

Development Management Report

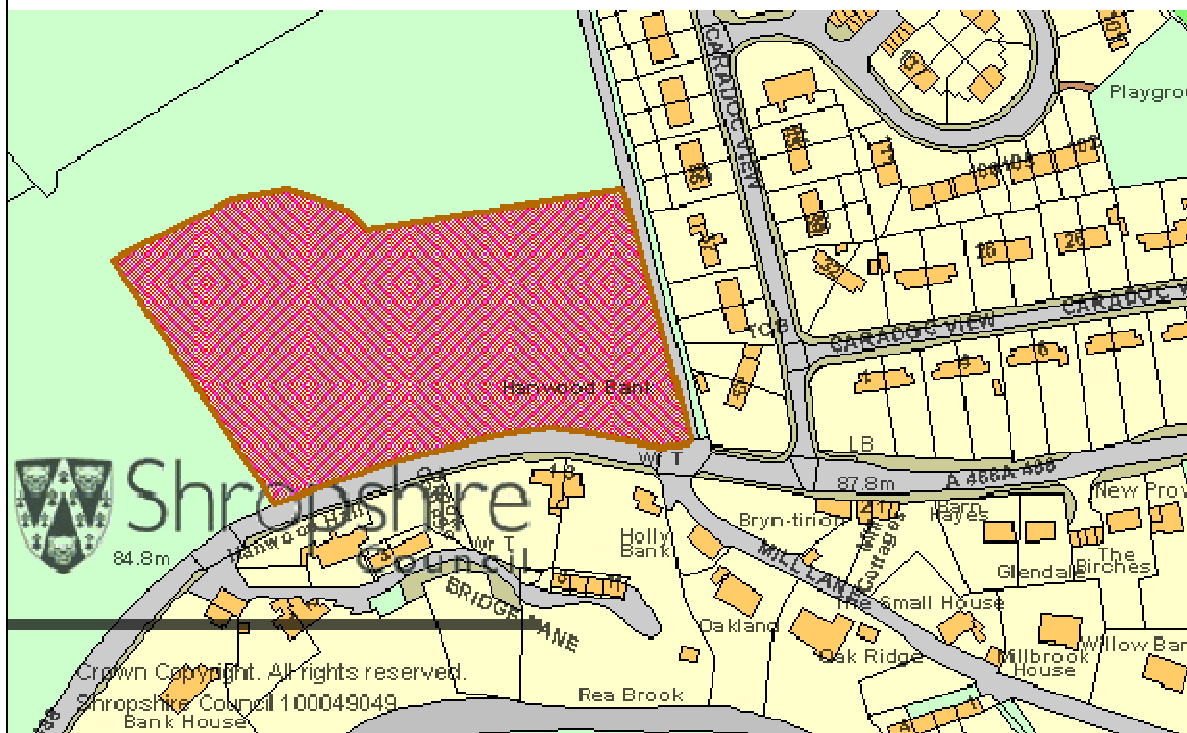
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Summary of Application

Application Number: 13/04967/OUT	Parish:	Great Hanwood
Proposal: Outline planning application for up to 20 dwellings (indicative) to include access		
Site Address: Development West Of Caradoc View Hanwood Shrewsbury Shropshire		
Applicant: Shropshire Homes Ltd		
Case Officer: Nanette Brown	email: planningdmc@shropshire.gov.uk	

Grid Ref: 344803 - 310137



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Recommendation:- Grant Permission subject to a section 106 legal agreement to secure an off-site affordable housing contribution and to the conditions set out in Appendix 2.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for the residential development of the site. This application is outline with matters of access to be considered, with all other matters reserved (layout, scale, appearance and landscaping) for later consideration. An indicative site layout plan shows a layout of twenty dwellings accessed off the A488.
- 1.2 The proposed access to the site has been discussed with Highways Officers and a revised access plan has been submitted for consideration. The revised plan show the provision of the access along with the slight re-alignment of part of the A488 within the application site boundary in order to provide space for a pedestrian refuge point within the A488.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site consists of part of an agricultural field (classified grade 3 agricultural land) set to the north of the A488 at Hanwood Bank, to the west of Caradoc View. To the north and west of the site lie more fields and to the south of the site, beyond the A488 are housing that is set on sloping ground that slopes down away from the road in a southerly direction.
- 2.2 The application site itself is set on sloping ground, running downhill from north to south towards the A488. The southern boundary with the A488 is currently defined by a hedge. The A488 is subject to a 30mph speed limit as it passes the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Great Hanwood Parish Council have submitted a view contrary to officers recommendation for approval based on material planning reasons that cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman, vice chairman and the Local Member agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 Community Representations

- 4.1 - Consultee Comments

SC Drainage – No objection

The FRA and outline drainage details are acceptable, though the use of soakaways should be investigated in the first instance for surface water disposal. Confirmation is required that percolation tests have been investigated.

Further to the drainage comments dated 27 December 2013, the detailed drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission will to be granted.

The application form states that surface water drainage from the proposed development is to be disposed of via a sustainable drainage system (SuDS). No details of the proposed SuDS have been provided. Full details, plan and calculations of the proposed SuDS should be submitted for approval. This 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. As part of the SuDS, the applicant should consider employing measures such as the following:

- ' Surface water soakaways (Designed in accordance with BRE Digest 365)
- ' Swales
- ' Infiltration basins
- ' Attenuation ponds
- ' Water Butts
- ' Rainwater harvesting system
- ' Permeable surfacing on any new driveway, parking area/ paved area
- ' Attenuation (to 1 in 100 year plus 30% greenfield run off)
- ' Greywater recycling system

Details of the use of SuDS should be indicated on the drainage plan.

The use of soakaways should be investigated in the first instance for surface water disposal. 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.

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

Comment: If non permeable surfacing is used on the driveway and parking area and/or the driveway slopes 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 no surface water runoff from the new driveway runs onto the highway.

Comment: Confirmation is required 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.

Comment: The layout of the proposed foul sewage system should be submitted for approval, along with details of any agreements with the local water authority. The foul water drainage system should comply with the Building Regulations H2. Due to the scale of the development the foul drainage should connect to a mains system and the use of septic tanks or package treatment plants are not deemed acceptable.

Reason: To ensure that the proposed foul water drainage complies with the Building Regulations 2000(as amended) and Sewers for Adoption 6th Edition.

Informative ' Consent is required from the service provider to connect into the foul main sewer.

SC Highways DC – No objection

The highway authority raises no objection to the granting of consent.

Technical Approval

Prior to the commencement of the development full engineering details of the site access works, new access road, existing highway/road works, structures, foot/cycle ways, surface water drainage, street lighting and carriageway markings/signs, shall be submitted to and approved by the planning authority; the works shall be fully implemented in accordance with the approved details prior to the development hereby permitted being first brought into use.

Reason: To ensure the construction is to an adequate standard in the interests of road safety.

Informative:

We understand that the proposed estate roads will be offered up for adoption under s38 of the Highways Act 1980 and therefore these roads are to be designed and constructed in accordance with the Shropshire Council Estate Roads design guide and an agreement will be required with the local highway authority. No works are to be undertaken on the adjacent public highway without obtaining prior approval from the highway authority via the appropriate means.

Key Issues:

The proposed access layout first provided with the application was not supported by the local highway authority, as it did not provide adequate inter-visibility for the junction to meet safety requirements. Also, due to the severance caused by the A488 a pedestrian crossing point was requested to be incorporated within the design.

Through negotiation with the applicant's highway consultant a design has now been provided which is acceptable in principle to the local highway authority. The design includes widening of the A488 to accommodate a pedestrian refuge crossing point and the proposed visibility splays are based on 40mph travelled speeds.

Background:

An extant permission for a care home exists on this site under the reference number 10/03065/FUL and during the discussions over this with the local highway authority the need for a pedestrian crossing facility over the A488 was identified in order to provide an option for people to walk to the nearby bus stops and to other areas of Hanwood. Therefore the requirement for a crossing facility to serve any further development in this area remains and this has been requested from the applicant. A site meeting was held with the applicant, their highway engineering consultants and SC Highways officer to discuss options to provide a pedestrian crossing facility and to improve the access design by incorporating the required visibility splays based around 40mph travelled speeds on the main road.

Following the site meeting an access design has now been provided which addresses previous concerns as the required visibility splays have been provided so that vehicles emerging from the junction and travelling along the main road will be offered with at least 79m clear inter-visibility from either side of the proposed junction. Also the A488 is proposed to be widened to accommodate a pedestrian refuge crossing point in order to provide a walking link from the proposed development to the footway on the opposite side of the road which links to Hanwood village. Also, a footway is proposed to be constructed across the site frontage linking to the existing footway to the front of Caradoc View. The development will therefore meet a local aspiration to provide a pedestrian crossing point in this area to the benefit of the existing community. The proposed refuge coupled with the access and visible frontage from the development should also influence driver behaviour on the A488 and encourage lower travelled speeds.

A Road Safety Audit was requested on the proposed access design and following the audit a number of amendments were made to the design in order to satisfy the auditor's comments. A swept-path analysis has also been carried out on the design which demonstrates that large articulated heavy goods vehicles travelling along the A488 can negotiate the proposed layout. The design is therefore acceptable in principle to the local highway authority subject to a technical approval condition and an agreement under s278 of the Highways Act 1980.

As this work is required to be delivered in order to secure a satisfactory access to the site, we are of the opinion that a s106 agreement for the improvement works may not be required.

SC Ecologist – No objection

The following informative are recommended:

For this arable field, without ponds within 250m, an Ecological Appraisal is not considered necessary. There is a tree on the aerial photo in the field that should be shown on the Proposed Site Layout and preferably retained.

Birds

There could be birds nesting in the hedgerows so the following informative is recommended:

Informative

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 in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: 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.

Badgers

In addition, there is a small chance that a badger sett could be present within 30m of the site therefore the following informative is recommended:

Informative

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.

SC Affordable Houses – No objection

If this site is deemed suitable for residential development, the scheme would be required to contribute towards 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 Reserved Matters application.

The current prevailing target rate for affordable housing in this area is 15% this would mean a provision of 3 Affordable houses on site. The assumed tenure split of the affordable homes would be 70% for affordable rent (2) and 30% for low cost home ownership (1) and these would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's Allocation Policy and Scheme. The size and type of the affordable housing needs to be agreed in writing with the Housing Enabling team before the submission of a Full or Reserved Matters application.

4.2 - Public Comments

Great Hanwood Parish Council – Objection

The Parish Council of Great Hanwood OBJECTS STRONGLY to this application for the following site specific reasons, which are material planning considerations and

over-ride the NPPF presumption in favour of development cited by the developer as justification for the application:

1. Surface Water Flooding to Neighbouring Properties

The proposed development is located at the foot of Hanwood Bank, which is a steeply sloping greenfield site. The ground in this area is dominated by a layer of heavy red clay at a shallow depth. Surface water run-off from the slope tends to be rapid and the water escapes onto and across the A488 to the south of the site. The existing drainage on the A488 struggles to deal with the existing run-off, particularly when road gullies are blocked or damaged or rainfall is particularly high. During the heavy rainfall in December 2013 sandbags were deployed to prevent flooding of homes and outbuildings in Mill Lane and Bridge Lane. Standing water is still to be found at the bottom of Bridge Lane, despite 3 weeks having passed since the worst of the rainfall. These problems were drawn to the attention of Shropshire Council on two occasions in December, when emergency teams were despatched to assist in the clearance of floodwaters. On this evidence the developer should be required to provide a Level 2 Flood Risk Assessment.

The development of 20 dwellings with the formation of large areas of hard-standing and roofs will dramatically increase the amount and rate of run-off, which is likely to overwhelm the existing surface water drainage on the A488, leading to the flooding of homes and garages. This is contrary to Core Strategy CS18. The application fails to demonstrate how this water will be collected and disposed of without risk to neighbouring properties. The developer states that the site is outside a flood risk area but this does not take account of surface water and the application should not be permitted until a satisfactory Surface Water Management Plan is prepared, in accordance with Adopted Core Strategy CS18 – Sustainable Water Management. This should not be a reserved matter.

In 2007 the Environment Agency reported that two-thirds of the widespread flooding was the result of drains and sewers being overwhelmed by rainwater and surface run-off. Planning Policy Statement 25 places a duty on the Planning Authority to ensure flood risks are ASSESSED at the planning stage and AVOIDED where possible. The use of SUDS as a mitigation method for residual risks is inappropriate unless the Flood Risk of ASSESS – AVOID – SUBSTITUTE – CONTROL – MITIGATE has been followed, (Planning Policy Statement 25 Practice Guide, 2010)

2. Natural Springs and Groundwater

In 2010 Shropshire Council commissioned a report on the Shropshire Water Cycle, which focused on the likely impact of developments of identified sites across the County. The study was only able to cover sites identified for growth and recommended that site specific Flood Risk Assessments be carried out for new sites as development proposals emerge. The Shropshire Water Cycle report identifies the Rea Brook area as having high groundwater levels.

Hanwood Bank is punctuated by natural springs, which add to the surface water run-off from the bank. The development of the site without a clear understanding of the groundwater table is likely to lead to the disturbance of these springs and underground watercourses, which will find alternative routes to the surface. This is likely to result in further flooding problems both on and off the proposed development site. The outline proposal fails to demonstrate how these springs will be located and the water dealt with effectively on site. This matter should be included in the Flood Risk Assessment requested under item 1.

3. Highways Safety

The Council and residents have grave concerns about the safety of creating a new access at this point on the A488. Shropshire Council has well documented evidence of poor speed compliance along this stretch of the trunk road and for several years has supported a Vehicle Activated Speed warning sign in this vicinity. Despite this, speeds are still excessive. The new access is proposed at a bend which presents considerable difficulties for vehicles turning right from either direction. This development will result in additional vehicles waiting in the carriageway to turn right across the northbound carriageway, particularly in the evening 'rush hour' leading to delays on the southbound carriageway and potentially to accidents as southbound vehicles collide with the back of the unsighted traffic queues.

The outline application does not specify the size of dwelling but does indicate that parking spaces for 40 vehicles will be provided. The relative isolation of the site from village services, (such as the school, church and shops) and the lack of provision for pedestrians on the north side of the A488 will result in a high number of vehicle movements on and off the site. As the development is residential these movements are likely to be greatest at peak travel times. There is no footpath on the north side of the A488 or pedestrian crossing giving access to the footpath on the southern side. This is likely to encourage parents to drive children to school, increasing vehicle movements and increasing parking problems outside the local school. This is contrary to the principles of Sustainability set out in the Adopted Core Strategy for Shropshire.

4. Clustering of access points

Due to poor sightlines on this bend access from Mill Lane and Bridge Lane onto the A488 is already very dangerous. The formation of a new access will make egress from the existing driveways and side turnings even more difficult than at present. There is poor visibility in both directions from both Bridge Lane and Mill Lane and the driveways in-between.

An application for 7 dwellings with parking for 14 cars has been submitted and is pending approval on a neighbouring brownfield site (The Oaklands, 13/02910/FUL). Assuming 25 movements per vehicle per week, this will bring approximately 350 additional movements onto and off of the A488 directly opposite Mill Lane. An additional 40 vehicles within 50m of the Oaklands

access equates to a further 1,000 movements per week. Adding an additional 40 vehicles joining and leaving this short stretch of trunk road at peak times will severely reduce the opportunities for vehicles to join the road from the south. Even if sufficient visibility can be achieved for the new access this will compromise the access from existing side turnings and driveways.

5. Loss of Agricultural Land

The site is prime agricultural land and lies wholly outside the development boundary of the Hanwood and Hanwood Bank Community Cluster. Development of the site is therefore controlled by Core Strategy CS5, Countryside and Greenbelt, which permits only affordable housing on Rural Exceptions Sites to meet local need. The recent completion of 33 affordable houses at Oaklands View has fully satisfied local demand for affordable housing. The applicant fails to demonstrate a need for 20 additional affordable properties in Hanwood.

6. Community Vision

Since 2006 the Parish Council has engaged closely with the SAM.Dev consultation process, which is nearing completion. The community has identified a need for a small number of houses (50) between 2006 – 2026 and this has been incorporated into the Preferred Options Document subject to approval by Shropshire Council in February 2014. A suitable site, close to village amenities has been identified with capacity for 25 houses and development of this site is tacitly supported by the Parish Council and the community. A total of 33 affordable houses have been built in the period since 2006 and a further 4 windfall sites have resulted in new properties. Two further development sites to provide a further 9 dwellings are in the planning application process. The land available for development is therefore sufficient to satisfy the development needs of the community. The addition of a further 20 dwellings will over-stretch the capacity of existing services and is not therefore sustainable. Approval of this site will not prevent the later development of the more suitable sites included in the Preferred Options Plan.

7. Design and Layout - Visual Amenity

The site is highly visible due to the steep topography of the bank. The proposed development is set back from the hedge line and rises up the hillside. No trees are proposed so the houses will be very stark in appearance from the south, particularly from properties on Mill Lane and Bridge Lane. There is no attempt to blend the development into the landscape or screen it. Indeed an urban close boarded fence is proposed as a site boundary, which is inappropriate for an agricultural setting. The area is extensively used by ramblers and dog walkers, with a bridleway running along its eastern side. The rural nature of the bank and amenity derived from use of the bridleway would be damaged by the proposed development.

8. Sustainability

The community of Hanwood has embraced the process of consultation for the

identification of housing land for sustainable growth. In response to consultation with residents the Parish Council has given tacit support to a development site at the south-western end of the village close to the primary school and village hall. Pedestrian access to all services from the south-western site has been greatly improved recently by the installation of a pedestrian crossing at the western end of the village. Shropshire Council has assessed the south-western site as suitable for the development of 25 houses and the sustainability of this site should be promoted in preference to the less suitable Hanwood Bank site.

In contrast, the Hanwood Bank site was assessed under the SAM.Dev Consultation process and was **rejected** by Shropshire Council in 2009 as unsuitable for development due to its relative isolation from village services. The site proposed is on the north side of the A488, which has no pedestrian footpath or crossing to the footpath on the south side. The application allows no pedestrian access into Caradoc View, which would at least give access to the nearest children's play area and the east-bound bus service, but no other facilities.

The Ministerial foreword in the NPPF by Rt. Hon Greg Clark MP states that: *"In order to fulfil its purpose of helping achieve sustainable development, planning must not simply be about scrutiny. Planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives.*

This should be a collective enterprise. Yet, in recent years, planning has tended to exclude, rather than to include, people and communities. In part, this has been a result of targets being imposed, and decisions taken, by bodies remote from them".

The requirement for Shropshire Council to establish a 5 year housing supply has been imposed by the NPPF and is outside the control of Hanwood residents but the principle of sustainable growth, as set out in the NPPF has been reflected in the approach by both Shropshire Council and Great Hanwood Parish. It is essential that the Planning Committee supports the planning policies adopted by Shropshire Council by refusing applications that do not comply with the principles of sustainable growth.

13 letters of objection from 10 addresses have been received to the application which are summarised as follows:

Principle:

Hanwood Parish Council and the residents of Hanwood Bank have previously indicated that no more development at Hanwood Bank is wanted; a previous attempt to have this site included in the SAMDev Plan was refused; any new development in Hanwood should only be in the main part of the village close to the school and other facilities; Shropshire Council planning officers have previously stated in a public meeting that there would be no further development at Hanwood Bank; these additional dwellings are not needed locally

Flooding:

the existing drainage services are already inadequate in this area and the construction of dwellings as proposed would significantly increase the risk of flooding to properties in Bridge Lane; there are well documented issues with both the sewers serving The Caradoc estate and the flooding by surface water from the A488 onto Bridge Lane; this development would increase the pressures on the existing inadequate sewers through greater hard surfaced areas and resulting run off; Hanwood Bank is a red clay bank and there are a number of springs in the area, development on this site will upset the groundwater balance and increase the risk of flooding and/or landslip; there would also be major mud/debris from the site onto the A488 during construction.

Highway Safety:

Although this stretch of the A488 is a 30mph limit, the majority of vehicles ignore that limit; in a previous application for development of the Oaklands Barns the SC Highways engineer acknowledged that traffic speeds are generally higher than the 30mph limit and that there is a high proportion of HGVs; the access for this development is on a bend close to 2 other and will therefore add to the risk to all users of the A488; during construction there would be increased risk caused by construction traffic turning onto the site; the development will add extra traffic to an extremely busy stretch of the A488 and any families living in the new development will have to ferry children to and from Hanwood School by car; no safe pedestrian crossing of the A488 at Hanwood Bank; there would appear to be no pedestrian access to this new development;

Amenity:

The proposed location of the development is directly opposite residential properties that will be seriously affected in terms of the level of privacy they currently have as the proposed new houses will be on a raised site looking down into the front facing bedrooms of the existing properties.

Landscape:

Many of the houses in Hanwood Bank date back to the 1830s so are very important part of Hanwood Banks History; the proposed development has an unacceptable visual impact for many of the residents and visitors; the SAMDev plan assessment found the proposed site to be on a visually prominent slope from the A488 and of Medium to High Landscape sensitivity; need to separate Hanwood Bank from the main village of Hanwood currently by a visual gap of open countryside.

5.0 THE MAIN ISSUES

Principle of development

Drainage

Highway Safety

Design/Visual Impact

Loss of Agricultural Land

Open Space Requirements

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight. Paragraph 12 of the NPPF states that 'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'

6.1.2 With regards to housing development paragraph 49 of the NPPF states that:

'Housing applications should be considered in the context of the presumption in favour of sustainable development'

and that:

'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'

6.1.3 Shropshire Council has an adopted Core Strategy and CS4 outlines that housing development that is of a scale that is appropriate to the settlement will be allowed in villages in rural areas that are identified as Community Hubs and Clusters within the SAMDev DPD. The SAMDev DPD is at the Pre-Submission Draft stage and paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Council's view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone substantial public consultation, where some degree of weight can be attached.

6.1.4 Hanwood and Hanwood Bank are coming forward as a 'Community Cluster' and the Pre-Submission Draft indicates a development boundary. This site is just outside the development boundary for Hanwood and therefore allowing this proposal would be contrary to the emerging SAMDev DPD and contrary to the PCs aspirations regarding the location of new development within Hanwood. However in the absence of a five year land supply a 'presumption in favour of sustainable development' and the need to boost the housing supply (a government priority) is

now a significant material consideration when determining planning applications for housing and takes precedence over adopted and emerging local planning policy in relation to the supply of housing due to those policies not being considered up to date. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether it is an acceptable scale and design appropriate for the village of Hanwood.

6.1.5 Hanwood and Hanwood Bank form an elongated community stretched on either side of the A488. There are a range of services and facilities within the village, including a primary school, shop, post office, and public house. The settlement is serviced by a regular bus service from Shrewsbury and Pontesbury. The site is located at the eastern end of the village and it is considered that these services are all within an easy walking distance of the application site. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services without over reliance or long journeys by private motor car.

6.1.6 However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is 'about positive growth – making economic, environmental and social progress for this and future generations'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

- ② an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- ② a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- ② an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

6.1.7 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The provision of twenty additional houses will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also make a financial contribution to the supply of affordable housing in addition to a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

- 6.1.8 Social role – Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in rural settlements where it will support facilities within the settlement and those nearby, thereby helping to retain services and enhancing the vitality of rural communities. Providing housing will support and maintain existing facilities and will benefit both the existing and future residents and help meet the needs of present and future generations. Whilst the 29 houses proposed on the identified site through SAMDev and the other smaller developments already approved within Hanwood will add some pressure to existing facilities, it is considered that the additional 22 dwellings now proposed would not provide any significant additional pressure on services that would render them unable to sustain services for residents.
- 6.1.9 Environmental role – The site has no heritage, cultural or ecological designation. Whilst it is currently utilised as open agricultural it has little ecological value. The proposal would have no adverse impact on wildlife and the ecological value of the site could potentially be improved by relevant conditions. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible to local services and facilities on foot or by cycle and by public transport to the array of services, facilities and employment opportunities in Shrewsbury and Pontesbury.
- 6.2 Drainage
- 6.2.1 A Flood Risk Assessment (FRA) has been submitted with this application that confirms that the site is located outside of any identified flood zone and is not at risk from flooding. Foul drainage would be connected to the main sewer (with permission from the Local Water Authority). Surface water would match existing greenfield run-off and will result in no significant alteration or increase to the surface water run-off, with the use of an attenuation system located within the site, and with the use of Suds techniques utilised where appropriate. The Council's Drainage Engineer has confirmed that the FRA and outline drainage details are acceptable subject to the final surface water drainage details being required by condition.
- 6.3 Highway Safety
- 6.3.1 The proposed access layout first provided with the application was not supported by the local highway authority as it did not provide adequate inter-visibility for the junction to meet safety requirements. The Highway Officer discussed this matter with the agents for the application as well as a request that a pedestrian crossing point for the A488 be incorporated within the design. An amended access design has now been provided which the Highway Officer agrees is acceptable in principle. The design includes widening of the A488 to accommodate a pedestrian refuge crossing point and the proposed visibility splays have been based on 40mph travelled speeds.
- 6.4 Design/visual impact
- 6.4.1 The current site forms part of an open agricultural field that is hedged along its southern and western boundaries. The field is visible from approach from the west and east along the A488. The land to the rear of the site continues to rise uphill,

with a mature conifer hedge forming an existing field boundary along the skyline when viewed from the A488. The submitted indicative site layout plan shows the 20 dwellings set facing south towards the road with the western section of the site formed in a horseshoe shape.

6.4.2 Whilst the new houses would clearly be seen from views taken from the west/south of the site they would be viewed with the rising land behind them as a backdrop and with the existing houses on Caradoc View in the near vicinity. The properties along Caradoc View also stretch away from the road in a northwards direction. The site is located opposite to a mixture of existing differing designs of housing that are located on the south side of the A488 and are set at differing land levels that run downhill towards the Rea Brook. It is considered that the application site is set adjacent to a part of Hanwood Bank that is clearly residential in nature. The other fields located around the application site would still remain open in nature and therefore some degree of visual separation between Hanwood Bank and the remainder of Hanwood located to the west of the railway line would be retained. It is considered that the proposed development of this site for housing would not have any significant detrimental impact on the surrounding landscape enough to justify the refusal of planning permission.

6.5 Loss of agricultural land

6.5.1 The site lies on a Grade 3 agricultural land. The NPPF states at paragraph 112 that “Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.” This factor needs to be weighed in the balance of considerations in relation to this site and taking account of the guidance in the NPPF taken as a whole. In view of the significant weight which must be given to the lack of a 5 year housing land supply in Shropshire, explained in section 6.1 above (Principle of Development), it is considered that a refusal on the grounds of loss of high quality agricultural land could not be sustained.

6.6 Open space requirements

6.6.1 Open space – IPG requires developments of 20 or more dwellings to provide open space on site, to 30sq metres per person. This application design and layout are reserved matters and the provision of open space will therefore have to be designed into a final scheme at the reserved matters stage.

7.0 CONCLUSION

7.1 It is appreciated that approving this development would be contrary to the Parish Councils wishes for the village of Hanwood/Hanwood Bank and would go against the ideals of ‘localism’. However the NPPF is clear that where there is a lack of a 5 year land supply local policies relating to housing are considered to be out of date and that the priority is to boost housing supply and to approve sustainable development in appropriate locations provided there are no adverse impacts of doing so. It is considered that the site is of a sufficient size to accommodate the proposed number of dwellings and would not result in an unacceptable form of development within the village. The proposal would have no adverse environmental or ecological implications and would not impact on highway safety.

The detailed appearance, landscaping, and scale will be considered at the reserved matters stage.

7.2 The existing infrastructure is sufficient to support the proposed development and the proposal will provide local needs affordable housing and will be liable for the required CIL payment. It is considered that Hanwood/Hanwood Bank is a sustainable location for a limited number of new houses (over and above that put forward by the Parish as part of SAMDev) due to its range of essential services and facilities and its proximity to Shrewsbury and Pontesbury with good access to all essential services and facilities without over reliance or long journeys by private motor car. It is considered that the proposal represents sustainable development that will contribute to providing a balance of available housing and would help support facilities and services in this and neighbouring towns and villages and therefore promote '*strong, vibrant and healthy communities*'. It is therefore recommended that members support this application and grant planning permission in line with clear guidance within the NPPF. Permission, if granted, should be subject to the completion of a S106 Agreement to secure the provision of affordable housing in accordance with the Councils adopted policy.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS4, CS6, CS9, CS11, CS17 & CS18

RELEVANT PLANNING HISTORY:

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<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) See planning file</p>
<p>Cabinet Member (Portfolio Holder) Cllr M. Price</p>
<p>Local Member Cllr Roger Evans</p>
<p>Appendices APPENDIX 1 - Conditions</p>

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:

The number of units
The means of enclosure of the site
The drainage of the site

Reason: To ensure the development is of an appropriate standard.

5. The development shall be carried out strictly in accordance with the deposited plans and drawings as amended by the revised plan Numbers T13166-106Rev A, T13166-170RevA & T13166-171 received on 5th June 2014.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

6. Prior to the commencement of the development full engineering details of the site access works, new access road, existing highway/road works, structures, foot/cycle ways, surface water drainage, street lighting and carriageway markings/signs, shall be submitted to and approved by the planning authority; the works shall be fully

implemented in accordance with the approved details prior to the development hereby permitted being first brought into use. Reason: To ensure the construction is to an adequate standard in the interests of road safety.

7. No development shall take place until a scheme of surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

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

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

8. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens shall be submitted to and approved by the local planning authority prior to the occupation of the first dwelling. The landscape plan shall be carried out as approved and retained thereafter.

Reason: To ensure the long term maintenance of the amenity green space.

Informative(s)

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
2. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.
3. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
4. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for

requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

5. Consent is required from the service provider to connect into the foul main sewer.
6. If the proposed estate roads are to be offered up for adoption under s38 of the Highways Act 1980 they will need to be designed and constructed in accordance with the Shropshire Council Estate Roads design guide and an agreement will be required with the local highway authority. No works are to be undertaken on the adjacent public highway without obtaining prior approval from the highway authority via the appropriate means.
7. 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 in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. Note: 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.
8. 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.