

## Development Management Report

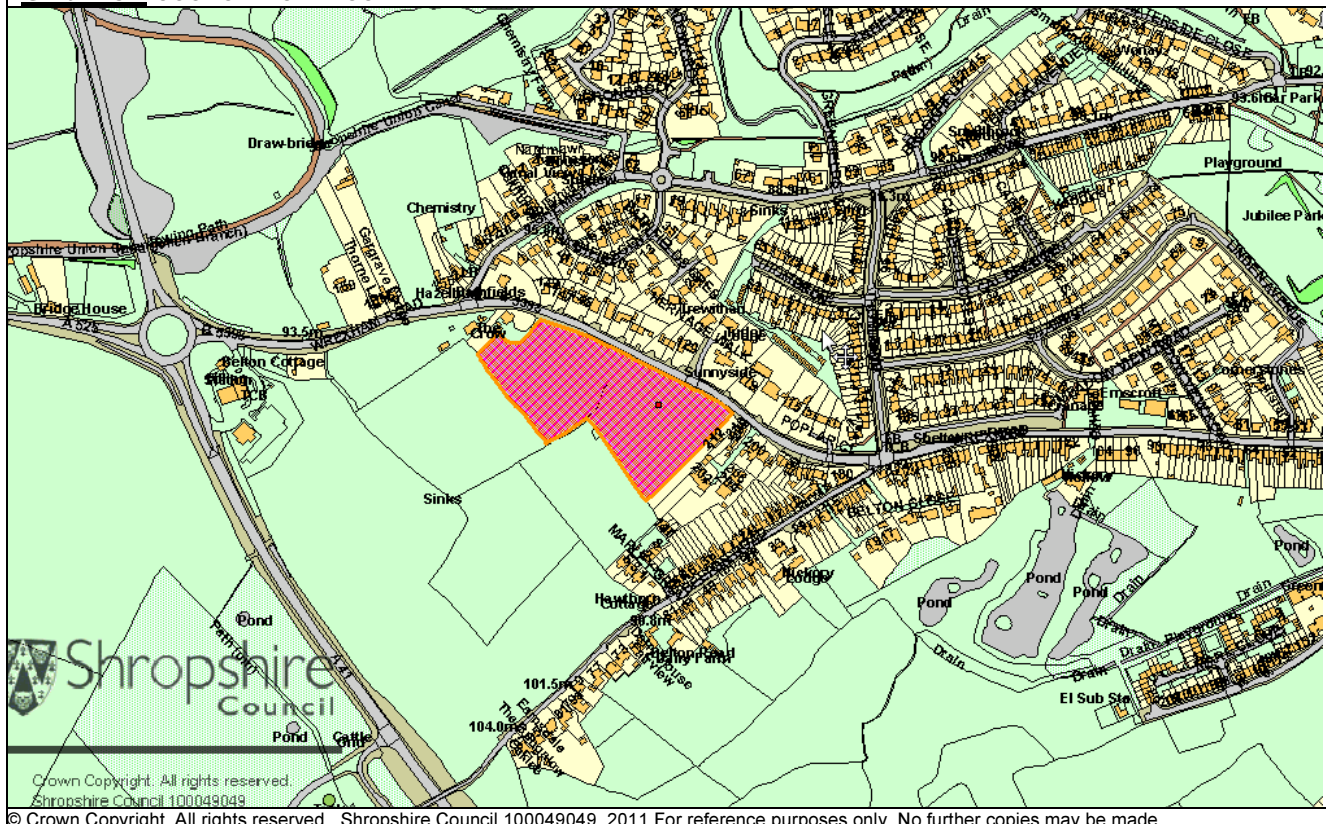
Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 14/00462/FUL	<b>Parish:</b> Whitchurch Urban
<b>Proposal:</b> Erection of 40 dwellings; formation of vehicular access, site landscaping including central open space and infrastructure	
<b>Site Address:</b> Land Opposite Sunnyside Off Wrexham Road Whitchurch Shropshire	
<b>Applicant:</b> J Ross Developments Ltd	
<b>Case Officer:</b> Karen Townend	<b>email:</b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>

**Grid Ref:** 353152 - 341283



**Subject to the applicants entering into a S106 legal agreement to secure the on-site affordable housing; to provide the open space and financial contributions towards the provision of a bus shelter, a Traffic Regulation Order (TRO) on Wrexham Road (if required), maintenance of the open space and surface water drainage system.**

## REPORT

### 1.0 THE PROPOSAL

1.1 The application is for full planning permission for the development of 40 dwellings, 24 three bed and 12 four bed open market properties and 4 two bed affordable properties, with two vehicular accesses off Wrexham Road, landscaping and public open space.

1.2 In addition to the full detailed plans and design and access statement the application is supported by an affordable housing statement, planning statement, statement of community involvement, landscape and visual impact assessment, heritage statement, transport assessment, drainage assessment and flood risk assessment, transport statement, tree survey and ecology survey and contaminated land reports.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The site area is 2.17 hectares in total but includes a watercourse running through the centre. It is currently in agricultural use as grazing land and is located on the outside edge of the development boundary identified in the North Shropshire Local plan. It slopes from the northwest to the southeast with an area of low lying land around the watercourse and the design and access statement has noted that the high point of the site is 95m AOD in the north east corner of the site.

2.2 The site is adjacent to and opposite existing residential properties and with agricultural land to the south west between the site and the A41. The existing dwellings in the area are a mix of detached, semi-detached and terrace houses of varying ages, styles and sizes. Either side of the application site are the detached property "The Crow" and the detached bungalow 212 Wrexham Road. Opposite are detached houses, many of which are single storey, set well back from Wrexham Road with gardens and driveways to the front. Further along Wrexham Road, towards the town centre the built form becomes higher density with terrace houses.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers and the application has been requested to be referred by the Local Member, and the Committee Chair in consultation with the Principal Planning Officer agrees that the application should be determined by committee.

### 4.0 COMMUNITY REPRESENTATIONS

#### 4.1 Consultee Comments

4.1.1 **Whitchurch Town Council:** With the planning application for the land on the other side of Wrexham Road there will be an additional three roads joining

Wrexham Road in close proximity, which must make the road much more dangerous particularly when one takes into account the proximity to the by-pass.

The members would also like Shropshire Council to clarify their position on their planning policy since the Wrexham Road site was taken out of the SAMDev preferred options in July 2013, as requested by Whitchurch Town Council. The Town Council believe that many of the larger applications that have come in of late are ad hoc and unplanned developments. Especially the ones that were initially deemed unsuitable to form part of the SAMDev preferred options. The Council understands that Shropshire Council does not have sufficient housing identified for five years, but the Town Council is questioning why it seems as though the shortfall is being solely concentrated around Whitchurch.

- 4.1.2 **Affordable Housing Officer: No Objections** The affordable housing contribution proforma accompanying the application indicates the correct level of on site affordable housing provision and therefore satisfies the provisions of the SPD Type and Affordability of Housing.
- 4.1.3 **Crime Prevention Design Advisor: No Objections** but has made recommendations regarding the layout of the site in order to reduce potential crime as a result of the development.
- 4.1.4 **Archaeology: No Objections** The proposed development site is located on the western edge of Whitchurch. A possible Roman road was discovered during trenching for a new pipe-line in 1965 at the junction of Chemistry and Wrexham Road, c.80m north-west of the propose site boundary (HER PRN 00566). Otherwise, the Cultural Heritage Assessment submitted with the application indicates that the proposed development site is likely to have been unitised for agricultural purposes throughout the post-medieval period. Map evidence indicates that a small animal pen and enclosure existed in the early 20th century near the northern boundary of the site, adjacent to Wrexham Road, although no above ground evidence survives.

Given the potential presence of a Roman road beneath parts of Wrexham Road, there remains a possibility that either remains of the road itself or associated archaeological features and deposits are present on the proposed development site. On this basis the archaeological potential of the site can be deemed to be low - moderate.

A Cultural Heritage Assessment by Clwyd-Powys Archaeological Trust has been submitted as part of the application which provides a satisfactory level of information about the archaeological interest of the site in relation to Paragraph 128 of the NPPF.

The Assessment concludes that the proposed development will not affect the settings of any designated heritage assets. However, in terms of potential direct impacts it does state that "a possible Roman road does lie immediately north of the area and there is always a potential for unrecorded, buried deposits of any date to be present within an area.'

On this basis, and in line with Paragraph 141 of the NPPF, recommend that a programme of archaeological work, to comprise an archaeological watching brief during the groundworks phase of the development, be made a condition of any planning permission for the proposed development.

- 4.1.5 **Conservation: No objection is raised on Historic Environment grounds subject to amended details.** There are no designated Heritage Assets on or immediately adjacent to the site but as noted within the Cultural Heritage Assessment submitted in support to the application one non-designated Heritage Assessment of low value is located within the site and will be lost as a result of the application.

The application is well considered and the Cultural Heritage Assessment is considered to have covered the requirements of the NPPF para 128 in terms of providing information and description of the site in the context of the Historic Environment.

The design rationale and context assessment provided in support of the application has resulted in a well thought out site layout which has responded well to the grain of the existing development along Wrexham Road and the typography of the site.

The design of the proposed dwellings would generally appear to reflect some of the vernacular detailing that exists within the immediate context setting of the site. There is a lack of chimneys on house type E, however, there appears to be more than one house type E, drawings 02A and 05, one has a chimney and the other does not. The issue with this is that one of the house types E is proposed for the street frontage and therefore will need to have a chimney maintain the character of the area, certainly of the more traditional vernacular. Also house types B and D do not have chimneys and probably should be designed with one, however, this will be more important for house type D than B as it is a type which will be more visible from public spaces.

Large developments of this type have the potential to have an adverse impact on the landscape character of the area. However, this is not something which Historic Environment Team can advise on. We would recommend that, should Development Management consider necessary, obtaining the opinion of an appropriately qualified Landscape professional to comment on the information provided by the applicant.

- 4.1.6 **Highways:** The highway authority raises **no objection** to the granting of consent subject to Section 106 contributions towards Traffic Regulation Order measures and bus stop shelter provision and future maintenance. In addition conditions should be imposed to require submission of construction details and a construction method statement.

#### **Key Issues:**

##### Access

The development area is in effect split into 2 separate sites due to the water

course between them and a number of mature trees. There are therefore 2 access points serving the 2 areas of land, both of which form priority junctions onto Wrexham Road. At these points, Wrexham Road measures some 7.3 metres in width, flanked on the northern side by a footway and a hedge line and verge along the site road frontage. Wrexham Road is lit and subject to a 30 mph speed limit. Whilst both access points are located within the 30 mph speed limit, actual speed readings have been taken of the approach vehicle speeds. These identify that splays of 2.4 x 63 metres are provided in both directions from either access point. These splays can be satisfactorily accommodated within the extent of the site road frontage and highway limits.

In terms of the access points into the site, there are no fundamental safety issues and the highway authority are satisfied that adequate and safe access can be achieved.

#### Layout

Although the development is split into 2 distinct housing areas, the layout of each in effect mirrors the other, with a circular type road arrangement. All vehicular and parking is gained within the site, with direct pedestrian access provided to those properties which front onto Wrexham Road. It is considered that adequate on-site parking is provided. Whilst the highway authority considers the road layout acceptable for adoption purposes, there is some concern with regard to the direct pedestrian access from the properties fronting Wrexham Road and the potential that these may lead to parking along Wrexham Road outside of the properties. The highway authority recommend therefore that a Section 106 contribution be sought from the applicant in the event that parking issues arise and a Traffic Regulation Order is considered appropriate.

The proposal includes a 2.0 metre wide footway along the site road frontage with a crossing point at its eastern end.

#### Traffic

A Transport Statement (TS) has been prepared which considered the impact of the traffic on Wrexham Road. Whilst Wrexham Road is considered in the TS to provide the principal route into Whitchurch town centre there is an alternative routing option via Thompson Drive onto Smallbrook Road. The site is well located to the A41 by-pass, being a short distance from the A41/Wrexham Road roundabout junction.

Via Automatic Traffic Count traffic data, traffic counts have been undertaken along Wrexham Road to consider the existing situation and impact of new traffic generated by the development proposal. The conclusions indicate that the potential increase in traffic along Wrexham Road is not significant and does not consider potential routing via Thompson Drive and Smallbrook Road. As with any traffic assessment there is an element of assumption, particularly in the distribution of traffic routing to and from the site, the highway authority are satisfied that the traffic assessment is robust and does not fundamentally disagree with its findings.

The TS has also been considered having regard to the near neighbouring

development site at 163 Wrexham Road where a further 23 dwellings are proposed. It is considered that the cumulative impact of both sites coming forward does not raise highway capacity issues.

#### Parking Issues along Wrexham Road

Notwithstanding the above, there are local issues surrounding the on-street parking which takes place along Wrexham Road between Thompson Drive and Joyce Way, which lead to congestion. At present cars park along the southern side of Wrexham Road adjacent to properties which do not have on-site parking facilities. The effect of this length of on-street parking restricts the carriageway to single car width. Discussions have taken place with the applicant's agent to consider potential Traffic Regulation Order(s) to stagger permitted parking lengths along Wrexham Road.

As part of the TS however, parking beat surveys were carried out along Wrexham Road together with queue lengths identified at peak times in the day. The survey concluded that the queue lengths were 2 and 4 vehicles during the morning and evening peak traffic periods. The highway authority are unable to verify the veracity of parking surveys carried out and clearly they provide only a snap shot of the parking situation. However, the issue to consider is to what extent the proposed development would exacerbate this situation and potential mitigation. In this regard, the highway authority must consider the scale of the development and potential for development traffic routing into and out of the site in the town centre direction as opposed to traffic gravitating to and from the A41 by-pass. In addition, residents of the development would have the alternative option of routing along Thompson Drive and Smallbrook Road towards the town centre.

When considering the above it is the highway authority's view that the potential impact of the development upon traffic/on-street parking issues, which currently exist, would not be materially worsened. Moreover, it is considered that a highway objection in this regard would not be sustainable. Nevertheless the applicant is prepared to fund potential mitigation measures which may include Traffic Regulation Order(s) being introduced along Wrexham Road to stagger the parking lengths. Whilst the highway authority would welcome such a financial contribution we do not consider that the tests of Section 106 would be met in that the development is not required, in the highway authority's view, to provide such provision to make the development acceptable. The highway authority would recommend that Members do not give this weight in their consideration of the development proposal.

#### Sustainability

Bus services 41, 41A, 205 and 206 operate between the site and town centre together with routing to destinations further afield. The applicant is prepared to fund a sheltered westbound bus stop closer to the site. The site is within reasonable walking distance to the town centre and is well located to promote cycle use between the site and town centre. The highway authority conclude that the site is sustainable in transport terms.

#### **4.1.6 Ecology: No Objections.**

A small wet area to the south of the site was assessed by Greenscape (2013) with a Habitat Suitability Index of 0.47 which is 'poor' potential for breeding great crested newts. Middlemarch (2011) state that all waterbodies within 500m of the study area are separated from the site by significant barriers, such as roads. Greenscape (2013) do not recommend further survey.

Bat activity surveys were carried out on the 7th June 2013 on a number of the hedgerows around the eastern field. This found common and soprano pipistrelle activity along two hedgerows in the eastern section of the site. It is not possible to draw many conclusions from this single, partial survey of unknown duration. It is likely that other hedgerows and tree lines on the site are used by bats for foraging and commuting. No trees on the application site were assessed as having bat roosting potential. The submitted plans indicate retention of the largest trees on the site and the majority of hedgerows. Raised no objection but recommended a condition to require details of external lighting.

Middlemarch (2011) reported a single badger hole over 30m from this application site. Greenscape Environmental (2013) found no evidence of badgers. An update survey should be carried out prior to work commencing on site and this can be controlled by condition.

A wet ditch/watercourse flows through the centre of the site and was surveyed for signs of water voles but no evidence was found. Water voles are found in the wider Whitchurch area therefore recommended an informative.

Recommends provision of 10 artificial nests and an informative relating to nesting birds.

- 4.1.7 **Tree and Woodland Amenity Protection: Support.** Following the submission of the revised tree plan the poor quality / defective trees are now shown as removed and replaced with additional new planting for long term environmental gain.
- 4.1.8 **Drainage: No Objections** The drainage details, plan and calculations should be submitted for approval prior to the determination of the planning permission.

The developer should agree with Welsh Water the extent of the surface water system to be adopted. Assuming Welsh Water would adopt the pipework in the carriageway only, the attenuation tanks would need to be maintained by a private company arranged by the developer. Shropshire Council would not be liable to maintain any of the surface water system.

In the Flood Risk Assessment, reference is made to the maintenance of the network where it has been assumed that the sewerage undertaker would adopt the piped network and the SuDs feature would either be adopted by the local authority or by a management company set up by the site operators. The paragraph is generic with no reference made to Welsh Water or Shropshire Council.

Although Shropshire Council will not be adopting the SuDs attenuation features, we have not specifically made a formal comment stating this, but could add an

additional comment if required.

Although the attenuation tanks are within the public open space, there would be no maintenance liability for Shropshire Council associated with the piped or tanked drainage system.

- 4.1.9 **Environment Agency:** The proposed site appears to fall within Flood Zone 1 based on our 'indicative' Flood Map for Planning (Rivers and Sea). We would therefore recommend that you consult with the Lead Local Flood Authority (LLFA) i.e. your Council's Flood and Water Management Team in relation to surface water drainage and the un-modelled ordinary watercourse running through the site.
- 4.1.10 **Welsh Water: No objection** subject to conditions to prevent development within 3m of the sewer crossing the site; prevent surface water discharging to the sewer system; and submission of a drainage system. Do not envisage any problems with the waste water treatment works for the treatment of domestic discharge from this site.
- 4.2 **Public Comments**
- 4.2.1 Neighbouring properties were consulted and a site notice erected. 36 letters of objection have been received raising the following concerns:
- No public consultation by the Developer
  - Previous applications and proposals to develop the site have all been rejected
  - If approved, this development will lead to other proposed developments on the adjoining land
  - Given the current housing provision in SAMDev there is no justification for this site to be developed
  - Would result in over supply of housing in Whitchurch
  - The site was removed from SAMDev due to the significant objections
  - Other more appropriate sites should be considered first including brownfield sites
  - There are inaccuracies and spurious statements made in the application and some of the information is out of date
  - The money should be used to renovate derelict buildings for use as housing
  - The proposal will not provide any economic improvement for the town
  - The application makes no reference to improvements to communication infrastructure
  - It will result in the loss of valuable farmland which is grade 2
  - The infrastructure details are immaterial as it does not take into account the potential for future development of up to 300 dwellings as previously applied for
  - There are no jobs in the area for proposed residents
  - The schools and doctors have no capacity for increase in numbers
  - The proposal does not provide any improvements in terms of health and wellbeing for the town
  - The layout and design are not appropriate
  - No details of maintenance of open space



- Loss of privacy for existing dwellings
- The traffic figures given are inaccurate and an independent survey should be undertaken by the Council
- Residents have done a traffic count which resulted in higher numbers
- The proposed traffic levels would exacerbate the current gridlock experienced throughout the day
- Development of the site will lead to traffic congestion in the area
- The bus stop referred to is not used as the bus turns off the highway before it
- The buses from Wrexham Road only connect with the station twice a day
- Cycling, walking and public transport are poor and hazardous and not as stated in the application
- The road and footpath dimensions are inaccurate
- The proposal will restrict on street parking ability for local residents
- All the proposed parking will cause problems over convenience as they are located away from the associated dwellings
- Poor visibility for parking areas
- Chicanes increase the speed of traffic “racing” to get through them. It would also result in more traffic using Smallbrook Road and Chemistry to access the Town Centre
- Increased traffic will be hazardous to the increased number of pedestrians using the narrow footpaths where there are any
- This area is used by wildlife including endangered species and needs to be enhanced
- The site is not enclosed by hedges
- The development will result in additional surface water run-off that will cause flooding problems
- No information regarding maintenance of the surface water drainage
- There are errors in the drainage proposals and FRA
- Potential impact on the foul drainage for The Crow which crosses the site
- The Landscape and Visual Impact Assessment confirms that there is not enough mitigation and that the impact has been under-estimated
- There is potential for the site to be of archaeological interest
- The land in this area is unstable and has resulted in nearby dwellings having to be underpinned. Therefore the site is unsuitable for development

#### 4.2.2 One letter of support has been received commenting:

- The site is suitable for residential development
- Bus is accessible as it will stop where asked to do so
- Housing is required in Whitchurch to try and reduce the extortionate rents being charged to existing residents and to give them alternative accommodation
- The allegations made regarding lack of school places, lack of doctors and the amount of traffic are inaccurate
- Existing residents of the town would like more opportunities for places to live

## 5.0 THE MAIN ISSUES

- Policy & principle of development
- Is the site sustainable?

- Economic considerations
- Social considerations
- Environmental considerations
- Layout, scale and design
- Impact on residential amenity
- Highways, access, parking and rights of way
- Ecology and trees
- Drainage

## **6.0 OFFICER APPRAISAL**

### **6.1 Policy & Principle of Development**

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 The NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking (para. 14), so it applies, as a material planning consideration, in any event. The NPPF specifically aims to 'boost significantly the supply of housing', with the requirement for authorities to have a housing land supply of 5 years to achieve this. Therefore, the fact (and degree) that a proposed development helps to boost housing supply is a significant material consideration. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply. It is only if the Council cannot demonstrate a 5 year housing land supply that the housing supply policies (but not the others) should be considered not to be up-to-date, with consequently greater weight to the NPPF presumption in favour of sustainable development.

6.1.3 In September 2013 the calculation was a supply of 4.95 years, however this included counting some of the emerging SAMDev sites and questions have been raised as to whether this is appropriate and also the likely number of houses to be delivered in the five years. Given this position officers advise that it would be difficult to defend a refusal for a site which is sustainable and that the presumption in favour of sustainable development at paragraph 47 of the NPPF is given greater weight than either the adopted or forthcoming policies. The principle issue with the application site is whether it is a sustainable location or not.

6.1.4 The site lies outside the development boundary as set in the North Shropshire Local Plan and as such it has been advertised as a departure and would not normally be supported for development. However, as Shropshire Council are no longer able to demonstrate a 5 year supply of housing land the North Shropshire

Local Plan policies relating to housing land, and the associated plans, are not considered to be up to date and greater weight is given to the NPPF presumption in favour of sustainable development.

- 6.1.5 Whitchurch Town Council have acknowledged this issue which is county wide across Shropshire but have raised concerns that the shortfall is being concentrated around Whitchurch. Members will be aware that there are other applications submitted as a result of the lack of a five year land supply that would not have been supported under the district council policies and would also be contrary to the SAMDev. There are applications being considered across the whole of the County, members will recall West Felton, Woore and Morda with similar situations and there are similar situations across other parts of Shropshire.
- 6.1.6 Local residents have commented that the site has previously been refused on the grounds of environmental impact and highway safety and that it was removed from the SAMDev for the same reasons and given the level of local objection. Objectors consider that the development of this site, along with the Tilstock Road development for 500 houses, would result in over development of Whitchurch or if Tilstock Road was not developed would result in pressure for developments in other parts of the town. Concern is also raised that this application will lead to further development of the land beyond the application site. All of these concerns are valid concerns from local objectors who are seeing pressure on the town for new housing. However, as one of the main market towns in Shropshire Whitchurch, is identified as a settlement which is promoted for new housing.
- 6.1.7 There is no planning history for the application site, the refusals referred to relate to consideration of the application site for allocation and although it is acknowledged that the site was not carried forward as a preferred option site this does not automatically mean that the site has to be refused planning permission. The previous proposal for up to 350 dwellings on the site was not pursued due to concerns over highway capacity on Wrexham Road and it can not be assumed that the current proposal would result in any further applications, and any further applications would also need to be considered on their own merits. The proposal needs to be considered in the light of the presumption in favour of sustainable development and against all other policies within the Shropshire Core Strategy. Officers consider that the proposed development of this site for 40 dwellings, on its own or counted with the other sites put forward before SAMDev adoption, would not prejudice the SAMDev or future development of allocated housing sites. The size of the development is not significant when considered against the housing allocation for Shropshire as a whole or even taken against the proposed 1,200 new dwellings for Whitchurch.
- 6.1.8 It is also acknowledged that the applicant has not done any further public consultation since the work undertaken for the SAMDev. Although the NPPF promotes consultation with the local community, the lack of recent consultation would not be a reason to refuse the application. The applicant is aware of the strength of feeling against the application
- 6.1.9 Policy CS6, amongst a range of considerations, requires proposals likely to generate significant levels of traffic to be located in accessible locations where

opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Policy CS7 states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services. And policy CS9 states that development that provides additional dwellings or employment premises will help deliver more sustainable communities by making contributions to local infrastructure in proportion to its scale and the sustainability of its location.

6.1.10 Given the above, whether the site is appropriate for development rests on whether it is considered sustainable. Paragraph 14 of the NPPF advises that where policies are out of date permission should be granted for sustainable developments unless any adverse impacts would significantly and demonstrably outweigh the benefits or where specific policies within the NPPF indicate development should be restricted. These restrictions relate to specifically designated sites, heritage assets and locations at risk of flooding. The presumption is in favour of sustainable development as tested against the NPPF as a whole. A site needs to be compliant with all three dimensions of sustainable development; economic, social and environmental.

## 6.2 **Is the site sustainable?**

6.2.1 Local residents have questioned the sustainability of the site on the grounds of lack of economic or infrastructure improvements, the lack of jobs in the local area and that the schools and doctors do not have the capacity for increased numbers. All of these matters are considered below but members should also take into account the basic principle that Whitchurch is one of the key market towns and is being promoted for around 1,200 houses.

6.2.2 Paragraph 7 of the NPPF sets out the three dimensions to sustainable development and provides an overview of what is considered to be the economic, social and environmental roles of the planning system. For a site to be considered to be sustainable development the three dimensions need to all be provided and the presumption in favour of sustainable development advises that, unless there are material considerations which significantly and demonstrably outweigh the benefits, consent should be granted. It is not a case of having to prove the benefits outweigh the harm but to prove that any harm substantially and demonstrably outweighs the benefits.

6.2.3 The assessment of the site undertaken by Shropshire Council Policy Officers in determining whether to promote the site within the SAMDev score the site positively for access to bus service and facilities but negatively for access to primary school. It was considered to be capable of providing new housing and the conclusion of the assessment was that the site has average sustainability. However, the site was not progressed into the final version due to other sites being available which did not impact on Wrexham Road. The larger site for up to 350 dwellings was not considered to be appropriate due to the pinch points along Wrexham Road, however the current application is for a smaller scale development than that put forward for SAMDev.

## 6.3 **Economic considerations?**

- 6.3.1 It is acknowledged that the site is not adjoining the town centre, employment area or the train station, however it does adjoin existing residential areas and is within the Whitchurch by-pass.
- 6.3.2 The construction of new housing in, or on the edge of, Whitchurch would support the businesses within the town and residential areas. Objectors have noted the local convenience store between the site and the town centre which may see an increase in custom from the proposed development. The new residents would also be likely to support community and leisure facilities in and around the town and furthermore the construction of the housing provides employment for the construction period and potential new employees into the town.
- 6.3.3 Concerns have been raised about the lack of jobs available in the town however this is not a site specific objection to the development proposed and if the availability of jobs was a determinative factor this would apply to all housing proposals in the town, including the large allocated site off Tilstock Road. Officers do not have any evidence that there are not job opportunities in the town and new opportunities being made available. The new Sainsbury store has provided new jobs; there are employment sites being developed around the town and additional land being put forward for employment use allocation in the SAMDev. Officers do not consider that this matter is one which results in significant and demonstrable harm which would outweigh the benefits of new housing.
- 6.3.4 However, officers also acknowledge that neither the benefits or the harm is site specific. New housing will provide economic benefits and these are given weight in the determination of the application and the concerns raised by residents is not specifically a harm resulting from the development. Officers consider that the economic benefits of new housing needs to be part of the balance of determining the application.
- 6.4 **Social considerations?**
- 6.4.1 Policy CS11 of the Shropshire Core Strategy requires all new housing to contribute towards affordable housing. The applicant has submitted an affordable housing statement with the application which details that of the 40 dwellings proposed 4 are to be affordable and as such this would comply with the current target for Whitchurch of 10% affordable housing. As this amounts to a rounded number of houses the provision can be wholly on site and the applicant is proposing all four to be social rented by Wrekin Housing who are a local social landlord.
- 6.4.2 The agent has commented within the statement that the proposal is for wholly rented properties as there is an identified need for social rented accommodation in Whitchurch. It is acknowledged that the 4 affordable units will all be together in one part of the site, however as 4 is only a small number of dwellings this grouping is considered by officers to be acceptable and allow for better management of the properties by the landlord. The provision of affordable housing is a social benefit in addition to the general benefit of boosting housing supply. The Council Affordable Housing Officer has confirmed that the affordable housing contribution is the correct level of on site affordable housing provision and therefore satisfies the provisions of the SPD Type and Affordability of Housing.

These units will need to be secured as affordable in perpetuity through a S106.

- 6.4.3 In design terms the 4 affordable houses are provided in two pairs of semi-detached houses which are similar to the other proposed semi-detached houses across the site and the terrace houses in the western part of the site. The external appearance will use the same materials and design features as the other dwellings and as such these properties will not be identifiable as affordable.
- 6.4.4 Policy CS9 also requires all new housing to financially contribute to the provision of infrastructure. This is done through the Community Infrastructure Levy which is a levy charged on new housing and in the case of the application site would be £40 per square metre of new housing (and therefore the 4,050 sqm would equate to £162,000). The contribution is dealt with outside of the planning process and after development commences and is used to pay for infrastructure identified as local priorities. However, it is a material consideration in the determination of the application and the acknowledgement of the requirement to pay the CIL ensures that this matter will be dealt with after the consent. The CIL contribution could provide for the infrastructure enhancements identified as missing by the local objectors and could also be used to contribute towards school places.
- 6.4.5 Concern has been raised and also countered by the one letter of support about the frequency of the bus service and whether it passes the site. The agent has noted the presence of a bus stop and also noted the distance from the site to the town centre and other services and facilities and advised that the town centre and train station are both within cycling distance. Officers can confirm that there are bus stops within walking distance of the site on both sides of the road, heading into and out of town. The Council transport website advertises buses stopping at this bus stop and the stop which would be used to wait for a bus to go into town is served by a shelter. The development also proposes the provision of a footpath along the frontage of the site and a pedestrian crossing on Wrexham Road which would provide a safe point to cross over to the opposite side where the footpath is wide enough to serve as pedestrian access to the bus stop or the shop. It is accepted that there is not a bus stop directly on the edge of the application site, however it is considered that the existing bus stops and bus service are within walking distance.
- 6.4.6 As noted by the agent the application is within walking distance of a bus stop and cycling distance of the town centre and train station and as such the site is accessible by other means than the private car. Whitchurch has a good range of service and facilities, shopping and employment opportunities and land being allocated for further employment uses and the development provides new housing, including affordable housing, and a financial contribution towards infrastructure. Overall it is not considered that the proposed addition of 40 dwellings on the application site, taking into account the significance of Whitchurch as a market town and as a priority for new development, would not result in a level of pressure on local infrastructure which would justify refusing the application.
- 6.5 **Environmental considerations?**

- 6.5.1 It is acknowledged that the development of the site from agricultural land to built development will have an environmental and visual impact, as considered in greater detail below. However there are also environmental benefits gained from the development. The development includes the provision of open space within the site including a green corridor along the watercourse and retention of the existing landscaping features. The site is currently private land and the proposal will provide public open space in the form of this green corridor. This is an environmental gain which should be taken into consideration in the balance of harm against benefit.
- 6.5.2 Concerns have also been raised about the lack of environmental gains such as solar panels. This is noted, however there is no policy requirement for new developments to provide solar panels, policy CS6 seeks to encourage renewable energy but does not insist on what form this takes. The proposals have been designed to, as far as possible, maximise solar gain; all homes will be fitted with low energy bulbs and white goods, low flush cisterns and rainwater butts in private gardens. In addition the developer has offered 20% of the houses to be fitted with electric car charging points and consider the use of grey water recycling. These proposals are supported and will go some way to reducing the pressure on water and electricity and it should also be noted that permitted development rights exist for householders to install most renewable energy products without planning permission.
- 6.5.3 Local objectors have raised concern about the loss of the agricultural land which one objector has commented is grade 2. The agent has confirmed this in the planning statement noting that the site is predominately grade 2 but considers that development of agricultural land around Whitchurch is unavoidable to deliver the housing required. The agent has also noted that the land is only used for grazing and is not used for arable due to the watercourse. The loss of best and most versatile agricultural land is an impact of the development proposed, however officers consider that the loss of the area proposed for the 40 houses would not constitute significant loss of agricultural land and as such that this harm is not so significant and demonstrable as to outweigh the benefits of new housing.
- 6.5.4 The main consideration of environmental impact is dependent on the layout, scale and design and the impacts on highways, trees, ecology and drainage. These matters are considered in detail in the following sections.
- 6.5.3 The main consideration of environmental impact is dependent on the layout, scale and design and the impacts on highways, trees, ecology and drainage. These matters are considered in detail in the following sections.
- 6.6 **Layout, scale and design**
- 6.6.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Local concerns have been raised about the layout, design and density and the position of semi detached houses opposite

detached dwellings.

- 6.6.2 The layout of the site has been the subject of pre-application advice prior to the submission of the current application. The layout proposed provides two clear areas of housing with the watercourse through the centre and the open space providing a buffer to the watercourse. Both areas provide a mix of detached, semi detached and terrace houses with higher density in the middle of each area and lower density on the edges. The two areas are divided by the public open space and watercourse with no vehicular access but a pedestrian bridge is proposed across the watercourse to enable access on foot.
- 6.6.3 The development will provide housing fronting onto Wrexham Road, as is the existing character but with access drives from the rear of the properties and thereby reducing the number of accesses off Wrexham Road to the two estate accesses. The street scene drawings submitted with the application show that the houses along Wrexham Road will consider the existing site levels and as such will gradually be reduced from the outside edges to the centre of the site. The layout will also provide natural surveillance of private and public spaces and parking areas. It is acknowledged that the proposed layout shows semi-detached houses opposite detached houses, however officers do not consider that this is detrimental to the character of the area. The proposed layout provides variety and mix and is considered to relate well to the surrounding built form on both sides of Wrexham Road. The proposal provides a development which is lower density on the edge of the town and with a slight increase in density on the edge closest to the existing development.
- 6.6.4 In support of the design proposals the application has been submitted with a design and access statement which notes all of the policy and guidance which has been used to guide the design of the site. The NPPF seeks to promote high quality and good design which goes beyond appearance to address connections between places and people. The NPPF aims to add to the quality of an area, the sense of place and respond to local character. The integration of new development is also promoted in the 'Urban Design Compendium' and the guidance in 'By Design'. The D&A also advises that the development is intended to meet Building for Life 12 criteria and also how the proposal complies with Core Strategy policies. The recently issued Planning Practice Guidance also notes that achieving good design is about creating places, buildings or spaces that work well for everyone, look good, will last well, and adapt for the needs of future generations.
- 6.6.5 The application is also supported by a Landscape and Visual Impact Assessment which provides an analysis of the site as current and the impact of the proposal from 7 viewpoints. This accepts that the main impact will be the replacement of semi open countryside with houses on one side of the road to houses on both sides of the road and accepts that this will result in harm but that the harm is minor. The LVIA also acknowledges the change to the relationship between the properties on Wrexham Road and the open countryside but considers this to be a minor adverse impact.
- 6.6.6 The application form advises that the houses will be finished in red brick and slate



finished roof with materials to be submitted and agreed. The designs shown on the submitted plans are considered by officers to be acceptable and relate well to the surrounding area. The houses are all two storey. The design and access statement notes that the properties in the surrounding area are brick and tile with plain barge boards and dentil courses, occasional use of timber framing, bay windows and double gable fronts. Existing dwellings are single or two storey and rarely include dormer windows. The designs proposed include pitched roofs, some with gables, chimneys in prominent locations, simple porches, small numbers of bay windows

6.6.7 Overall officers consider that the layout and designs have been well thought out and take into account the context of the site and the wider area. Although the proposal will alter the character of the immediate area from agricultural to built development this harm is considered to be less than substantial, the proposal will retain a gap between the edge of Oswestry and the village of Morda and as such the adverse impact of the harm is not considered to outweigh the benefits. Accordingly the development is considered to be acceptable and comply with the local policy requirements and also the NPPF and is therefore recommended for approval.

#### 6.7 **Impact on residential amenity**

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

6.7.2 Objectors have raised concerns about the loss of privacy and overshadowing with a very detailed objection being received from the owners of The Crow, the adjacent property detailing the impact which they consider will result from developing the site as shown on the submitted plans. The agent has detailed the consideration of the impact on surrounding properties within the design and access statement and also in amending the plan. This notes that views from existing properties into the site are not protected and that the properties on the opposite side of Wrexham Road are protected by the distance between the existing dwellings and the proposed. However the two properties either side of the site on the same side of Wrexham Road have the potential to be affected.

6.7.3 212 Wrexham Road is a single storey property with a hedge and fence boundary. Although the windows in the side of this property are visible from within the site they are at ground floor level and as such additional planting into this boundary would help protect the amenities of this property. The new dwelling closest to 212 is approximately 12 metres away and although it is acknowledged that it is two storey this distance will ensure that overlooking is not unacceptable.

6.7.4 The main impact will be on The Crow, which is on the western boundary of the application site. However, the nearest proposed dwelling would be approximately 21 metres away from the existing dwelling and as such would not result in unacceptable loss of privacy. Guidelines suggest a minimum of 21 metres between facing windows would ensure that privacy is protected. The nearest proposed dwelling is plot 25 which does not directly face towards any of the existing windows in The Crow. The other proposed properties are over 21 metres

from the existing property with the nearest with windows facing The Crow being approximately 39 metres away. Therefore the proposed layout provides a greater distance than is considered best practice between facing windows. Concern has been raised about the potential for overlooking from plots 25 and 26 to the garden of The Crow and this is a valid concern, though gardens are private amenity space there is normally an acknowledgement of some overlooking. Plots 25 and 26 are approximately 10 metres from the hedge boundary of The Crow which would provide sufficient distance to not result in an unacceptable loss of privacy.

6.7.5 Within the objection letter the owner of The Crow has also commented on the lack of a hedge boundary along the driveway to the existing property which is currently post and rail fence. This has now been corrected in the amended plan which shows the proposal for a new, native species, hedge along this boundary. This hedge would help to reduce the impact on this dwelling although it is acknowledged that the outlook from this existing dwelling will be significantly altered from semi-open countryside to residential use.

6.7.6 The design and access statement also acknowledges the potential for noise and air quality impacts during construction. The noise and emissions from the use of the site once completed would not result in any significant harm and the applicant has suggested that a construction management plan can be provided to ensure the amenities of the existing dwellings are protected during construction.

6.7.7 It is considered by officers that the layout and design of the dwellings will not result in an unacceptable loss of privacy or light for any of the existing dwellings. It is acknowledged that their outlook will alter, however a private view is not a material planning consideration and the wider public view has been considered previously in this report and assessed with regard to the LVIA. As such it is considered that the proposed scheme complies with the requirements of the adopted core strategy and the NPPF in terms of protecting amenity.

## 6.8 **Highways, access, parking and rights of way**

6.8.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced.

6.8.2 One of the main concerns raised by local objectors has been the potential impact on highway safety on Wrexham Road and this relates not only to the application site and its accesses but also to the increase in traffic on Wrexham Road further towards the town centre. It is acknowledged that further along Wrexham Road there is limited off-street parking and as such residential properties have cars parked on the road and reduce the width of the road. This results in difficulties in passing the parked cars, especially where there is a long run of parked cars. The applicant has considered this issue and submitted a transport statement and an offer of a financial contribution to be paid to the Town Council to provide a car parking scheme along Wrexham Road.

- 6.8.3 A transport statement is not required due to the number of houses proposed but one has been submitted by the applicant as the above concerns were known. The transport statement is a revision of a previous statement drafted for the proposal for 350 houses on the site but has been amended to reflect the current proposal. The statement advises that the theoretical capacity of Wrexham Road is 1110 to 1300 traffic movements per hour; it is subject to a 30mph speed limit and that the town centre is within 2km of the application site. It also notes the other alternative routes into the town along Chemistry and Smallbrook Road though acknowledges that this is unlikely to be used by occupants of the site.
- 6.8.4 Within the transport statement the consultant has provided details of traffic flows from recording devices placed along Wrexham Road for 7 days in 2013. These devices recorded numbers and speed and showed two peaks during the am and pm periods with flows of an average of 269 vehicles but also acknowledged that vehicles do travel over the 30mph speed limit, however the consultant considers that this is reflective of the lack of junctions and houses. The plans and statement detail the proposed junctions, both of which meet the requirements in 'Manual for Streets' and provide acceptable visibility splays in both directions.
- 6.8.5 In response to the concerns raised regarding the width of Wrexham Road further towards the town centre and the added pressure on this restricted width from the development the consultant has noted that this relates to cars parking in blocks along the southern side of Wrexham Road and, as noted above, the consultant has suggested a traffic management solution. A number of options have been considered including completely removing on street parking but is it accepted that this would not be locally supported. The final suggestion is a scheme which would stagger the blocks of parking. In order to assess the potential solution the consultant has undertaken counts of parked cars and queuing traffic and noted that the maximum delay experienced was 30 seconds. The consultant has, using their professional experience and accepted guidance, estimated the potential increase in traffic from a 40 dwelling development as being 210 trips per day with up to 25 trips at peak times. However, not all of these movements will turn right out of the site towards the town centre.
- 6.8.6 The Council Highway Officer has advised that the traffic assessment is robust and that the findings are not disagreed with. Furthermore, taking both this application and the other application on Wrexham Road, the Council Highway Officer has advised that cumulatively the two developments would not raise a highway capacity issue. The Highway Officer has also provided detailed advice about the parking issues further along Wrexham Road and advises that the potential impact of the development upon traffic/on-street parking issues, which currently exist, would not be materially worsened. Moreover, it is considered that a highway objection in this regard would not be sustainable.
- 6.8.7 The applicant has offered to provide a financial contribution which could be used to mitigate the existing parking issue. However this would not meet the tests within the CIL regulations (previously the S106 tests). Given the scale of the development for 40 houses it is advised that this would not result in materially greater number of vehicle movements along Wrexham Road or significantly

increase the existing on-street parking issue and as such the contribution is not required to make the development acceptable. The applicant is within their rights to put forward a unilateral undertaking to pay the Council money for future mitigation but officers advise that this is not made a requirement of the consent and also not given any weight in the determination of the application.

- 6.8.8 In addition the agent is suggesting that a new bus stop could be provided and the plans also show an uncontrolled pedestrian crossing. The bus stop and shelter is considered to be needed as part of the development and to enhance existing bus services in the area. As such this contribution can be required within a S106. The informal pedestrian crossing, in the form of tactile paving and dropped kerbs, can be formed within the existing highway and as such can be controlled by condition.
- 6.8.9 The submitted plans show two access junctions with visibility splays of 2.4m by 63m which is in line with the requirements of Manual for Streets and the internal estate roads are sufficient for large vehicle movements, including the waste removal vehicle, to provide access to all the properties and that each property will have its own parking provision with two bed units provided with 1.5 spaces, and each 3-4 bed unit provided with 2 spaces. The originally submitted plan also showed dedicated visitor parking areas along the internal roads, however this has since been removed as there would not have been any way of controlling this parking or maintaining the spaces. The amended plan now shows the highway, which can be put for adoption by the Council, with sufficient width to allow on-street parking which would then be wholly maintainable by the Council.
- 6.8.10 The Council Highway Officer has confirmed that the access junctions and the layout of the site and parking arrangements are acceptable and meet the requirements of national and local policies. There is no evidence of any harm that would result from the development that would warrant a refusal of the application or outweigh the benefits.
- 6.9 **Ecology and trees**
- 6.9.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. A phase 1 ecology survey was undertaken in 2011 and updated to be submitted with the current application and this has been considered by the Council's Ecologist and Tree Officer.
- 6.9.2 Submission of these reports has acknowledged the potential for protected species to be present on the site and within the surrounding area. The watercourse which cuts across the site has the potential to be habitat for water voles and the hedges and trees potentially habitat for birds and bats. A tree protection plan has been provided identifying the trees within and surrounding the site and seeking to retain as much of the existing landscaping as possible.
- 6.9.3 The submitted ecology survey considers that the fields themselves have low ecological value and no evidence was found of Great Crested Newts, badgers or water vole. However a 7m wide buffer is proposed either side of the watercourse to enhance the habitat for water vole and the consultant has recommended re-

checking the site for badgers prior to work commencing. No bat roosts were found but there is evidence of bats using the hedges and as such the consultant has made recommendations. The applicant's consultant considers that the development can proceed without the loss of habitat of significant value and without the loss of favourable conservation status of any protected species.

- 6.9.4 Although local objectors have raised concerns that the site is used by wildlife the Council Ecologist has confirmed that the survey work is acceptable and has not raised any objection to the scheme subject to conditions to provide artificial nests, details of lighting and a further survey for badgers prior to work starting.
- 6.9.5 The submitted tree survey notes the Tree Preservation Order covering two of the trees on the site, a horse chestnut and a sycamore and also identifies 30 other trees and 7 hedges on the site but does not consider that any of the trees are of high quality, some are considered to be moderate quality and value and some are of low quality and value. Two of the trees are of such poor quality, a dead oak and a mature sycamore which has suffered from a snapped stem, are recommended to be removed by the author of the tree survey. However, except for these two trees only one other will need to be removed, the remainder of the trees should be capable of being retained.
- 6.9.6 It is noted within the report that the site is bound by hedges on the northern, western and eastern boundaries. The southern boundary is currently open to the agricultural field. The hedges are predominately hawthorn with holly, field maple, English elm, elder and dog rose present in places and are considered by the author of the report to be of moderate quality and value. Most the trees identified are within the hedges or are situated close to the watercourse running through the centre of the site.
- 6.9.7 Concern has been raised about the proposed planting of a new hedge along the south western boundary of the site, however the applicant has provided detailed historic maps within the design and access statement which show that this boundary was previously in existence and enclosed with a hedge.
- 6.9.8 The submitted tree report notes that the site is currently not open to the public but that the trees and hedges are visible from Wrexham Road. The proposal will retain these landscape features but also enhance public access to them with the opening of the area of public open space in the centre of the site. The visual impact of housing development on this site has been considered elsewhere within the report. The provision of well landscaped public open space with an existing feature is a positive benefit of the development as to is the proposed additional planting which is to be provided in both public and private areas of the development.
- 6.9.10 Since the initial submission of the application the Council Tree Officer has provided comments that three of the trees should be felled and replaced by additional semi mature Pendunculate Oaks, due to their condition/ unsuitability to be retained close to property. It has also been noted that the Tree Preservation Order on site this will be revoked shortly as being out of date. The revocation has been completed and as such the trees are no longer protected by a TPO. The

agent has confirmed that the client is happy to follow the advice of the Tree Officer to remove the three identified trees and replace them with oaks, though the one will not be replaced in situ as the front garden to a dwelling would not be an appropriate location for a new oak tree. Amended tree details and plans have been submitted and the Council Tree Officer has confirmed that the details are acceptable.

- 6.9.11 Overall it is considered that the site can be developed without significant impact on trees or hedges and the proposal will provide additional landscaping. Conditions are recommended which states work to be in accordance with the submitted Tree Report and Tree Protection Plan (as amended) and a landscape plan showing size, species and location of new tree planting should be requested. The tree report suggests measures to reduce the impact of the construction of the development and the recommended condition would ensure that the work is undertaken in accordance with the recommendations.

## 6.10 **Drainage**

- 6.10.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. The application form suggests that foul drainage will be discharged to the mains system in the area and surface water is to be disposed of via a sustainable drainage system. The existing foul sewer crossing the site is proposed to be diverted and this would be done through consenting regime with Welsh Water. It is noted that Welsh Water has suggested that no development should take place within 3m of the sewer, however this does not acknowledge the proposed diversion. Drainage from the roads would be discharged to the watercourse via traps and attenuation and drainage from houses and gardens discharged to soakaways within the gardens. A flood risk assessment has been undertaken and submitted with the application which has identified the features in the surrounding area and the levels of the site.
- 6.10.2 Concerns have been raised by local residents that the development of the site would add to increased surface water run off and flooding problems. In response the Council Drainage Engineer has noted that a revised drainage strategy has been submitted which shows the surface water discharge from the site as equivalent to 1 in 1 year greenfield run-off rate and as such the surface water flooding from the site should be no worse than the existing situation with any storm water stored in the proposed cellular tanks. The tanks would sit below the area of open space and the applicant has suggested that these tanks would be maintained in association with the maintenance of the open space through the payment of a financial contribution as part of the S106 legal agreement.
- 6.10.3 However, the Council Drainage Engineer has commented that the Council would not be willing to accept liability or the maintenance of these features. It is expected that the surface water drainage system within the roads would be adopted by Welsh Water but the remainder of the system, the underground attenuation tanks, would need to be maintained by a management company. This could be done alongside the maintenance of the open space and the full details of this maintenance be controlled through the S106.

- 6.10.3 The Environment Agency has been consulted but have commented that the application does not require consultation as it is lower risk development wholly within flood zone 1. They have advised that the Council Drainage Engineer be consulted and that standing advice be followed. The standing advice recommends a Flood Risk Assessment (FRA) be undertaken; use of sustainable drainage (SUDs) and consideration of climate change and exceedance events.
- 6.10.4 The FRA notes that there is a chance of the watercourse which runs through the site flooding and the groundwater around the watercourse flooding. However the FRA advises that the majority of the site would not be at risk of flooding and the space around the watercourse floods due to the culvert. The FRA therefore recommends that finished floor levels are set at a minimum of 93AOD, which would be just above the lowest point of 92.74AOD; if possible, the existing bridge across the watercourse should also be removed and replaced with a bridge which would provide greater capacity below; and attenuation is proposed to ensure that the surface water run off does not exceed existing greenfield rates.
- 6.10.5 As noted, the Council Drainage Engineer has confirmed that the proposed drainage scheme is appropriate and as such it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.
- 6.11 **Other matters**
- 6.11.1 The police crime prevention design advisor for West Mercia Police has submitted comments which do not object and notes the advice given before submission of the application regarding accreditation for Secured By Design. The POS (Public Open Space) is central and divides the proposed development into two and the advisor has raised concerns that the POS makes the site insecure and full accreditation is not possible. Any linking footpaths through any proposed development does increase the potential for such linkages to be used as escape routes for would be offenders. Concern has also been raised in relation to there being two entrance/ exits points in close proximity.
- 6.11.2 These concerns are noted however the development of the site is constrained by the watercourse and the concerns raised need to be balanced against the positive benefits of providing increased public access to the open space, between the two parcels of the development and to the wider area.
- 6.11.3 The application form also noted the potential for contamination and a report has been submitted in support of the application which details the potential risk from contaminants on site and also from the future development. The report also comments on the land stability which was a concern raised by local objectors. The ground investigation included a walk over and desk based assessment which identified the local features and concluded that the potential for ground stability issues is very low. The report concludes that there is no historical or geological evidence of on site contamination but does recommend gas monitoring due to the presence of a historical landfill and waste treatment site within 200m of the site.
- 6.11.4 Following pre-application advice from the Council Archaeologist the applicant has

submitted a heritage assessment to consider the potential impact on cultural heritage. The assessment has identified one 20<sup>th</sup> century building which they consider is of negligible value and also noted the possible Roman road along the line of Wrexham Road. The assessment has identified other heritage assets in the wider area but does not consider that the proposal will impact on any of these. The Council Archaeologist has provided comments on the current planning application advising that a condition should require an archaeological watching brief which will also record any archaeological finds.

- 6.11.5 As noted previously the application also includes an area of open space through the centre of the site. The supporting statement submitted with the application notes that the Shropshire Council Supplementary Planning Guidance requires 3 hectares of open space per 1,000 people (calculated as one person per bedroom). The proposed development has 129 bedrooms and therefore would require 0.387ha of open space. The proposed layout shows two areas totalling 0.3998ha of open space including an area which would provide space for children's play equipment. Therefore the amount of space proposed complies with the SPG. The provision of play equipment would be a matter for the Town Council under the CIL regulations and using CIL monies. The maintenance of the open space, and any equipment, could either be transferred to the Town Council or undertaken through a maintenance company paid for by the occupants of the properties on the development site. This matter can be dealt with through the submission of a maintenance agreement which can be controlled by condition or via the S106.
- 6.11.6 The Council Recreation Team Leader has suggested that the stream is profiled to ensure that there are no steep sides and officers accept that this would make the open space safer for use by children. However, the profiling of the sides needs to be done with care so as not to adversely affect of the existing trees adjacent to the watercourse and to ensure that the watercourse is still appropriate habitat for protected species. As such it is recommended that a condition be imposed requiring details of the ground levels and landscaping of the open space to be submitted for approval. This would then enable the Council to negotiate an appropriate scheme.
- 6.11.7 Policy CS11 of the Shropshire Core Strategy requires every new open market housing development to contribute towards affordable housing. As a full planning application the number of affordable houses can be set at this time and controlled through a S106 legal agreement. An affordable housing statement has been submitted with the application which acknowledges this requirement and confirms that the development can provide 4 affordable dwellings, which would equate to 10% as required in the current prevailing target rate. It is proposed that plots 4 to 7 are the affordable dwellings and this would provide four dwellings in one group and as such would enable management by a registered social landlord.
- 6.11.7 The development will also be liable for payment of CIL (Community infrastructure levy) to contribute towards infrastructure in the local area and across Shropshire. For this site the payment would be £40 per square metres and at 3,819 square metres would contribute a total of £152,760. This money, along with other contributions, would pay for infrastructure improvements in and around Whitchurch by Shropshire Council and also by Whitchurch Town Council in line



with the priorities set by the Town Council.

## **7.0 CONCLUSION**

- 7.1 The site is located outside the current Whitchurch development boundary and is therefore classed as a departure from the development plan. However, it is accepted that the site is in a sustainable location, on the edge of the existing built development, where it benefits from transport links and the facilities, services and infrastructure offered by the market town and will provide additional housing supply in accord with national planning policy priorities. Furthermore, the development will provide for affordable housing in accordance with Policy CS11 and infrastructure provision in accordance with policy CS9 and will not result in significant loss of agricultural land.
- 7.2 The proposed layout, scale and design are considered to be appropriate providing two clear areas of development with road frontage and variety and enables the retention and enhancement of existing features and will not result in unacceptable harm to the amenities of the neighbouring residents.
- 7.3 The development can be provided with appropriate vehicular accesses, internal layout and pedestrian access and will provide connections to the existing public transport and a new bus stop. Furthermore, the site can be provided with satisfactory foul and surface water drainage arrangements, will not be harmful to local habitats or biodiversity and public open space will be provided which also improves the accessibility and the landscaping of the space around the watercourse.
- 7.4 Accordingly, it is considered that the proposal meets with the housing policies and general requirements of the NPPF and otherwise complies with Shropshire Core Strategies CS6, CS9, CS11, CS17 and CS18 of the Shropshire Core Strategy. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

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

### **8.1 Risk Management**

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

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.

The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly

and b) in any event not later than three months after the grounds to make the claim first arose first arose.

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

## 8.2 **Human Rights**

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

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

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

## 8.3 **Equalities**

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

## 9.0 **FINANCIAL IMPLICATIONS**

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

## 10.0 **BACKGROUND**

### 10.1 Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Core Strategy and Saved Policies:  
CS3 - The Market Towns and Other Key Centres  
CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
CS9 - Infrastructure Contributions  
CS11 - Type and Affordability of housing  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management

**11.0 ADDITIONAL INFORMATION**

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

Cabinet Member (Portfolio Holder)  
Cllr M. Price

Local Member  
Cllr Thomas Biggins  
Cllr Peggy Mullock

Appendices  
APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the deposited plans and drawings as amended by the revised plans detailed below.

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

#### CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until a scheme for the foul drainage, and surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied. The drainage scheme shall include details of percolation test results, sizing of soakaways, details of the attenuation scheme proposed, a contoured plan of the finished road level and gulleys and details of the surfacing of driveways and means to prevent water flowing onto the roads.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

4. No development approved by this permission shall commence until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

5. No built development shall commence until samples of all external materials including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The samples required shall include the erection of a sample panel of brickwork, including mortar, of at least 1 metre square, on site for the approval of the Local Planning Authority. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the external appearance of the development is satisfactory.

6. No development shall take place until full construction details of the means of access, including the layout, construction and sightlines have been submitted to and approved

by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved buildings occupied.

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

7. No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of surface water have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is occupied.

Reason: To ensure a satisfactory access to the site.

8. 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:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v. wheel washing facilities
  - vi. measures to control the emission of dust and dirt during construction
  - vii. 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.

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

9. Prior to any work commencing on the open space a scheme of landscaping shall be submitted to and approved by the local planning authority and these works shall be carried out as approved. The submitted scheme shall include:
- Ground levels existing and proposed
  - Profiling of the watercourse banks
  - Means of enclosure
  - Details of the means of crossing the watercourse
  - Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)
  - Planting plans
  - Written specifications (including cultivation and other operations associated with plant and grass establishment)
  - Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
  - Implementation timetables

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

10. The development hereby approved shall be carried out in accordance with the revised Tree Report and Tree Protection Plan. Prior to construction of the dwellings a plan showing the species, planting sizes and proposed numbers/densities of new trees and a written specification (including cultivation and other operations associated with plant and grass establishment) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out before the occupation of any of the dwellings.

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

11. Prior to the first occupation of the dwellings details of ten woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/building.

Reason: To ensure the provision of nesting opportunities for wild birds

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

12. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

Reason: To minimise disturbance to bats, a European Protected Species.

13. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system.

Reason: to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

14. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.