumption in favour of sustainable development.
- 6.1.7 The starting premise of paragraph 3 is that it applies only in instances where a settlement housing guideline appears unlikely to be met. Therefore, the question is whether the current settlement housing guideline for Church Stretton has or has not been met or is unlikely to be met?

- 6.1.8 The latest figures are set out in the Council's Five-Year Housing Land Supply Statement published in March 2020. This indicates that as of the 31<sup>st</sup> March 2019, there had been 213 completions and Planning Permissions or Prior Approvals for 62 additional dwellings, providing a total of 275 completed sites or dwellings with Planning Permission. There are also allocations without planning permission that provide an additional 37 dwellings. Therefore, when set against the Housing Guideline figure of 370, there is currently a shortfall of 58, although with the plan period still having five years to run, this suggests that existing permissions are running about the correct level. However, account also needs to be taken of the fact that it now appears that allocated housing site, CSTRO18, is unlikely to come forward for development, which essentially is the additional 37 houses on an allocated site that do not have planning permission. If this is taken into account then the number of completions and Planning Permissions or Prior Approvals drops back to 275, which whilst still not especially low does suggest that additional provision through windfall sites, to offset the loss of the allocated housing site, CSTRO18 can be justified. In that respect the first two tests set out in Paragraph 3 of Policy MD3 it can be argued are satisfied. Also in favour of the development, in terms of the benefits arising from it, is that although outside the development boundary, the site is within walking distance of Church Stretton Town centre, and in that respect at least the location can be considered to be sustainable.
- 6.1.9 In term of the counter arguments, the site is located some distance outside the development boundary for Church Stretton, i.e. approximately 200m to the north of the it, and is clearly does not from part of the built up area of the town. The applicant has sought to argue that the site is gradually being surrounded by new development, and if the development of allocated housing site had proceeded there would be some element of truth in this, but with this now longer proceeding and the allocation no likely to be discontinued, the weight that can be attached to this is significantly diminished.
- 6.1.10 Also relevant is that whilst, with the loss of the allocation as a viable site, does result in a not insignificant potential loss in relation to the housing guideline figure, the provision of five dwellings in isolation will not make up for this, and the site is not large enough to be considered to represent viable level of alternative provision or perhaps more to the point a level provision that makes a significant contribution to any resulting shortfall to which sufficient weight can be attached, for a site that is so significantly outside the development boundary of Church Stretton.
- 6.1.11 Furthermore, whilst acknowledging that only very limited weight can be attached to the emerging Local Plan, at this stage, it can nevertheless be taken into consideration, that it is proposing the deletion of the allocated housing site CSTRO18 and that it does not envisage any extension of the built-up area of the town within the AONB development to the north of the development boundary on the north side of Church Stretton. This indicates that the direction of travel of the Local Plan Review, that approval of this application would directly contradict. The Local Plan Review is at too early a stage for prematurity to argued as a substantive ground for refusal in its own right, but it is the case that at least some weight can be attached to the emerging circumstances surrounding the application site and the emerging policy context, and in particular that the existing housing allocation CSTRO18 is now known to be unviable and essentially no longer available for development.

- 6.1.12 Paragraphs 47-50 of the NPPF set out the advice in relation to the weight to be attached to emerging development plans in the determination of planning applications and when prematurity may or may not be argued as a reason for refusal.
- 6.1.13 Paragraph 48 advises that Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (with the more advanced its preparation being, the greater the weight that may be given it) and the extent to which there are unresolved objections to relevant policies (with the less significant the unresolved objections, the greater the weight that may be given to them).
- 6.1.14 However, paragraphs 49 and 50 of the NPPF also make clear that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. They further make clear that the refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination.
- 6.1.15 In light of the above advice, an argument on grounds of prematurity would be unlikely to be considered justified as the draft plan has yet to be submitted for examination. Nevertheless, it is not inappropriate to attribute some weight to the emerging plan in continuing to maintain the development boundary so to prevent any further northward development of the built-up area of Church Stretton, in line with the existing adopted development plan. On the basis of existing adopted development plan policy approval of the application for a site outside the development boundary would be clearly contrary to the Core Strategy Policies CS3 and CS5 and SAMDev Policy S5 and in particular S5.1. Whilst some of the considerations of Policy MD3 can be considered to apply insofar as there is potentially a shortfall in housing provision in relation to the housing guideline figure set out in SAMDev Policy S5, the application cannot be considered to make so significant contribution to addressing this to merit approval for so significant a breach of planning policy in terms of allowing development, not just outside the development boundary, but in a location that is detached from the rest of the built up area of the Church Stretton. It is in an area where policy seeks to protect the open countryside to the north of the town and in the AONB. A such the proposal cannot be considered to sustainable development and in that respect does not justify approval in terms of the considerations set out in SAMDev Policy MD3.
- 6.1.16 One additional point that should be noted, is that there are a two existing sheds on the site on the area of the proposed Plots 1, 2 and 3, that application describes as farm buildings. Insofar as this is the case, the development would make some use of previously developed land and this possibly adds some weight in its favour, although the NPPF makes clear that land that is or was last occupied by agricultural or forestry buildings is not to be treated as brownfield land, and even if it is, paragraph 118 makes clear that substantial weight should only be attributed to

the value of using suitable brownfield land for new housing within settlements. As such, little or no weight can be attributed to the development of the site, at least partly, as previously developed land.

- 6.1.17 Finally, it should additionally be noted that the NPPF sets out policies for rural housing in Paragraphs 77 to 79. These make clear, in paragraph 77 that, in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs and, in paragraph 78 that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. As a site on the edge of Church Stretton, the issue of the sustainability of rural village communities is not a relevant consideration. Paragraph 79 then states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of a number of specified circumstances apply, but none in this case are applicable or are being argued by the applicant. There is therefore no case in terms of national planning policy outweighing, Development Plan policy as a material planning consideration.

## **6.2 Impact on Trees and Landscape**

- 6.2.1 As detailed above the Tree Officer has provided a fairly stark assessment of the impact on the trees on the site, with the loss of approximately 60 trees and they advise that even the retention of the remaining trees, particularly along the southern boundary would not be compatible in the long term with the development of the site as proposed, with the result that further losses would be likely to accrue following the occupation of the development due to proximity and shade issues and concerns regarding safety.
- 6.2.2 They further advise that the number of houses and the layout as proposed is such that realistic compensation and improvements for what had been lost would not be possible. As such the scheme is simply not workable in terms of the impact on tree, landscape and habitat. The applicant has been invited to address these comments. They have submitted an amended indicative layout plan which shows only five houses but have otherwise only resubmitted the original arboricultural report and tree protection plan. There is no indication that even with the revised layout that would be any substantial change to the proposals in relation to the loss of trees on the site or any significant additional mitigation for their loss.
- 6.2.3 As such the development cannot be considered to be compliant with Core Strategy Policies CS6 and CS17 or SAMDev Policies MD2 and MD12 or the NPPF Chapter 15 and in particular Paragraphs 170 and 172 which are concerned with protecting and enhancing valued landscapes, and stress that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

## **6.3 Impacts on Ecology**

- 6.3.1 As detailed above the site falls within the county Environmental Network and Ecology Officer, confirming the comments of the Tree Officer, has advised that inadequate information has been submitted by the applicant to demonstrate how the development proposed on the site will provide sufficient migration and

enhancement for the loss of habitat as a result of the level tree felling proposed to meet the requirements of Core Strategy Policy CS17 and Paragraph 117 of the National Planning Policy Framework. This matter has also been referred back to the applicant and greater detail requested and whilst the applicant has responded they have declined to provide the information requested. On this basis the application can only be considered to have an unacceptable impact on the Environmental Network arising from the loss of habitat with adequate compensation to with requirements of Core Strategy Policy CS17 and Paragraph 117 of the National Planning Policy Framework.

## **6.4 Flood Risk and Drainage**

- 6.4.1 In relation to flood risk the key issue, as detailed above is that part of the site is within Flood Zone 2. As a result, the SUDS Officer has advised that details of the proposed drainage need to be submitted. The applicant has responded to this request and as detailed above has submitted the Technical Note on drainage, which, as set out above, proposes surface water drainage to a pond located to the north east of the main part of the application site via a new attenuation pond, and foul drainage to the public sewer on the Shrewsbury Road. In principle the SUDS officer has advised that the drainage strategy is acceptable but that prior to determination of the application, it should be proven that the existing drainage system remains in working condition and that the existing pond has an outfall to a watercourse. A further response is awaited from the applicant at the time of writing this report, and a further update will be provided to the Committee before the application is determined.
- 6.4.2 It should be noted that part of the new drainage system is located outside the red-line boundary of the application site. This being the case, a separate application would be required for this before it could be constructed.
- 6.4.3 Subject to confirmation that existing drainage system remains in working condition and that the pond has an outfall to a watercourse, the application can be considered to be compliant with Core Strategy Policies CS6 and CS18, SAMDev Policy MD2 or the NPPF Chapter 14 which seek to manage the long terms risk of climate change including flood risk.

## **6.5 Heritage**

- 6.5.1 As detailed above the main issue in relation to heritage concerns the impact on the setting of the adjacent non-designated heritage asset at Meadow Bank and also the Church Stretton Conservation Area, and that this could be appropriately addressed by a design that is appropriate to the rural setting of the site. The Conservation Officer has not gone as far expressly advising of harm to the significance of the Church Stretton Conservation Area, but to the extent an alternative layout and design approach to that shown on the indicative layout plan would be appropriate any harm cannot be assessed as being any more than less than significant harm.
- 6.5.2 Again, this advice has been referred back to the Applicant to consider. An amended layout has been put forward, but this is in response to the amended drainage proposals, rather than a design response, and does not address or respond to the comments of the Conservation Officer or make any apparent amendments to the

design of the proposed dwellings.

- 6.5.3 In itself this is not sufficient to justify refusal as a substantive reason in its own right, with paragraph 196 of the NPPF advising that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In relation to a non-designated heritage asset paragraph 197 of the NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.5.4 The application is however only an outline application, so that the layout plan is no more indicative. The details of the design and appearance of the development, would therefore, if the application is approved, be reserved, and there would still be opportunity to ensure the submission of an appropriate design and layout. On this basis it cannot be considered at this stage, that the design presents a sufficiently substantive reason to warrant refusal of the application as being contrary to the design and heritage related policies in the development plan, which include Core Strategy Policies CS6 and SAMDev Policies MD2 and MD13 or paragraphs 196 and 197 of the NPPF.

## **6.6 Other Considerations**

- 6.6.1 Affordable Housing: In relation to affordable housing it should be noted that an affordable housing contribution would be required. On site provision is unlikely to be required for five (previously six) dwellings unless all five houses proposed are particularly large (i.e. they average more than 166sqm), so a contribution would be appropriate and a s.106 agreement would be required to secure the contribution based on a prevailing target rate of 20%. The applicant has confirmed that they would be agreeable to this. The application can in this respect be considered to be compliant with Core Strategy Policy CS11 and the Type and Affordability of Housing Supplementary Planning Document (2012).
- 6.6.2 Highways: There is no significant highways issues raised by the application.

## **7.0 CONCLUSION**

- 7.1 On the basis of adopted development plan policy approval of the application would be contrary to the Core Strategy Policies CS3 and CS5 and SAMDev Policy S5 and in particular S5.1 in being located outside the development boundary. Whilst some of the considerations of Policy MD3 can be considered to apply insofar as there is potentially a shortfall in housing provision in relation to the housing guideline figure for Church Stretton set out in SAMDev Policy S5, the application cannot be considered to make so significant a contribution to addressing this to merit approval for, so significant a breach of planning policy in terms of allowing development not just outside the development boundary, but in a location that is detached from the rest of the built up area of the Church Stretton, and in an area where policy seeks to protect the open countryside to the north of the town and in the AONB. As such the proposal cannot be considered to sustainable development and in that respect

does not justify approval in terms of the considerations set out in SAMDev Policy MD3 and in the light of the great weight to be given to conserving and enhancing landscape and scenic beauty of the ANOB in accordance with paragraph 172 of the NPPF.

- 7.2 The development will result in the loss of approximately 60 trees but the number of houses and the layout proposed is such that realistic compensation and improvements for what would be lost would not be possible. As such the scheme is simply not workable in terms of the impact on trees, the landscape including the AONB, and habitat. As such the development cannot be considered to be compliant with Core Strategy Policies CS6 and CS17 or SAMDev Policies MD2 and MD12 or the NPPF Chapter 15 and in particular Paragraphs 170 and 172.
- 7.3 The site falls within the county Environmental Network but inadequate information has been submitted by the applicant to demonstrate how the will provide sufficient migration and enhancement for the loss of habitat as a result of the level tree felling proposed to meet the requirements of Core Strategy Policy CS17 and Paragraph 117 of the National Planning Policy Framework. On this basis the application can only be considered to have an unacceptable impact on the Environmental Network arising from the loss of habitat with adequate compensation to with requirements of Core Strategy Policy CS17 and Paragraph 117 of the National Planning Policy Framework.
- 7.4 The application cannot be considered to be compliant with Core Strategy Policies CS6 and CS17 insofar these requires development to be designed to a high quality which protects, restores, conserves and enhances the historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character which the proposal does not do. Whilst the provision of five additional dwellings in the context of the shortfall in housing number against the SAMDev housing guideline figure, can be attributed some weight (together with the related affordable housing contribution required) as a benefit, this is so substantially outweighed by the other considerations, that the overall balance weighs against the proposal that taking into account the other considerations, such that the adverse impact on the setting of the Church Stretton Conservation Area as a designated heritage asset and Meadow Bank as a non-designated heritage asset, no matter how minor, only adds the weight to be attached to that negative balance. As such the proposals would also be contrary to SAMDev Policy MD13 when considered in the relation to the requirements of paragraphs 196 and 197 of the NPPF.

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

### **8.1 Risk Management**

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication



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

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

## **8.2 Human Rights**

- 8.2.2 Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.
- 8.2.2 First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.
- 8.2.3 This legislation has been taken into account in arriving at the above recommendation.

## **8.3 Equalities**

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

## **9.0 Financial Implications**

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

## **10. Background**

### Development Plan Policy

Shropshire Local Development Framework: Adopted Core Strategy (March 2011)

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan (December 2015)

## National Planning Policy

National Planning Policy Framework (NPPF) (February 2019)

## Relevant Planning History:

### Planning Applications

- SS/1981/552/P/ for the use of land as a caravan site for 12 static holiday caravans. Refused 15/01/1982;
- SS/1/98/ 009369/CE for the use of land as a Touring Caravan site. Approved 08/03/2000;
- SS/1/99/009910/F for the Conversion of a building to form a service block for the caravan park. Withdrawn 26/04/1999;
- 17/01212/OUT Outline application for the erection of 6 no. dwellings to include means of access. Withdrawn 9th June 2017.

## **11. Additional Information**

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

- Planning Application Supporting Statement (Including Design and Access) in relation to the Proposed Redevelopment of an Existing Campsite to Provide up to 6 Dwellings At Springbank Farm, Shrewsbury Road, Church Stretton for Mr J N & Mrs S A West, Berrys, (undated)
- Location Plan, Ref. SA23612/0, February 2017
- Indicative Site Plan, Ref. SA23612/03 Rev A, December 2016
- Tree Condition Report, Arboricultural Impact Assessment, Arboricultural Method Statement Tree Protection Plan, Land SE of Springbank Farm Church Stretton, Forester & Arborist Services Ltd, 8<sup>th</sup> January 2019
- Tree Location and Protection Plan, (based on Proposed Site Plan Ref. SA23612/02 Rev A, December 2016), Berrys, 2<sup>nd</sup> February 2019
- Phase One Habitat Survey, Land at Church Stretton, Arbor Vitae Environment Ltd, February 2017
- Springbank Farm, Church Stretton Method Statement to Avoid Damage to Great Crested Newts, Arbor Vitae Environment Ltd, March 2018
- Heritage Impact Assessment in relation to the Proposed Redevelopment of an Existing Campsite to Provide up to 6 Dwellings At Springbank Farm, Shrewsbury Road, Church Stretton for Mr J West, Berrys, January 2019
- Completed Surface Water Management Statement (Appendix D - Surface Water Management: Interim Guidance for Developers (undated)
- Flood Risk and Drainage Assessment. Proposed Redevelopment of an Existing Campsite to Provide up to 6 Dwellings at Springbank Farm, Shrewsbury Road, Church Stretton, Shropshire. SY11 4AD. Planning Ref:18/01258/OUT, Woodsyde Developments Ltd, January 2019
- Completed Affordable Housing Contribution Proforma (undated)

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| - Completed Community Infrastructure Levy (CIL), Form 0, 14th March 2018   |
| Cabinet Member (Portfolio Holder)<br>Councillor Gwilym Butler  |
| Local Member<br>Cllr. Lee Chapman<br>Cllr David Evans  |
| <p>Appendices</p> <p><b>APPENDIX 1</b></p> <p><b>REASONS FOR REFUSAL</b></p> <ol style="list-style-type: none"> <li>1. On the basis of adopted development plan policy approval of the application would be contrary to the Core Strategy Policies CS3 and CS5 and SAMDev Policy S5 and in particular S5.1 in being located outside the development boundary. Whilst some of the considerations of Policy MD3 can be considered to apply insofar as there is potentially a shortfall in housing provision in relation to the housing guideline figure for Church Stretton set out in SAMDev Policy S5 the application cannot be considered to make so significant a contribution to addressing this to merit approval for, so significant a breach of planning policy in terms of allowing development not just outside the development boundary but in a location that is detached from the rest of the built up area of the Church Stretton, in an area where policy seeks to protect the open countryside to the north of the town and in the AONB. As such the proposal cannot be considered to sustainable development and in that respect does not justify approval in terms of the considerations set out in SAMDev Policy MD3 and in the light of the great weight to be given to conserving and enhancing landscape and scenic beauty of the ANOB in accordance with paragraph 172 of the NPPF.</li> <li>2. The development will result in the loss of approximately 60 trees but the number of houses and the layout proposed is such that realistic compensation and improvements for what would be lost would not be possible. As such the scheme is simply not workable in terms of the impact on trees, the landscape including the AONB, and habitat. As such the development cannot be considered to be compliant with Core Strategy Policies CS6 and CS17 or SAMDev Policies MD2 and MD12 or the NPPF Chapter 15 and in particular Paragraphs 170 and 172.</li> <li>3. The site falls within the county Environmental Network but inadequate information has been submitted by the applicant to demonstrate how they will provide sufficient migration and enhancement for the loss of habitat as a result of the level tree felling proposed to meet the requirements of Core Strategy Policy CS17 and Paragraph 117 of the National Planning Policy Framework. On this basis the application can only be considered to have an unacceptable impact on the Environmental Network arising from the loss of habitat with adequate compensation to with requirements of Core Strategy Policy CS17 and Paragraph 117 of the National Planning Policy Framework.</li> </ol> <p><b>INFORMATIVES</b></p> <p><u>General</u></p> <p>Despite the Council wanting to work with the applicant in a positive and proactive manner</p> |

as required in the National Planning Policy Framework paragraph 38, the proposed development is contrary to adopted policies as set out in the officer report and referred to in the reasons for refusal, and it has not been possible to reach an agreed solution.

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