

Development Management Report

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Summary of Application

Application Number: 14/01173/OUT	Parish: Church Stretton
Proposal: Outline planning consent for residential development (up to 52 dwellings) to include access	
Site Address: The Leasowes, Sandford Avenue, Church Stretton, Shropshire SY6 7AE	
Applicant: Mr R.Hill	
Case Officer: Grahame French	email: planningdmsw@shropshire.gov.uk



 **THE LEASOWES, SANDFORD AVE - 14/01173/OUT** Development Services
The Guildhall, Abbey Foregate
Shrewsbury, SY2 6ND

Recommendation: Grant Permission subject to the conditions and informatives set out in Appendix 1, and subject to a Section 106 legal agreement to secure the payment of an

affordable housing financial contribution, in accordance with the Council's affordable housing policy.

REPORT

1.0 THE PROPOSAL

- 1.1 Outline permission is sought for a residential development on land at the Leasowes off Sandford Avenue, Church Stretton for 'open market' sale. The application is in outline, with all matters of detail reserved for subsequent approval. Notwithstanding this, the applicant has provided an indicative layout plan and details of the likely housing types. This shows a new junction off Sandford Avenue with a new internal access road passing through a wooded area in the eastern half of the site with housing mainly concentrated in the western half. The application refers to 'up to 52 dwellings'. However, following discussions with officers an updated indicative layout plan has been provided which shows a total of 34 houses and a number of landscaped areas.
- 1.2 The plots are proposed to be family sized homes of generally modest accommodation which the applicant states would satisfy an identified need in the community. Adequate parking would be provided and there would be a garage and good-sized garden area for each property. The applicant states that the illustrative site layout plan demonstrates that the site is capable of accommodating dwellings in a configuration which respects the rural nature of the site and the residential amenities of the occupiers of dwellings in the residential area to the west.
- 1.3 The access road would be constructed in such a way that the roots of adjacent trees in the eastern half of the site are not adversely affected. Detailed discussions have taken place between the applicant's arboricultural consultant and the Council's trees section. Separate pedestrian routes would link the site to the pavement at Sandford Avenue. The area south of the access drive in the eastern part of the site is identified as a communal picnic area.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site (area 3.45ha) is located at the base of Helmeth Hill at the eastern edge of Church Stretton and to the immediate north of the B4371 Much Wenlock road (Sandford Avenue) from which access would be obtained. It comprises 2 adjoining rectangular areas with a fall of 25m from east to west. The eastern half on the higher ground adjoining Sandford Avenue currently comprises the large detached garden of a private property, The Leasowes. This area (1.59ha) has a parkland character, with a number of mature trees (particularly nearer Sandford Ave) set in an area of grassland. Access would be obtained through this area to the main area of proposed housing. The most recent indicative layout plan shows no p[roperties in this half of the site. Existing mature trees would be retained.
- 2.2 The western half of the site (area 1.87ha) which would accommodate the proposed housing currently comprises two small grassed fields. These are bounded to the south and west by existing residential development, to the north by a mature hedge with larger grassed fields beyond and to the east by the garden of the Leasowes. A

covered reservoir is located to the immediate north, in the angle between the eastern and western halves of the site. Access is currently obtained to the reservoir via a track running along the boundaries of the western half of the site. It is proposed that an alternative access would be provided to the reservoir via a link from the new access through the Leasowes.

- 2.3 The eastern half of the site is located in a Conservation Area which also runs along the southern boundary of the remainder of the site. A public footpath adjoins the eastern boundary but would not be affected. The site is located within the Shropshire Hills AONB which incorporates all of the settlement of Church Stretton.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 COMMUNITY REPRESENTATIONS

- 4.1.1 Church Stretton Town Council – No objection. As this is a prime site at the foot of Helmeth Hill and wood, in the setting of a Conservation Area within the AONB, the Town Council seeks assurance that the following will be addressed at the Reserved Matters stage:

- i. Access: More detail is required on the elevated roadway in the form of an engineering evaluation. Details of pedestrian access are needed so that the effect on neighbouring premises can be assessed.
- ii. Appearance: Because the site abuts a Conservation Area and is visible from Helmeth Hill and the Long Mynd, details of materials to be used (bricks, mortar colour/texture) to be made available before commencement of construction.
- iii. Design: The Town Council feels it would be beneficial for the developer to involve the community and a member of the Town Council T&F group at the design stage, to ensure buy-in to the scheme.
- iv. Scale: Height, width and length of each proposed building and its relationship to its surroundings should be made available.
- v. Archaeology: The Town Council supports the Shropshire Council's Historic Environment officer in his request for an archaeological assessment of the site before building commences.
- vi. Lighting: Although not usually a planning matter, in this case the Town Council would like to see a lighting scheme for the estate, with a Light Scatter Diagram to show potential for minimising glare to surrounding properties and the wider countryside.
- vii. Ecology: An Ecological Assessment is outstanding at the time of this submission.
- viii. Highways: The Town Council would encourage the Shropshire Council Highways to submit a full report on the access to the site from Sandford Avenue.
- ix. Flooding: To ensure proper water management (water runoff, seepage from the ground), a Proportionate Flood Risk Assessment will be necessary, along with details of any SUDS or on-site attenuation to be used.

- x. Trees: The tree cover on Sandford Avenue, and within the grounds of The Leasowes, is among the finest in Church Stretton. It is vital that the trees are preserved and protected. Access and movement of works traffic on site needs clarification. All proposed measures for tree protection should be in place before any work commences on site.
- 4.1.2 SC Public Protection - Specialist – No comments received.
- 4.1.3 SC Affordable Housing: - No objection. 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 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full or Reserved Matters application. The current prevailing target rate for affordable housing in this area is 20%. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. If this site is deemed suitable for residential development, then the number, size, type and tenure of the on-site affordable units must be discussed and agreed with the Housing Enabling Team before an application is submitted.
- 4.1.4 SC Conservation (Historic Environment): - There is a single known heritage record within the proposed development site boundary Find of worked flints in the Garden of The Leasowes (HER PRN 01912). Additionally the surrounding area contains a number of non-designated sites relating to possible battlefield locations Possible battlefield c 50m south of Cwms Lane (HER PRN 01905) Roman roads Watling Street, West of Wroxeter (HER PRN 00108), and findspots relating to prehistoric and roman activity (HER PRN 06317, 03567, 03566). No previous archaeological work has been undertaken within the site boundary. In view of the above, and in accordance with Paragraph 128 of the NPP, It is recommended that an archaeological field evaluation of the application site be undertaken prior to determination of any planning application. The aim would be to assess the extent, survival, depth and significance of any archaeological structures, features and deposits on the proposed development site. This in turn would enable an informed planning decision to be made regarding the archaeological implications of the proposed development and any appropriate archaeological action or mitigation. There should be no determination of the application until the archaeological evaluation has been satisfactorily completed and reported.
- 4.1.5 SC Drainage: - No objection subject to conditions covering surface drainage (included in Appendix 1).
- 4.1.6 SC Highways DC: – Verbal comments - No objection. The proposed access road from Sandford Avenue would not be an adopted highway. Management arrangements for ensuring the access road is maintained in a suitable condition to accommodate the development should be put in place. Adequate pedestrian links should also be provided to existing paving at Sandford Avenue as a pre-commencement condition of any subsequent full application.

4.1.7. SC Ecology: – No comments received.

4.1.8 SC Trees (07/04/14): In principle the tree service has no objection to this proposed development, but there are a number of key details that are either not clearly set out or require further detail before the Tree Service could give its full support to the discharge of reserved matters. It should be noted that Future Arbor Ltd have employed two different tree numbering systems on their plans. This inconsistency has considerable potential to cause confusion:

- i. CEZ discrepancy: - The Applicants Arboriculturalist has submitted two plans showing different construction exclusion zones both are labelled “Plan 3” these are SA/PR/1003Rev.A (dated 27/07/10) and SA/MS/1003/Rev.A (dated 24/04/12). For the purpose of this application the Tree Service has taken the more recent construction Exclusion zone submitted with the Arboricultural Method Statement (Ref. SA/MS/1003/Rev.A) as the relevant document. A statement of clarification to that effect from the applicant would be helpful.
- ii. Services: - The proposal offers no indication of the route for services, sewage and street lighting into and from the site. Allowing for the potential for the installation of such services to cause damage to trees, tree roots and to the ground in which they grow there is a need for the applicant to submit a clear service plan that has at least the tacit approval of building control before the tree service could be confident to sign off any reserved matters.
- iii. Access route discrepancy: - There is some discrepancy between the route of the access road shown in the arboricultural method statement (Ref. SA/MS/1005.Rev.A & SA/MS/1005.Rev.A) and plans submitted by Andrew Gough Development Consultant (ref.CS-AR-002:Rev.A & CS-GA-001:Rev.B) the latter is also included in section 5.1 of the planning statement. In the absence of a definitive plan the Tree service can only agree to the principle and would not be confident to sign off any reserved matters until there is a single acceptable definitive route provided.
- iv. Pedestrian Access - (ref.CS-AR-002:Rev.A & CS-GA-001:Rev.B) show a proposed footway along the western boundary of Leasowes with an exit onto Sandford Avenue. Details for the path and pedestrian access onto Sandford Avenue have not been submitted and therefore cannot be agreed to until it is shown that there are no arboricultural implications due to visibility splays, levels changes, the provision of lighting, bridges, culverts and steps in the RPAs of protected trees etc.
- v. Engineers details and variations - Whilst the proposal for the vehicle access is acceptable in principle, the applicant has submitted no engineering details. The Tree Service therefore considers that following the involvement of structural engineers there is potential for a considerable variation from the indicative plans so far submitted. To that ends the tree service recommends a condition that ensures that the arboricultural implications of any variations in the design and layout of the access route are subject to full and rigorous and arboricultural assessment in order to deliver a sustainable outcome.
- vi. Installation of a temporary track - Section 7 point 6 of the Arboricultural Method Statement refers to the installation of a temporary track during piling, but offers no detail on this track’s make-up or route.
- vii. Landscape considerations – Section 5.5 of the planning statement makes reference to the creation of “buffers” between the proposed development and adjacent

residential properties this sits well with the aspiration of the NPPF, Shropshire Core Strategy, and the Church Stretton Town Design Statement that new developments should be assimilated into their surrounding landscape in a sustainable way. Section 4.3 of the planning statement shows a view of the site as seen from the Burway, with the mature boundary tree in the garden of 36 Oaks Road highlighting the significance of trees in screening and softening the built environment into the landscape. It is therefore important that the “buffers” be accorded sufficient space to accommodate realistic sustainable boundary planting to help assimilate this new development into the wooded landscape that is fundamental to the character of Church Stretton, a point that is highlighted in the Church Stretton Town Design Statement. This point is also picked up in the SAMdev stage 2b assessment for CSTR019.

- viii. BS5837:2005 & BS5837:2012: The Shropshire Council Tree Service notes that the Arboricultural Assessment was drafted in the light of the guidance on good practice for development near trees set out in BS:5837:2005, and that the Arboricultural Method Statement follows the guidance of the revised British Standard BS5837:2012. In this instance the dimensions and interpretations of what is acceptable at this site are not significantly different between the two British Standards and so the Tree Service sees no good reason to require a revision of the original Arboricultural Assessment.
- ix. Recommendations: The Tree Service recommends that the above points be addressed preferably before this outline application is determined, or alternatively through reserved matters. With regard to the discrepancies set out in paragraphs 2.2 and 2.3 (Tree numbering and CEZ’s) an addendum to the planning statement or Arboricultural Method Statement that clearly identifies which CEZ is relevant, and that identifies the relevant tree numbers in a revised tree schedule that clearly allows comparison between each set of tree reference numbers in such a way that all users can easily interpret the Tree Protection plans and works prescriptions.

Public Comments

4.1.10 The application has been advertised in accordance with statutory provisions and the nearest 31 residential properties surrounding the site have been individually notified. Thirty one objections and one neutral comment have been received. The main issues are as follows:

- i. Incursion into countryside / AONB: The Strettons are special because of their setting .Protection of this setting should be paramount.
- ii. Traffic / access: Sandford Avenue already suffers from traffic problems; poor visibility for access, speeding traffic, excessive noise from motorbikes and trucks and a narrow pedestrian footpath on the south side of the street only. The additional traffic generated by 52 households will only worsen this situation as well as causing problems for residents using the Watling Street North junction to enter Sandford Avenue will involve the construction of a long access road exiting onto Sandford Avenue at the only bend on this road. If access to the housing site could be gained lower down Sandford Avenue for both vehicles and pedestrians the site would be more viable. Exceeding the speed limit is an existing problem on Sandford Avenue and more housing would increase the risk of serious accidents. Speed cameras

should be placed, facing in both directions, on Sandford Avenue. It is already very difficult to turn out of Oakland Park due to the presence of the mature trees on either side of the entrance, and a clear view either way can only be achieved by pulling out towards the middle of Sandford Avenue; this will become more dangerous with an increased traffic flow. The proposed new access road is just by a bend in the road which surely presents safety concerns for pedestrians crossing over to use the narrow pavement down Sandford Ave, and speeding vehicles coming around the bend. Our rear garden backs onto Sandford Ave, & over the years we have been very aware of increases in traffic volume and speed, particularly recently since the recent road resurfacing. Most cars do not currently adhere to the 30 mph speed limit. The Highways Consultant estimated that up to 360 traffic movements would be generated in a 24 hour based on 40 dwellings. The current proposal is now for up to 52 dwellings which would generate significant extra traffic movements (and noise). I feel the traffic situation in Sandford Ave. has not been considered properly. As a result of resident's complaints regarding speeding in Sandford Ave. a survey was carried out in road. This was about five years ago. The results were so shocking, average speeds were in the mid-40s, one vehicle was recorded at 90+ mph and it was agreed that a community speed partnership should be created. Several residents were trained in the use of speed cameras and designated points were established at key points in the road. One of these key points, from which the cameras could be used is exactly where the access to the proposed development is situated. I cannot understand why this has not been discussed in the plans. A proper survey of traffic should be conducted. I doubt if anyone is doing less than 45mph at the entrance to Leasowes. The visibility splay for vehicle access to Sandford Avenue does not show adequate sight lines due to the number and size of existing trees which are protected by preservation orders and the volume of traffic (likely to average at least 2 cars per house) generated by the development.

- iii. Effect on character of Sandford Avenue / conservation area: Sandford Avenue has a unique character which is threatened by this proposal. The increased noise to the amount of traffic will only get worse and will be a concern for many neighbours in the area. Also having moved into a conservation area recently surely we need to take into account this and understand how this development will effect this.
- iv. Site choice / principle: There is adequate scope for identifying infill sites within the built environment where there would be less impact. This site is a mile and a half from the school and a mile from the shops and there is no public bus route along Sandford Avenue.
- v. Layout / plot density: No layout plan. Initial proposals indicated in the region of 40 dwellings, which in my opinion is excessive for this area. However, the current application states 52 dwellings? this is a serious concern, in terms of building density etc. To date there are no plans to illustrate how the proposed dwellings will be distributed on the site. The latest indicative layout, uploaded on 23rd May, shows approx. 34 houses. There is no supporting statement showing why this is: has the application changed from (up to) 52 houses to (up to) 34 houses? If not, the layout is far from indicative of the proposal for which outline planning permission is being sought. I refer to my previous objection, which shows that the original

proposal for 40 units was reduced to 34 units and has now been reduced to 20 units? The new indicative layout showing 20 dwellings was circulated. Mr Stephens (for the owners of the site) felt this was now more in keeping with the surrounding properties? (Source: minutes of the meeting of the Church Stretton Town Council on 5th February 2013). The Supporting Statement for the Outline Planning Permission asserts that 'The size and scale of the proposed dwellings will be in keeping with the properties in the area'. A development of 52 dwellings on this site will constitute a low density? The increased density would have a serious negative visual impact upon the views of the Stretton Hills. If the size and scale of the proposed dwellings is to be in keeping with the properties in the area, they need to be restricted to true and chalet bungalows. Being even higher up the slope than the Battlefields Estate, the visual impact is more acute and two-storey buildings would be both more visible and completely out of keeping with the existing developments. There are few, if any, mature trees on the proposed site where most of the buildings are proposed to be sited, which makes the visual impact of building there greater. The current planning application does not address this issue, as no information is given on the proposed layout of the buildings or on the design of the houses. The type of housing needs special consideration. Battlefields is largely made up of single story bungalows. It would be inappropriate to place any units other than bungalows in this dominating position over Battlefields.

- vi. Flooding: Taking into account the sloping nature of the site and the significant drainage from the hillside, there is concern in relation to exacerbated localised flooding due to water run-off, particularly from dense building and associated hard landscaping, roads etc. The pasture upland field is west facing and attracts considerable rainfall, which has caused problems with flooding of the properties below in the past. Construction of a bottom drainage ditch diverts some of this water into the adjoining stream which has then caused flooding in the Alison Road properties adjoining Sandford Avenue. Constructing housing and roadways on this pasture will exacerbate this problem and lead to greater and faster water runoff. Even with the construction of an efficient drainage system this will put an enormous additional load on the drainage system in Church Stretton below, which already has severe problems in coping at present. Flooding downstream of hill country is becoming a serious problem within the UK. Future development needs to concentrate on stopping rapid runoff from hillsides, preferably by tree planting, not increasing the acute loads on rivers by development of greenfield hillsides.
- vii. Policy: The Application should not have been submitted before the Planning Inspector had completed his examination of the SAMDev Pre-Submission Draft (Final Plan). No adequate reason was given in the SAMDev Plan Revised Preferred Options document for the deletion of Site CSTR014 for housing or for the chosen option of Site CSTR019 as a preferred site (reserve site only).
- viii. Ecology / trees: Access to the housing site via The Leasowes will involve significant disruption to trees and wildlife. The surrounding area, including Helmeth Woods, the farming land adjacent to the West, and the gardens of Sandford Avenue, Oakland Park and Whitehouse Gardens, form an important varied habitat supporting a diversity of birds, mammals and amphibians in addition to the plant life. The insertion of relatively densely configured housing (in the absence of plans it

is hard to imagine it will be anything otherwise) will have a negative impact upon this wildlife and plant life. A root protection area (RPA) for my tree has been proposed, but I fear that it may be too small and also, if it is in new gardens, the owners of those gardens could cover the area with such items as sheds, greenhouses and patios, which would all mean less water entering the ground and so could have a negative impact on my tree. Were the development to proceed, I would suggest a larger root protection area and also the use of a covenant to prevent such development on the RPA.

- ix. Footpath: I object to the proposed footpath on the grounds that it runs alongside whole length of my eastern boundary and the sloping ground would cause a complete lack of privacy, raise noise and nuisance concerns, and have adverse implications for the security of my property. The exit on to Sandford Avenue (east) would be unsafe for pedestrians, (especially children) who would need to cross the road to reach the footpath on the far side. Much of the traffic, which would increase with the proposed development, fails to adhere to the speed limit. There is no footpath on the northern side of Sandford Avenue and only a narrow verge with visibility severely limited by large mature trees. The proposed path is unnecessary as normal highway requirements would stipulate that a footway be provided as part of the access roadway. Should the proposed footpath be approved then it should be provided with acoustic anti-climb fencing to a height of at least 2.5m to prevent the problems set out above.
- x. Loss of amenity: My house is located at the bottom of the slope on which this development is to be built and would suffer significant loss of privacy due to:
1. My garden borders the land with a low fence separating it from the field in question. Privacy would be completely lost, which would be particularly intrusive in the warmer months when one wears much less and is in the garden much more. This problem could be reduced (but not removed) by the removal of the current fence and erection of a six foot fence at considerable expense - an expense brought about by the development. Patio doors lead from the garden to the lounge/diner and also a large window in the kitchen looks onto the field. This development would mean I have less privacy in my house. My (first floor) bedroom looks onto the field in question. Were the development to happen, all and sundry would be able to see directly into my bedroom - a highly intrusive situation. Amongst other reasons, the privacy currently enjoyed by my house was a major reason for its purchase (as were the views). Only with detailed plans could the extent of the loss of privacy been determined. The erection of bungalows may help, but the fact that the land slopes down to my house would still result in significant loss of privacy. In the warmer months, my beautiful oak tree (tree number 75 (I think)) is in full leaf, resulting in significant loss of light from directly above. Currently this is well compensated by light from the direction of the field. If the development were to proceed, the need to erect a higher fence (for privacy reasons) would result in significantly reduced light levels, which would impact of the plants in the garden and the ability to enjoy being in the garden.
- ix. Other: I am very concerned that this planning proposal has had no publicity within the town as it will have a major impact on Church Stretton. There must be assurance that there are no legal covenants in place which would restrict building

development on this site. The application itself has been little publicised and thus it cannot be claimed that the sort of public engagement envisaged in the Council's SCI has taken place

- 4.1.11 Church Stretton Tree Group: The Church Stretton Tree Group objects to this proposal because we are concerned about the design of the proposed access road which has been designed subject to the following comment by the designer: "Note: All specifications must be approved for use by a civil/ structural engineer, highway consultant and/or Highway Authority prior to installation to ensure conformity with current legislation and guidance." These engineering assessments need to take place before this application is determined, because if the engineering evaluation demonstrates that the construction method has to be replaced by a conventional road there would be very serious damage to the trees on site, which the applicant states will be retained. Any such damage would cause a significant loss of tree cover and be detrimental to the visual amenity of this part of the conservation area and Shropshire Hills AONB. Unless the applicant demonstrates that their proposal is a feasible method of accessing a site of 52 dwellings then the application should be refused. In addition no layout plan has been provided and it is unclear whether areas of the site with trees will be affected by this development. The potential damage to trees by services is also a concern as there is insufficient information provided in this application. The Council's Tree Officer has expressed concern about a number of inconsistencies in this application and we support his view that these important details should be provided before this application is determined. It is also our view that space should be allowed for significant new planting of trees to soften this development and to maintain the distinctive tree-rich landscape character of the town.
- 4.1.12 The Strettons Civic Society: The developers published a layout statement at an earlier stage when they suggested that 40 houses could be built on the site. The proposal is now for 52 houses and the application is for both the Battlefield (CSTRO19) and Leasowes (CSTRO 22) sites. At this outline stage it would be helpful to see the developers plan for the location of the buildings. Shropshire Council has the power to ask for more information under the Town and Country Planning (Development Management Procedure) (England) Order 2010 which is quoted as follows. 'Applications for outline planning permission 4.?'
- (1) Where an application is made to the local planning authority for outline planning permission, the authority may grant permission subject to a condition specifying reserved matters for the authority's subsequent approval.
 - (2) Where the authority who are to determine an application for outline planning permission are of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, they shall within the period of 1 month beginning with the receipt of the application notify the applicant that they are unable to determine it unless further details are submitted, specifying the further details they require.
 - (3) Where layout is a reserved matter, the application for outline planning permission shall state the approximate location of buildings, routes and open spaces included in the development proposed.

(4) Where scale is a reserved matter, the application for outline planning permission shall state the upper and lower limit for the height, width and length of each building included in the development proposed.

(5) Where access is a reserved matter, the application for outline planning permission shall state the area or areas where access points to the development proposed will be situated. 'layout' means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development. As it stands the application does not meet the requirement of Regulation 4(3) and we ask Shropshire Council to obtain the information and publish it on the planning web-site. You may also wish to consider whether it would be right to obtain information under Regulation 4(4) at this stage.

(Officer note, an indicative layout plan indicating the general location and design of the access has been provided by the applicant).

- 4.1.13 Oakland Parks Association: We are in agreement with comments by Mrs Yvonne Roberts with regard to the very narrow distribution of the OPA as the development that is proposed will affect all the residents of Sandford Avenue, Hazler Road area and Battlefield in addition to the town and the local infrastructure of the area. Community involvement seems to have been kept to a minimum whereas it should be widespread and we request that this is immediately rectified with a corresponding extension of the time limit for objections. We are concerned about the Highways report in the OPA. This assesses the impact of a development of 40 houses whereas the OPA is for 52 houses. This discrepancy should not have occurred as the impact will be increased by 30% and a more accurate report should be resubmitted. No mention has been made of the fact that access to and from Battlefield is by a narrow single carriageway. The residents of Battlefield should be aware that any increase to the traffic flow along Sandford Ave. which will result from this development will exacerbate their difficulty in entering and leaving their estate in addition to causing a pinch point that may well impede traffic flow along the Avenue and up to the traffic lights at the intersection with the A49. There is a paradox here in that the modification to the entrance to Leasowes for the purposes of the development and the provision of visual safety when accessing Sandford Ave. will increase traffic flow to the extent that existing residents of the Ave. will find it even more dangerous to exit their houses by car as vision in almost every case is already impeded by the (TPO) lime trees. The danger of vehicular access to the Ave. for residents is directly related to traffic flow (and the willingness of drivers of through traffic to adhere to the speed limits which does not happen)

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Policy Context and principle of the development:

- 6.1.1 Church Stretton is identified as a Market town and Key Centre in the adopted Core Strategy. Policy CS3 – “Market Towns and Other Key Centres” requires market towns such as Church Stretton to accommodate balanced housing and employment development within their development boundaries and on sites allocated for development. Development must be of a scale and design that respects the town’s distinctive character and must be supported by improvements in infrastructure. The Policy indicates that “Church Stretton will have development that balances environmental constraints with meeting local needs”. Policy CS3 states that the indicative scale of housing development in Church Stretton over the period 2006 – 2026 will be less than 500 dwellings.
- 6.1.2 Policy S5.1 of the Pre Deposit Draft SAMDev advises that Church Stretton will provide a focus for development in this part of Shropshire, with a housing guideline of about 370 dwellings and about 1 ha of employment land for the period 2006-2026. New housing development will be delivered through the allocation of greenfield sites together with windfall development which reflects opportunities within the town’s development boundary as shown on the Proposals Map. The release of further greenfield land for housing will be focused to the east of the A49 on sustainable sites adjoining the development boundary. New development must recognise the importance of conserving and where possible enhancing, the special qualities of the Shropshire Hills Area of Outstanding Natural Beauty as set out in the AONB Management Plan and should be in accordance with Policies MD12 and MD13. Particular care should be taken with the design and layout of development in accordance with Policy MD2. The current site is one of 2 sites allocated for residential development in the Pre-Deposit Draft SAMDev. A table associated with the policy advises that ‘development is subject to satisfactory and appropriate vehicular access which must safeguard protected trees. The design and layout of development must have regard to the setting of the Conservation Area’.
- 6.1.2 Housing land supply in Shropshire has fallen beneath the 5 year level required by the National Planning Policy Framework (para. 47). As a consequence, existing saved housing policies are now out of date and this has implications for future planning decisions. However, the SAMDev is at a relatively advanced stage and some additional weight can therefore be afforded to it as an indicator of future sustainable housing locations. The current site is allocated in the emerging SAMDev and has the support of Craven Arms Town Council. It can therefore be regarded as a potentially sustainable housing location if there is compliance with other relevant planning policies.
- 6.1.2 The main issue to address is whether the proposals would result in any additional impacts on surrounding properties, amenities, the environment, infrastructure, economy and local community relative to the existing situation. This includes potential effects on the Conservation Area and the AONB. If so, then are these impacts capable of being mitigated such that the proposals would be sustainable? If the proposals can be accepted as sustainable then the presumption in favour of sustainable development set out in the NPPF would apply. Sustainable proposals

would also be expected to be compliant with relevant development plan policies including Core Strategy Policies CS5 and CS6.

6.2 Environmental Considerations

- 6.2.1 Traffic: Objectors have expressed concerns that the proposed access would join a dangerous stretch of the public highway and would exacerbate existing traffic capacity issues. Whilst these concerns are noted it is not considered that the proposed development which now envisages 34 houses would be likely on its own to add to an unsustainable increase in levels of traffic locally. The Applicant has provided indicative access and layout plans which suggest that a safe access compliant with relevant highway visibility standards is capable of being achieved without the requirement to remove any mature trees. Exact details of the junction and internal access roads would be provided at the reserved matters stage. Highway officers have not objected but have recommended that a management regime is set up to maintain the proposed internal access road. This would be secured at the reserved matters stage. It is considered on balance that refusal on highway or access reasons could not be justified at this outline stage. (Structure Plan Policy CS7).
- 6.2.2 Drainage / Flooding: Objectors have raised concerns that the proposals could make existing local flooding problems worse due to replacing sloping field areas with less permeable surfaces. References to local drainage problems have been made by some objectors. A sustainable drainage system (SuDs) would be adopted. Surface water from roofs would be taken to suitably sized soakaways, the design of which would be dealt with at building regulation stage, and would comply fully with BRE 365. This would ensure that drainage from the site is attenuated to greenfield rates. The council's land drainage section has not objected subject to imposition of appropriate drainage conditions which are included in Appendix 1. The Environment Agency Flood Map indicates that the development is not within an area that is at risk of fluvial flooding. It is not considered that the proposals would result in an unsustainable increase in local drainage levels provided appropriate measures are employed as per the recommended conditions. It is considered that the proposals are capable of complying in principle with Core Strategy Policy CS18 relating to drainage.
- 6.2.3 Sewerage: The applicant is proposing that foul water from the proposed dwellings would be taken to the existing foul sewer that runs nearby to the site. If the applicant achieved an agreement to link to the mains sewer then Severn Trent Water would be statutorily obliged to ensure that the sewerage system has sufficient capacity to accommodate the development. There is no reason to suspect that such an agreement would not be forthcoming. However, the option of installing a package/biodisc treatment plant at the site would exist if a main sewer connection was not possible (subject to a separate planning permission). (Core Strategy Policy CS8, CS18)
- 6.2.4 Visual amenity: The proposed site is located on rising ground within the AONB. Predominantly the views from the site are towards the west into the existing town and Carding Mill Valley and the Shropshire Hills. There are limited views to the east

and south due to the topography and natural vegetation. Existing vegetation fronting Sandford Avenue would screen the development from this location. The proposed access and road would also be designed sensitively maintaining existing trees. It would curve downhill into the site, so the proposed houses should not be visible from the access. It is not considered that there would be an unacceptable visual impact on the Conservation Area. Nor would the site be visible from the A49 due to the presence of an intervening ridge. The development would be visible locally from some adjacent existing housing to the south and west although proposed intervening landscaping would limit the extent of any such visibility. Some scenic views towards the Stretton Hills from 4 existing properties at Oaklands Park may be subject to change. However, this cannot be used as a reason for refusal. Views towards the proposed development may also be afforded from rights of way and tracks to the north and east. However, from these locations it is considered that the development would be seen within the visual context of the existing residential development along Sandford Avenue.

- 6.2.5 The most recent indicative layout plan shows no proposed houses in the eastern half of the site. This preserves the aspect and 'parkland' setting of the Leasowes, which, although not a listed property, is a significant visual attribute in a commanding location on this margin of the Conservation Area.
- 6.2.6 The proposals involve landscape planting and the applicant has agreed to consider specifying some bungalows or 1½ height properties in the housing mix given the elevation / setting of the site and the characteristics of adjacent residential development. The level of the development platforms for the site and the detailed appearance of the properties would also be important considerations in terms of visual amenity and would be confirmed at the reserved matters stage. It is however considered that a properly designed scheme would be capable of integrating visually with the surrounding landscape and townscape and would not impact adversely on the setting of the Conservation Area of the AONB. It is concluded that the proposals are capable of complying with relevant policies covering visual amenity and wider sustainability issues. (CS5, CS6, CS16, CS17)
- 6.2.7 Noise: A condition requiring submission of a Construction Management Plan has been recommended. This would control matters such as hours of working and management of construction traffic. It is recognised that the site also benefits from a degree of natural screening from vegetation, topography and that the number of publicly accessible viewpoints is limited. Some local residents have expressed concern that increased vehicle movements from the proposals could in turn cause increased noise to existing residents fronting Sandford Avenue and the associated Conservation Area. The latest indicative layout however shows a reduced level of housing (from 52 originally to 34). It is not considered however that the level of traffic likely to be generated by the development would represent a significant increase on existing traffic levels along Sandford Avenue which would be likely to materially affect existing noise levels.
- 6.2.8 Privacy: Some local residents adjoining the site have objected on the grounds of loss of privacy as a consequence of the proximity of new housing and a proposed footpath. It is perhaps understandable that some existing residents who currently

overlook an open field would express this concern. The detailed treatment / alignment of the footpath is a matter which would be considered at the reserved matters stage. The boundaries between existing and proposed residential development and the spacing and heights of individual properties would also be considered at the reserved matters stage. The need to preserve the privacy of existing and proposed properties is an important material consideration. However, it is not considered at this stage that the indicative layout plan suggests that there would be any fundamental limitations with respect to privacy issues. The reduction in housing density referred to above frees up additional space within the layout to allow this issue to be addressed.

- 6.2.9 Archaeology: The council's archaeologist has requested that an archaeological field evaluation is undertaken at this stage. This is based on a single find of worked flints in the Garden of The Leasowes. It is not clear whether this was an in-situ find or was washed down from higher up the hill, as can often be the case with Neolithic artefacts. The applicant accepts the need to undertake an evaluation but questions the justification for undertaking it at this outline stage when no excavations are proposed within this area of the site. The preparation of a full archaeological survey will entail significant cost and delay to the applicant. The key tests to apply when considering the justification for planning conditions is whether they would be reasonable, necessary and linked to the development. Relevant heritage guidance also advises that the extent of any heritage information requirement should be proportionate to the level of significance of a potential asset.
- 6.2.10 In this case it is considered that there is insufficient evidence to clearly justify the preparation of a full archaeological field investigation and associated cost and delay to the applicant at this outline stage. The western half of the site has been intensively farmed previously and is immediately adjacent to other residential areas. Although in proximity to where the flint was found it is in a different geographical context, being below the slope break where the Leasowes is situated and some way from the historical access route into the Stretton Hills which Sandford Avenue provides. It is considered that requiring the provision of an archaeological evaluation at this outline stage would not meet the test of reasonableness and would be open to appeal by the applicant. Such a condition would however be appropriate at the reserved matters stage and a suitable condition has been recommended in appendix 1. This has been agreed by the applicant. Core Strategy Policy CS17.
- 6.2.11 Ecology: An ecological survey confirms that the western half of the site has limited habitat interest. The eastern half has a number of mature trees with bat roost potential but these would be protected and an arboricultural method statement would apply. An amended layout plan shown no housing in this area. The access road would be constructed as a raft on top of the existing ground, secured by a 'helical piling' technique to prevent damage to roots. Space would be provided locally under the carriageway to allow wildlife to pass freely. Detailed mitigation measures are capable of being progressed further at the reserved matters stage. Landscaping is proposed and would add to overall levels of biodiversity within the site. Appropriate ecological conditions and informative noted have been recommended in Appendix 1. Subject to this it is considered therefore that the

proposals are capable of complying at this outline stage with Core Strategy Policy CS17.

6.2.12 Arboriculture: The eastern half of the site has a number of mature trees and the Council's Trees section has commented in detail on the proposals. Initial observations highlighted a number of discrepancies in data provided by the applicant. However, a meeting has since taken place between SC Trees, the applicant's arboriculturalist, planning officers and other stakeholders at which additional clarification has been provided on tree protection measures. It is considered that the applicant's arboriculturalist has now provided sufficient reassurance to confirm that there would be no unacceptably adverse impacts on trees in the eastern half of the site and on the Sandford Avenue frontage which form an important part of the setting of the Conservation Area in this location. In particular, it has been confirmed that:

- there would be no housing in the eastern half of the site which could impact on root protection zones;
- the access road would be laid on a 'raft' above the existing soil profile and secured by helical steel piles so as to minimise any potential damage to roots;
- a detailed arboricultural method statement would apply in order to prevent the possibility of any adverse impact on trees and roots.

These measures have been accepted in principle by the Council's trees section. It is considered that the proposals can be accepted in relation to tree issues subject to the conditions recommended in Appendix 1. It is also considered that the ability to protect mature trees within the site provided the necessary reassurance regarding the ecological matters referred to above. (Core Strategy Policy CS17).

6.2.13 Housing density: The application title refers to 'up to 52 houses' and the applicant originally produced an indicative layout plan showing this number of plots at the site. Officers advised that the applicant that this number of plots resulted in an unsustainable overdevelopment of the site. Accordingly, the applicant has produced a revised indicative layout plan which shows 34 properties. It is considered that this results in an acceptable layout in principle which respects the setting of the site, allows appropriate space for structural landscaping and site drainage and respects the privacy of existing residential properties. (Core Strategy Policy CS6)

6.2.14 Agricultural land: The western half of the site currently comprises agricultural land. However, it is considered unlikely to be of best and most versatile quality and the area of such land is not great. The site has limitations for modern farming due to the relatively steep slope and proximity of existing residential development. It is not considered that an objection on the grounds of effects to agricultural land could be sustained in these circumstances. (Core Strategy Policy CS17)

6.2.15 AONB: The proposals are located within the Shropshire Hills AONB which has a 'washover' designation affecting the whole town of Church Stretton. Section 115 of the NPPF advises that "great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and

scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas”. Section 116 goes on to advise that “Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

6.2.16 The proposals represent major development within the AONB, but have come forward as a proposed allocation in the Pre-Deposit Draft SAMDev in order to assist in providing essential housing for the community of Church Stretton. The area of the site has been carefully chosen in preference to other competing housing sites within the local area. The assessment of impacts referred to above lends support to the decision too put the site forward as an allocation, given the conclusion that there would be no unacceptably adverse environmental effects. Whilst the site would result in encroachment into existing countryside within the AONB the area is immediately adjacent to and would be seen within the context of the existing housing developments off Sandford Avenue. In view of this and given the recognised need for appropriate local housing provision and the associated social benefits it is considered that the policy tests for major development within the AONB are clearly met.

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

6.3 Economic sustainability:

6.3.1 All housing schemes have some benefits to the local economy from building employment and investment in local construction services. The occupants of such properties would also spend money on local goods and services, thereby supporting the vitality of the local community. In addition, the proposals would generate an affordable housing contribution, CIL funding and community charge revenue which would also give rise to some economic benefits. Inappropriate development can potentially have adverse impacts on other economic interests such as existing businesses and property values. In this particular case however it

is not considered that there would be any obvious adverse economic impacts. There are no leisure or tourism facilities in the immediate vicinity which would be adversely affected. No public footpaths would be affected. It is not considered that there would be any material impact on property values provided a sensitive design and landscaping are applied at the reserved matters stage. It is considered overall therefore that the economic effects of the proposals would be positive and that the economic sustainability test set out in the NPPF is therefore met. (Core Strategy Policy CS5, CS13)

6.4 Social sustainability:

- 6.4.1 Craven Arms Town Council has confirmed that it does not object to the scheme and has recognised the need for an appropriate housing mix to be delivered within the Town. The applicant's indicative layout plan indicates that the development would deliver mainly 2-3 bedroom properties of modest size which would be capable of meeting an identified need for this type of property. The proposals would fall within the level of housing provision referred to in the SAMDev. They would provide greater flexibility within the housing mix of Church Stretton and would contribute in turn to the social vitality of the community.
- 6.4.2 The proposed site is located close to key community facilities and would be linked to them by a pedestrian footpath. The indicative layout plan also shows the proposed properties as all possessing generous garden space and a communal green area. There would also be good levels of natural light given the unshaded aspect of the plot. It is considered that these factors increase the overall level of social sustainability of the proposals. It is concluded that the social sustainability test set out by the NPPF is also met on balance.

7.0 CONCLUSION

- 7.1 The proposal as currently specified would involve the development of 34 dwellings for open-market occupation immediately adjacent to an existing residential area on the eastern side of Church Stretton. The site is allocated for up to 50 houses in the Pre-Deposit Draft SAMDev but the 34 dwellings now proposed is considered to represent a more acceptable and sustainable balance for the size and nature of the plot. The housing mix would meet an identified need for intermediate scale 2-3 bedroom family houses in Church Stretton.
- 7.2 It is considered that the proposals would not have an unacceptable impact on the amenities of the nearby existing properties, provided the properties accord with the general scale and layout shown in the indicative site plan. Nor is it considered that there would be any unacceptably adverse impacts on the character of the the Conservation Area, the AONB, highways, ecology or other relevant environmental / amenity interests provided appropriate design measures are adhered to at the reserved matters stage.
- 7.3 It is considered on balance that the proposals are sustainable in environmental, social and economic terms and are compliant with the NPPF and Core Strategy Policy CS6. Outline permission is therefore recommended, subject to appropriate

conditions and a legal agreement to deliver an affordable housing contribution and to confirm management provisions for the proposed private access road.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

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

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry. If the decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will intervene where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than three months after the grounds for making the claim first arose. Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

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

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

9.0 FINANCIAL IMPLICATIONS

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

10.0 BACKGROUND

Relevant Planning History:

None of relevance to this proposal

Relevant Planning Policies:

Central Government Guidance:

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

10.1.1 The National Planning Policy Framework (NPPF) The NPPF emphasizes sustainable development and planning for prosperity. Sustainable development ‘is about positive growth – making economic, environmental and social progress for this and future generations’. ‘Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision’. The framework sets out clearly what could make a proposed plan or development unsustainable.

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

- 1. Building a strong, competitive economy;
- 3. Supporting a prosperous rural economy;
- 4. Promoting sustainable transport;
- 7. Requiring good design;
- 8. Promoting healthy communities;
- 10. Meeting the challenge of climate change, flooding and coastal change;
- 11. Conserving and enhancing the natural environment;
- 12. Conserving and enhancing the historic environment;

10.2 Core Strategy:

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

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

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

i. CS6: Sustainable Design and Development Principles:

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which mitigates and adapts to climate change. This will be achieved by: Requiring all development proposals, including changes to existing buildings, to achieve criteria set out in the sustainability checklist. This will ensure that sustainable design and construction principles are incorporated within new development, and that resource and energy efficiency and renewable energy generation are adequately addressed and improved where possible. The checklist will be developed as part of a Sustainable Design SPD; Requiring proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced; And ensuring that all development: Is designed to be adaptable, safe and accessible to all, to respond to the challenge of climate change and, in relation to housing, adapt to changing lifestyle needs over the lifetime of the development in accordance with the objectives of Policy CS11 Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate; Contributes to the health and wellbeing of communities, including safeguarding residential and local amenity and the achievement of local standards for the provision and quality of open space, sport and recreational facilities. Is designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision and taking account of site characteristics such as land stability and ground contamination; Makes the most effective use of land and safeguards natural resources including high quality agricultural land, geology, minerals, air, soil and water; Ensures that there is capacity and availability of infrastructure to serve any new development in accordance with the objectives of Policy CS8. Proposals resulting in the loss of existing facilities, services or amenities will be resisted unless provision is made for equivalent or improved provision, or it can be clearly demonstrated that the existing facility, service or amenity is not viable over the long term.

v. CS17: Environmental Networks

Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development: Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors. Further guidance will be provided in SPDs concerning the natural and built environment; Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB, the Meres and Mosses and the World Heritage Sites at Pontcysyllte Aqueduct and

Canal and Ironbridge Gorge does not have a significant adverse impact on Shropshire's environmental assets and does not create barriers or sever links between dependant sites; Secures financial contributions, in accordance with Policy CS8, towards the creation of new, and improvement to existing, environmental sites and corridors, the removal of barriers between sites, and provision for long term management and maintenance. Sites and corridors are identified in the LDF evidence base and will be regularly monitored and updated.

vii. Other relevant policies:

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

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

Emerging Planning Guidance

SAMDev

i. MD1 – Scale and Distribution of Development

Further to the policies of the Core Strategy:

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

ii. MD2 – Sustainable Design

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

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

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

iii. MD3 - Managing Housing Development

Delivering housing:

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

Renewing permission:

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

Matching the settlement housing guideline:

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

iv. MD7a – Managing Housing Development in the Countryside

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

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

vi. MD8 –Infrastructure ProvisionExisting Infrastructure

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

vii. MD12: The Natural Environment

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

1. Ensuring that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets where proposals are likely to have an unavoidable significant adverse effect, directly, indirectly or cumulatively, on any of the following:
 - i. the special qualities of the Shropshire Hills AONB;
 - ii. locally designated biodiversity and geological sites;
 - iii. priority species;
 - iv. priority habitats
 - v. important woodlands, trees and hedges;
 - vi. ecological networks
 - vii. geological assets;
 - viii. visual amenity;
 - ix. landscape character and local distinctiveness.In these circumstances a hierarchy of mitigation then compensation measures will be sought.
2. Encouraging development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition.
3. Supporting proposals which contribute positively to the special characteristics and local distinctiveness of an area, particularly in the Shropshire Hills AONB, Nature Improvement Areas, Priority Areas for Action or areas and sites where development affects biodiversity or geodiversity interests at a landscape scale, including across administrative boundaries.

viii. S5.1: Church Stretton Area

Policy S5.1 of the Pre Deposit Draft SAMDev advises that Church Stretton will provide a focus for development in this part of Shropshire, with a housing guideline of about 370 dwellings and about 1 ha of employment land for the period 2006-2026. New housing development will be delivered through the allocation of greenfield sites together with windfall development which reflects

opportunities within the town’s development boundary as shown on the Proposals Map. The release of further greenfield land for housing will be focused to the east of the A49 on sustainable sites adjoining the development boundary. New development must recognise the importance of conserving and where possible enhancing, the special qualities of the Shropshire Hills Area of Outstanding Natural Beauty as set out in the AONB Management Plan and should be in accordance with Policies MD12 and MD13. Particular care should be taken with the design and layout of development in accordance with Policy MD2.

11. ADDITIONAL INFORMATION

List of Background Papers: Planning application reference 13/01633/OUT and associated location plan and documents
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member: Cllr David Evans, Councillor Lee Chapman (Church Stretton and Craven Arms)
Appendices: Appendix 1 – Conditions

APPENDIX 1

Legal Agreement

1. Affordable housing contribution;
2. Agreement on measures to secure management measures for private access road within the site.

Planning Conditions

STANDARD CONDITIONS:

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

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

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

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

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

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

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES:

Drainage

- 4a. Construction of the development hereby permitted shall not be commenced until full details including a plan and calculations of the proposed sustainable drainage

system (SuDS) have been submitted to and approved by the Local Planning Authority prior to the approval commencement of any development under the terms of this permission.

- b. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway

Reason: To ensure that, for the disposal of surface water drainage from the development is undertaken in a sustainable manner.

5. A contoured plan of the finished ground levels should be provided to ensure that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, 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.

Reason: To ensure that any such flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.

Notes:

- i. *Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. A catchpit should be provided on the upstream side of the proposed soakaways. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.*
- ii. *The applicant should consider employing measures such as the following:*
- *Swales*
 - *Infiltration basins*
 - *Attenuation ponds*
 - *Water Butts*
 - *Rainwater harvesting system*
 - *Permeable surfacing on any new access road, driveway, parking area/ paved area*
 - *Attenuation*
 - *Greywater recycling system*
 - *Green roofs*
- iii. *The scheme required by Condition 4a above should illustrate how the development will comply with the National Planning Policy Framework and the Technical*

Guidance to the National Planning Policy Framework for the particular flood zone / site area and Shropshire Council's Interim Guidance for Developer, and how SUDs will be incorporated into the scheme.

- iv. *Ordinary watercourses exist on the northern boundary and through the southern section of development. Informative: Any works within the watercourse requires Ordinary Watercourse Consent from Shropshire Council in accordance with the Land Drainage Act 1991. Works should not commence until consent has been granted by the Council.*
- v. *A Zone 1 Flood Risk Assessment (FRA) must be provided at the reserved matters stage, using Shropshire Council's Strategic Flood Risk Assessment (SFRA) documents for guidance. A FRA should include, as a minimum:*
 - *Assessment of the Fluvial flooding (from watercourses);*
 - *Surface water flooding (from overland flows originating from both inside and outside the development site); Groundwater flooding;*
 - *Flooding from artificial drainage systems (from a public sewerage system, for example);*
 - *Flooding due to infrastructure failure (from a blocked culvert, for example*
- iv. *Consent is required from the service provider to connect into the foul main sewer.*

Tree protection

- 6a. The approved measures for the protection of the trees as identified in the agreed tree protection plan (SA/MS/1003/Rev.A) shall be implemented in full prior to the commencement of any development related activities on site, and they shall thereafter be maintained for the duration of the site works. No material variation will be made from the approved tree protection plan without the written agreement of the Planning Authority.
- b. The Shropshire Council Natural Environment team will be notified in writing when the Tree Protection measures have been established and no construction works will commence until a written letter is received by the applicant or their agent from the Planning Authority stating that the measures have been satisfactorily established.

Reason: To safeguard retained trees and/or hedgerows on site and prevent damage during building works, and to protect the natural features and amenities of the local area that are important to the appearance of the development.

Note: All amendments' and modifications to the approved plans and particulars; or plans and particulars issued for the delivery of reserved matters; or establishment of services or special engineering measures that will require encroachment into the tree protection zone(s) identified in the approved tree protection plan will be supported by a supplementary arboricultural impact assessment and method

statement; and the proposed amendments' / works will not be enacted upon without the written approval of the Planning Authority.

7. Notwithstanding any details submitted on other approved plans and particulars, works or development shall not take place until a scheme of supervision for the arboricultural protection measures (tree protection plan) has been approved in writing by the local authority tree officer. This scheme will be appropriate to the scale and duration of the works and may include details of:
- i. induction and personnel awareness of arboricultural matters.
 - ii. identification of individual responsibilities and key personnel.
 - iii. statement of delegated powers.
 - iv. timing and methods of site visiting and record keeping, including updates.
 - v. procedures for dealing with variations and incidents.

Reason: To ensure satisfactory delivery of tree protection measures on site.

Landscaping:

- 8a. No development shall be commenced until full details of landscape works have been approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:
- i. Planting plans;
 - ii. Written specifications (including cultivation and other operations associated with plant and grass establishment);
 - iii. Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate; and
 - iv. Implementation timetables.
- b. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable approved in writing by the Local Planning Authority.
- c. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and to ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

9. No external lighting shall be installed at the development hereby permitted until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved lighting shall be retained thereafter for the lifetime of the development. The submitted lighting scheme shall be designed to

take into account the advice on lighting set out in the Bat Conservation Trust booklet 'Bats and Lighting in the UK'.

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

Archaeology:

10. Construction of the development hereby permitted shall not be commenced until an archaeological field evaluation has been submitted to and approved in writing by the Local Planning Authority. This shall be undertaken in accordance with a written scheme of investigation which has been agreed in writing with Shropshire Council's Historic Environment Section. The written scheme of investigation shall make appropriate provision for the carrying out of further investigation works in an agreed timescale in the event that the field evaluation identifies features which the Council's Historic Environment Section considers requires additional investigation.

Reason: To allow for appropriate recording of any archaeological remains which may be present within the site.

Note: A full written archaeological brief for this work can be provided by Shropshire Council's Historic Environment Team. A charge applies for this work. Further details are available on Shropshire Council's Historic Environment Team website

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT:

11. The dwellings hereby permitted consist of no more than two floors of living accommodation elsewhere within the site.

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

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

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

Notes:

- i. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice. The single in-field ash tree*

has some potential for bat roosts. If this tree will be removed, it should be inspected for bat roosts prior to felling or works.

- ii. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended); an active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work should if possible be carried out outside the bird nesting season, which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active birds' nests should be carried out. If vegetation cannot be clearly seen to be clear of birds' nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*
- iii. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.*
- iv. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.*
- v. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*
- vi. An independent 32 amp radial circuit isolation switch should be supplied at each property for the purpose of future proofing the installation of an electric vehicle charging point. The charging point must comply with BS7671. A standard 3 pin, 13 amp external socket will be required. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building. Paragraph 35 of the NPPF states in this respect that "Plans should protect and exploit opportunities for the use of sustainable transport modes for*

the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles."

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

The authority worked with the applicant in a positive and pro-active manner in order to seek solutions to problems arising in the processing of the planning application. This is in accordance with the advice of the Governments Chief Planning Officer to work with applicants in the context of the NPPF towards positive outcomes. Further information has been provided by the applicant on indicative design, layout and housing need. The submitted scheme has allowed the identified planning issues raised by the proposals to be satisfactorily addressed, subject to the recommended planning conditions.