

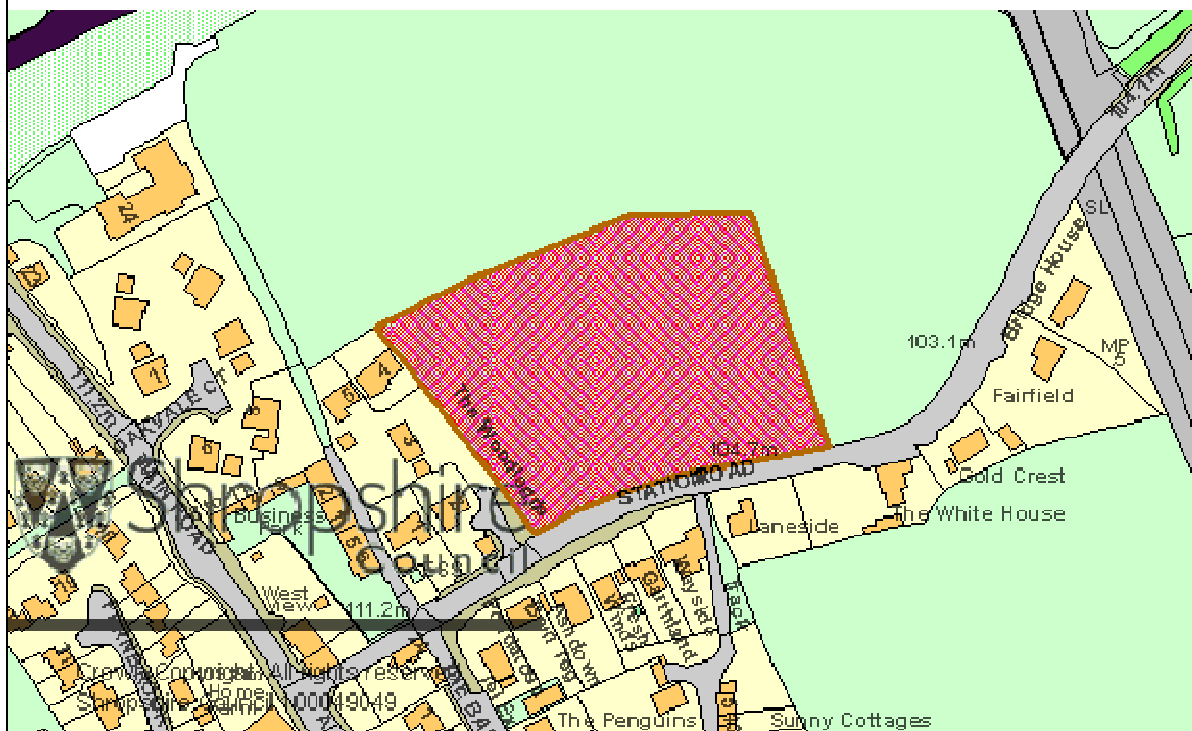
## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

<b>Application Number:</b> 14/01037/OUT	<b>Parish:</b>	Condover
<b>Proposal:</b> Outline planning application (all matters reserved) for mixed residential development		
<b>Site Address:</b> Development Land North Side Of Station Road Dorrington Shrewsbury Shropshire		
<b>Applicant:</b> Messrs. Davies		
<b>Case Officer:</b> Nanette Brown	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 347839 - 303120



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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 all matters reserved for consideration at a later date. An indicative site layout plan shows a layout of twenty four dwellings accessed off Station Road via a single shared access and Y shaped shared driveway.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site forms the south western corner of a large open field set to the north of Station Road. To the west of the site are 5 detached modern dwellings accessed off a private shared driveway (The Woodlands). Other residential dwellings containing a mixture of design and sizes are located to the south side of Station Road, their front elevations facing north towards the application site. The sites southern boundary with Station Road is currently defined by a tall mature hedgerow.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Conover 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 or 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 Highways DC – No objections**

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

Suggested Condition - 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/cycleways, 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.

#### Informatives

As the proposed estate roads are to be offered for adoption a therefore a s38 agreement with the local highway authority will be required. No works are to be undertaken on the adjacent public highway without obtaining prior approval from the highway authority via the appropriate means.

#### Background

The local highway authorities consider this site sustainable for development due to its proximity to the existing Dorrington Village centre. Station Road is a bus route and existing stops are located a short distance from the site. Whilst a continuous footway is not provided on Station Road, due to the 30mph speed limit and built up rural nature here people are able to walk the short distance in the carriageway to the nearby footways with relative safety.

The applicant has not annotated the proposed visibility splays on the supplied drawing, however from the scale we assume these are 43m in length which are appropriate for this location. The details of the splays would be ratified in the discharge of the technical approval condition should the site be approved.

Whilst ultimately it is for the Highways Agency to comment on the adequacy of the junction with Station Road and the A49, we are of the opinion that the junction is of a sufficient standard to accommodate the development hereby proposed.

#### **SC Ecologist – No objections**

Conditions and informatives are recommended as set out below.

#### Badgers

A survey in 2011 of land south of Station Road found no evidence of badger setts within 50 metres. As badgers have been recorded in the wider area, the following informatives are 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.

#### Informative

Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

### Bats

The hedgerows on site are likely to be used for bat foraging and commuting. A condition on lighting is recommended to avoid affecting bat behaviour.

### Condition

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

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

### Nesting birds

The hedgerows on the site are likely to be used by nesting birds. The following condition and informative are recommended:

### Condition

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

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

### 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.

### **SC Drainage – No objection**

The following drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission is to be granted:

1. The development site is greater than 1.0 Ha. and a Flood Risk Assessment in accordance with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework should be completed and submitted for approval.

A FRA should include, as a minimum:

' Assessment of the Fluvial flooding (from watercourses)

- ' Surface water flooding (from overland flows originating from both inside and outside the development site)
  - ' Groundwater flooding
  - ' Flooding from artificial drainage systems (from a public sewerage system, for example)
  - ' Flooding due to infrastructure failure (from a blocked culvert, for example)
- The potential impact of flood water from the new site on adjacent properties should be considered, and mitigation proposals described.
- Reason: To ensure that it complies with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework.

2. 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
- ' Greywater recycling system
- ' Green roofs

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. A catchpit should be provided on the upstream side of the proposed soakaways.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

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

3. If non permeable surfacing is used on the new driveway and parking area and/or the driveway slopes toward 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.

4. A contoured plan of the finished road levels should be provided together with confirmation 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.

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

#### **SC Affordable Houses – No objection**

If this site is deemed suitable for residential development, then there would be a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full or Reserved Matters application. The current prevailing target rate for affordable housing in this area is 15%. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. If this site is deemed suitable for residential development, then the number, size, type and tenure of the on-site affordable units must be discussed and agreed with the Housing Enabling Team prior to the submission of a full or reserved matters application.

#### **SC Public Protection – Specialist – No objection**

Suggested condition:

Before the development commences, details of the means of construction which safeguards the development from possible landfill gas shall be submitted to and approved by the Local Planning Authority, unless the Local Planning Authority are satisfied following the submission of results of investigations and tests for landfill gas, that such safeguards are unnecessary. The development shall be carried out in strict accordance with any details submitted and approved under the foregoing condition.

Reason: The site lies within 250 metres of a landfill site and the Local Planning Authority wishes to ensure that the site can be developed and occupied with adequate regard to environment and public safety.

**Highways Agency West Midlands – No objection**

The development site is 0.99 Ha of agricultural land located to the north of Station Road, Dorrington, Shropshire. It is located some 100m to the east of the A49, there is no direct boundary with the Trunk Road. Access to the site is proposed from Station Road.

- ☐ There are no boundary related issues likely to affect SRN interests due to the distance of the development from the A49.
- ☐ Although A49/Station Road junction is not to current design standards, the level of visibility is acceptable and there are no evidenced operational issues with the junction warranting Highways Agency intervention.
- ☐ Due to the relatively small size of the development, traffic impact is unlikely to affect the safe or efficient operation of the A49/Station Road junction.

Accordingly, the Highways Agency has no objection to the proposals.

**Condover Parish Council - Objection**

Following a meeting of the Parish Council on 1/4/2014 which was well attended by members of the public, the Parish Council decided to oppose the above application. In principle the Parish Council cannot support the application as it contravenes the Dorrington Village Design Statement and development boundary of Dorrington shown in the Parish Council's SAMDev submission.

The site is considered to be unsuitable for the following sustainability issues which are based primarily on: **Environmental and Access issues** which exist at the location:

- ☐ The narrow lane Station Road is already under pressure as it is already required to sustain a high volume of heavy goods/plant movements and domestic traffic movements. It is therefore regarded as being totally unsuitable to sustain the additional traffic movements arising from the proposed development.
- ☐ There is no public footway to village amenities which would result in pedestrians having to either risk walking along the road side or using their cars. The latter is not regarded as environmentally friendly.
- ☐ The access point on to the A49 at Station Road is particularly dangerous, as it is extremely narrow and restricted. It is therefore unsuitable to meet the demands of the resulting increase in traffic movements.

**Social issues:**

- ☐ Community cohesion/ integration issues would arise with the introduction of such a densely populated plot. The Dorrington Village Design Statement stresses the need for gradual and phased development in a village which has undergone a great deal of change and expansion in the last 20 years.
- ☐ The development of the site is also likely to open the door to further development which will result in a further expansion of Dorrington village; which is not supported by the Community.

**Drainage:**

- ② It is also noted that no drainage or FRA had been submitted with the application; this is required for such a substantial development and their absence questions the sites sustainability.
- ② The Parish Council and Community trust that Shropshire Council will give significant weight to the Parish Council's SAMDev submission. The submission was arrived at through extensive public consultation which began in 2010 and has involved many public meetings since. These have been well attended by its Community; and supported by SC planning officers; SC councillors and parish councillors. This represents a belief in "Localism"; planning from the bottom up and a huge investment in people's time, and resource which should not be overlooked.
- ② Dorrington's Village Design Statement is robust and detailed; identifying two development areas within the village boundary and central to village services. Providing the potential to build 30/32 additional homes which will meet the economic and social needs of the village. Developers detailed plans as presented to the Community and Council include a healthy mix of house types which include affordable homes and bungalows which the Community identified as a need in the 2009 Parish Plan. This has been incorporated into the SAMDev document.

The Parish Council trusts these comments will be considered before a planning decision is made. Should the Planning Officer be minded to recommend approval of this application the Parish Council would like to recommend that the application be referred to the Central Planning Committee and that the PC is given the opportunity to address the Committee.

**4.2 - Public Comments**

16 letters of objection from 14 addresses have been received and are summarised as follows:

**Principle of Development:**

The application site is outside of the village development boundary and therefore contrary to Condover Parish Council's Parish Plan and Shropshire Council's not yet fully adopted plan (SamDev); during the consultation process the Parish Council accepted that housing development would be needed within the village in the future and sites were identified which meet access and community needs and which are felt suitable and acceptable, this site is not one of them; Dorrington's housing need has been shown to be exceptionally low and there are already several empty properties available to let; SAMDev proposal is a 5 year plan to deliver sustainable housing implemented following local resident consultation and should not be revisited until 2018 as intended.

**Highway Safety:**

Station road already has difficulty coping with the many large vehicles using this narrow road, particularly at the very narrow junction onto the A49; access to and egress from the site would be almost impossible without encountering large vehicles; Station Road is already overloaded with Plant Hire vehicles, quarry



lorries, euro-sized tankers, RSPCA vehicles and horseboxes, chicken lorries, buses and Conover Industrial Estate traffic; if each of the proposed properties has just one vehicle, that results in twenty-four vehicles trying to pull out into all this traffic that would be difficult and extremely dangerous; cars regularly have to reverse back on the A49 at the junction when they meet an on-coming vehicle and cannot get past; any kind of incident on the A49 between Bayston Hill and Dorrington results in all traffic being diverted from the A49 through Conover and along Station Road; Continuous public footpath to village cannot be maintained; roadway is not wide enough to give adequate line of sight for emerging traffic from driveways for 41 cars (1.7 per household is national average x 24 houses)

#### Sustainability:

We want our village to grow in a sustainable way, but we want that growth led by local people, on sites that make planning sense, on sites that local people know well, on sites that have safe access; the application states that It is considered that all the village services are within safe walking distance of the application site; All local services apart from the local shop are on the opposite site of the A49; do not consider the site too be sustainable; insufficient employment within village to support increase in population making commuting inevitable.

#### Services:

The existing properties along Station Road are on septic tanks and there is a lack of capacity in the village's current sewerage system.

#### Land Contamination:

The application site also immediately backs on to an Inert Landfill Tip; understand that there is an exclusion zone around tips which prohibits habitable building; understand that methane monitoring is ongoing.

## 5.0 THE MAIN ISSUES

- Principle of development
- Access
- Drainage
- Land contamination
- Design/Visual Impact
- 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 ‘Revised Preferred Options’ 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 Dorrington is coming forward as a ‘Community Cluster’ and the Revised Preferred Options’ proposal indicates a development boundary. This site is just outside the development boundary for Dorrington 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 Dorrington. 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 the most 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 Dorrington.

6.1.5 Dorrington forms a community that is split to either side of the A49. There are a range of services and facilities within the village, including a primary school, shop, post office, public house, restaurant, butchers shop, doctor’s surgery and Dorrington Business Park. It is serviced by a regular bus service from Shrewsbury

and Church Stretton/Ludlow. The site is located at the eastern side of the village and it is considered that these services that 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 local employment for the construction phase of the development supporting small local builders and building suppliers. The provision of twenty four more 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 smaller 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 35 houses envisaged on the identified site through SAMDev (not yet subject of any planning approval) and the other developments recently granted planning approval within Dorrington (approximately 38 in total) will add some pressure to existing facilities, it is considered that the additional 24 dwellings now proposed would not be likely to provide any significant

additional pressure on the existing well established services in Dorrington that would render them unable to continue 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 Church Stretton & Ludlow.

6.1.10 Affordable Housing - There is a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full or Reserved Matters application. The current prevailing target rate for affordable housing in this area is 15%. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. The number, size, type and tenure of the on-site affordable units would be discussed and agreed with the Housing Enabling Team prior to the submission of a full or reserved matters application.

## 6.2 Access

6.2.1 The application site is located close to the centre of the village and Station Road is on a bus route with existing bus stops located a short distance from the application site. Whilst a continuous footway is not provided on Station Road, due to the 30mph speed limit and built up rural nature here people are able to walk the short distance in the carriageway to the nearby footways with relative safety. The Highways Officer has raised no objections to the proposal or the indicative access arrangements, although would wish to see full technical details of the proposed access as part of any subsequent reserved matters application.

6.2.2 The Highways Agency has provided comments on this application and make no objections to the proposed scheme. They have noted that although the A49/Station Road junction does not meet current design standards, the level of visibility is acceptable and there are no evidenced operational issues with the junction warranting any Highways Agency intervention. Due to the relatively small size of the development, the Highways Agency also considers that traffic impact is unlikely to affect the safe or efficient operation of the A49/Station Road junction.

## 6.3 Drainage

6.3.1 The site area for this application is under 1ha and so there is no requirement for a Flood Risk Assessment to be submitted, in line with Environment Agency Standing Advice. The SC Drainage Engineer has raised no objections to the proposal and has requested that conditions be added to any consent given that require details of surface water drainage be submitted and approved.

#### 6.4 Land Contamination

6.4.1 The Council's Public Protection Officers have raised no objections to the submitted application although have noted that the site lies within 250 metres of a landfill site. They have requested a condition be added to any planning permission granted that requires details of the means of construction be approved prior to commencement of development in order to safeguard the development from possible landfill gas.

#### 6.5 Design/Visual impact

6.5.1 The application site is situated to the east of existing housing along Station Road, and to the north of residential properties that front the south side of Station Road. Whilst the site is located outside of the identified development boundary for Dorrington, the site is situated immediately adjacent to the built up area of the village and would be seen in context with the adjacent properties. 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 contrary to the recommendations of the NPPF and its requirements for a presumption of approval for sustainable developments.

#### 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 Dorrington 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 access, appearance, landscaping, and scale designs 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 Dorrington 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

RELEVANT PLANNING HISTORY:

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

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Details of the access, 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.

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

5. 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.

6. Before any development commences, details of the means of construction which safeguards the development from possible landfill gas shall be submitted to and approved by the Local Planning Authority, unless the Local Planning Authority are satisfied following the submission of results of investigations and tests for landfill gas,



that such safeguards are unnecessary. The development shall be carried out in strict accordance with any details submitted and approved under the foregoing condition.  
Reason: The site lies within 250 metres of a landfill site and the Local Planning Authority wishes to ensure that the site can be developed and occupied with adequate regard to environment and public safety.

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

7. 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.
8. Prior to the first occupation of the dwellings details of two woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/building.  
Reason: To ensure the provision of nesting opportunities for wild birds

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

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

#### **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](mailto: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](http://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.

9. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.