

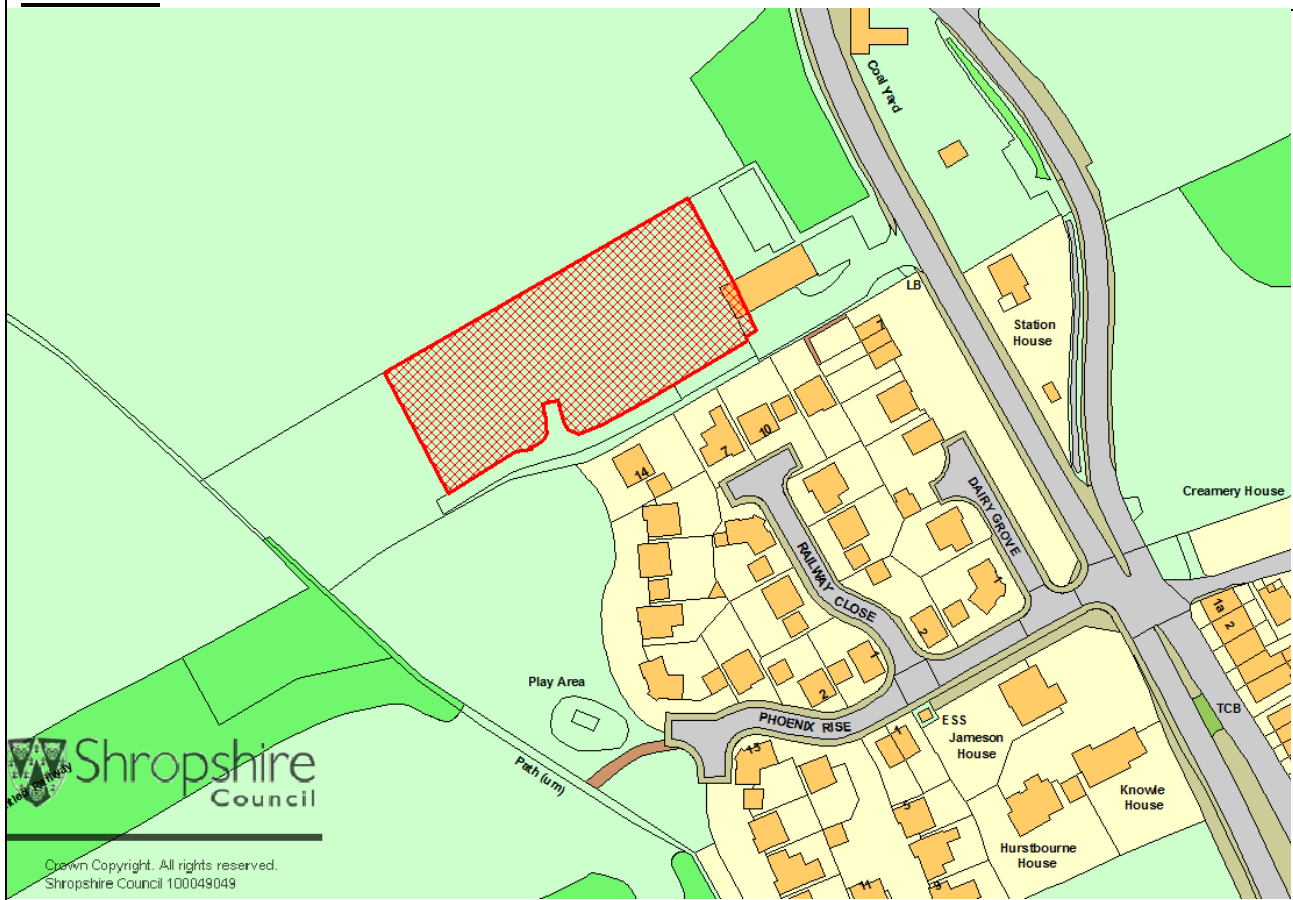
Development Management Report

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Summary of Application

Application Number: 22/01789/OUT	Parish:	Woore
Proposal: Phase 2 residential scheme for development of up to ten housing plots for self-build/custom housing (resubmission of application reference 21/05785/OUT)		
Site Address: Station Yard, Pipe Gate, Market Drayton, Shropshire		
Applicant: Woodcock Developments Limited		
Case Officer: Richard Denison	Email: planning.northern@shropshire.gov.uk	

Grid Ref: 373638 - 340851



Recommendation: Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This is a resubmission of a recently refused outline application for a residential development for up to ten self-build dwellings on an area of vacant commercial land in Pipe Gate. The application is only to consider the principle for development with all matters reserved for later approval. The proposed site covers an area of 0.37 hectares. The previous application was refused on the ground of inadequate open space for future residents and that the adjoining commercial unit may result in noise disturbance. This application has been accompanied by a detailed Noise Impact Assessment, whilst a phasing plan has indicated the indicative layout of ten dwellings and an appropriate level of open space.

2.0 SITE LOCATION/DESCRIPTION

2.1 The Station Yard site is a long and narrow parcel of land adjacent to the modern housing development on the former Phoenix Rubber factory site. The land currently contains a mix of small businesses in various buildings; a two storey shop unit to the front of the site and an existing vehicle repair garage use. The adjacent estate is predominately large detached orange brick and concrete tiled dwellings and incorporates an area of open space and children play equipment. On the opposite side of the main road are a row of older semi-detached houses. Open countryside is located directly to the north and west.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

3.1 The scheme complies with the delegation to Officers as set out in Part 8 of the Shropshire Council Constitution.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Shropshire Council, Highways** - The application is a resubmission of the relatively recent proposal under reference 21/05785/OUT, which is noted was refused on policy grounds in relation to provision of public open space and amenity value. The resubmission continues to raise no highway objection in principle. It is noted that the plots are intended to be marketed as self-build homes with each plot potentially being progressively sold to individual purchasers/developers. From the highway perspective it is fundamental that the approved access junction and drive under Phase 1 (21/02241/FUL) be completed to an appropriate level prior to the development of any of the individual plots. It is also noted that an option to increase the number of houses from 10 to 12 is also stated by the provision of semi-detached properties on plots 9 and 10, which is yet to be determined in the submission of a reserved matters application. In the event that this is forwarded the parking allocation will need to be increased from the parking layout provision indicatively

shown. Subject to the conditions listed above being included on any approval, there are no sustainable Highway grounds upon which to base an objection.

- 4.1.3 **Shropshire Council, Housing** - The application shows the correct amount of affordable housing contribution, although an Affordable Housing Proforma needs to be submitted so the affordable housing contribution can be calculated and agreed.
- 4.1.4 **Shropshire Council, Ecology** - No objection is raised subject to conditions and informatives to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.
- 4.1.5 **Shropshire Council, Drainage** - No objection is raised subject to a safeguarding condition regarding surface and foul water drainage. Surface water and foul drainage schemes for the development should be designed and constructed in accordance with the Council's SUDS Handbook which is available in the Related Documents Section on the Council's Website at:

<https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

Appendix A1 - Surface Water Drainage Proforma for Major Developments must be completed and together with associated drainage details, must be submitted for approval.

- 4.1.6 **Shropshire Council, Environment Protection** - Environmental Protection have reviewed the application and have the following comments relating to noise and contaminated land:

Noise

The noise assessment has concluded that with the roller shutter doors open in the garage there is likely to be a significant adverse impact on the residential amenity of the proposed dwellings, with the doors shut and a 3m barrier along the boundary of the garage the impact is low. Generally Environmental Protection would require garages to be assessed with the doors open as garages often operate with the roller doors open for significant amount of the time. However, the planning consent (18/05865/FUL) relating to the new garage building requires that all doors shall be kept shut when the garage is in use, see condition 8 below:

No operations shall take place in the commercial garage unless all openings to the external area are closed.

Reason: to protect the amenity of neighbouring residents.

Therefore, if the garage is operated in accordance with the conditions of the planning consent and a 3m noise barrier is constructed along the boundary of the garage site the noise impact from the garage is expected to be low. Should it be considered appropriate to grant consent I recommend that the following condition is applied:

A 3m high acoustic barrier, of at least 10kg/m² in density, shall be constructed along the boundary between the garage and the residential development. The barrier shall be completed prior to the first occupation of the development and shall thereafter be retained.

Reason: to protect residents from any detrimental noise impact from the neighbouring commercial use.

Contaminated Land

This application is a resubmission of an application that was previously refused, and no new information has been supplied. Therefore, Environmental Protections comments previously made, remain exactly the same.

Environmental Protection commented on a planning application (21/02241/FUL) for Phase 1 of this development site, and the same ground investigation report (Sladen Associates, 'Report on Phase 2 Ground Investigation, Proposed Residential & Commercial Development, Old Station Yard, Pipe Gate, Shropshire; Job No. 15 1551, December 2015) has been submitted in support of this application, for Phase 2.

The report cannot be accepted as it is now over 6 years old and therefore our comments remain largely the same.

The report references the following report by Arc Environmental, 'Phase 1 Desk Top Study; Proposed Residential Development at Old Station Yard, Pipe Gate, Market Drayton, Shropshire, TF9 4HU; Report No. 14-236, March 2015'. This report has not been included with this submission and Regulatory Services request a copy of this document, although it is likely to be superseded (see comments below).

Environmental Protection has identified the proposed development site as 'potentially' contaminated land due to historic land uses and the report by Sladen Associates has identified unacceptable risks. However, the site investigation by Sladen Associates was carried out in excess of 6 years ago and therefore the potential risks will need to be re-evaluated and a more up to date site investigation undertaken.

4.1.7 **Severn Trent Water** - With Reference to the above planning application the company's observations regarding sewerage are as follows:

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

4.1.8 **Woore Parish Council** OBJECTS to the above Planning Application and request this is refused on the following grounds:

- The proposal is for a Development of up to ten dwellings. Woore Neighbourhood Plan 2016-2036 (WNP) clearly states in Policy HOU1, "small scale developments of up to ten dwellings per development". On the 8th of November permission was Granted for 21/02241/FUL for 4 Detached Dwellings for the same site. Therefore, should be refused with the maximum of a further 6no only considered in any application for this site.
- The Planning Statement that accompanied this Application at 3.10 states Policy S11.2 (7) of the SAMDev Plan 2015 quotes "... with housing development on two significant sites providing 75 homes. There is therefore limited potential for development of approximately 15 dwellings over the period 2026....." When these two sites were completed, they totalled actually 88 homes. With the limited potential of approximately 15 dwellings over the period to 2026 been far exceeded with 52no dwellings either built, or in the process or received planning permission, since SAMDev was adopted in 2015.
- The Woore Neighbourhood Plan 2016-2036 "envisages that around 30 additional dwellings from 2016-2036 will be delivered". Since the Plan was adopted in May 2019 there have been 21 dwellings either built, or in the process or received planning permission. This does include the 4 already Granted for this site. In total since 2016 there have been a total of 51 which is well more than the proposed in the WNP.
- The Planning Statement at 6.2.6 states "the site has pedestrian access along the existing footpath into Woore which is less that 1km away along a flat footpath which provides a number of essential day to day services." The distance is 2km with residents having to cross the A51 up to three times to reach the centre of Woore, it is not continuous. The Parish Council are currently in negotiations with Shropshire Council, West Mercia Police and HS2 Ltd having raised issues regarding Health, Safety and Wellbeing of the residents in using the existing footpath. HS2 Ltd have approval to use the A51 for circa 7 years allowing for 180,000 - 200,000 HGVs, plus other Construction Traffic during this period.
- The Parish Council are also aware that currently Woore Nursery & Primary School are awaiting confirmation from Shropshire Council on approval for funding for an extension to the school to accommodate the increased numbers of pupils due to the housing growth in the Parish as detailed above.
- Further to the Granting of permission for 21/02241/FUL the Parish Council still feels that the following comments have not been answered by the Applicant which were raised and are still applicable for this particular application also:

The Parish Council are in total disagreement, until proven otherwise, with the following Consultee Comments submitted by Severn Trent of the 28th September 2021, "As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied."

- The works were started without consent and the pre-commencement planning conditions not complied with.
- There is no detail of the s106 provision originally covered. This should be covered off before consent.
- There is no planning for works done to date.
- There is no building control consent for works done to date.
- The planning conditions from previous applications were not adhered to.
- What is the remediation strategy for the site?
- What will the applicant do about services laid to date? The Parish Council understand these were installed without a remediation strategy or input from statutory undertakers or the building control?
- If this is the case, how can the developer demonstrate the safety of, for example, the water supply?

Woore Parish Council reiterate the following matters that were raised in the previous applications:

Woore Parish Council during the Consultation for Planning Application 21/02241/FUL again referred to the following: "The Parish Council are also still concerned about the sewerage network capacity as well as surface water drainage in Woore Parish, this was reported as critical in 2012/13 Place Plan with no work carried out to upgrade the systems and they wish Shropshire Council Planning Officers to take this into consideration." This was also re-enforced with a communication to Shropshire Council in August 2021 requesting that no further Planning Applications be Granted until further full investigations are carried out. The Parish Council are still awaiting a response from Shropshire Council on this issue.

The above Objection is subject to Consultee Comments.

4.2 Public Comments

4.2.1 No public representations have been received.

5.0 THE MAIN ISSUES

- Background
- Policy & Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Ecology
- Drainage
- Affordable Housing
- Other Matters

6.0 OFFICER APPRAISAL

6.1 Background

6.1.1 Outline planning permission was granted on the 20th April 2015 for the re-development of storage land at Station Yard, Pipe Gate which included the

demolition of buildings; erection of 10 detached dwellings; 1 live-work dwelling; detached motor repair garage; detached shop with office over; formation of car parking area; extension of existing private driveway; location of cycle racks and shop refuse storage area all served off existing access (application reference 12/04469/OUT).

- 6.1.2 Condition 2 indicated that reserved matters was required to be submitted within three years from the date of the outline application, whilst condition 3 required development to begin before the expiration of two years from the date of approval of the last reserved matters. The outline application also included three pre-commencement conditions that required to be complied with prior to any work commenced on site. These were condition 8 which required the submission of a site investigation report regarding the extent of contamination on site and proposed mitigation measures; condition 9 which required details of the means of access including the layout, construction and sight lines; and condition 10 which required a survey of the width and features of the existing public footpath which indicated recommendations of access and improvements to the footpath.
- 6.1.3 A reserved matters application was received on the 4th August 2015 for the layout, landscaping, appearance and scale and was approved on the 4th March 2016 (application reference 15/03221/REM). A subsequent reserved matters application was received on the 26th February 2016 for a revised landscaping scheme and was approved on the 31st March 2016 (application reference 16/00820/REM).
- 6.1.4 A Building Regulations application was received on the 8th May 2018 for the erection of 11 dwellings (application reference 18/02337/DOMFP), although no works in connection with this application have commenced on any of the plots. A further Building Regulations application was received on the 3rd February 2020 for the erection of a detached garage building (application reference 20/00433/COMFPA), although this application is invalid as no payment had been submitted.
- 6.1.5 Prior to any work commencing on site a discharge of conditions application would have needed to be approved in relation to conditions 8, 9 and 10 and work would have had to commence by the 31st March 2018. Although part of the access road has been laid out and services installed no discharge of conditions application has been submitted in accordance with the pre-commencement conditions and therefore the outline planning permission has now lapsed and cannot be implemented.
- 6.1.6 A recent full application for four detached dwellings was approved in November 2021 and included the formation of an estate road and alterations to the vehicular access (ref. 21/02241/FUL). This application was considered as Phase 1 for plots 1 to 4.
- 6.1.7 A recent outline application for ten self-build dwellings (plots 5 to 14) was refused in March 2022 (ref. 21/05785/OUT). Concerns were raised that the development did not demonstrate adequate open space for future residents and that inadequate information had been submitted in relation to the adjoining commercial use which has the potential to result in noise impact on future residents.

6.2 **Policy & Principle of Development**

- 6.2.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6))

of the Planning and Compulsory Purchase Act 2004). Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The National Planning Policy Framework constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

- 6.2.2 The NPPF in itself constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications. The NPPF sets out the presumption in favour of sustainable development through plan-making and decision-taking. The NPPF reiterates that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. These considerations have to be weighed alongside the provisions of the development plan. Development plan policies of particular relevance to assessing the acceptability of this housing application in principle are discussed below.
- 6.2.3 For the purposes of the assessment of this application the development plan presently comprises of the adopted Shropshire Core Strategy 2011; the adopted Site Allocations and Management of Development Plan 2015; Supplementary Planning Documents; and the Woore Neighbourhood Plan (adopted May 2019).
- 6.2.4 Policies CS1 and CS4 of the Core Strategy set out the strategic approach to housing provision. It is envisaged that Community Hubs and Clusters will enable the rural rebalance to make rural areas more sustainable and accommodate around 35% of Shropshire's residential development. The identification of hubs and clusters is done through the SAMDev Plan and therefore policy CS4 is reliant on the SAMDev for the detail of settlement allocation. Policies CS1 and CS4 are consistent with the objectives of the NPPF to focus new development in sustainable locations.
- 6.2.5 Policy S11.2(vii) of the SAMDev Plan indicates Woore, Irelands Cross and Pipe Gate as an allocated Community Hub reflecting the links between the three areas within the Parish. Woore has provided for significant housing growth through the former North Shropshire Local Plan, with housing development on two significant sites providing 75 homes. There is therefore limited potential for development of approximately 15 dwellings over the period to 2026 which will be delivered through limited infilling, conversions and small groups of houses which may be acceptable on suitable sites within the villages, avoiding ribbon development along the A51. Any development must respect the sensitive gap between Woore, Irelands Cross and Pipe Gate to prevent coalescence of the settlements.
- 6.2.6 The proposed residential development is considered to be located within Pipe Gate settlement with existing dwellings being located along the southern boundary and to the north. The site has pedestrian access along the existing footpath into Woore which is less than 1km away along a flat footpath which provides a number of essential day to day services.
- 6.2.7 Woore Parish Council have raised concerns that the proposed development is up to ten housing plots, It is also noted that the previous application 21/02241/FUL approved four detached dwellings on the same site. The Parish Council have made reference to the Woore Neighbourhood Plan (2016 - 2036) which indicates in policy HOU1 that housing would be delivered incorporating small scale residential

development of up to ten dwellings per development. The Parish Council therefore suggest that this current application should only provide six dwellings.

- 6.2.7 Policy HOU1 'Scale and Location of New Housing' in the Woore Neighbourhood Plan identifies development boundaries around the individual parts of the Community Hub of Woore, Irelands Cross and Pipe Gate in order to meet local housing needs, and to remain on a scale appropriate to the existing character of Woore Parish, it is envisaged that around 30 additional dwellings from 2016 - 2036 will be delivered, incorporating small scale residential developments of up to 10 dwellings per development. The proposed development site falls wholly within the development boundary as indicated in the Woore Neighbourhood Plan and will utilise previously developed land adjacent to existing residential development and would not adversely affect the local landscape character and visual amenity.
- 6.2.8 Officers note the concerns raised by the Parish Council regarding the number of dwellings, although this application is only for up to ten dwellings. Therefore, the principle for residential development is acceptable through the Woore Neighbourhood Plan.

6.3 **Design, Scale and Character**

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.
- 6.3.2 This is an outline application with all matters reserved including the proposed layout, scale and appearance. An indicative layout plan has been submitted indicating the provision of six detached and four semi-detached dwellings with driveways, parking areas and private rear gardens. The proposed site covers 0.37 hectares and it is considered that there is adequate land available to provide a residential scheme in the region of up to ten dwellings with appropriate access, driveways and garden areas. There is sufficient depth to the site to enable the dwellings to be set back from the previously approved estate road to allow the provision of a new footpath and front gardens.
- 6.3.3 Policy MD2 of the SAMDev Plan indicates that adequate open space set at a minimum standard of 30sqm per person is provided for residential developments and that for developments of 20 dwellings and more the open space needs to comprise of a functional area for play and recreation. The previous application was refused as the indicative layout plan did not demonstrate the provision of any open space and there was no mechanism to provide any improvements to the adjoining public open space and toddler play area on the Phoenix Rise Play Area. As such the development did not comply with policy MD2 in relation to providing adequate open space provision for the future residents and was refused.
- 6.3.4 This current application has indicated an open space requirement of 1,350sqm would be required based on the indicative dwelling sizes. The indicative layout plan

has indicated the provision of 1,097sqm public open space, whilst the structural landscaping along the estate road will provide approximately 300sqm of additional open space. The majority of the open space will be located directly adjacent to the north eastern boundary and will include natural surveillance from plots 8, 9 and 10. It is envisaged that this area will be landscaped and provide an appropriate separation from the housing and the commercial development. It is intended that the proposed open space would be maintained by a management company which the residents of the dwellings would sign up to. Although the long term ownership and maintenance of the open space will be included as part of a Section 106 legal agreement to allow the retention of the open space in perpetuity. A children's play area is located on the Phoenix Rise estate to the south of the development site and includes a large area of additional public open space and a toddler play area which residents could utilise. There is also a good network of local public footpaths in the area providing residents opportunities for recreation and exercise. This revised indicative layout would provide adequate open space in accordance with policy MD2.

6.4 Impact on Residential Amenity

- 6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The nearest neighbouring residential properties are those on the former Phoenix Rubber factory site to the south developed by Taylor Wimpey. There are no immediate adjacent dwellings with the nearest dwellings being over 21 metres away from the site boundary. Having regard to the distance any dwellings will not result in any overlooking or loss of privacy, cause any overbearing impact or loss of light. The movements of up to ten households along the proposed estate road will be minimal and will not result in any significant detrimental noise or disturbance.
- 6.4.2 Environmental Protection raised concerns on the previous application regarding the commercial use to the north east which could cause noise and would impact on the amenity of the proposed dwellings. The existing commercial premises includes a vehicle service garage, office and a graphics design store. A detailed Noise Impact Assessment has been undertaken which concluded that with the roller shutter doors open in the garage there is likely to be a significant adverse impact on the residential amenity of dwellings. However, with the doors shut and a 3 metre barrier along the boundary of the garage the impact would be low. Generally Environmental Protection would require garages to be assessed with the doors open as garages often operate with the roller doors open for significant amount of the time. However, the planning permission 18/05865/FUL relating to the new garage building requires in condition 8 that all doors shall be kept shut when the garage is in use. The Council has not received any noise complaints from existing local residents living on Phoenix Rise and as such it is understood that this condition is being complied with. As such Environmental Protection have raised no objection subject to the installation of an acoustic noise barrier. Amended plans have been received to the indicative layout plan since the Noise Impact Assessment was undertaken which has repositioned dwellings a further 12 metres away from the commercial building due to an increase in the width of the open space which would further assist in minimising noise impact.
- 6.4.3 Regulatory Services has also identified the proposed development site as potentially contaminated land due to historic land uses and the report by Sladen Associates has identified unacceptable risks. However, the site investigation by

Sladen Associates was carried out in excess of 5 years ago and therefore the potential risks will need to be re-evaluated and a more up to date site investigation undertaken. A contaminated land safeguarding condition is proposed which would prevent any works commencing until a detailed site investigation is undertaken and appropriate remediation strategy.

- 6.4.3 Overall it is considered that the amenities of the existing residents will be protected and not affected to any greater extent from the proposed development. However, the proximity of a potential commercial noise source adjoining the site has the potential to impact on the amenity of future occupiers of the development.

6.5 Highways

- 6.5.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.

- 6.5.2 The proposed vehicular access and estate road has been approved under application 21/02241/FUL which provides significant improvements to the road junction onto the A51. The access indicated that it would have a 6 metre wide estate road and splayed entrance with visibility splays of 2.4 metres by 79 metres in both directions. The speed limited through Pipe Gate is restricted to 40mph and the Council highways consultants have raised no objection to the access subject to safeguarding conditions regarding the design details for the access, visibility, parking, turning and access apron details being agreed.

6.6 Ecology

- 6.6.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environmental and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in policy 11 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.

- 6.6.2 A detailed Ecological Appraisal has been carried out by Greenscape Environmental to provide an assessment of the ecological value of the site in local context and to identify potential ecological constraints relating to the development and recommend measures to avoid, reduce or manage negative effects and provide a net ecology gain.

- 6.6.3 The application site is set in a rural environment and comprises of part on an active builder's yard and former station yard. There are built structures, hardstanding, bare

earth, amenity grassland, ornamental planting, scattered scrub, tall ruderal herb, scattered trees and hedgerows. All buildings and trees on site are considered to offer 'negligible' bat roosting potential, although the site as a whole offers moderately good commuting and foraging habitat for bats and is in an area known to support several species of bats. Bat provision and a sensitive lighting scheme are recommended as enhancements.

- 6.6.4 The scrub, long-term stored building materials, trees and hedgerows present on the site and boundaries provide 'high' bird nesting potential and therefore a sensitive tree works scheme is required, along with bird box provision, native species planting as an enhancement.
- 6.6.5 There are no significant standing water bodies were identified within a 250 metres zone of influence and therefore Great Crested Newts are not considered a constraint to the proposed development.
- 6.6.6 The site provides overall good-quality reptile/amphibian habitat, but a previous reptile Presence/Likely Absence Survey indicated the absence of reptile species and no amphibian species were detected either. Being a commercial site and active in places, it is classed as disturbed ground, there is also limited connectivity to potential areas of favourable reptile habitat off site, residential housing and arable land surround. Reptiles or amphibians are not considered a constraint to the proposed development.
- 6.6.7 Field signs indicating use of the site by badgers was found and a badger path was detected from the west. Badgers are not considered a constraint to the proposed development, providing mitigation/recommendations are followed and reasonable avoidance measures adopted. A pre-commencement badger survey must be undertaken of the site by an ecologist prior to any works commencing including when site is cleared.
- 6.6.8 The Ecology Team have raised no objection to the application subject to safeguarding conditions and informatives.

6.7 **Drainage**

- 6.7.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity.
- 6.7.2 The Parish Council have raised concerns about the sewerage network capacity as well as surface water drainage in Woore Parish. The Market Drayton Place Plan has indicated sewerage network capacity as a 'Priority A Project' in Woore and it is indicated that no upgrade has been undertaken to the system.
- 6.7.3 The application indicates that foul water drainage will be directed to the existing foul mains which is the preferred option and allows the foul water to be dealt with in an effective and sustainable manner. The developer would need to apply to Severn Trent Water to make changes to an existing sewer connection, changing sewer flows or using an existing connection as you can't connect to a public sewer without approval. Severn Trent Water has to assess the connection requirements and check

that their existing network has capacity for the proposed connections and would not allow any new connections if there was not capacity.

6.7.4 Severn Trent Water have indicated that the provision of ten dwellings has minimal impact on the public sewerage system and have no objections to the development subject to a safeguarding condition.

6.7.5 The application indicates that surface water will be disposed of via soakaways and the Drainage Engineer has indicated that percolation test and soakaways should be designed in accordance with BRE Digest 365. No concerns have been raised regarding the suitability of the local ground conditions and therefore it is recommend that both the foul and surface water drainage are conditioned accordingly for details to be submitted and approved prior to the commencement of works on site.

6.8 **Affordable Housing**

6.8.1 Policy CS11 'Type and Affordability of Housing' of the Core Strategy indicates that all new open market housing development should make an appropriate contribution to the provision of local needs affordable housing having regard to the current prevailing target rate as set out in the Shropshire Viability Index.

6.8.2 The previous application 21/02241/FUL approved four new dwellings (plots 1 to 4) and was considered as Phase 1 of a larger site to develop the former Station Yard. This application on its own did not meet the trigger point for providing an affordable housing contribution. However, this site clearly forms part of a larger redevelopment site and the highway access and estate road being considered under the previous application will provide access for the rest of the site. Therefore, the proposed dwellings under this Phase 1 application should be taken into account when the affordable housing provision is calculated under the current Phase 2 application.

6.8.3 The existing target rate for Pipe Gate is currently 15% and should ten additional dwellings be proposed for Phase 2 this would equate to 2.1 affordable dwellings be provided across both phases (4 dwellings + 10 dwellings x 15% = 2.1). Therefore, Phase 2 would have to provide two on site affordable dwellings and a financial contribution for the remaining 0.1. The affordable housing contribution would be subject to a Section 106 agreement under this current Phase 2 application.

6.9 **Other Matters**

6.9.1 The Parish Council have indicated that the footpath from the proposed site to the centre of Woore village is 2km and that it is not continuous. Officers have measured the distance which indicates that the access of the development will be 1.1km from the outer edge of Woore and 1.6km from the cross road junction of the A51 and A525 in the centre. It is acknowledged that the footpath is not continuous on one side of the road and pedestrians would need to cross. However, it does provide a safe pedestrian link for any residents who wish to access services on foot.

6.9.2 The Parish Council have also raised a number of queries regarding existing drainage and laying of services which have had no agreement by statutory undertakers or Building Control. However, these matters are outside of the control of planning and the builder would need to seek approval from the relevant authorities to enable the development to be signed off as completed.

7.0 CONCLUSION

- 7.1 The proposed site falls within the development boundary for Woore Neighbourhood Plan and forms part of the Woore, Irelands Cross and Pipe Gate Community Cluster and therefore the principle for residential development is acceptable. The development site can be developed to provide a safe means of access, suitable drainage and a layout which could be designed to prevent any detrimental impact on neighbouring properties. The use of the land would not result in the impact on any protected species and wildlife, whilst no important trees will be lost.
- 7.2 This revised application has demonstrated that adequate open space can be provided for the future residents in compliance with policy MD2 of the SAMDev Plan. Whilst the Noise Impact Assessment has demonstrated that subject to an acoustic wall and open space separating the dwellings the noise impact on future residents would be acceptable in compliance with policy CS6 of the Core Strategy. Therefore, this application is recommended for approval.
- 7.3 This application will be subject to a Section 106 obligation to secure the affordable housing provision and long term, ownership, maintenance and perpetuity of the open space.
- 7.4 In arriving at this decision the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10.0 BACKGROUND

10.1 Relevant Planning Policies

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:-

National Planning Policy Framework:

Shropshire Council Core Strategy (February 2011):

CS6 : Sustainable Design and Development Principles

CS11 : Type and Affordability of Housing

CS17 : Environmental Networks

CS18 : Sustainable Water Management

Supplementary Planning Document - Type and Affordability of Housing

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

MD3 : Delivery of Housing Development

MD12 : Natural Environment

MD13 : Historic Environment

S11 : Market Drayton

Woore Neighbourhood Plan (May 2019):

10.2 Relevant Planning History

21/05785/OUT - Outline application Phase 2 residential scheme: Development of up to 10 housing plots for self-build/custom dwellings. Refused 11th March 2022.

21/02241/FUL - Erection of four detached dwellings with detached garages; formation of estate roads; Application under Section 73A of the Town and Country Planning Act 1990 for the formation of access road and infrastructure (sewer). Granted 8th November 2021.

21/00348/AMP - Non material amendment to the layout and elevations of the four plots at the rear of the site relating to Planning Permission 15/03221/REM. Refused 11th February 2021.

16/00820/REM - Reserved matters (landscaping) pursuant to outline permission 12/04469/OUT for the re-development of the site. Granted 31st March 2016.

15/03221/REM - Reserved matters (layout, landscaping, appearance, scale) pursuant to outline permission 12/04469/OUT for the re-development of the site. Granted 4th March 2016.

12/04469/OUT - Re-development of site including demolition of buildings; erection of 10 detached dwellings; 1 live-work dwelling; detached motor repair garage; detached shop with office over; formation of car parking area; extension of existing private driveway; location of cycle racks and shop refuse storage area all served off existing access. Granted 21st March 2015.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application reference 22/01789/OUT

Cabinet Member (Portfolio Holder) - Cllr Edward Potter

Local Member - Cllr Roy Aldcroft

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the appearance of the development, access arrangements, layout, scale, and the landscaping of the site (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 5 of the Development Management Procedure (England) Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the 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 be begun 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 development shall be carried out strictly in accordance with the approved plans and drawings

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

5. No development shall commence until Phasing Plans have been submitted to and approved in writing by the Local Planning Authority. The Phasing Plans shall provide for a programme for the implementation of the development of the site and the respective timing and implementation of associated open space and infrastructure required to serve each phase. The development shall proceed in accordance with the approved Phasing Plans or such other Phasing Plans which may be agreed with the Local Planning Authority.

Reason: To ensure that the development is delivered in a coordinated manner and to clarify which units are self/custom build.

6. No development shall commence until a badger inspection by an appropriately qualified and experienced ecologist has taken place. Should any evidence of badgers be recorded from that inspection a mitigation strategy setting out appropriate actions shall be submitted and approved in writing by the Local Planning Authority before any development commences. These measures will be implemented as approved.

Reason: To ensure the protection of badgers under the Protection of Badgers Act 1992.

7. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with current Environment Agency guidance ' Land Contamination: Risk Management (LCRM). The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in

writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors. Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committeeservices/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

8. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

9. Prior to the first occupation of the development the parking, turning, loading, and unloading shall be laid out and surfaced and thereafter be kept clear and always maintained for that purpose.

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

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

10. A three metre high acoustic barrier, of at least 10kg/m² in density, shall be constructed along the boundary between the garage and the residential development as indicated on the Phasing Plan showing POS (drawing 5697-201D). The barrier

shall be completed prior to the first occupation of the development and shall thereafter be permanently retained.

Reason: To protect residents from any detrimental noise impact from the neighbouring commercial use.

11. Before any other operations are commenced, the approved vehicular access and visibility splays under consent reference 21/02241/FUL, shall be provided and constructed to base course level and completed to an appropriate standard as shown on the application drawings before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.

12. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 5 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 5 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups). The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

The boxes shall be sited in suitable locations and at suitable heights from the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall therefore be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats and nesting opportunities for wild birds, in accordance with MD12, CS17 and section 175 of the NPPF.

13. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (including the recommendations in the Preliminary Ecological Appraisal (PEA) Report (Pearce Environment, March 2021, hedgehog-friendly gravel boards and amphibian-friendly gully pots).

- b) Written specifications for establishment of planting and habitat creation.

- c) Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate.

- d) Implementation timetables.

Native species used are to be of local provenance (Shropshire or surrounding counties). The plan shall be carried out as approved.

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

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

14. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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