

Development Management Report

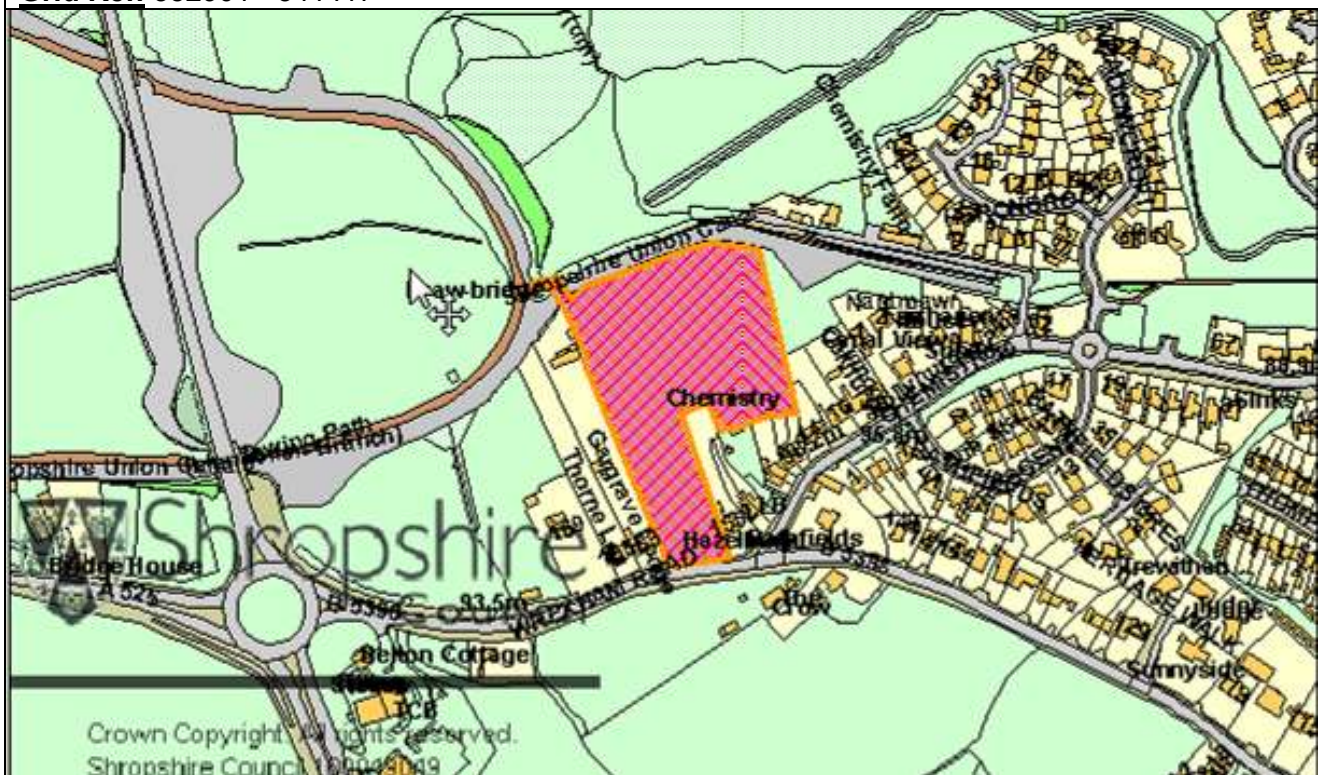
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 14/00459/OUT	Parish: Whitchurch Urban
Proposal: Outline application (access, layout, scale, landscaping for approval) for mixed residential development; formation of vehicular access and estate roads; associated infrastructure works;	
Site Address: Development Land East Of 163 Wrexham Road Whitchurch Shropshire	
Applicant: Leith Planning Investments Limited	
Case Officer: Jane Preece	email: planningdmne@shropshire.gov.uk

Grid Ref: 352901 - 341417



Recommendation:- Approve, subject to the applicants entering into a S106 agreement to secure the affordable housing contribution and financial contributions towards traffic management/calming measures being introduced along Wrexham Road between the A41 roundabout and Chemistry junction and to the recommended conditions of approval listed in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This report is an addendum to the report presented to members in June 2014 which detailed the proposal for outline planning permission for residential development of on 1.54 hectares of land to the east of Wrexham Road, Whitchurch.

1.2 The following report seeks to advise members on their resolution that Committee were minded to refuse the application. The minutes of the meeting record that members raised the following concerns:

- Density, scale of development and layout
- Highway safety and visibility

These issues will all be considered, however it is not intended to re-visit the issues dealt with in the previous report and the June report is appended for information and reference.

2.0 MATTERS FOR CONSIDERATION

- Density, scale of development and layout
- Highway safety, number of accesses and visibility

2.1 Density, scale of development and layout

2.1.1 Members raised concerns about the density of the proposed development, the proposed layout and number of dwelling and that the proposal would change the character of the site.

2.1.2 The application considered by members at the June meeting was for outline planning permission for 31 dwellings with access, scale, layout and landscaping submitted for approval. As such the number of dwellings and layout, and as such the density and scale of development, were submitted for consideration by members. However, since the June meeting, and taking note of members concerns, the agent has removed layout and landscaping from the matters to be considered. As such only the access details are to be considered and all other matters reserved for later approval. It is therefore for members to determine whether the principle of developing the site is acceptable or not. The number of houses, layout, appearance and landscaping will then need to be re-considered and submitted under applications for approval of reserved matters. Which can be referred back to the committee for consideration.

2.1.3 Officers consider that the site is acceptable in principle. Notwithstanding the indicative plan submitted previously, the site could be developed for housing at a lower density, or with the appearance of a lower density, which would better reflect the character of the area and the view of the site from the wider area. As such it is advised that, following deletion of scale, layout and landscaping from

consideration at this outline stage, there is no longer a reason to refuse the application on these grounds.

2.2 **Highway safety, number of accesses and visibility**

2.2.1 Members raised concern about the proposal for three accesses to the site, two serving single units and the main access to serve 29 dwellings. The concerns were around the lack of visibility from the proposed accesses; the impact of these new accesses on visibility from Chemistry; the increase in traffic and the speeds of traffic along Wrexham Road.

2.2.2 The Council Highway Officer provided a detailed response in the June report which raised no objection to the application on the grounds of transport links, highway or access matters.

2.2.4 Paragraph 32 of the NPPF advises that to refuse applications on highway capacity grounds the residual cumulative impacts of the development need to be severe. It is acknowledged that the traffic levels will increase and may seem locally to be a problem, but the levels of movements which will result from the development are not sufficient to warrant refusal and would not be defensible on appeal. As such, and as advised at the June meeting, officers consider that a refusal on the grounds of increasing traffic would not be defensible.

2.2.5 The main concern raised by members was the issue of visibility and the speed of traffic. Although members acknowledged that the proposal included some improvements to the highway in the immediate area at the time of the June meeting there were no details of the improvements and this was a matter of concern for members. Since the June meeting the applicant's highway consultant has provided detailed plans and schedule of proposed improvements which have been considered by the Council Highway Officer.

2.2.6 The improvements consist of:

- Widening the footway across the frontage of the site which will provide improved pedestrian accessibility and also improve visibility from Chemistry
- Reconfigure the junction of Chemistry with Wrexham Road by increasing the bellmouth of the junction, reconfiguring the kerb on the western side of Chemistry junction and moving the give way line further into Wrexham Road. This will slow traffic approaching from the west and increase visibility.
- Widen the footway east of Chemistry along Wrexham Road

All of these details are shown on the plans which will be presented at the committee meeting.

2.2.7 The Council Highway Officer has reviewed the submitted information and confirmed that the details shown on the plan are as agreed with Sandy Macdonald (the applicant's highway consultant) in that they depict the current situation and proposed highway alterations. The plans further demonstrate that the proposals ensure that the development access point fully meets the accepted highway criteria standards and in addition provide a material improvement of the Chemistry road junction, both in terms of its layout but also the measure of visibility available to drivers exiting onto Wrexham Road. The highway authority fully support these

proposals and would further advise that an objection on highway safety grounds to the development scheme is neither warranted or sustainable.

2.3 **Other matters**

2.3.1 As noted above the application has been amended since the June committee meeting in that the layout, scale and landscaping details previously submitted for consideration have been removed and the application is now for outline consent with only the access for consideration. Officers re-consulted on this change and a further five letters of representation have been received raising the following concerns:

- No demand for more housing
- Access is not safe
- Junction of Chemistry and Wrexham Road has poor visibility
- Increase in traffic

None of these matters are new issues and all have been considered in detail either in the original report to members in June or this addendum report.

One further letter of support was also received commenting that there is no cause for concern on highway matters and that Whitchurch desperately needs new houses.

3.0 **CONCLUSION**

3.1 Officers have sought to advise members within this report of the issues raised at the June meeting. The submitted scheme has been amended to remove the layout and landscaping from consideration at the outline stage and as such removes the issues of the density and scale of the development and further information has been provided with regard to highway safety and visibility. As such, the officer's recommendation remains the same as that presented at the June meeting, which is that, subject to the applicants entering into a S106 legal agreement to secure affordable housing and a financial contribution towards traffic management/ calming measures being introduced along Wrexham Road between the A41 roundabout and Chemistry junction, and subject to conditions, that planning permission should be granted.

3.2 The proposal is a departure to the development plan in that the site is situated within open countryside and is contrary to CS5. However the site is considered to be in a sustainable location; will provide open market and affordable housing; safeguard trees, landscape character and biodiversity, can be provided with an appropriate access and drainage and is therefore considered to be an appropriate site to provide sustainable development. Policy 47 of the National Planning Policy Framework sets a presumption in favour of sustainable development and the proposal accords with policies CS6, CS17 and CS18 of the Shropshire Council Core Strategy and the National Planning Policy Framework.

4.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

4.1 **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 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.

4.2 **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.

4.3 **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.

5.0 **FINANCIAL IMPLICATIONS**

5.1 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.

6.0 **Background**

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

CS7 - Communications and Transport

CS8 - Facilities, Services and Infrastructure Provision

CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing

CS15 - Town and Rural Centres

CS16 - Tourism, Culture and Leisure

CS17 - Environmental Networks

CS18 - Sustainable Water Management

D7 - Parking Standards

SPD Type and Affordability of Housing

7.0 Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Thomas Biggins Cllr Peggy Mullock
Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. Details of the design and external appearance (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 (Development Management Procedure) Order 2010 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 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.

5. Work shall be carried out strictly in accordance with the submitted Water vole method statement by UES updated 6th May 2014.

Reason: To ensure the protection of water voles.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

6. No development approved by this permission shall commence until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works and shall be carried out in full compliance, and maintained in accordance with the approved details.

Reason: The site is known to hold archaeological interest.

7. No development shall take place until a landscape management plan, including management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, has been submitted to and approved by the local planning authority. The landscape management plan shall be carried out as approved.

Reason: To secure the provision, establishment and long term management and maintenance of all landscape areas.

8. Notwithstanding the details shown on the approved landscaping plan and tree root protection zones, no development or clearance of vegetation shall take place until a scheme of additional landscaping and tree route protection details, to take into account the submitted comments of Shropshire Councils' Ecologist and Tree Officer and the Canal and Rivers Trust, has further been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be carried out as approved. The submitted scheme shall include:

- a) Planting plans, including wildlife habitat and features for water voles
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate
Native species used to be of local provenance (Shropshire or surrounding counties)
- d) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- e) Full details of the proposed pools/swales
- f) Implementation timetables.

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

9. Prior to the commencement of work on site a 10m buffer shall be fenced off parallel to the banks along the length of the water course, to protect the watercourse during construction works. No access, material storage or ground disturbance should occur within the buffer zone. The fencing shall be as shown on the plan contained within the water vole method statement by UES updated 6th May 2014.

Reason: To ensure the protection of Water Voles, a protected species under the Wildlife & Countryside Act 1981 (as amended).

10. Notwithstanding the submitted details, no development shall take place until full details of the surface water drainage details have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure that (i) soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding and (ii) surface water from the site is disposed of in a safe and appropriate manner in order to protect the integrity of the

waterway structure, water quality and the environmental network and associated ecology.

11. No development shall commence until a contoured plan of the finished road levels has been submitted for the prior approval of the local planning authority, 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 shall 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. The development shall be carried out strictly in accordance with the approved details prior to the first occupation.

Reason: To ensure that any such flows are managed on site.

12. No development shall commence until full details of the layout of the proposed foul sewage system, along with details of any agreements with the local water authority, have been submitted to the local planning authority for prior approval. The development shall be carried out strictly in accordance with the approved details and prior to the occupation of any dwellings.

Reason: To ensure the proper drainage of the site and to minimise the risk of pollution.

13. No development shall take place until full construction details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved buildings occupied.

Reason: To ensure a satisfactory means of access to the highway.

14. No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of surface water have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is occupied.

Reason: To ensure a satisfactory access to the site.

15. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

16. No works shall commence of the formation of any driveways until material and constructional details of the porous surfacing of the driveways, together with details of a drainage system to intercept water from any driveways that slope towards the highway have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

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

17. Prior to the first occupation of the dwellings details of 10 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

Reason: To ensure the provision of roosting opportunities for bats, which are European Protected Species.

18. 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.

19. Prior to the first occupation of the dwellings details of 10 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.

APPENDIX 2 REPORT TO COMMITTEE 3RD JUNE 2014

1.0 THE PROPOSAL

- 1.1 The application seeks outline planning permission for the erection of 31 dwellings on 1.54 hectares of land located to the east of Wrexham Road, Whitchurch. The outline application also includes the formation of vehicular access and estate roads to serve the proposed development site, together with the site layout and landscaping. Only matters relating to appearance are reserved for later approval. Whilst the application as originally submitted also included for the provision of a pedestrian bridge over the canal that aspect of the scheme has since been deleted.
- 1.2 The means of access will be directly off Wrexham Road. Twenty seven of the dwellings are intended for the open market and four are intended to be social rented.
- 1.3 For foul drainage disposal the development would be expected to connect to the mains sewer. The surface water from the development is proposed to be disposed of to soakaways and an existing watercourse. Pools and swales are also included within the landscape proposals to accommodate storm water drainage, in addition to providing naturalistic habitat with native species.
- 1.4 To assist the consideration of the application the submission is accompanied by various plans and documents, including a planning statement; a design and access statement; a transport statement and assessment; a flood risk assessment and drainage information; a landscaping visual impact assessment and landscape information/images; an arboricultural report, tree survey and assessment; an ecological appraisal and water vole report and method statement; a heritage statement and historical images; an affordable housing statement and a statement of community involvement.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposal relates to 1.54 hectares of pasture land on the western side of the market town of Whitchurch, located between 163 and 155 Wrexham Road and extending northwards to the Llangollen /Shropshire Union Canal. The site is L-shaped in area.
- 2.2 In terms of current development plan policies the site sits within an area defined as open countryside. In terms of emerging policy the site is not included as a draft allocation in the Pre-Submission version of the Site Allocations and Management of Development (SAMDev) Plan, which is currently open for representations on its 'soundness'. However, the site has been assessed as a potential option and on the basis of the information available was considered to represent a realistic option for development and a site with long term potential in the draft SHLAA 2014. Whilst the site is not within it is contiguous with the development boundary.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application is a both a major application and an application where the Parish Council have submitted a view contrary to officers based on material planning

reasons and where the Principle Planning Officer and the Local Member and Committee Chair agree that the application should be determined by the relevant Planning Committee

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **SC Drainage: No objection.** Recommend conditional drainage details for further approval should outline consent be granted.
- 4.1.2 **SC Affordable Housing Officer: No objection.** Current levels show an overprovision of affordable housing. However this will be reviewed and agreed at the time of the full or reserved matters application as will the size and tenure of the affordable units. Any outline consent would need to be subject to a Section 106 Agreement to secure the affordable housing contribution.
- 4.1.3 **SC Public Protection: No objection.** Electric charging points should be included within the development to allow for ultra-low emission vehicles. (NB: Whilst this is recommended as a conditional requirement it has become accepted practice to alternatively attach this advice as an informative).
- 4.1.4 **SC Tree and Woodland Amenity Protection: No objection** in principle. Support the retention of a buffer zone along the canal and retention of the veteran Oak tree in the North West corner of the site which must be retained in open space (15m radius root protection area) and not end up in a garden or too close to property.
- 4.1.5 **SC Archaeology – No objections.** A satisfactory heritage impact assessment has been submitted with the application. Recommend an archaeological watching brief be made a conditional requirement of any consent granted.
- 4.1.6 **Welsh Water** – No comments received.
- 4.1.7 **Inland Waterways - Neutral.** The layout appears to treat the canal as an asset, preserving the green edge and providing suitable landscaping.

Understand that when the developers held an exhibition explaining the project they promised that they provide a road access to the moorings on the southern bank of the canal. This should be the subject of an enforceable planning condition. The present 'off-side' moorings depends on people being able to walk round the current end of the arm, which would no longer be possible with the extension of the canal to the planned new basin. A gate from the proposed housing development would mean that convenient access is maintained.

Not convinced of value of a footbridge linking the site to the towpath. Would be close to the existing lifting bridge and not visually harmonious.

Note that the site is not one of the SAMDev Revised Preferred Options for housing development at Whitchurch.

If the scheme is approved, it would be desirable for a S106 contribution to be made towards the proposed extension of the Whitchurch Canal Arm.

(NB: The comment road access and gate provision is considered to have been superseded with the deletion of the proposed bridge from the scheme).

- 4.1.8 **SC Planning Policy – No objection.** Whilst the site is not being proposed through the SAMDev Plan, it is acknowledged that in the absence of a five year supply of land, greater weight needs to be given to the NPPF's 'presumption in favour of sustainable development'. It is considered that key issues with this site are potential landscape/visual and ecological impact, and on both these counts it is acknowledged the applicant has provided significant further survey work in order to assess and mitigate any issues. It is considered the site is contiguous with the development boundary and self-contained. The site is of a relatively modest scale and whilst it will provide further housing for Whitchurch, it is considered unlikely to undermine the delivery of preferred sites elsewhere in the town.
- 4.1.9 **SC Rights of Way – No objection.** With the removal of the bridge from the scheme there no longer appear to be any implications for public rights of way.
- 4.1.10 **Canal and Rivers Trust – No objections,** subject to the imposition of recommended conditions and informatives. The removal of the bridge crossing from the proposals has addressed our previous concerns that the crossing would create operational difficulties for the Canal and Rivers Trust and affect our ability to maintain, protect and enhance the Llangollen Canal. Biodiversity should be considered and any impacts suitably mitigated. Submitted water vole survey is welcomed. Proposed landscape appears to fit in with rural characteristics. Proposed hedge should be high enough to shield the view of vehicles from the canal. Proposed drainage arrangements, pools and swales has potential to impact on structural integrity of the canal – further conditional details are required in this regard. Consideration should be given to protecting the quiet enjoyment of boaters and residents to prevent future conflict.
- 4.1.11 **SC Learning and Skills – No objection.** Primary school places in Whitchurch are forecast to come under severe pressure as a result of the proposed allocation of significant numbers of new dwellings to the town in the plan period. Shropshire Council's Learning and Skills Division has been working with Planning Policy officers to ensure that the costs of any forecast need for additional school places or building enhancements in the town will be sought from the developers of housing schemes, of which, this proposed scheme is one.
- 4.1.12 **Shropshire Wildlife Trust –** Unable to make informed comment without an ecological survey. The NPPF requirements on conserving and enhancing the natural environment also need to be considered. The Natural Environment and Rural Communities Act 2006 also places a legal duty on the planning authority to have regard for the conservation (and restoration and enhancement) of biodiversity.
- 4.1.13 **SC Ecology – No objections.** Recommend conditions and informative relating to

water voles, bats and nesting wild birds. Water voles: no water voles recorded during January 2014. However, are multi water vole records within 100m of site. Coir rolls pre-planted with native aquatic plants were installed on this length of canal recently. The submitted water vole method statement shows a 10 metre buffer zone to the canal where works are to be limited and supervised by an ecologist. Details of management of the proposed landscaping to support water voles should be conditioned. Bats: Hedgerows, trees, watercourses and other natural habitats have potential to be used by commuting, foraging and roosting bats. Bat boxes are recommended as is the control of lighting. Nesting birds: hedgerows and trees on the site boundaries have potential for nesting birds. Bird boxes are recommended.

- 4.1.14 **SC Highways – No objection**, subject to S106 contributions towards traffic management/calming measures being introduced along Wrexham Road between the A41 roundabout and Chemistry junction and recommended conditions.

Key Issues:

Access

The development site access is located a short distance to the west of the current 30 mph speed limit along Wrexham Road, which then changes to the national speed limit of 60 mph leading to the A41/Wrexham Road roundabout. The 30 mph speed limit is supported by dragons teeth and red carpet 30 roundel treatment. The site is proposed to be served via a single principle estate road junction onto Wrexham Road with 2 individual dwellings served via separate driveways directly onto Wrexham Road. Visibility splays are provided based upon Manual for Streets guidance relating to 30 mph traffic speeds. The applicant however is prepared to fund traffic calming measures between the A41/Wrexham Road roundabout junction towards the site. The highway authority considers the access and visibility standards to be acceptable.

Layout

The layout provided is indicative at this stage and details would be provided as part of a reserved matters application.

As part of the application, proposals have been put forward to increase the footway width along the site road frontage together with alterations to the Chemistry junction and footway widening to the east of Chemistry. These are considered positive measures in potentially reducing traffic speeds in the locality. These, together with the traffic calming measures above could be included within a Section 106 Agreement.

Traffic

Whilst a Transport Statement (TS) is not required given the scale of the development, a TS has nevertheless been prepared which considered the impact of the traffic on the local highway network. The TS acknowledges that the location of the site is such that routing into the town centre is available via Wrexham Road or Chemistry. Traffic counts have not been undertaken as part of this application, however Automatic Traffic Count traffic data, traffic counts have been undertaken

along Wrexham Road in connection with a current live application further to the east of this site to be accessed off Wrexham Road. This provides evidence of traffic movements along Wrexham Road to the east of the Chemistry junction although traffic levels may be more varied past the site access due to the Chemistry junction which would influence traffic flows travelling to and from the A41/Wrexham Road roundabout junction. However, having regard to the scale of the development is considered that the development proposal would not materially increase traffic levels on the road network.

The highway authority recognise the close proximity of the site to the A41 by-pass, which is likely to influence travel routing, particularly during the peak traffic periods.

In addition to the above, the TS and potential traffic generation has also been considered having regard to the near neighbouring development site to the east along Wrexham Road where a further 40 dwellings are proposed. It is considered that the cumulative impact of both sites coming forward does not raise highway capacity issues.

Parking Issues along Wrexham Road

Notwithstanding the above, there are local issues surrounding the on-street parking which takes place along Wrexham Road between Thompson Drive and Joyce Way, which lead to congestion. At present cars park along the southern side of Wrexham Road adjacent to properties which do not have on-site parking facilities. The effect of this length of on-street parking restricts the carriageway to single car width. Discussions have taken place with the applicant's agent to consider potential mitigation measures which may include Traffic Regulation Order(s) to stagger permitted parking lengths along Wrexham Road.

When considering the above it is the highway authority's view that the potential impact of the development upon traffic/on-street parking issues, which currently exist, would not be materially worsened. As stated previously Chemistry provides an alternative route into the town centre. Moreover, it is considered that a highway objection in this regard would not be sustainable. Nevertheless the applicant is prepared to make a financial contribution towards potential mitigation measures which may. Whilst the highway authority would welcome such a financial contribution we do not consider that the tests of Section 106 would be met in that the development is not required, in the highway authority's view, to provide such provision to make the development acceptable. The highway authority would recommend that Members do not give this weight in their consideration of the development proposal.

Sustainability

Bus services are available within reasonable walking distances from the site to gain access to and from the site. The site is outside of a 15 minute walking distance to the town centre but within reasonable walking distance of the Co-op foodstore. The site however is well located in terms of distance and topography to promote cycle use between the site and town centre. The highway authority conclude that the site is sustainable in transport terms.

4.2 Public Comments

4.2.1 Whitchurch Town Council – Object. Objection on the grounds that the excess traffic and new roads which would be created as a result of this development would make an already hazardous road even more dangerous.

A petition was raised by the residents of Wrexham Road, which had more than 500 signatures, objecting to developments in this area and it was consequently removed from the SAMDev Preferred Options Report.

The Town Council have also requested information appertaining to who permission would need to be sought from in order to erect the proposed bridge over the canal.

4.2.2 Public Representations - A significant number of representations have been received, both objecting (28) to and in support (20) of the application. The main points raised relate to:

Objections

- The proposal is being driven by profit and not in the interest of the community.
- Traffic issues. The highways will not accommodate the proposed traffic levels that will be generated. The highway is currently hazardous with blind spots and parked vehicles.
- Loss of green space. Development of green land is not acceptable.
- No justification for housing being required in this area.
- There are other more appropriate areas in the town to develop.
- Instead should consider renovating existing derelict buildings to use as housing.
- Impact on ecology.
- Voles are known to habit the canal and their numbers have declined.
- Flood risk. Drainage is an issue in this area with flooding occurring regularly.
- Loss of views over the countryside.
- Devaluation of nearby properties.
- There are insufficient jobs, school places, or capacity with doctors surgeries to accommodate a higher population.
- Increase noise levels. Construction works will cause problems for existing occupiers in the area through noise and dust.
- Overlooking potential. Loss of light and privacy to nearby dwellings.
- Some dwellings have been located to be overbearing to existing dwellings.
- There will be a loss of natural night light and therefore affect the ability to watch the night skies.
- Insufficient garaging has been provided particularly for the larger dwellings. These should also be appropriate in size.
- More parking provision should be made as part of the development.
- Residents will not walk or cycle into town as the road is too dangerous and the footpaths are too narrow.
- The proposed access and parking arrangements for the two dwellings

- fronting Wrexham Road are dangerous.
- More consideration should be given to using green energy such as solar panels.
 - Proposed footbridge will encourage constant gathering of people causing problems for residents and visitors and disturbing wildlife.
 - Proposed footbridge will be an eyesore, visually intrusive and out of keeping with the rural setting.
 - Proposed footbridge will create navigational problems and is not DDA compliant.
 - Proposed footbridge will be of no real benefit to pedestrians or canal users.
 - Development adjacent to the canal will ruin its current rural appearance.
 - The easy access to the canal will also lead to increased litter being dropped from McDonald's through the new estate, along the canal etc.
 - Additional access to and usage of the towpath will lead to less canal users being encouraged into the town.
 - The land should be donated for community uses and not developed.
 - Use of site for allotments or as a campsite would better benefit the community and compliment tourism.
 - There is no guarantee that the landscaping proposals will be carried out once the housing is constructed.
 - The public transport arrangements in the area are not adequate to serve the proposed dwellings.
 - The scale and design of the development is not in keeping with the context of the area.
 - The proposal is inappropriate and unsympathetic to the character and appearance of the area.

Support

- Proposal is a good use of a small field. Seems a very well prepared and sensitive plan.
- The land is small and cannot be viably integrated with any other farmland in the vicinity.
- Other developments have been approved where on-street parking issues have been overcome.
- This small scheme could stimulate the town economy without having much impact on larger proposed developments.
- There potential purchasers already in Whitchurch looking for accommodation who are already in employment and registered with doctors, schools and using the local facilities etc. There is a lack of housing for such local people seeking new family homes, upsizing or downsizing.
- There's a lack of affordable housing in the vicinity and an urgent need for housing for those of the social housing register.
- The governments help to buy scheme only applies to new houses and there are presently none in town, forcing local people to move away.
- The development has been well laid out with a buffer strip for wildlife along the canal.
- The proposal provides suitable housing in a favourable location.
- The site has good/convenient links both to the town and the national road

- network via the by-pass.
- Extra residents in the town will provide additional support to businesses and shops which need all the new custom they can get.
 - Proposed housing layout and mix will make a positive contribution to the housing stock of Whitchurch.
 - Will provide a nice place to live. The site is not overcrowded, will be well landscaped and should fit in nicely with the area.
 - This housing development will benefit Whitchurch.
 - An excellent, well thought out development and perfect location to build.
 - Pleased to note the inclusion of desperately needed affordable housing.
 - Footbridge will be useful for boaters to access Esso station, store and McDonalds and will add business to those facilities.
 - Will be a modest estate, totally in keeping and being on the edge of town close to the by-pass will have little or no impact on Wrexham Road or Chemistry.
 - As local, regular car user always use the by-pass and sure residents will do the same.
 - Will add a welcoming area to people travelling along the canal.
 - Ideally situated for people employed elsewhere but who would still bring money back to the town.
 - Will resolve certain access problems to the canal.
 - The town needs to grow to support local commerce. This is a small, unique and well planned development.
 - Will create opportunities for increased trade in the area, supporting local businesses.
 - Will create opportunities for increased tourism beneficial to the town.
 - Regularly use Wrexham Road and the traffic moves quite quickly, even at peak times.
 - The previous developments at Joyce Way and off Liverpool Road have not had a negative impact on Wrexham Road, despite objections at that time.

5.0 THE MAIN ISSUES

- Policy & principle of development
- Affordable housing
- Layout and character
- Highways
- Drainage
- Ecology
- Impact on residential amenity
- Other local infrastructure matters

6.0 OFFICER APPRAISAL

6.1 Policy & Principle of Development

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

approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

- 6.1.2 Paragraph 49 of the NPPF states that 'relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. In September 2013 the Council published an updated '2012 Five Year Housing Land Supply Statement' which calculated a housing land supply of only 4.95 years for Shropshire as a whole and questions have since been raised as to whether this supply is fully deliverable. Turning to paragraph 14 of the NPPF relating to the presumption in favour of sustainable development this means that 'where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted'. This has the effect of changing the balance of the material considerations in favour of 'boosting housing supply' (a Government priority) and the relative weight that can be attached to the Core Strategy, saved Local Plan and emerging SAMDev Plan housing policies.
- 6.1.3 The site is outside the development boundary previously set within the North Shropshire Local Plan and also has not been carried forward as a preferred option site within the emerging Site Allocations and Management of Development (SAMDev) document. On this basis the application has been advertised as a departure from the adopted local plan and would not normally be supported for development. However, given that it has been established that limited weight should be given to this housing policy framework in light of the current housing supply position, it is appropriate to assess this site within the context of the 'presumption in favour of sustainable development'. This means looking at the sustainability of the proposed development and the balance of the impacts/benefits, within the context of seeking to boost housing supply. Sites on the edge of towns and villages which might previously have been unsuitable for development due to being located outside of any development boundary and therefore contrary to policy will be considered acceptable in principle.
- 6.1.4 Although it is acknowledged that the site is not brownfield it is considered to form part of the urban fringe of Whitchurch. The proposed site is contiguous with the development boundary and has road frontage onto Wrexham Road, which provides access to the A41/A49 Whitchurch by-pass to the west and the town centre to the east. Allowing for this context and setting the site is considered by officers to present a sustainable location for residential development with appropriate transport links. It is also accepted by officers that the site is reasonably close to the facilities and services within Whitchurch, which, as one of the five market towns within the north of Shropshire, should provide a focus for housing and commercial developments. In principle, therefore as a site on the edge of Whitchurch and well related to the existing built form and infrastructure the application can be supported as a departure from the adopted policies in line with the presumption in favour of sustainable development in the NPPF.

- 6.1.5 In considering this site for inclusion in the emerging SAMDev Plan, the Councils' Planning Policy Officer advises that: 'the site has been subject to a technical assessment process and sustainability appraisal. The site was considered to have an 'average' sustainability, reflecting its close proximity to a bus route and open space, but being more than 480m from a primary school, local park, play area or recreation facilities. Whilst these issues continue to have relevance, it should be remembered the context of this assessment was to determine potential site allocations rather than assessing specific planning applications.'
- 6.1.6 Otherwise, the principle issues raised by the application relate to highway matters, potential landscape/visual and ecological issues and these are discussed further in sections 6.3 and 6.4 below.
- 6.2 Affordable Housing**
- 6.2.1 Policy CS11 of the Shropshire Core Strategy requires all housing developments to contribute to affordable housing in accordance with the Supplementary Planning Document (SPD) on Type and Affordability of Housing. Therefore, the Councils' Housing Officer has advised that, if this site is deemed suitable for residential development, then there would be a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11. The level of contribution would need to accord with the requirements of the Housing SPD and at the prevailing housing target rate at the time of reserved matters application.
- 6.2.2 Current levels show an overprovision of affordable housing. However this will be reviewed and agreed at the time of the full or reserved matters application as will the size and tenure of the affordable units. Any outline consent would need to be subject to a Section 106 Agreement to secure the affordable housing contribution. This requirement is acknowledged and catered for in the current submission.
- 6.3 Layout 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. The development should also safeguard residential and local amenity and ensure sustainable design and construction principles are incorporated within the new development.
- 6.3.2 Part 7 of the NPPF 'Requiring Good Design' indicates that great importance is given to design of the built environment and paragraph 58 sets out expectations for new development including ensuring that development adds to the overall quality of an area, establishes a strong sense of place and ensuring developments are visually attractive and respond to local character. The planning balance which needs to be considered is balancing the benefit of the provision of new housing in close proximity to the sustainable market town against any harm. Paragraph 14 of the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 6.3.3 The NPPF and policy CS17 of the Shropshire Core Strategy also require consideration to be given to the impact of the proposed development on the

natural environment. More specifically, policy CS17 states that development will need to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and not affect the visual, ecological, geological, heritage or recreational values and functions of these assets and their immediate surroundings.

- 6.3.4 Scale and Layout: Although this is an outline application scale and layout does form part of the application and despite objections to the contrary the application has also attracted support that the scheme will provide a well thought out and attractive development. The submitted plan shows the provision of 31 plots and associated access arrangements and public open space provision. The site amounts to 1.54 hectares and it is considered that the proposed layout demonstrates that adequate access, parking and turning arrangements can be achieved together with adequate space about buildings and amenity space and all at a density and pattern that respects the local context and character in accordance with policy requirements. Furthermore, it is specified that the dwellings will be two storey, in keeping with the built form locally and will offer a mix of 2 bed terraces, 3 bed semis and 3/4 bed detached dwellings in accordance with the requirements of the Councils' Housing SPD. Otherwise, all matters relating to the actual design and appearance of individual properties are reserved for later approval.
- 6.3.5 The layout has also been designed around the desire to retain the existing trees and vegetation to the site boundaries and to take into account the presence of the canal to the north by providing a landscape buffer zone planted with scrub, wild flowers, native species trees and hedges and incorporating pools and swales.
- 6.3.6 In commenting on the scale and layout the Councils' Planning Policy Officer offers the opinion that: 'In accordance with CS6, the applicant indicates the indicative layout is responsive to the local environment and of an appropriate scale and pattern. Whilst it is considered the proposed layout would divert somewhat from the immediate surroundings which are predominantly frontage properties, it is considered the site is well contained and does not present the potential for further extensions. The inclusion of the buffer zone is important from this perspective as well, and if approved should be retained.'
- 6.3.7 Trees: The majority of the existing boundary trees are to be retained and protected and the application is supported by tree survey/root protection information, an arboricultural report and landscaping proposals. The Council's Tree Officer has been consulted on the submitted information and proposals and has raised no objection to the scheme.
- 6.3.8 Landscape/visual impact: Residents/objectors are concerned that the proposal will spoil the look of the locality and be visually damaging. It is acknowledged that the development of the land will change the character and appearance of the site itself and the outlook over/onto the land from nearby properties and the locality. However, the issue is whether that change will be so harmful as to warrant refusal.
- 6.3.9 The Councils Planning Policy Officer advises that: 'The site has been assessed as having high/medium landscape sensitivity in the North Shropshire Landscape

Character Assessment. This was primarily due to the open valley side which acts as a corridor into the town and the setting of the canal is the most sensitive issue relating to the site. It is acknowledged the applicant has provided further information through a Landscape Visual Impact Assessment and this has informed specific landscape proposals for the site. Whilst the Landscape Visual Impact Assessment does identify general localised visual impact issues, it concludes the impact on the wider area is unlikely to be significant. Notwithstanding that this assessment is based upon an earlier iteration of the proposal which included a footbridge over the canal, in the absence of any further technical information it is considered the applicant has provided sufficient information to enable the council to weigh up the benefits and dis-benefits of this proposal visual impact terms.'

- 6.3.10 Having regard to the submitted LVIA and the manner in which the design, layout and landscaping of the scheme has consequently been informed it is officer opinion that the visual impact of the development as proposed at this stage will not be so materially harmful as to warrant refusal. It is considered that due consideration has been given to the characteristics of both the site and of the wider setting and that appropriate landscaping measures have been incorporated into the scheme in a positive manner - in particular involving the provision of a mitigating buffer zone of 'naturalised' landscaping/green space where the site visually merges with the canal and the valley beyond and the retention of existing boundary trees. As the footbridge has now been retracted from the scheme this particular feature is no longer a cause for assessment or concern in visual impact terms.
- 6.3.11 Open space: Open space provision takes two forms: on-site provision and off-site contributions through the Community Infrastructure Levy.
- 6.3.12 Well designed and implemented open space delivers a number of social benefits, including improved health and wellbeing, as well as providing environmental benefits. The development proposal includes the provision of on-site open space in the form of a wildlife area within the red edged area of the application site, to include tree retention, native species planting and new wetland habitat. The provision of the space is largely responsive to visual impact and ecology issues, given the canal side location, and will secure appropriate mitigation and biodiversity enhancements. In this context the scheme has attracted no objections from the Canal and Rivers Trust and the Councils' Tree Officer and Ecologist and is considered to comply with the NPPF and Core policy CS17. Some matters of detail, such as tree root protection areas; actual species planting and the constructional details of the pools/ swales need either refining or submitting for further approval, but this can be addressed by condition.
- 6.3.13 Landscaping forms part of the outline application and it is expected that the naturalised character of this open space, together with the landscaping proposals for the site generally (ie those areas not assigned to private gardens) will be retained and maintained for the lifetime of the development in compliance with Core Strategy CS6.
- 6.3.14 Objectors are concerned that landscaping/open space will neither be provided nor maintained. In all instances the developer will be required to satisfy the Council

that appropriate arrangements have been made whereby the open space and landscaped areas within the site will be maintained in perpetuity. Both the provision and maintenance of the open space and landscaping could be controlled by imposing a landscape management and maintenance condition or through the S106.

6.4 Highways and rights of way

- 6.4.1 Paragraph 32 of the NPPF promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel can be reduced.
- 6.4.2 The site is located on the northern side of the B5398 Wrexham Road, a Class C road. The A41/A49 Whitchurch by-pass lies in close proximity to the west (about 230 metres distant). Chemistry Road, to the east, also provides an easterly route with pedestrian footways leading into the town. The train station lies 2.7 km distant and is accessible by foot, cycle or car. The closest bus stop is 350 m distant at Chemistry. It is accepted that the site has reasonable access to road networks, footways and public transport links. The agent has stated that once the development is complete there may be justification for a closer bus stop and a request has been made to the Area Transport Planning Commissioner in this regard.
- 6.4.3 With particular regard to car based travel, whilst some supporters of the application have no highway issues the proposed development has attracted objections from local residents and the Town Council alike in relation to traffic issues, access provision and highway safety concerns. Additional traffic on Wrexham Road as a result of the development is highlighted as a point of contention due to existing traffic congestion and parking issues.
- 6.4.4 Whilst not normally required for a development of this scale, in view of local concern over traffic and highway issues the application is supported by a transport statement and assessment. In the relevance to the debate an extract from the summary and conclusions of the transport statement is quoted below:

'... 4.3 The location of the site suggests that most of the traffic generated would enter and leave via the bypass. It is estimated that around 20% might use Wrexham Road and a further 20%, Chemistry and Smallbrook Road, to access the town.

4.4 In the peak hour, that is likely to represent only 4 additional movements on each of the roads. That represents an increase of only around 1% and is considered to be de minimis.

4.5 Offsetting any perceived harm from the above will be the consequential improvement resulting from the development and the further improvements offered in conjunction with it.

4.6 As part of the development, the hedge along the Wrexham Road frontage will be removed, and a widened footway (minimum 1.8 metres wide) will be provided. That will significantly improve matters for

pedestrians in the immediate locality. It is understood that the footway is now used much more than was previously the case, following the opening of the McDonald's restaurant at the service area.

4.7 An advantage of the footway widening is that it removes one of the major obstructions to visibility from the Chemistry junction. At present, due to the curvature of the road, approaching traffic can be obscured from view. That will not be the case once the development is complete, and the improvement to visibility will be significant.

During the public consultation process, members of the public highlighted the fact that cars can turn left into Chemistry at a faster speed than is desirable. This creates problems for those using accesses close to the junction.

4.12 Having undertaken checks with Autotrack, it appears possible to amend the radius at the junction to slow traffic down a little. ...

4.13 The topographical survey has also highlighted the fact that Wrexham Road immediately east of Chemistry is materially wider than elsewhere. That width may have been necessary at the time when the route was the A525, but it is considered that there would be positive benefits in widening the footway in this area. ...

4.14 A consequence of that widening is a narrowing of the carriageway, and this is likely to reduce traffic speeds slightly in the area.

4.15 The Highway Authority has also indicated that it will consider changes to the speed limits in the vicinity of the site, possibly providing a 40 mph speed limit from the bypass up to the commencement of the 30 mph zone, which would be relocated probably about 120 metres west of its current position.

4.16 The movement of the speed limit is a very particular benefit to the development, but the other two benefit the public at large only, except insofar as residents will use the junction with Chemistry and the footways.'

6.4.5 The Council's Highway Officer has been consulted on the application and the supporting documents and has advised that there is no objection to the application on transport links, highway and access grounds. The Highway Officers detailed comments are given in section 4.1.14 above. In summary, it is agreed that future residents of the development are likely to use the more direct routes to/from the site via the by-pass and Chemistry rather than Wrexham Road and that, in this context, there will be no tangible negative impact on Wrexham Road such that would warrant refusal. As regards the specific access arrangements and details required to make the scheme acceptable to meet the appropriate highway standards, then these matters can be dealt with by imposing the recommended conditions. Likewise it is anticipated that the required improvements to existing highway conditions that are being offered, ie those associated with traffic management/calming measures being introduced along Wrexham Road and the A41 roundabout and Chemistry Road junction can be secured in the form of contributions via a section 106 agreement.

6.4.6 The agent has also indicated that they are prepared to make a financial contribution towards resolving the traffic/parking issues along Wrexham Road between Thompson Drive and Joyce Way. Whilst a financial contribution would

be welcome by the highway authority, the advice to Members is that this it is not necessary to make the scheme acceptable in highway and planning policy terms and on this basis no weight should be given to the offer in arriving at the planning decision. To incorporate such a provisional requirement within a section 106 agreement would also not meet the tests of the CIL regulations.

6.4.7 As regards rights of way, the proposal does not directly affect established public rights of way. As part of the original proposals the applicants did intend to provide a footbridge connecting to the canal towpath. However, the need for the footbridge was questioned by residents and neither favoured by the Canal & Rivers Trust, the Councils' Right of Way Officer or the Councils Highway Officer. Amongst other concerns (such as visual impact) the Canal & Rivers Trust were concerned that the bridge would encroach onto their land and affect their operational ability to access and maintain the canal. The Councils' ROW and Highway Officer were concerned that the bridge did not offer any direct connection to the public rights of way network and that no clear arrangements for the long term maintenance of the bridge in perpetuity had been provided. Both Highways and Rights of Way made it clear that the Council did not have the resources to adopt and maintain the bridge in the future and that, rather than a community benefit the footbridge was therefore seen as a liability and dis-benefit. Hence it has been deleted from the scheme.

6.5 **Drainage**

6.5.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development. The application is supported by a flood risk assessment (FRA) and drainage information. For foul drainage disposal the development would be expected to connect to the mains sewer. The surface water from the development is proposed to be disposed of to soakaways and an existing watercourse. Pools and swales are also included within the landscape proposals to accommodate storm water drainage, in addition to providing naturalistic habitat with native species.

6.5.2 On assessing the submitted information the Council Drainage Engineer has raised no objection in principle and is satisfied the final drainage details, plans and calculations could be controlled through appropriately worded conditions of approval. In accordance with the submitted FRA, this includes the investigation of the use of soakaways in the first instance and the submission of full details, calculations and location of the percolation tests and the proposed soakaways. If soakaways are not feasible, then drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be alternatively be submitted for conditional approval. Further recommended drainage conditions cover: the design and a contoured plan of the finished road levels; the material and construction details of the porous driveway surfacing; details of a drainage system for any drives that slope towards the highway and the layout of the proposed foul sewage system.

6.5.3 The Canal & Rivers Trust have highlighted a concern that the arrangements for the disposal of surface water together with the creation of the pools and swales within the landscaping buffer/area may affect the integrity of adjoining canal. However, they are also satisfied that this concern can be adequately addressed

by imposing a condition requiring full details of the intended surface water drainage arrangements.

6.5.4 For environmental reasons, the Councils' Ecologist states that no drainage should be discharged to the adjoining watercourses. This requirement can be factored into the consideration of the final conditional drainage details for further approval. Otherwise, the Ecologist supports the inclusion of the proposed ponds and swales as an opportunity for biodiversity enhancement in accordance with the environmental objectives of the NPPF and Core Strategy CS17.

6.5.5 Concerns have been raised by local residents regarding existing drainage problems in the area. However, the above requirements for the submission of a detailed drainage calculations and surface water management measures would need to demonstrate that the drainage arrangements were adequate to deal with the surface water which falls on the site and therefore would not be permitted to increase flood risk elsewhere.

6.5.6 As such it is acknowledged that there is local concern about increased surface water problems from developing the site, however it is considered that the site could be developed with an appropriate drainage scheme to ensure that there is no greater risk of flooding either within the site or in the wider area and as such would comply with policy CS18 and the NPPF with regard to this matter.

6.6 **Ecology**

6.6.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats.

6.6.2 The application is supported by an ecological appraisal and water vole report and method statement. The Councils' Planning Ecologist has been consulted on the application and supporting documents and is satisfied that, subject to the imposition of conditions and informatives relating to water voles, bats and nesting birds the site can be developed without adversely impacting on statutorily protected species and habitats.

6.6.3 Furthermore, new planting and wetlands will be introduced to the site as part of the landscaping proposals that will, subject to the agreement over specific details and plant species etc, offer opportunities for biodiversity enhancements.

6.6.4 Accordingly, the development is considered capable of complying with national and local planning policy requirements in relation to ecology and wildlife.

6.7 **Impact on residential amenity**

6.7.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

6.7.2 Concerns have been raised locally regarding the impact on views, potential loss of privacy/overlooking and noise and disturbance.

- 6.7.3 The impact on a private view is not a planning matter. The wider landscape impacts have already been considered above. Whether existing residents will be able to see the new properties or not is not a reason to refuse the application.
- 6.7.4 At this outline planning stage the scale and layout of the site has been submitted for approval, although the design of the actual dwellings is reserved for later approval. However, the layout plan does show that the site can be developed without causing any unacceptable overlooking or loss of light to existing residential properties due to the positioning of and separation distances between the existing and the proposed new properties.
- 6.7.5 The residential use of the site would result in a number of traffic movements, although all vehicles would emerge onto the main B5398 road, it is not envisaged that these traffic movements, or the use of the site for residential purposes in general, would cause any substantive noise and disturbance to existing residential amenity that would warrant refusal.
- 6.8 **Other infrastructure matters**
- 6.8.1 In considering a sites sustainability the Council can take into account local infrastructure as part of the planning balance. Whether a site has good local infrastructure is not the only reason why it can be considered to be sustainable but it does form part of the reason. The NPPF advises that international and national bodies have set out broad principles of sustainable development. Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The UK Sustainable Development Strategy *Securing the Future* set out five 'guiding principles' of sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly. Two of the three dimensions of sustainable development within the NPPF comment on the need to include provision of and access to infrastructure.
- 6.8.2 Policy CS9 also requires all new housing to financially contribute to the provision of infrastructure. This is done through the Community Infrastructure Levy which is a levy charged on new housing and in the case of the application site would be £40 per square metre of new housing. The contribution is dealt with outside of the planning process and after development commences and is used to pay for infrastructure identified as local priorities. However, it is a material consideration in the determination of the application and the acknowledgement of the requirement to pay the CIL by the applicant ensures that this matter will be dealt with after the consent.
- 6.8.3 With regard to this specific application site, it is acknowledged that due to its location the future residents of the proposed development are likely to utilise the services and facilities within the town. The proposed 31 dwellings on this site have not been taken into account in the consideration of the housing growth proposed for the town in the SAMDev. Whitchurch is proposed to have approximately 1,200 new homes but as the site has not been promoted through

the SAMDev the proposed 31 dwellings on this site would be in addition to this allocation. In this context the Council's Planning Policy Officer states that: 'The site is of a relatively modest scale and whilst it will provide further housing for Whitchurch, it is considered unlikely to undermine the delivery of preferred sites elsewhere in the town.'

6.8.4 It is also acknowledged that there are issues within Whitchurch regarding certain facilities, services and infrastructure, including school places. With particular regard to the issue of school places the Council's Learning and Skills Division has been working with Planning Policy officers 'to ensure that the costs of any forecast need for additional school places or building enhancements in the town will be sought from the developers of housing schemes, of which, this proposed scheme is one.' Overall it is considered that the proposed addition of 31 dwellings on the application site, taking into account the significance of Whitchurch as a market town and as a priority for new development, would not result in a level of pressure on local infrastructure which would justify refusing the application. Furthermore, Members may wish to note that some representations received in support of the scheme are from people already living and/or working in the town, and so already using the existing facilities and services, but looking to acquire new accommodation in Whitchurch.

7.0 CONCLUSION

- 7.1 The site is located outside the current Whitchurch development boundary and is therefore classed as a departure from the development plan. However, it is accepted that the site is in a sustainable location, where it benefits from transport links and the facilities, services and infrastructure offered by the market town and will provide additional housing supply in accord with national planning policy priorities.
- 7.2 The development will provide for affordable housing in accordance with Policy CS11 and infrastructure provision in accordance with policy CS9.
- 7.3 The development includes suitable measures to safeguard existing trees and local landscape character and will not be harmful to local habitats or biodiversity. Furthermore, the submitted plans indicate that the layout will be sympathetic to characteristics of the site and its setting, including the provision of open space and landscaping, and that there will be no adverse impact upon local or residential amenity.
- 7.4 The development can be provided with an appropriate vehicular access, parking and turning provision. Furthermore, the site can be provided with satisfactory foul and surface water drainage arrangements and further drainage details to safeguard against flood risk and drainage concerns can be addressed by imposing appropriate conditions.
- 7.5 Accordingly, it is considered that the proposal meets with the housing policies and general requirements of the NPPF and otherwise complies with Shropshire Core Strategies CS6, CS9, CS11, CS17 and CS18 of the Shropshire Core Strategy.
- 7.6 Accordingly, approval is recommended subject to:

- Conditions of approval;
- The completion of a s106 agreement to secure the affordable housing contributions.
- The completion of a s106 to secure contributions towards traffic management/calming measures being introduced along Wrexham Road between the A41 roundabout and Chemistry junction.

7.7 In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - 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 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 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.