

Development Management Report

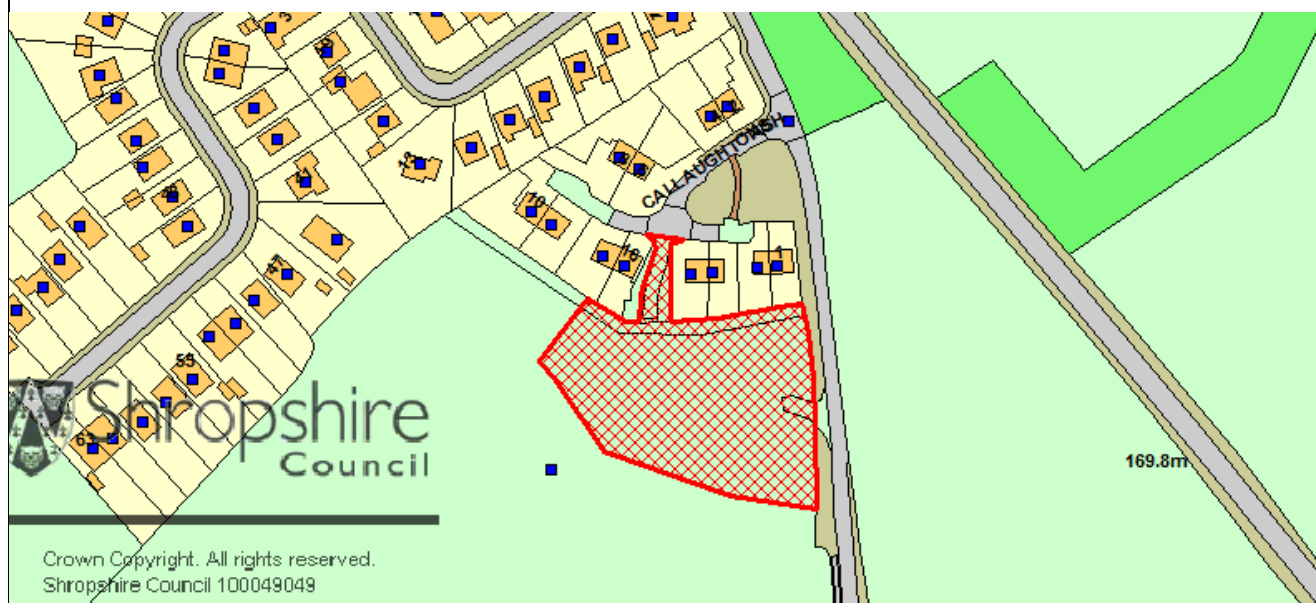
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Summary of Application

<u>Application Number:</u> 20/04432/FUL	<u>Parish:</u>	Much Wenlock
<u>Proposal:</u> Erection of 14 No. affordable dwellings with associated parking, roads and landscaping		
<u>Site Address:</u> Proposed Residential Development Land To The South Of Callaughtons Ash Much Wenlock Shropshire		
<u>Applicant:</u> Connexus		
<u>Case Officer:</u> Richard Fortune	<u>email :</u> planning.southern@shropshire.gov.uk	

Grid Ref: 362397 - 299199



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Recommendation:- Refuse:

It is acknowledged that there is an acute current need for affordable housing in the locality and that this proposal would be a high quality, energy efficient, contemporary design appropriate the landscape setting. It would therefore contribute to the social objective of sustainable development through the delivery of affordable housing and the dwelling design credentials would contribute to the environmental objective of sustainable development as set out in the National Planning Policy Framework. However, from the drainage information supplied it is considered that the proposed dwellings would be at risk from surface water flooding. In addition, it is not possible to conclude from the proposed drainage details that the proposal would not lead to conditions which would exacerbate the adverse impacts of off-site flooding experienced in the locality, and achieve any degree of betterment in comparison with the current surface water drainage situation in the locality. The proposal is therefore contrary to Shropshire Core Strategy policy CS18; Much Wenlock Neighbourhood Plan policies RF1 and RF2 and paragraphs 163 and 165 of the National Planning Policy Framework (2019).

REPORT

1.0 THE PROPOSAL

- 1.1 In February 2017 planning permission was granted for the erection of 12 affordable dwellings on land to the south of Oakfield Park, Much Wenlock (Ref. 16/02910/FUL). That development has been completed and the dwellings are occupied. The application had been considered at the October 2016 South Planning Committee and the delay in issuing the permission was due to the need for a Section 106 Agreement in relation to the moving of the speed limit signs on Callaughton Lane.
- 1.2 The additional affordable dwellings now proposed would be accessed through the above development, with a new section of access road constructed on the alignment of a field access route. The existing trees and hedgerow sections along the eastern site boundary with Callaughton Lane would be largely retained, supplemented with new planting and included in a public open space buffer area. This area of open space would be linked at its northern end to a surface water attenuation feature close to the northern site boundary, which would incorporate alterations to the existing swale on the southern edge of the existing affordable housing development. At its southern end it would also link to a new swale feature which would run along the southern and western site boundaries. New tree planting within the development, situated on either side of the entrance to the development, adjacent to the turning head, in the northern portion of open space and within front garden areas would include oak, mountain ash and scots pine. (Extra heavy standard).
- 1.3 The proposed dwellings would be in a similar form to the existing adjacent

affordable dwellings, which the agent has described as a modern take on the 'agricultural' aesthetic responding to the context in a contemporary yet sensitive manner, whilst avoiding pastiche. They would be a mix of three 1 bed, seven 2 bed and four 3 bed properties. The dwellings would each have a simple rectangular plan, with a projecting canopy porch over the front doors. The external facing materials would comprise of brick lower wall areas, a mix of horizontal and vertical boarding to the first floor wall areas. The dwellings would be designed to have low energy needs. The windows would be triple glazed Passivhaus windows without glazing bars and the dual pitched roofs would be covered with small plain clay roof tiles. The access road would have a tarmac surface with the parking areas a mix of block paving and tarmac, as per the adjacent affordable dwellings. The houses would be fully electric, in combination with Air Source Heat Pumps, with no gas infrastructure in order to contribute to decarbonisation and utilising green energy.

- 1.4 On entering the proposed development from the north, the main access road would curve round in an easterly direction. On its northern side there would be three pairs of semi-detached properties comprising of two single bed and two bed pairs, and a one consisting of two, two bed roomed dwellings. The latter would be accessed by a short private drive continuation of the access road. These dwellings would feature a small raised deck/terrace area by their rear elevations, due to the fall in the land. An area between the rear garden boundaries of these properties and the rear gardens of the existing properties to the north would form part of the surface water attenuation arrangements and contribute some open space to the development (As described at 1.2 above). Each of the properties would have two off-road parking spaces. On the opposite (Southern) side of this access road and private drive combination would be another three pairs of semi-detached dwellings, comprising of one pair containing two three bed dwellings; one pair comprising a three bed and a two bed dwelling and a pair comprising of two, two bed roomed dwellings. Immediately adjacent to the latter would be a turning head suitable for service vehicles and three visitor parking spaces. The final pair of dwellings (A two bed and three bed combination) in the north west corner of the site would have one dwelling accessed direct from the main access road and the second from a short spur off that road. All these dwellings would also each have two off road parking spaces.
- 1.5 There would be a large swale running along the length of the western, south western and southern site boundaries to collect run-off from the rising agricultural land beyond those boundaries. The rear gardens to the plots bordering the swale, with the field beyond, would have retaining walls of varying heights, with the maximum height being some 1.9 metres at the westernmost point.
- 1.6 As with the existing affordable dwellings, the proposal has been designed to achieve Passivhaus certification (To reduce energy consumption and achieve low heating demand). The houses would be fully electric, in combination with Air Source Heat Pumps, with no gas infrastructure.
- 1.7 A Design and Access Statement; Ecological Appraisal; Arboricultural Impact Assessment; Drainage Resume; Flood Risk Assessment; Landscape and Visual Impact Assessment; Archaeological Assessment and a Highways and Transport

Report accompany the application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is sloping agricultural land situated on the southern edge of the existing Much Wenlock built up area. It is bounded by Callaughtons Ash to the north, which comprises of two storey dwellings. To the west and south is agricultural land that continues to rise. Callaughton Lane adjoins the eastern site boundary.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application has been called for consideration by the South Planning Committee by the local ward member. The Chairman of the South Planning Committee and Principal Officer are also of the view that the balance of material planning considerations applicable to this proposal warrants consideration by Committee.

4.0 Community Representations

- Consultee Comments

(Where Consultees have submitted more than one comment, their latest comments are listed first below in order to show whether any previous concerns raised have been addressed or are maintained).

- 4.1 Much Wenlock Town Council (15.01.2021) - Object:
Much Wenlock Town Council supports the development of affordable housing on this site but objects to the application in its current form due to the poor design of the drainage system Councillors support comments made by Shropshire Council's drainage consultant, WSP, and the views expressed by Much Wenlock Flood Group with regard to the drainage scheme.
- 4.1.1 Much Wenlock Town Council (07.12.2020) - Comment:
Much Wenlock Town Councillors support the principle of affordable housing development on land to the south of Callaughtons Ash on condition that the drainage problems on the existing development at Callaughtons Ash be remedied before any building begins on the new site.
- 4.2 SC Highways Development Control (30.03.2021) - No Objection.
In view of the scale and type of housing proposed it is not considered that the number of trips generated by the development will have a significant impact on the surrounding road network. However, we will require localised improvements to the access to the site, which have been agreed in principle with the applicant and their consultants.

It is noted that in support of the planning application a Highways and Transport report has been submitted which is acceptable for the scale of the proposed

development. Section 3 of the submitted report states;

'It is noted that there is a short narrowed section of carriageway on the existing cul-de-sac and this will be removed to provide two-way movements along the cul-de-sac. This will provide a safe and satisfactory access'.

However, no details have been submitted, it is recommended that in the event planning permission is granted the applicant should be required to submit details and implement the proposed widening on phase1 and implement them prior to the occupation of any dwellings.

It is recommended that the following conditions and informatives are attached to any permission granted.

Conditions:

Prior to occupation of any dwellings, a scheme for the localised widening of Callaughtons Ash shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of any dwelling.

Reason: In the interest of highway safety and to avoid congestion in the surrounding area

On-site Construction

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

- **a Construction Traffic Management & HGV Routing Plan and Community Information Protocol;**
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

Informative Notes:

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway/verge) or
- carry out any works within the publicly maintained highway (street), or
- authorise the laying of private apparatus within the confines of the public highway (street) including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or
- otherwise restrict any part of the public highway (inc. footway, verge or waste) in any way, for the purposes of constructing the development (i.e. Skips, scaffolding, hording/safety fencing, material storage or construction traffic, etc.)

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

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

Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

Section 38 Agreement details

If it is the developer's intention to request Shropshire Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout, alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary street lighting and drainage arrangements, supported with appropriate design calculations, shall be submitted to: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into

<http://www.shropshire.gov.uk/hwmaint.nsf/open/7BD73DBD0D733532802574C6002E65E6>

Extraordinary maintenance

The attention of the applicant is drawn to Section 59 of the Highways Act 1980

which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic. Therefore, it is in the developer's best interest to contact the Council's Streetworks Team, prior to the commencement of any works, to agree the condition of the local highway. If no pre-start condition survey/agreement is made, the Council will assume that the affected street, is in a satisfactory condition. Therefore, any damage occurring to any part of the street during the period of construction, will subsequently become the responsibility of the developer, to repair or contribute towards any additional required maintenance, to make good the damage.

4.3 SC Drainage (29.03.2021) - Object:

Shropshire Council acting as the Lead Local Flood Authority object to the proposed development of Callaughton Ash Phase 2 (Planning No 20/04432/FUL) on the basis that the proposed drainage proposal is unable to demonstrate that the surface water produced by the site can be adequately drained, and that the development proposals do not address the issues of overland flow produced by the adjacent landform. Although it is appreciated that the land naturally falls towards the highway, maintaining the existing situation where flooding is being caused during storm events is not acceptable.

For any development proposals to be acceptable the development must demonstrate not only how surface water produced by the site will be sustainably managed, but how the development can provide a betterment to the existing situation where flows generated offsite are causing flooding to properties in Phase 1 and throughout the downstream catchment.

Greenfield run-off management comments:

1. In line with the Phase 1 development, the existing greenfield drained area to the swale should be increased to 2 ha.
2. The Phase 1 swale / bund is known to have been breached allowing water to flow to the adjacent properties. The Phase 2 swale / bund proposal is smaller and therefore offering less protection. Calculations demonstrating the size of the swale is of adequate size to convey 1% AEP plus 40% CC flows from the adjacent field should be submitted for approval together with a long section along the swale invert.
3. A long section of the Phase 1 swale should be submitted to ensure the western portion of the new swale, and the remaining western corner of the field, can drain adequately. Calculations must be provided demonstrating that the 300mm pipes beneath the carriageway are adequately sized for a 1% AEP storm plus 40% CC.
4. No calculations have been provided for the swale soakaway. The proposed swale and associated soakaway associated with phase 2 should be designed to be capable of conveying and attenuating a 1% AEP storm plus 40% CC, plus a

minimum of a 30% additional storage volume to provide a betterment to the existing flooding situation.

5. The exceedance route for the swale soakaway should be shown on the plan to ensure that the adjacent properties are not flooded. Similarly, it should be demonstrated where the water will flow to which does not breach the bund.

6. The soakaway infiltration calculations appear to be based on the full depth of water rather than timed between 25% and 75% water depth. No trench dimensions have been provided therefore cannot be checked. Confirmation is required how the calculations have been determined.

7. It should be demonstrated that the seasonally high groundwater level is at least 1m below the bottom of the soakaways.

8. A maintenance regime for the bund, swale, pipes, chambers and swale soakaway should be submitted for approval. This should include operations, timescales and who will be responsible for the works.

Development Comments

1. The LLFA have significant concerns that the current infiltration testing undertaken on site, and subsequent soakaway designs, do not reflect onsite conditions and will therefore not be capable of effectively draining the site.

Information submitted as part of the application documents indicate that the soakaways will rely on a shallow band of permeable material at a depth of approximately 2.4 to 2.6m. if this is the case all soakaways will rely on a shallow band of permeability at the base of the soakaway only. Evidence is required that all infiltration tests and subsequent soakaway designs are based on this limited permeability and should be sized accordingly.

2. The percolation test in TP9 was carried out to a depth of nearly 2m which would be to a level of approx. 178.27m. The FFL of plots 07 and 08 are 177.75m therefore assuming a depth to pipework of 1m and a 2m deep soakaway, would finish 3.5m below the TP9 level. The percolation test needs to be carried out at a significantly deeper depth.

3. Evidence should be supplied that there is sufficient infiltration in the public open space area at a depth of 0.5m. Furthermore, the calculated size of soakaway differs to that shown on drawing CA-GA-503 Rev B.

4. The calculations for sizing the soakaway serving plots 1-5 and access to plots 5-8 differs to that shown on drawing CA-GA-503 Rev B.

5. No calculations have been provided for the swale soakaway.

6. A plan should be provided showing the drained areas plus the appropriate

allowance for urban creep.

7. A maintenance regime for the soakaways should be submitted for approval. This should include operations, timescales and who will be responsible for the works.

8. Where a highway is to be adopted and gullies will be the only means of removing surface water from the highway, footpaths and paved areas falling towards the carriageway, spacing calculations will be based on a storm intensity of 50mm/hr with flow width of 0.75m, and be in accordance with DMRB CD526 Spacing of Road Gullies.

Gully spacing calculations must also be checked in vulnerable areas of the development for 1% AEP plus climate change 15 minute storm events. Storm water flows must be managed or attenuated on site, ensuring that terminal gullies remain 95% efficient with an increased flow width. The provision of a finished road level contoured plan showing the proposed management of any exceedance flows should be provided.

Vulnerable areas of the development are classed by Shropshire Council as areas where exceedance flows are likely to result in the flooding of property or contribute to flooding outside of the development site. For example, vulnerable areas may occur where a sag curve in the carriageway vertical alignment coincides with lower property threshold levels or where ground within the development slopes beyond the development boundary.

Shropshire Council's "Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12" requires that exceedance flows for events up to and including the 1% AEP plus CC should not result in the surface water flooding of more vulnerable areas (as defined above) within the development site or contribute to surface water flooding of any area outside of the development site. Contour and/or exceedance route plans should be submitted for approval demonstrating that the above has been complied with.

4.3.1 SC Drainage (06.01.2021) - Object:

We object to the Proposed Surface Water Drainage Strategy based on the following:

1. The Drainage Layout Plan shows a similar drainage proposal to the surface water system constructed as part of the existing Callaughtons Ash development. This arrangement of shallow boundary swales is not sufficient to adequately deal with surface water flows produced by either the development itself or overland flows produced by the adjacent land. The approach has resulted in flooding to the public highway and contributed to flooding of property in the downstream catchment. The proposed approach of replicating this design has the potential to exacerbate this flooding. A revised drainage design which adequately manages surface water flows from both the site and the upstream catchment is required prior to determination.

2. On site investigations have identified that there is no porosity within the first 1.8m depth of any trial hole. The depth of the proposed soakaways shown in the Drainage Layout Plan are 2.0m deep. As a result, the Soakaways have an effective depth of

only 200mm below the porosity layer. If the base of the soakaways become silted up to 200mm over time, the soakaways would be completely blocked. This is a significant maintenance issue which must be addressed prior to approval being granted.

In addition, the soakaway calculations in the Site Investigation Report states that all of the percolation tests failed to reach 75% of the effective depth meaning that the soakaway designs do not comply with the requirements of BRE Digest 365. Until it can be shown that the proposed soakaways comply with BRE Digest 365 it has not been demonstrated the site can be effectively drained.

A revised drainage design including soakaway test information which complies with BRE Digest 365 and updated soakaway designs is required prior to determination.

A meeting with the developer/ drainage designer should be arranged to discuss the issues in the submitted drainage strategy at the earliest opportunity.

4.4 SC Archaeology (23.03.2021) - No Objection:

Further to our comments and recommendations of 03 December 2020, a Historic Environment Desk-Based Assessment has been carried out in support of the proposed development (Cotswold Archaeology, March 2021, CR0626_1). The assessment has concluded that there is a low potential within the proposed development site for remains of prehistoric or Roman date. Similarly, the potential for remains of Saxon or medieval date is low, and moreover these would be likely to be of agricultural origin and of limited historical value. In general, we concur with these findings and accordingly recommend that no further archaeological investigation or mitigation is required for the current proposal.

4.4.1 SC Archaeology (03.12.2020) - Comment:

Recommend that an Archaeological Desk-Based Assessment is submitted to accompany this planning application for the proposed development to satisfy the requirements of Paragraph 189 of the NPPF. The assessment should include all heritage assets that may be directly affected by the development, using appropriate expertise and conforming to the Chartered Institute for Archaeologists Standard and Guidance for Archaeological Desk-based Assessment (2014, updated 2020), Historic Englands guidance on Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets (2017) and Statements of Heritage Significance, Historic England Advice Note 12 (2019). This would enable an informed planning decision to be made regarding the archaeological implications of the proposed development and any appropriate archaeological action or mitigation. There should be no determination of the application until the archaeological desk-based assessment has been submitted to the Local Planning Authority. On the basis of the results of this assessment, further mitigation (to include possibly a programme of archaeological work) may be required.

4.5 SC Affordable Housing (25.03.2021) - Support:

Exception sites are in locations that would not normally obtain planning permission

for new housing development. The exception is made because it is affordable housing for local people. The Supplementary Planning Document on the Type and Affordability of Housing, notes at paragraph 5.1 that “sites can involve a number of dwellings (usually between 2 and 25)”. The proposal relates to a second Phase to an existing exception site development at Callaughtons Ash. In 2016, planning permission was granted for a development comprising 12 ,1, 2 and 3 bed affordable rented and shared ownership tenure dwellings. Despite strong evidence of local housing need at the time of the planning submission for Phase 1, it soon became apparent, once development commenced that demand far exceeded supply. Experience has shown that where there is little or no affordable housing in a particular area, households do not necessary register their housing need on the councils waiting list, given that there is often perceived no hope of a home being available. This would have been consistent with what occurred in Phase 1.

The proposal (Phase 2), proposes an additional 14 dwellings, which comprise 1, 2 and 3 bedroomed homes. The tenure is equally split between shared ownership and rented. There were 49 households on the housing waiting list (Shropshire Homepoint) in February this year, who expressed a first preference to live in Much Wenlock and who identified at least one local connection. The requirement for 45 of these households is for 1, 2 and 3 bedroomed homes. The exceptional need for local needs affordable housing would only partially be met by this current scheme, if granted planning permission.

Phase 1 and 2 would result in an exception scheme of 26 dwellings. It should be noted that threshold in the SPD is a guide, given that it is stated ‘normally’. The exception being considered is local housing need and where the need is greater, there is no restriction to further dwellings being considered, subject to maintaining balanced communities and wider development management considerations.

Phase 1 was developed as a ‘community led development’ and involved extensive community involvement throughout the process, including working with the community on identifying a suitable site. Connexus have invested heavily in Phase one and in preliminary work on Phase 2 and therefore have clearly demonstrated their commitment to supporting local needs affordable housing in Much Wenlock. The scheme if permitted will provide much needed local needs housing and is supported by the Housing Enabling and Development Team.

4.6 SC Trees (29.03.2021) - No Objection:

I have reviewed the Arboricultural Survey and Impact Assessment (AIA) (ref: 1960, Focus Environmental Consultants, March 2021) and I can report that I agree with its findings and recommendations. Construction within the root protection area (RPA) of retained trees can be carried out without detriment to those trees, subject to compliance with the facilitation tree works and tree protection measures detailed within the AIA and its Tree Protection Plan. I note that an arboricultural method statement is also required as a condition to any permission granted, to cover additional tree protection details under the heads of terms given in section 4.5 of the

AIA.

The single tree to be removed (a small category 'C' oak of low amenity value) can be more than compensated by the tree and shrub planting proposed under the landscaping scheme for the site (dwg 3058 001 D). I would recommend the planting be implemented in accordance with the submitted plans prior to completion of the development.

I further consider that the amendments to the layout and design made subsequent to my original consultation response (15/12/2020) have satisfactorily addressed the concerns raised in that response, notably with regard to construction and drainage works within the RPA of trees along the eastern site boundary.

I therefore have no objection to this application on arboricultural grounds and can recommend the following tree protection conditions (as well as standard conditions relating to compliance with and implementation of the submitted landscaping scheme):

- A) All pre-commencement tree works and tree protection measures as detailed in the Arboricultural Survey and Impact Assessment and its Tree Protection Plan (TPP) (ref: 1960, Focus Environmental Consultants, March 2021) shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site.

B) Prior to commencement of development, an Arboricultural Method Statement (AMS), based on the heads of terms given in section 4.5 of the Arboricultural Survey and Impact Assessment and its Tree Protection Plan (ref: 1960, Focus Environmental Consultants, March 2021) and prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012, or its current equivalent, shall be submitted to and approved in writing by the LPA.

C) The development shall be implemented in accordance with the approved AMS and TPP. Approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the LPA.

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

4.6.1 SC Trees (15.12.2020) - Comment:

Contact: Tim Rogers (01743) 258773

support the findings and recommendations of the Arboricultural Survey and Constraints Report (ref: 1960 rev 1, Focus Environmental Consultants, May 2020), in so far as it relates to a description of the existing tree cover and the constraints posed to development by virtue of each tree's size (height, stem diameter and canopy spread), root protection area and shade arc.

However, the submitted arboricultural information represents only the first stage of the process and as the tree report recommends, additional processes and documents are required in order to take full and proper account of trees as a material consideration in the determination of this application.

The arboricultural implications of the proposed development must now be assessed by a competent arborist carrying out an Arboricultural Impact Assessment (AIA), in accordance with BS5837: 2012. The AIA should take account of the trees and hedges to be retained and those to be removed, any facilitation tree works required to implement the proposed development, any proposed measures to avoid or mitigate damage to retained trees and hedges and new planting to be carried out in association with the development.

An Arboricultural Method Statement and Tree Protection Plan must also be provided to detail how retained trees and hedges will be safeguarded during development and how works will be carried out in close proximity to those trees and hedges.

In this regard, I have concerns about the implications of the proposed development upon retained trees along the eastern site boundary, identified as trees T1 - T10 (excluding T5 and T6) in the tree survey. In particular, I am concerned that the proposed drainage arrangement as shown on the Drainage Layout Plan (dwg CA-GA-503) includes installation of a foul drain within the root protection area (RPA) of a number of trees on both the current development and along the eastern boundary of Phase 1 of the site. The Kerbing and Walling Drawing CA-PL-502 Rev A shows a retaining wall to be installed on plot 6 within the RPA of tree T3, whilst the landscape plans 3058- 001 Rev C and 3058-002 show this feature to be a gabion structure - this point of detail needs to be clarified prior to determination. In addition, boundary fencing is proposed within the RPA of trees T2,T3, T4 and T8. Finally, possible new maintenance access points are suggested within the RPA of trees T1 and T10 at the northern and southern ends of the site.

All the construction details identified in the preceding paragraph have the potential to cause damage to trees along the eastern site boundary, potentially affecting their safe viable retention. I would therefore request that they be considered as part of an Arboricultural Impact Assessment, to be carried out by a competent arborist in accordance with BS5837: 2012, prior to determination of this application.

- 4.7 SC Ecology (14.12.2020) - No Objection:
Content with the submitted Preliminary Ecological Appraisal (Focus Environmental, June 2020) and the level of survey work carried out. Recommend conditions requiring submission and approval of a landscaping scheme; provision of bat and bird boxes and in respect of external lighting.

4.8 SC Historic Environment (08.12.2020) - No Objection:

Whilst there are no heritage assets within the vicinity of the site, there is still potential for the proposal to have an impact upon the Much Wenlock Conservation Area which also contains numerous listed building along with Wenlock Priory which is a Scheduled Monument. It is noted that in effect that this is an extension to the existing Callaughtons Ash development adjacent. In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable: policies CS5, CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev, and with national policies and guidance, National Planning Policy Framework (NPPF) revised and published in February 2019 and the relevant Planning Practice Guidance. Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

The submitted LVIA is noted where it has assessed the proposal's potential impact upon the adjacent conservation area, listed buildings and Scheduled Monument. The assessment states that the proposal would have a 'negligible impact' upon the conservation area and listed buildings including the local landmark of Wenlock Windmill which is a grade II listed structure that lies to the north of Much Wenlock. This conclusion has been reached taking account of the presence of intervening buildings and existing tree cover, where it states that there is 'no effect' with regards to impact upon Wenlock Priory (Scheduled Monument). There is general consensus with these findings, where it is noted that the proposal for affordable housing can be given some weight in terms of public benefits balanced against 'harm' as part of addressing the paragraph 196 balance.

The proposed design of the dwellings is noted with regards to the use of contemporary design and use of high quality locally sourced materials along utilising the passivhaus principles which is supported, where the buildings should demonstrate high levels of thermal efficiency with regards to dealing with fuel poverty.

4.9 AONB Partnership (30.11.2020) - No detailed comments to make.

4.10 West Mercia Constabulary - No adverse comments.

Public Comments

4.10 Site notice displayed 30.11.2020; press notice published 01.12.2020. 8 adjacent properties sent consultation letters. Comments received in response to publicity are summarised below. The full text of the comments may be viewed on the planning file.

4.10.1 3 letters of support:

- New phase will go a long way to alleviate lack of affordable housing for local people.
- There will be some objections that flooding has become more severe since the first phase, but this is spurious and unfounded with no evidence to support the claim.
- Flooding has occurred downhill from Callaughton Ash for many years; with respect

to flooding that occurred in the area of Hunters Gate and Forester Avenue in 2007, there is photographic evidence of flooding in that area from the 1940s, and local aural evidence from the 1950s.

- No guarantee that affordable housing will be provided on the preferred development site in the new Plan, as these are likely to be lost under the Council's Open Book policy which allows developers to cite increased costs for flood alleviation schemes.

- Grateful to be living in phase 1 of the development and would not stand in the way of others having the same opportunity, but during heavy rain the garden gets flooded causing a problem with water and mud right up to their back door; concerned that new development will add even more flooding to their property. In line with housing policies in the Much Wenlock Neighbourhood Plan.

4.10.2 3 Objections:

- Failure to recognise and address the serious danger that proposal would increase flood risk elsewhere.

- Acknowledge Neighbourhood Plan aims to provide much needed affordable homes for local people, but this site lies within a rapid response catchment designated by the Environment Agency, of which there are only a dozen or so in England that are liable to sudden catastrophic flooding

- Considerable evidence that sub-surface groundwater movements results in springs downhill from this development which arise during periods of heavy rainfall.

- Has not been shown convincingly that soakaways and swales on the site will not contribute to increased flooding elsewhere.

- Concerns about accuracy of drainage resume and the ground investigation into flood risk making no reference to the catchment area Halcrow Report of 2007, a Mouchel Report of 2011 and a report for Severn Trent in 2015.

- Re-examination of previous assumptions about local geology is now necessary.

- Only another 8 dwellings should be proposed and not 14 to comply with policy for small social housing outside the development boundary.

- The dwellings would be above the contour line as stated by HM Inspector when he received the Town Plan and will require a large amount of earthwork removal and a substantial retaining wall.

- As a resident of phase 1, support the need for more affordable housing, but there are significant issues with drainage on this site which appears to have become more severe since the building of phase 1; access road (Callaughton Lane) has been partially washed away and is more a gravel track at the point of access.

Survey report for drainage was done in the summer and winter tells a different story.

- Gardens of houses that back onto the new site were completely flooded in 2019.

4.10.3 Much Wenlock Flood Group - Object:

We as a flood group have grave concerns about the application and has been proved already flooding does occur on CA1. CA2 will only compound those problems and we believe the whole design needs re-engineering and should not proceed in its present form until that work is completed on CA1.

4.10.4 Much Wenlock Civic Society - Comment:

- Support principle of building genuinely affordable housing in the town with a local

lettings policy; but there have been problems with localised flooding on the first phase of this development.

-Concerned whether sufficient investigation of the flooding problem has been carried out.

-This much needed development must not in any way increase the risk of flooding further down the slope.

-Although the proposed development area MUW012VAR adjacent to Hunters Gate should if built provide around 24 affordable homes the Society is very concerned that the cost of flood mitigation would lead to the developer seeking to reduce the number substantially.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design and landscape impact

Highway Safety

Drainage

Residential Amenity

Ecology

Affordable Housing

Open Space

Loss of Agricultural Land

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

6.1.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the adopted Shropshire Core Strategy 2011 and the adopted Site Allocations and Management of Development Plan (SAMDev Plan) 2015 and the Much Wenlock Neighbourhood plan (MWNP) 2013 - 2026.

6.1.3 Much Wenlock is classified as a Market Town under Core Strategy policy CS3 and a location that will have limited development that reflects its important service and employment centre role whilst retaining its historic character. SAMDev Settlement Policy S13 (Much Wenlock area) advises that the Much Wenlock Neighbourhood Plan sets out the development strategy for the town during the Plan period. With regard to affordable housing, SAMDev Plan policy MD7a relates to managing housing development in the Countryside and states that suitably designed and located exception site dwellings will be positively considered where they meet

evidenced local housing needs and other relevant policy requirements.

- 6.1.4 Objective 1 of the MWNP relates to housing and states that the Plan will provide for a limited amount of housing to meet local needs. This is to be achieved by a number of measures, including through:
"developing collaborative partnerships with one or more Housing Associations to bring forward affordable housing on exception and other sites."

Policy H5 states:

"Proposals for small scale affordable housing developments outside the Much Wenlock development boundary will be supported subject to the following criteria:

- They comprise up to 10 dwellings; and*
- The proposals contribute to meeting the affordable and social-rented needs of people with a local connection; and*
- The development is subject to an agreement which will ensure that it remains as affordable housing for people with a local connection in perpetuity; and*
- The proposals would not have a significant impact on the surrounding rural landscape and the landscape setting of any settlement in the plan area ;and*
- The development is appropriate in terms of scale, character and location with the settlement to which it is associated.*

Open market housing will only be permitted outside the Much Wenlock development boundary where this type of development can be demonstrated to be essential to ensure the delivery of affordable housing as part of the same development proposal."

The explanatory text to the above policy explains:

"Shropshire Council's Interim Planning Guidance on affordable housing sets a maximum size of 20 dwellings, for urban exception sites (defined as settlements over 3000 population). The Census 2011 shows that Much Wenlock is smaller than this and therefore exception sites should "reflect the character and scale of the settlement". We support this policy and have included the figure of ten dwellings in Policy H5 as a guide rather than a target, taking into account local housing need."

- 6.1.5 The application site here is outside of the Much Wenlock Town development boundary and abuts an existing affordable housing development which sits immediately adjacent to that development boundary. The proposed development for 14 affordable dwellings on its own and in combination with the existing adjacent development to which this would effectively be a phase 2, would result in a concentration of affordable dwellings in excess of the guideline figure of 10 which relates to Policy H5, with the total existing and proposed amounting to 26 units. This exceedance of the guideline figure needs to be weighed against the demand for affordable dwellings in the locality (See comments from SC Affordable Housing at 4.5 above), the absence of any other affordable dwellings sites coming forward at the present time and a consideration as to whether the number of units would cause any demonstrable harm to the setting of the Town in respect of the final two bullet points of policy H5. The acceptability or otherwise of the proposed scheme would also depend upon the outcome of consideration of the matters discussed below.

6.2 **Siting, scale and design and landscape Impact**

6.2.1 Section 12 of the NPPF is concerned with achieving well designed places. It states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; establish and maintain a strong sense of place; to optimise the potential of sites to accommodate an appropriate amount and mix of development; and to create places which are safe, inclusive and accessible and which promote health and well-being, providing a high standard of amenity for existing and future users. It also states, however, that permission should be refused for poor design that fails to take into account the opportunities available for improving the character and quality of an area. At paragraph 131 it advises that in determining applications great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. In terms of design and layout, the form of the proposed development has been described above in Section 1.

6.2.2 Core Strategy policies CS6 and CS17 are concerned with delivering high quality sustainable design in new developments that respect and enhance local distinctiveness. This is further bolstered by SAMDev Plan policy MD2. In summary, these policies expect new development to be designed to be sustainable in the use of resources, including during the construction phase and future operational costs, reduce reliance on private motor traffic, be respectful to its physical landscape setting and context and to incorporate suitable mitigation in the form of materials and landscaping. The MWNP Objective 6 relates to good quality design and aims to ensure development respects the scale, style and setting of the town, be of the highest quality design and include gardens of an appropriate scale to the properties. Policy GQD1 seeks to protect the high quality natural landscape outside the development boundary of Much Wenlock. Policy GQD2 sets out a number of design criteria against which new development should be appraised, making reference to the principles set out in the Much Wenlock Design Statement; making efficient use of land while respecting density, character, landscape and biodiversity of the surrounding area; be suitably designed for the context within which they are set; retain existing important landscape and natural features; ensuring that the scale and massing of buildings relate sympathetically to the surrounding area; create safe environments; and use traditional and vernacular building materials where such treatment is necessary to respect the context of the development concerned.

6.2.3 As with the affordable dwellings immediately to the north, and through which access would be gained, that proposed development in this case would be designed to achieve high standards of energy efficiency. The proposed dwellings complement those already built as 'phase 1', being of a simple, modern architectural style, but utilising traditional vernacular materials comprising timber cladding with small plain tiles to 40 degree dual pitched roofs. The generous space around the buildings

would also assist in their integration into this landscape setting with the rising agricultural land to the south and west. In combination with the affordable dwellings already built, there would be a strong sense of place, with a suitable balance between form and space as sought by paragraph 127 of the NPPF. The proposed landscaping and site boundary treatments would assist in assimilating the proposed development into the rural, edge of town landscape. The County Arboriculturalist is content that the revised layout has addressed his earlier concerns about the retention of existing trees which are of amenity value. The proposed tree and shrub planting would more than compensate for the loss of a small oak tree of low amenity value.

- 6.2.4 The design approach adopted has consistency with the adjacent affordable housing and remains acceptable for this site, in compliance with the NPPF, Shropshire Core Strategy policies CS6 and CS17; SAMDev Plan policy MD2 and Much Wenlock Neighbourhood Plan policies GQD1; 2 and 4.

6.3 **Highway Safety**

- 6.3.1 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 108 it advises that sites should give opportunities to promote sustainable transport modes appropriate to the type of development and its location, have a safe and suitable access for all users and that whether any significant impacts on the transport network or highway safety can be cost effectively mitigated to an acceptable degree. It continues at paragraph 109 stating development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Core Strategy policy CS6 seeks to achieve safe development and pertinent matters to consider include ensuring the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated. The Council's Developing Highways Manager is content that, subject to the conditions recommended at 4.2 above, the site access is suitable for the proposed development and the local highway network can accommodate safely the additional traffic likely to be generated. The footpath linkage to the facilities in Much Wenlock would be via the route available to the existing affordable dwellings.

- 6.3.2 The level of off-road parking provision within the proposed scheme would comply with Much Wenlock Neighbourhood Plan policy H6 in providing a minimum of two parking spaces per dwelling for new housing development.

6.4 **Drainage**

- 6.4.1 The site falls within Environment Agency Flood Zone 1, which is the least flood prone area to which it is an objective of the NPPF and associated guidance sequential test to direct new development. It is acknowledged however that the topography of the locality results in surface water flows from the farm land impacting on Callaughton Lane and the drainage infrastructure of the town, which is discussed further below and one of the factors which have shaped the drainage policies contained in the Much Wenlock Neighbourhood Plan.

- 6.4.2 Core Strategy policy CS18 relates to sustainable water management and seeks to

ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in existing run off rate and not result in an increase in run off. Objective 3 of the Much Wenlock Neighbourhood Plan relates to reducing flood risk. Policy RF1 requires new development to have no detrimental impact on surface water run-off in the town's surface water catchment area, or to be entirely self-sufficient in its ability to manage surface water run-off. Policy RF2 states new developments will be designed and constructed to reduce the overall level of flood risk to the use of the site and elsewhere compared to its current use. At policy RF3 it states that new dwellings should be designed to have a predicted water discharge of no more than 80 litres of water per person per day. Policy RF6 adds that parking spaces and driveways associated with new development will have permeable surfaces.

- 6.4.3 The proposed drainage arrangements would, in respect of foul water drainage, consist of each property having an outfall to a new holding and collection tank adjacent to the existing pump station located within the open space of phase 1 of the development. This tank would have adequate capacity for the proposed development and would discharge to the existing pump chamber. The flows through the pump main would not increase given the size of the pump main and retention of the existing foul water pumps. The outfall from the pump station discharges to the public foul sewer in Oakfield Park and a separate application will be necessary to Severn Trent to make the connection. The pump station and foul water drainage within the development would be maintained under the same management arrangements as at present by Connexus.
- 6.4.4 The proposed surface water drainage arrangements would follow similar arrangements to the first phase of the development. A swale would be constructed around the boundary of the site which would protect the development from exceedance flows from the higher ground. The swale is not intended to provide a positive drainage facility to the ground above, which would continue to drain as existing, but a catchpit and silt trap would be provided to the swale area and this will drain to a suitable soakaway. Highway drainage would also drain direct to a soakaway. It comments that investigations carried out no water table was encountered during testing and no water entered the test pits. The resultant design for the domestic surface water and proposed estate road is to deep soakaways, constructed below the heavy and dense clays. The drainage statement acknowledges that the water table level will fluctuate, but the investigations in this instance suggest the ground below the clays has ample porosity, whereby the water dissipates downwards and typically no greater than the angle of repose. It considers there would be no build-up of water pressure which would not be able to penetrate the thick layers of clays and express itself at lower ground levels to the east. The Drainage Resume concludes:

"Overall it is considered that the drainage proposals are appropriate and that it is highly unlikely that any of the waters from the development would reach the land to the east, let alone have sufficient waterhead pressure to penetrate the ground surface. Given the nature of the ground makeup it is more likely that surface water run-off being unable to penetrate clays and the fall across the ground within the

catchment area contributes to the specific collection of both surface and sub-surface flows expressing themselves at the lowest point. From observation even the land immediately adjacent to the site is very steep and has no identifiable surface water drainage. Of course the land continues to rise above the site to the west and to the south and again there is no hard evidence of any drainage system and this ground relies on the permeability of the top soils alone, which when saturated likely results in overground surface water run-off."

6.4.5 The Council's Drainage and Flood Risk Manager, together with the Council's Drainage Consultants WSP, raised objections to the above proposed surface water drainage strategy and their comments are set out in full at paragraph 4.3.1 above. It is their view that the drainage proposals are similar to the existing Callaughtons Ash (Phase1) development where the arrangement of shallow boundary swales is not sufficient to adequately deal with the surface water flows produced by either the development itself or overland flows produced by the adjacent land. They state that this approach has resulted in flooding to the public highway and contributed to flooding of property in the downstream catchment. It is their view that the proposed approach of replicating this design has the potential to exacerbate this flooding. The Council's Drainage Consultants are also concerned that the soakaways proposed could become silted up over time, leading to blockage, and that the soakaway calculations failed to meet the requirements of BRE Digest 365.

6.4.6 In response, the applicant's drainage consultant has summarised National and Development Plan policy context and acknowledges that the issue of surface water drainage within Much Wenlock is a subject of much discussion. He points out that the drainage scheme for phase 1 was approved by the Council's Drainage Engineer. With respect to the matters now raised by the Council's Drainage Consultants he comments:

- the drainage installed for phase 1 has operated effectively and efficiently as designed and so it was decided that a similar arrangement for capturing and dealing with the disposal of surface water should be adopted for this phase.
- The swale was not intended to be provided as a collection system or an attenuation feature for run-off from the field above the site, but does offer a benefit over and above the protection the drainage affords to the dwellings themselves in that a small amount of run-off from the higher grounds would actually collect in the swale and no drain direct to Callaughton Lane.
- Suitable ground where porosity is available is at deeper depths of between 2.4 - 6.0m. A ground investigation by Ruddesden Geotechnical and test confirmed that suitable porosity would be available at that depth.
- It was agreed with the Council Drainage Officer that some betterment would be provided to assist with surface water run-off and this has been engineered by designing a deeper and wider swale, introducing weir walls along its length to slow and delay surface water run-off and increased the size of the soakaway to accommodate a larger catchment area. The design of this swale would not capture all the flows which accumulate along the southern boundary from the area of land which amounts to some 1.37 Hectares.
- The drainage mounds around the top of the swale will deflect much of the flows as it is not within the developer's gift to provide additional drainage to the farmlands

and higher ground - it would not be practical or viable for such a small development.

- Based on the sizing of the soakaway they propose an additional 700 sqm could contribute to the swale, which in its own right would provide a significant betterment to the extant drainage in the locality. The betterment here would be that some of the surface water run-off will be collected and will typically amount to around 5% of the land area which would collect along the southern boundary, which ordinarily and prior to development would not have been collected and would therefore discharge to Callaughton Lane.

- The flooding of gardens in phase 1 of the development has been resolved by introducing additional maintenance by Connexus and ensuring the collection pit is free from debris and any eroded soils

- It is considered that these proposals provide additional benefit outside of the development site and will contribute to the overall local land drainage improvements, however they are not and cannot be provided to collect all run-off or additional run-off from the higher and adjacent lands and these will remain as existing where during excessive storms the water will collect on Callaughton Lane. It shall be noted that no run-off from this development will contribute or enter Callaughton Lane itself.

- We do note there are flood issues with Callaughton Lane at times of heavy and prolonged precipitation, but this is not due to or contributed by the development and this is a matter for Shropshire Council as Land Drainage Authority and Shropshire Council as Highway Authority.

- The design proposals provided on the updated plans are considered to be fully compliant with Council Policy and Council Specifications for Flood Management. The soakaways have been designed for worst event 1 in 100-year storms plus 35% climate change and potential urban creep.

- 6.4.7 The further response from the Council's Drainage and Flood Risk Manager and Drainage Consultants to the above response from the applicant's Drainage Consultants are in full at paragraph 4.3 above. They are maintaining their objection on the grounds that the proposed drainage is unable to demonstrate that the surface water produced by the site can be adequately drained, and that the development proposals do not address the issues of overland flows produced by the adjacent landform. Although they appreciate that the land falls towards the highway, maintaining the existing situation where flooding is being caused by storm events is not acceptable. They advise:

"For any development proposals to be acceptable the development must demonstrate not only how surface water produced by the site will be sustainably managed, but how the development can provide a betterment to the existing situation where flows generated offsite are causing flooding to properties in Phase 1 and throughout the downstream catchment."

Their particular points of concern with respect to Greenfield run-off management and on the proposed development itself are set out at 4.3 above. Their observations include that the phase 2 swale/bund is smaller than that of phase 1, offering less protection; the lack of calculations to demonstrate the adequacy of the swale, the adequacy of pipe sizings; no calculations have been provided for the swale

soakaway, which should include a minimum 30% additional storage volume to provide a betterment to the existing flood situation; exceedance routes should be shown to demonstrate adjacent properties will not be flooded; soakway infiltration require confirmation along with trench dimensions; how seasonally high ground water level would be accommodated; site plot levels require percolation tests to be carried out at a significantly greater depth; there are discrepancies in some soakaway size details shown on submitted documents. The agent has been advised of these continuing drainage concerns and any further response will be reported at the Committee meeting.

- 6.4.8 While it is acknowledged that the development proposal cannot be expected to resolve in full a pre-existing problem relating to the topography and run-off from farmland, the experience with phase 1 of the development justifies the Council taking a cautious approach. This is to ensure that the proposed development itself is not exposed to unacceptable flood risk and because of the Development Plan policy requirement to achieve some enhancement in comparison with the existing situation and having regard to climate change. Core Strategy policy CS18 in relation to sustainable water management requires developments to be safe, taking into account the lifetime of the development and the need to adapt to climate change. It states that all development should aim to achieve a reduction in the existing runoff rate, but must not result in an increase in runoff. Due to the specific drainage issues relating to Much Wenlock the Much Wenlock Neighbourhood Plan policy RF2 states that:

"All developments in flood-sensitive areas will be designed and constructed to reduce the overall level of flood risk both to the use of the site and elsewhere compared to its current use."

Policy RF1 also requires development to demonstrate that:

*"- the development proposed will have no detrimental impact on surface water run-off in the town's surface water catchment area, or
- the development proposed is entirely self-sufficient in its ability to manage surface water run-off."*

- 6.4.9 The comments of the Council's Drainage Consultants mean that, at the time of writing this report it has not been demonstrated that the proposed development would be in compliance with Core Strategy policy CS18 or Much Wenlock Neighbourhood Plan policies RF1 and RF2.

6.5 Residential Amenity

- 6.5.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest existing residential properties to the site are the affordable dwellings to the north. The separation distances from these dwellings and the juxtaposition of the proposed dwellings with the existing properties would ensure no overbearing impacts, overshadowing or loss of privacy to warrant a refusal on residential amenity grounds. There would be no residential amenity conflicts within the proposed development itself.

6.6 Ecology

- 6.6.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species and accords with the obligations under national legislation. SAMDev policies MD2 and MD12 supplement these policies. The Council's Ecology Team has raised no objections and is content that ecological interests can be safeguarded on any planning permission issued by conditions requiring the provision of bat and bird boxes and to control external lighting.

6.7 Affordable Housing

- 6.7.1 The current need for affordable housing has been set out by the Council's Affordable Housing Team in their comments at 4.5 above. The properties would be secured as affordable housing in the same manner as planning permission 16/02910/FUL for the adjacent affordable dwellings. Where the applicant is a Registered Provider, as is the case with the current application, planning conditions can be an acceptable means of controlling the occupation and affordability in perpetuity, rather than through a Section 106 Agreement, although the latter can offer greater flexibility with adjustments to affordability tenures. Planning conditions have been used on the 16/02910/FUL planning permission decision notice which stated as follows for the dwellings contained in that permission:

*"18. The dwellings hereby permitted shall not be let or occupied other than wither:
a. In the case of 10 dwellings, under a tenancy in accordance with the normal letting of a Registered Provider; and b. in the case of 2 three bedroomed dwellings, by way of a Shared Ownership lease or equity share arrangement whereby the occupier cannot progress or achieve a share greater than 80% of the whole.*

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

19. The affordable housing units shall be advertised through the Shropshire Choice Based Letting Scheme, and allocated through the Shropshire Housing Allocation Policy and Scheme.

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

20. In addition to the requirements of the Shropshire Affordable Housing Allocation Policy and Local Need criteria and the Local Letting Plan which shall be agreed in writing by the Local Planning Authority, all lettings or shared ownership leases shall meet the local connection and the cascade requirements set out in Shropshire Council's Type and Affordability of Housing Supplementary Planning Document or any policy or guidance that may from time to time replace it.

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

In the case of the current application the applicants have advised that on this occasion their preference is for the Section 106 Legal Agreement route to secure the properties as affordable housing, to allow more flexibility in terms of the affordable housing tenure for each property.

6.8 **Open Space**

6.8.1 Core Strategy policy CS6 seeks to ensure developments achieve local standards for the provision and quality of open space. SAMDev Plan policy MD2.5 acknowledges that open space can contribute to wider policy objectives, including surface water drainage, and seeks to achieve a quantity of open space in developments based on 30 sqm per bedroom. Much Wenlock Neighbourhood Plan policy GOS2 states new development should include or contribute to the provision of open space in line with the standards set by Shropshire Council. In this particular case the open space area provided between the existing and proposed housing, linking to that in phase 1 of the development, would have a dual drainage role. The area along the Callaughton Lane frontage, where there are existing trees and hedging, has been enlarged in the amended site layout and would function primarily as a semi natural landscape feature as a wildlife corridor, which is one of the roles open space can perform. It was accepted in phase 1 of the development that the shortfall against the strict application of the 30 sqm target was outweighed by the benefit of the relatively large gardens in a low density scheme in this edge of town location. It is considered that similar factors here and the amount of space available is also short of the 870 sqm target, at roughly some 730 sqm (Were the swale areas adjacent to the site boundaries with the field be included the target amount would be comfortably exceeded but these areas could not have a dual recreational use): This would make a refusal on the grounds of insufficient open space provision difficult to sustain. The maintenance of these areas would be by the Housing Association under the terms of their management arrangements for the site.

6.9 **Loss of Agricultural Land**

6.9.1 The site lies on Grade 3 agricultural land, as was the case with phase 1 of the development. In view of the acknowledged need for affordable housing and the policies of the Much Wenlock Neighbourhood Plan, in relation to such developments outside development boundaries - see 6.1 above (Principle of Development), and the grade 3 classification, it is considered that a refusal on the grounds of loss of high quality agricultural land could not be sustained.

7.0 **CONCLUSION**

7.1 There is no in-principle planning policy objection to an affordable housing development immediately adjacent to, but outside of the Much Wenlock Town development boundary and this proposal abuts an existing affordable housing development which sits immediately adjacent to that development boundary. While the total number affordable dwellings combining the numbers built and now proposed would be in excess of the guideline figure of 10 referred to in Policy H5 of the Much Wenlock Neighbourhood Plan, it is considered that the current need for

affordable dwellings in the locality and the absence of other sites for affordable housing significantly weighs in favour of the development. It is also pertinent that the concentration of affordable dwellings in this location would not result in any demonstrable harm to the setting of the Town, as established through the landscape and visual impact assessment. The final two bullet points of MWNP Policy H5 which requires proposals to not have a significant impact on the surrounding landscape and the landscape setting of the settlement, and to be appropriate in terms of its scale, character and location with the settlement to which it would be associated would not be compromised.

- 7.2 The design approach adopted has consistency with the adjacent affordable housing and remains acceptable for this site, in compliance with the NPPF, Shropshire Core Strategy policies CS6 and CS17; SAMDev Plan policy MD2 and Much Wenlock Neighbourhood Plan policies GQD1; 2 and 4.
- 7.3 The Council's Highways Consultants are content that the site access is suitable for the proposed development and the local highway network can accommodate safety the additional traffic likely to be generated. The footpath linkage to the facilities in Much Wenlock would be via the route available to the existing affordable dwellings. The level of off-road parking provision within the proposed scheme would comply with Much Wenlock Neighbourhood Plan policy H6 in providing a minimum of two parking spaces per dwelling for new housing development
- 7.4 The separation distances from these dwellings and the juxtaposition of the proposed dwellings with the existing properties would ensure no overbearing impacts, overshadowing or loss of privacy to warrant a refusal on residential amenity grounds. There would be no residential amenity conflicts within the proposed development itself.
- 7.5 Ecological interests can be safeguarded on any planning permission issued by conditions requiring the provision of bat and bird boxes and to control external lighting. The tree protection measures are acceptable and the new planting proposed is appropriate to the location. The form and quantity of open space that would be provided is considered acceptable for this edge of settlement location.
- 7.6 However, the proposed surface water drainage arrangements in their current form would fail to satisfy the requirements of Development Plan policies CS18, RF1 and RF2. which weighs significantly against all the positive attributes of the proposal. Given the essential need to reduce flood risk as identified by the Much Wenlock Neighbourhood Plan, this factor results in a recommendation for refusal of this application.
- 8.0 Risk Assessment and Opportunities Appraisal
- 8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into

account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

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

Shropshire Core Strategy and SAMDev Plan Policies:
CS1 - Strategic Approach
CS3 - The Market Towns and Other Key Centres
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD7A - Managing Housing Development in the Countryside
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S13 - Much Wenlock

Much Wenlock Neighbourhood Plan

SPD Type and Affordability of Housing

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)

Design and Access Statement
Ecological Appraisal
Arboricultural Impact Assessment
Drainage Resume
Flood Risk Assessment

Landscape and Visual Impact Assessment
Archaeological Assessment
Highways and Transport Report

Cabinet Member (Portfolio Holder)
Councillor Gwilym Butler

Local Member
Cllr David Turner

Informatives

1. Despite the Council wanting to work with the applicant in a positive and proactive manner 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.

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

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

Shropshire Core Strategy:
CS1 Strategic Approach
CS3 The Market Towns and Other Key Centres
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

SAMDev Plan:
MD1 Scale and Distribution of Development
MD2 Sustainable Design
MD7a Managing Housing Development in the Countryside
MD12 Natural Environment
MD13 Historic Environment
S13 Much Wenlock

Much Wenlock Neighbourhood Plan

SPD on the Type and Affordability of Housing

Contact: Tim Rogers (01743) 258773

Planning Committee – 13 April 2021

Proposed Residential Development Land To
The South Of Callaughtons Ash Much
Wenlock Shropshire

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