

Development Management Report

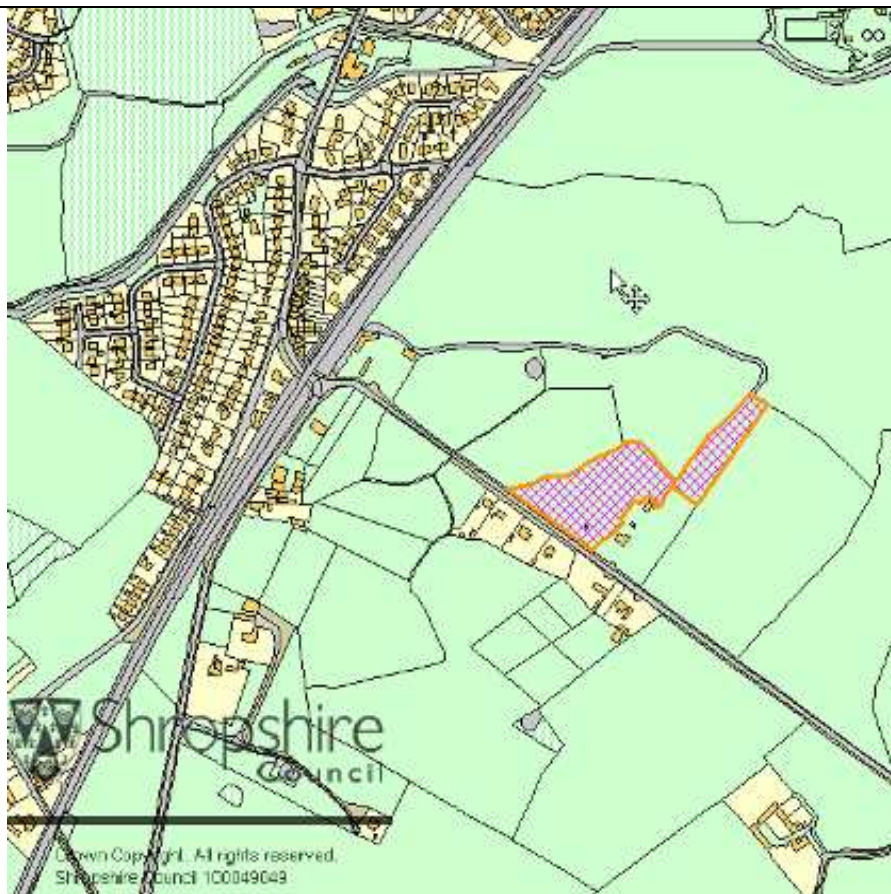
Responsible Officer: Tim Rogers

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Summary of Application

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| <u>Application Number:</u> 14/00797/OUT | <u>Parish:</u> Wem Urban |
| <u>Proposal:</u> Outline planning permission for residential development to include access | |
| <u>Site Address:</u> Land Adj To The Larches Shawbury Road Wem Shrewsbury SY4 5PF | |
| <u>Applicant:</u> Mr & Mrs M Jones & F, S, P, H Ratcliff | |
| <u>Case Officer:</u> Jane Preece | <u>email:</u> planningdmne@shropshire.gov.uk |

Grid Ref: 351465 - 328110



Recommendation:- Refusal for the following reason -

The application site lies outside the development boundary for Wem where the development will not form a contiguous development but will remain physically detached from the main urban extent of the town. The introduction of a housing development on the site, amounting to around 25 dwellings, would appear visually and contextually out of character with the pattern and form of development in this location, which is small scale and linear in form, and would otherwise form a relatively piecemeal and incongruous addition to the area. As such it is considered that the development of the application site would result in a significant and demonstrable harm which would outweigh the benefit of new housing. Furthermore it is considered that this harm to the character of the area would make the development environmentally unsustainable in that it does not protect or enhance the local environment and therefore fails to meet the three dimensions of sustainable development. Accordingly, the proposal fails to satisfy Core Strategy policies CS1, CS3, CS5, CS6 and CS17 and the sustainable dimensions of the NPPF.

REPORT**1.0 THE PROPOSAL**

- 1.1 The application is for outline planning permission with only the access submitted for approval at this stage. The matters of layout, scale, appearance and landscaping are all reserved for later approval. The application form describes the proposal as residential development and suggests 25 dwellings but does not detail the sizes or tenures. No indicative layout plan has been submitted with the application.
- 1.2 The means of access will be directly off Shawbury Road, where a 40 mph speed limit exists.
- 1.3 To support the proposal the application has been submitted with the following documents: planning statement, a letter from Wem Town Council, an email from Shropshire Homes, a highways, drainage and flood risk assessment, an ecology report and a final ecology report and a draft s106 agreement.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposal relates to 1.47 hectares of agricultural grassland on the southern side of the market town of Wem and largely separated from the main town by the presence of Shrewsbury-Whitchurch railway line. The railway lines sits to the west of the site, separated by fields and the Hawk depot. Otherwise, the land is bounded to the south by the B5063 Shawbury Road, to the west and north by agricultural land and to the east by a detached property standing in substantial grounds (The Larches). On the opposite side of Shawbury Road there exists a ribbon of residential dwellings, whilst (in addition to the Hawk depot) economic development lies nearby to the west in the form of a petrol filling station and garage.
- 2.2 In terms of current development plan policies the site lies outside the development boundary for Wem and sits within an area defined as open countryside. In terms of emerging policy the site is not included as a draft allocation in the Pre-Submission version of the Site Allocations and Management of Development (SAMDev) Plan,

which is at the pre-submission stage. Although the site was promoted through as part of the preparation of the SAMDev Plan, it did not proceed beyond stage 1 because it was not considered to be well related to Wem, being divorced from the built area of the main settlement by the railway line.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The application is a major application and an application where the Principle Planning Officer and the Local Member and Committee Chair agree that the application should be determined by the relevant Planning Committee.

4.0 **Community Representations**

4.1 **Consultee Comments**

4.1.1 **SC Highways** – No objection, subject to conditions. The highway authority consider that a satisfactory means of access to the site can be provided and contend that it would be difficult to argue a substantive case that the site is not sustainable. Recommended conditions include submission and prior approval of: full engineering details of access; details and design and construction of new roads etc within site and any associated surface water disposal and details of off-site footway improvements to either site of the railway bridge.

4.1.2 **SC Drainage** – No objections. The drainage details, plan and calculations could conditionally be submitted for prior approval as part of any outline planning permission granted. Recommended conditions include the submission of:

1. Full details, calculations and location of the percolation tests and the proposed soakaways. Alternatively, if soakaways are not feasible, then drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval.

2. A Flood Risk Assessment (FRA).

3. A drainage system to intercept water prior to flowing on to the public highway for any non permeable surfaced areas.

4. A contoured plan of the finished road level and design details.

5. The layout of the proposed foul sewage system, along with details of any agreements with the local water authority.

Also recommend standard informatives regarding sustainable drainage techniques and that consent is required from the service provider to connect into the foul main sewer.

4.1.3 **SC Affordable Homes** – No objection. If development is considered acceptable then in accordance with adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and

Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application. The submitted planning statement suggests an offsite contribution rather than some units being provided on site and a smaller cash contribution. Would expect some onsite provision in this area and this will need to be discussed with the Housing Enabling team before any reserved matters or full application is submitted.

- 4.1.4 **SC Archaeology** – No objection. No comments to make with respect to archaeological matters.
- 4.1.5 **SC Trees** – No objection. There are significant hedges and hedgerow trees on the curtilages of the proposed site. An arboricultural implication assessment (AIA) should be submitted as part of any future planning application. This assessment should consider the implications of the development on trees, successfully identifying tree retention and protection measures and justifying any tree removal.
- 4.1.6 **SC Learning and Skills** – No comments received.
- 4.1.7 **SC Conservation** – No objections. The design of any proposed dwellings should reflect local vernacular detail in terms of scale, details, materials, siting/layout of new buildings and the road network around the site. The development should be in accordance with policies CS6 and CS17 and with national policies and guidance. Large developments in relatively rural locations may have potential to adversely impact on the landscape character of an area. This is not something which the Historic Environment Team advise on. Development Management may wish to consider obtaining the opinion of an appropriately qualified Landscape professional.
- 4.1.8 **SC Planning Policy** – Original comments: Objection: The site is not within the existing Development Boundary for Wem and is not identified in the North Shropshire Local Plan. It is therefore categorised as ‘countryside’ for the purposes of the Core Strategy and development should therefore be assessed against Policy CS5. Of the view that the development does not conform to the guidance in Policy CS5.

This site was promoted as part of the preparation of the SAMDev Plan, but did not proceed beyond stage 1 because it was not considered to be well related to Wem, being divorced from the built area of the main settlement by the railway line. The ‘Final Plan’ version of SAMDev reduces the scale of development for Wem to 500 dwellings over the period 2006-2026. Since 372 houses have been built or received planning consent since 2006, sites for an additional 128 new dwellings are required. To deliver this, the Plan continues to identify the 2 sites from the preferred options stage 2012. The Plan also identifies 4 hectares of employment land to help balance housing and employment locally. The allocated employment site is on land at Shawbury Road, to the west of the application site.

The sites allocated in SAMDev have been widely criticised for their potential to exacerbate existing adverse traffic conditions in the town. No site in or close to Wem, including the land at Shawbury Road, will avoid generating some additional traffic impacts unless the residents either do not access town centre services and facilities at all (unsustainable) or always walk or cycle into the town (unrealistic).

Previously understood that highways do not consider the site to be sustainably located.

The area of land identified as preferred employment site on Shawbury Road was carefully chosen to reflect the extent of local fluvial and surface water flood risk. Whilst the application site would not appear to be subject to such risks, need to determine whether the cumulative impact of development on Shawbury Road could have adverse consequences for surface water management and flood risk, including potential impacts on existing local residents and the B5063.

In light of the current lack of a 5 year supply of housing land, adopted housing policies must be considered out of date (NPPF 49). The draft SAMDev is not yet in force, and whilst the preparation of the Plan is at an advanced stage, updated NPPG guidance indicates that arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Such circumstances are likely, but not exclusively, to be limited to situations where both: a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan; and b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process. SAMDev is currently due to be submitted in July, but it is not clear that the level of development proposed (25 dwellings) would be sufficiently substantial or significant to actively prejudice the SAMDev proposals for Wem.

The key question is therefore whether the site conforms with the presumption in favour of sustainable development (NPPF 14), in particular whether the adverse impacts of permitting the site would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or whether specific policies in this Framework indicate development should be restricted. Whilst the site would clearly deliver some benefits, in terms of helping to meet the need for housing in Wem, it is currently unclear what other benefits, including those identified as part of the local infrastructure plan for Wem (Place Plan) the scheme would deliver for the local area.

Re-consultation comments: No objections. The site does not conform to adopted Development Plan policies but in light of the current lack of a 5 year supply of housing land, adopted housing policies must be considered out of date (NPPF 49). SAMDev is not yet in force but it is clear that the level of development proposed (25 dwellings) would be insufficiently substantial or significant (NPPG) to actively prejudice the SAMDev proposals for Wem.

Whilst all parties acknowledge that the site is somewhat divorced from Wem, it is

evident that local and town centre services are capable of being accessed with reasonable ease, even on foot, especially if the proposed development delivers improvements to the footway either side of the bridge as the Councils' Highway Authority suggests.

Also note that no significant adverse impacts have been identified by water management colleagues with respect to drainage issues.

There is a distinction between what SC Planning Policy would choose to allocate in SAMDev as planned development in the context of the availability of reasonable alternatives and how the Council respond to an application for planning consent where the proposed development must be considered on its own merits in circumstances where local policies have negligible weight.

In the context of the 'presumption in favour of sustainable development' (NPPF 14), the proposed footway improvements (provided that their delivery is firmly secured as part of the consent) would reinforce the benefits which the scheme would already deliver (meeting housing need) and would therefore improve the balance to a point where these could not be "significantly and demonstrably" outweighed by the adverse impacts. SC Planning Policy struggle to see how the Council could sustain a position that the adverse impacts of permitting the site would significantly and demonstrably outweigh the benefits.

- 4.1.9 **SC Ecology** – No objection. Recommend conditions and informatives relating to great crested newts, bats and nesting birds. The application is supported by ecology information, including the Phase 1 and Phase 2 Environmental Survey by Greenscape Environmental dated May 2014.

Great Crested Newts – the submitted presence/absence surveys found no evidence of newts in nearby ponds. As the pond has potential to support GCN further surveys may need to be conducted if development does not commence within a reasonable time period.

Bats - Various storage outbuildings outside the site were examined but present poor habitat for bats. There are mature trees on the site boundaries/crossing the site north of the building. Certain trees have potential to contain bat roosts. The intention to retain boundary trees is noted. However if any are subsequently proposed for removal or surgery these should be surveyed for bat roosts at the reserved matters stage. No bat activity information was collected during the survey but it can be assumed that the trees and hedgerows function as bat foraging and commuting routes. It will be important to control lighting in the interests of bats.

Nesting birds - No evidence of birds nesting was found but the trees around the main house are likely to support them. Recommend a range of artificial bird boxes are erected around the site.

4.2 **Public Comments**

- 4.2.1 **Wem Town Council** - The Town Council resolved to object to this application as the site is a considerable distance from the development boundary for the town and

it would not be a sustainable development.

4.2.2 Public representations - Objections from four local residents have been received. The main points of concern relate to:

- Were not aware that the site and/or any land on the Shawbury Road was included in the future development plan of Wem. There is no allocation of this land other than agricultural.
- The construction of so many properties in this location, given the current issues with the current infrastructure, is verging on risible.
- Proposal is speculative and opportunistic application.
- Contrary to policy CS5 being in open countryside.
- Applicants argument that the justification for over riding CS5 is contained in the NPPF is erroneous as it is not a carte blanche to develop irrespective of factors which strongly outweigh development.
- Will erode countryside to the detriment of the landscape.
- Is isolated, unplanned development.
- Wem Town Council object, principally due to the distance to the settlement of Wem.
- Lack of detail surrounding highway and flooding issues.
- Increased flood risk. Application could worsen localised flooding, affect the water table elsewhere and affect the amenities of residents. Threat of flooding is real and not convincingly dismissed by the applicant. Photos supplied show flooding that has occurred locally in recent years. Flooding solutions are not specific in the application, the route of the watercourses is not identified and there is no layout to allow substantive assessment.
- Flooding is becoming more frequent and more severe along Shawbury Road. Drains along Shawbury Road already overflow and flood in heavy rain/flash floods. Building further dwellings will exacerbate the problem. The fields and adjacent field act as a flood plain, which will be lost and flooding increase if the fields are developed.
- With the risk of exacerbated flooding due to this development, existing and new residents will no doubt see increased insurance premiums.
- No thought has been put forward to the route of the surrounding watercourses that converge in this area before entering the River Roden.
- Increased traffic flow will add to congestion and danger on busy entrances into Wem.
- Wem Town Council has a community Engagement Statement. This should equally apply to Shropshire Councils consideration of the application. Consultation with local residents appears to be lacking and/or does not appear to have taken their views into account.
- The (original) evidence provided by the policy section is crucial in determining this application. This demonstrates a strong body of support to sustain a case for refusal and also refers to highways and flooding issues.
- The site performed poorly as a potential SAMdev site and is not a suitable site when good alternatives exist.
- The submitted letter of Town Council support has been overtaken by their decision specific to this application.
- Access into the town requires is not easy and requires improvement, as

- would the footpath. Pedestrian safety is a crucial factor.
- The petrol station shop does not provide adequate an retail facility and is off a difficult bend/roundabout.
 - Existing employment and retail operations only benefit existing/long standing employees.
 - The primary and secondary schools are a long walk from the site with little footpath.
 - There are not good transport links. The bus service is slow and infrequent. The train station is a mile from the site, meaning residents would drive rather than walk. The train timetable does not meet work patterns, with no direct train between 8.05 and 9.56 am. Bus and train services would not meet work travel requirements to Shrewsbury.
 - The development has potential to impact adversely on the landscape character of the area.
 - Suggested footway improvements by Highways may involve third party land. There is no information as to who would meet the cost of the improvements or their timescale.
 - The proposal is isolated and sporadic and will cause further development. Should rely on the holistic approach of SAMdev rather than piecemeal and speculative housing applications.
 - Prevailing policy CS5 has not been amended. It is flawed theory to argue the NPPF is a similar planning instrument. In policy terms NPPF 14 is not sufficient ot outweigh the adverse effect.
 - Flooding is a severe locally and a flood risk assessment should be made available to respond to neighbours concerns and flood prevention.

5.0 THE MAIN ISSUES

- Policy and principle of development
- Accessibility
- Drainage
- Social dimension
- Economic dimension
- Environmental dimension

6.0 OFFICER APPRAISAL

6.1 Policy and 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 Paragraph 49 of the NPPF states that 'relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. In September 2013 the Council published an updated '2012 Five Year Housing Land Supply Statement' which calculated a housing land supply of only 4.95 years for Shropshire as a whole and questions have since been raised as to whether this supply is fully deliverable. Turning to paragraph 14 of the NPPF relating to the presumption in favour of sustainable development this means that 'where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted'. This has the effect of changing the balance of the material considerations in favour of 'boosting housing supply' (a Government priority) and the relative weight that can be attached to the Core Strategy, saved Local Plan and emerging SAMDev Plan housing policies.

6.1.3 The site is outside the development boundary previously set within the North Shropshire Local Plan and also has not been carried forward as a preferred option site within the emerging Site Allocations and Management of Development (SAMDev) document. On this basis the application has been advertised as a departure from the adopted local plan and would not normally be supported for development. However, given that it has been established that limited weight should be given to this housing policy framework in light of the current housing supply position, it is appropriate to assess this site within the context of the 'presumption in favour of sustainable development'. This means looking at the sustainability of the proposed development, including technical matters of access and drainage, and the balance of the impacts/benefits within the context of seeking to boost housing supply. The NPPF defines sustainability as having three dimensions: the social dimension, the economic dimension and the environmental and these are discussed further below, together with the technical matters relating to highway and drainage issues.

6.2 **Accessibility**

6.2.1 Paragraph 32 of the NPPF 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 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.

6.2.2 The site is located on the northern side of the B5063 Shawbury Road, a Class II road. The B5063 forms a link between Wem and the A49 to the south east and also connects to the B5476 in close proximity to the west, providing an alternative Wem to Shrewsbury route. The B5063 has a 40 mph speed limit in force and a footway on its northern side, running along the site frontage. The footway provides pedestrian access into Wem and the road is lit to footway standard. Wem train station is situated to the north of the site and is accessible by foot, cycle or car.

The station lies approximately 2km distant and offers train services to Manchester, Piccadily, Shrewsbury, Cardiff, Carmarthen and Crewe. The nearest bus stop is also accessible by foot in Mill Street. This bus stop is approximately 650 m from the proposed site entrance and is understood to offer an hourly bus service to Shrewsbury/Whitchurch.

- 6.2.3 The application is supported by a highway assessment as part of a Highway, Drainage and Flood Risk Assessment. The Council's Highway Officer has been consulted on the application and the supporting documents and has raised no objection to the application on transport links, highway and access grounds. In the circumstances, it is accepted that the site has reasonable access to road networks, footways and public transport links.
- 6.2.4 In response to the Town Councils' objection that the development of this site is not sustainable the Highway Officer is of the opinion that, whilst the site appears somewhat divorced from the built up area of Wem, the site is no more remote from access to town centre goods and services and local employment than other housing sites which have been developed in recent years in Wem. Furthermore, the Highway Officer points out that the site is a short distance to the east of the employment site currently being considered as a preferred option site in the SAMdev and within a short walk of the Premier petrol filling station, which sells groceries as part of their offer. A dropped crossing point exists to the east of the mini-roundabout junction to facilitate pedestrians crossing to the garage from the Shawbury Road.
- 6.2.5 Particularly in relation to pedestrian access issues, the Highway Officer advises that not only is the walking distance between the site and town centre similar to other developed housing sites but also that the route is available via a continuous footway. Whilst it is acknowledged that the footway does narrow to 1.3 metre (which is below a desired width standard) this narrowing occurs only for a relatively short distance under the railway line bridge and is considered acceptable. Although no improvements to the footway have been put forward as part of the application, the Highway Officer recommends that an improvement to the footway width either side of the bridge abutment should be secured as part of the development and that this can be achieved by imposing a Grampian condition to this effect. The improvement works can be carried out within highway land and would not entail the narrowing the carriageway.
- 6.2.6 As regards the specific access arrangements and details required to make the scheme acceptable to meet the appropriate highway standards, then these matters can be dealt with by imposing standard conditions. The proposal shows the provision of 2.4 x 120 metre visibility splays to the nearside edge of carriageway in both directions from the point of access which the Highway Officer advises fully accords with acknowledged standards. On this basis therefore, the Councils' Highway Officer considers that a satisfactory means of access to the site can be provided.
- 6.2.7 The Highway Officer has also given consideration to extending the 30 mph speed limit to include the site but advises that it would be '*... inappropriate given the location of the site within the context of the road alignment, with the likelihood that*

traffic speeds would remain at or around 40 mph. Having said that it is considered that a speed visor located to the south of the site would benefit the current 40 mph speed limit.'

6.2.8 In light of all the above, the Highway Authority contend that it would be difficult to argue a substantive case that the site is not sustainable in access and locational terms.

6.3 **Drainage**

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

6.3.2 The application is supported by a Highway, Drainage and Flood Risk Assessment. The assessment relates to both the application site and the adjoining fields to the north.

6.3.3 For foul drainage disposal the development would be expected to connect to the foul drainage mains sewer system. The submitted assessment states that the nearest confirmed foul sewer is located to the south west of the site on Mill Street. It is likely that any connection to this sewer would require a pumped connection. Any issues relating to the capacity of the mains foul sewer system is a matter for the service provider and not a reason to refuse planning permission. Whilst the submitted drainage assessment suggests that an alternative method of disposing of foul drainage would be to provide an on-site foul treatment plant, the Councils' Drainage Officer advises that, due to the scale of the development, the use of septic tanks or package treatment plants are not deemed acceptable.

6.3.4 The surface water from the development is proposed to be disposed of to soakaways. Shropshire Council's Flood Management Plan indicates that this area should be suitable for infiltration or attenuation. If soakaway tests consequently ascertain that infiltration is not a suitable option for dealing with surface water, then an attenuated discharge would alternatively be put forward for consideration. Any discharge into a watercourse would be restricted by attenuation measures to limit the discharge rates to recognised and accepted levels. The assessment suggests that attenuation measures could include a flow control device such as a Hydrobrake and storage in the form of oversize pipes, ponds or storage structures. The assessment also refers to the Environment Agency Flood maps which show no flood risk at the site. However, there are areas of the River Roden downstream of the site classified as Flood Zone 2 and 3 and this would be factored into any proposed discharge rates from the site that connect as a tributary of the River Roden.

6.3.5 On assessing the submitted information the Council Drainage Engineer has raised no objection in principle and is satisfied the final drainage details, plans and calculations could be controlled through appropriately worded conditions of approval. This includes the conditional submission of the following for prior approval:

1. Full details, calculations and location of the percolation tests and the proposed soakaways. Alternatively, if soakaways are not feasible, then

drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval.

2. A Flood Risk Assessment (FRA). The completed FRA will need to take account of the guidance set out in Shropshire Council's Strategic Flood Risk Assessment (SFRA) documents, the criteria for a FRA set out in NPPF and the Technical Guidance to the NPPF and make reference to the Environment Agency West Area (Midlands) Flood Risk Assessment Guidance notes. As a minimum the Councils; Drainage Engineer require an FRA to include:

- o Assessment of the Fluvial flooding (from watercourses)
- o Surface water flooding (from overland flows originating from both inside and outside the development site) On the Pluvial Flood Map, north boundary is at risk of surface water flooding.
- o Groundwater flooding
- o Flooding from artificial drainage systems (from a public sewerage system, for example)
- o Flooding due to infrastructure failure (from a blocked culvert, for example)

3. A drainage system to intercept water prior to flowing on to the public highway for any non permeable surfaced areas.

4. A contoured plan of the finished road level and design details. The design needs to fulfill the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site

5. The layout of the proposed foul sewage system, along with details of any agreements with the local water authority. Due to the scale of the development the foul drainage should connect to a mains system and the use of septic tanks or package treatment plants are not deemed acceptable.

6.3.6 Concerns have been raised by local residents regarding existing surface water drainage problems in the area and the lack of detail submitted with the application. This is an outline application will all matters of scale, layout and landscaping reserved for later approval. The Councils Drainage Engineer has considered all the information submitted with the application, together with the content of the objections received (including the supplied photographs of localised flooding) and remains of the professional opinion that all matters relating to surface water disposal can be dealt with in a satisfactory way by imposing conditions. In this context, the above recommended conditional requirements for the submission of an FRA, detailed drainage calculations and surface water management measures would need to demonstrate that the drainage arrangements were adequate to deal with the surface water which falls on the site and therefore would not be permitted to increase flood risk elsewhere.

6.3.7 As such it is acknowledged that there is local concern about increased surface water problems from developing the site. However it is considered that the site could be developed with an appropriate drainage scheme to ensure that there is no greater risk of flooding either within the site or in the wider area. Accordingly, the outline development is considered capable of complying with core strategy policy CS17 and the NPPF in relation to drainage matters and flood risk.

6.4 **Social dimension**

6.4.1 In respect of fulfilling the social dimension of sustainability the main benefit of the proposal is that it will help meet the future housing need of Wem and contribute to the Councils' lack of a 5 year land supply for housing, a government priority. Furthermore, the Councils' Policy Officer is satisfied that the level of development proposed (25 dwellings) would be insufficiently substantial or significant (NPPG) to actively prejudice the SAMDev proposals for Wem.

6.4.2 In terms of actual housing delivery in support of the application the agent states that the site is immediately available for development and has no third party involvement regarding land ownership or covenants. An email from Shropshire Homes has further been submitted confirming interest in acquiring the site for development should planning permission be granted. The agent has requested that this be included as a material planning consideration confirming the deliverability of the scheme. Bearing in mind that the email is an expression of interest only, rather than any firm commitment, Members should be cautious of the weight they can give to this email.

6.4.3 In addition to supplying open market homes, policy CS11 of the Shropshire Core Strategy requires all housing developments to contribute to affordable housing in accordance with the Supplementary Planning Document (SPD) on Type and Affordability of Housing. Therefore, the Councils' Housing Officer has advised that, if this site is deemed suitable for residential development, then there would be a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11. The level of contribution would need to accord with the requirements of the Housing SPD and at the prevailing housing target rate at the time of reserved matters application.

6.4.4 The application does not directly identify the level of affordable housing. However this will be reviewed and agreed at the time of the full or reserved matters application as will the size and tenure of the affordable units. Any outline consent would need to be subject to a Section 106 Agreement to secure the affordable housing contribution. This requirement is acknowledged and catered for in the current submission. A draft unilateral undertaking (UU) has been submitted and is presently under scrutiny by the Councils' Solicitor.

6.4.5 From the site it is considered that future residents will have reasonable access to goods, services, facilities (including schools) and employment locally by foot (subject to improvements to footways recommended by highways), cycle or car and reasonable access to the highway network and public transport options. Matters of scale, layout, landscaping and appearance and design are reserved matters and the assessment of such at a later stage can ensure that the scheme

will be sustainable in its design, incorporating sustainable and energy efficient measures, and providing a pleasant environment in which to live, contributing to the health and well being of potential residents. In this context it is envisaged that the development of the site could further satisfy the social dimensions of policy.

- 6.4.6 In relation to any negative impact on residential amenity, the development of the site raises two main concerns. The first is the potential for the development to increase flood risk locally and so impact adversely on the level of amenity currently enjoyed by existing residents. This concern has been discussed in detail in section 6.3 above. In summary, it is considered that drainage and flood risk issues can be adequately controlled and addressed by imposing the recommended drainage conditions and that, in this context, drainage and flood risk issues do not present a justifiable reason to withhold the grant of outline planning permission.
- 6.4.7 The second is proximity of the site to the proposed employment land. This has the potential to impact on residential amenity in both a negative and a positive way. From the positive stand point it provides employment possibilities within walking distance of the site. From the negative stand point this may present potential conflict between commercial and residential development and create, for example, noise and disturbance issues. To some degree, it is acknowledged that the potential negative impact could be addressed in any reserved matter application by incorporating suitable mitigation measures, giving careful consideration to the layout and landscaping of the site and the actual design of the dwellings.

6.5 **Economic dimension**

- 6.5.1 In respect of satisfying the economic dimension of sustainability the main benefits will firstly arise from the development process, generating employment during the construction phase and the potential associated spending on sourcing goods, products and services locally. Moreover, once completed, future residents of the development will also have the potential to increase spending on local goods, facilities and services and to access employment and schools locally. In so doing, the residential development will contribute to the socio-economic balance of the market town of Wem, supporting and enhancing its role as a sustainable settlement in accordance with Core Strategy policies CS1 and CS3 and the NPPF.
- 6.5.2 In considering a sites sustainability the Council can take into account local infrastructure as part of the planning balance. Whether a site has good local infrastructure is not the only reason why it can be considered to be sustainable but it does form part of the reason. The NPPF advises that international and national bodies have set out broad principles of sustainable development. Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The UK Sustainable Development Strategy *Securing the Future* set out five 'guiding principles' of sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly. Two of the three dimensions of sustainable development within the NPPF comment on the need to include provision of and access to infrastructure.

6.5.3 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. 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 by the applicant ensures that this matter will be dealt with. Whilst reference to CIL has been included within the submitted Unilateral Undertaking (UU), CIL should not be secured through this form of legal agreement and all references to CIL have therefore been requested to be removed from the UU. CIL rates are established through the development of a CIL Charging Schedule and not negotiated on a site by site basis. The CIL liability for a development approved through an outline planning permission is determined at reserved matters stage and a CIL Liability Notice will be issued for a development following approval of the final reserved matter for the development.

6.6 **Environmental dimension**

- 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 and pattern taking into account the local context and character.
- 6.6.2 Part 7 of the NPPF 'Requiring Good Design' indicates that great importance is given to design of the built environment and paragraph 58 sets out expectations for new development including ensuring that development adds to the overall quality of an area, establishes a strong sense of place and ensuring developments are visually attractive and respond to local character. The planning balance which needs to be considered is balancing the benefit of the provision of new housing on the outskirts of the sustainable market town against any harm. Paragraph 14 of the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 6.6.3 The NPPF and policy CS17 of the Shropshire Core Strategy also require consideration to be given to the impact of the proposed development on the natural environment. More specifically, policy CS17 states that development will protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not affect the visual, ecological, geological, heritage or recreational values and functions of these assets and their immediate surroundings.
- 6.6.4 Site context and setting – The site lies outside the development boundary of Wem and is physically divorced from the existing urban area of the town by the presence of the railway line to the west. Whilst there is already some commercial and residential development on the eastern side of the railway line within the vicinity of the site (in the form of a petrol filling station/garage, the Hawk depot and ribbon housing along Shawbury Road) this existing development is small scale, piecemeal development that follows the linear lines of the road and the area is generally semi-rural in character due to intervening agricultural land.
- 6.6.5 It is anticipated that in the future the area this side of the railway line will come

under pressure for development associated with the social and economic growth of Wem. Indeed in this regard it must be acknowledged that a large new employment site allocation is planned around the Hawk depot and neighbouring the railway line as part of SAMdev. The desirability of allowing housing development in proximity to the allocated employment site is questionable and this has been discussed in para. 6.4.7 above. Nonetheless, whilst potential conflicting land uses can be flagged up as a potential issue this cannot substantiate a justifiable reason for refusal at this conjecture, bearing in mind that the employment land allocation remains at the pre-submission stage as part of SAMdev.

6.6.6 Moreover, if land in this area is to be considered acceptable for housing development, then it is considered that this should form part of a planned and more cohesive scheme which offers contiguous development and delivers wider and clearer benefits for Wem as a whole and mitigates against any conflicts. To further this point, the Town Council letter submitted as a supporting document in favour of the application (dated August 2013) requests that the Councils' Planning Policy Team give '*... serious consideration ... to the allocation of a housing site for 100 dwellings on land at Shawbury Road.*' As the site plan submitted with this current application presumably identifies a lesser site than that formerly promoted by the Town Council and does not adjoin the allocated employment land to offer potential contiguous development, then this may help to explain why the Town Council now object to the current application on the grounds that the development is not sustainable?

6.6.7 Having given due consideration to the characteristics of both the site and of the wider surroundings it is the matter of context and setting that gives cause for concern. This matter has been discussed with the Councils' Planning Policy Team post submission of their formal comments. Notwithstanding the acknowledged social, economic and environmental benefits discussed throughout this report, Members are therefore requested to apply appropriate weight in their decision to the additional advice and opinion of the Planning Policy Team that the application site remains divorced from the current extent of the town, is physically poorly related to the existing urban area and can be viewed as opportunistic development that will form a relatively piecemeal and incongruous addition to the town. Officers consider that the site is largely unconnected to the built up urban area and that the development of 25 houses on the site will appear visually and contextually out of character with the pattern and form of development in this location. As such it is considered that the development would result in a significant and demonstrable harm which would justify the resistance of the application. Furthermore it is considered that this harm would make the development environmentally unsustainable in that it does not protect or enhance the built environment and therefore fails to meet the three dimensions of sustainable development.

6.6.8 Trees and landscape – There are significant hedges and hedgerow trees on the boundaries of the proposed site. The Council's Tree Officer has been consulted on the submitted information and proposals and has raised no objection to the scheme. The Tree Officer recommends that an arboricultural implication assessment (AIA) should be submitted as part of any future planning application. This assessment should consider the implications of the development on trees,

successfully identifying tree retention and protection measures and justifying any tree removal. This requirement can be addressed by imposing a suitably worded planning condition. In this context the development is considered capable of satisfying Core Strategy CS17 and the NPPF in relation to impact on trees.

- 6.6.9 In respect of landscape there are no recognised local or national landscape designations that influence the site and the site is not seen as having a high landscape sensitivity. Therefore, despite the comments of the Councils Conservation Officer and in view of the limited scale of the development, it is not considered that the application generates the need for Landscape and Visual Impact Assessment (LVIA). It is acknowledged that the development of the land will change the character and appearance of the site itself and the outlook over/onto the land from the surroundings. The issue is whether the change will be so harmful as to warrant refusal and has already been discussed above.
- 6.6.10 Ecology – 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.
- 6.6.11 The application is supported by an ecology report and a final ecology report. The Councils' Planning Ecologist has been consulted on the application and supporting documents and is satisfied that, subject to the imposition of conditions and informatives relating to great crested newts, bats and nesting birds the site can be developed without adversely impacting on statutorily protected species and habitats.
- 6.6.12 In addition to the recommended conditional requirement to provide bat and bird boxes and the retention of trees and hedgerows further opportunities for biodiversity enhancements can be secured by new planting and any wetlands introduced to the site as part of the landscaping and drainage proposals, subject to the agreement over specific details and plant species etc.
- 6.6.13 Accordingly, the development is considered capable of complying with national and local planning policy requirements in relation to ecology and wildlife.

7.0 **CONCLUSION**

- 7.1 There are both potential benefits that weigh in favour of the application and potential harm that weighs against the application. In the opinion of officers the benefits and harm are summarised below:
- 7.2 The site is located outside the current Wem development boundary and is therefore classed as a departure from the development plan, contrary to Core Strategy policies CS3 and CS5. Furthermore, the site has not been identified as a site for future residential development within the emerging SAMdev.
- 7.3 However, taking into consideration the Councils' lack of a 5 year housing land supply, it is accepted that the site is in a sustainable location, where it benefits from transport links and the facilities, services and infrastructure offered by the market town and will provide additional housing supply to help sustain the settlement and

in accord with national planning policy priorities relating housing provision. In this context the application is considered to satisfy the socio-economic dimensions of sustainability as set out in the NPPF, which would appear to be the main drivers of the scheme where the development plan is considered to be out-of-date due to the 5 year housing land supply issue.

- 7.4 The development will need to provide for affordable housing in accordance with Policy CS11 and infrastructure provision in accordance with policy CS9. Both affordable housing and infrastructure provision offer community, social and economic benefits that lend to the sustainability of development in accordance with the requirements of the NPPF.
- 7.5 Notwithstanding the need to submit a reserved matters application for further assessment in relation to matters of scale, layout, appearance and landscaping, in principle the site is considered capable of being developed in a manner that will not be harmful to the natural environment, highway safety or local drainage conditions. Furthermore, the application also presents opportunities for biodiversity enhancements (through the provision of bat and bird boxes and future landscaping) and the securing of a community benefit in the form of improvements to the local footway leading into the Wem (by increasing the width of the footway either side of the railway bridge). In this context, the Councils' Tree Officer, Planning Ecologist, Highway Officer, Drainage Engineer and Planning Policy Officer are all satisfied that tree, ecology, highway and flood risk and drainage issues raised by the proposal can be adequately addressed by the imposition of recommended conditional requirements at this outline stage and subjected to the further consideration and approval of the Local Planning Authority. With the recommended conditions in place, the proposal is considered to satisfy Core Strategy policies CS6, CS7, CS17 and CS18 and the associated sustainable objectives of the NPPF.
- 7.6 However, the development will not form a contiguous development with the existing urban area of Wem. The presence of the railway line forms a strong physical barrier that contextually divides the built up area of the town from the semi rural characteristics of the site. Whilst it is acknowledged that there is some commercial and residential development in this area, this is largely interspersed with agricultural land and is small scale and linear in form. The introduction of a housing development (25 dwellings) in this location would appear out of context with the pattern and form of development in the immediate locality and otherwise physically isolated from the main built up area of the town. On this basis, it is considered that the development of the application site for housing would result in harm to the character of the area due to the detachment of the site from the main urban grain of the town. Accordingly, the proposal fails to satisfy Core Strategy policies CS1, CS3, CS5, CS6 and CS17 and the environmental dimension of the NPPF relative to sustainability.
- 7.7 In coming to their decision, Members need to consider whether the harm of developing the site would significantly and demonstrably outweigh the benefits, contrary to sustainable development objectives and the requirements of the NPPF.
- 7.8 On balance, it is officer's opinion that the detachment of the site from the main

urban area would lead to a harmful form of development that would be out of character with the pattern and form of development in this location and that this harm would significantly outweigh the benefits in this particular case. On this basis refusal is recommended.

7.9 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, 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 three months 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 1970.

9.0 **Financial Implications**

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

10. **Background**

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:

- CS1 - Strategic Approach
- CS3 - The Market Towns and Other Key Centres
- CS5 - Countryside and Greenbelt
- CS6 - Sustainable Design and Development Principles
- CS7 - Communications and Transport
- CS8 - Facilities, Services and Infrastructure Provision
- CS9 - Infrastructure Contributions
- CS11 - Type and Affordability of housing
- CS15 - Town and Rural Centres
- CS17 - Environmental Networks
- CS18 - Sustainable Water Management
- SPD Type and Affordability of Housing

11. **Additional Information**

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| 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 Pauline Dee
Cllr Chris Mellings

Appendices
None