

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 13/04868/OUT	<u>Parish:</u>	Cockshutt-cum-Petton
<u>Proposal:</u> Outline application for the erection of five dwellings and formation of vehicular access (all matters reserved)		
<u>Site Address:</u> Development Land East Of Shrewsbury Road Cockshutt Shropshire		
<u>Applicant:</u> Mrs W Crabb		
<u>Case Officer:</u> Jane Preece	<u>email:</u> planningdmne@shropshire.gov.uk	

Grid Ref: 343575 - 328906



Recommendation:- That planning permission be granted, subject to a S106 agreement to secure the affordable housing contribution and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 The application seeks outline planning permission for the erection of five dwellings on 0.37 hectares of rough grazing land located off the A528 Shrewsbury Road, Cockshutt. All matters are reserved for later approval, although reference to the formation of a vehicular access has been submitted as part of the description of development.

1.2 To assist the consideration of the application an indicative site layout plan has been provided, showing an indicative layout of five detached dwellings and the new access. The indicative dwelling layout plan is for information and illustrative purposes only. Otherwise, the application is accompanied by a Design and Access Statement, an Ecological Assessment and correspondence from the agent.

2.0 SITE LOCATION/DESCRIPTION

2.1 The proposal relates to a parcel of land located on the eastern side of the A528 Shrewsbury Road and on the southern fringe of the village of Cockshutt. The site is bounded by residential development to the north, agricultural land to the east, a telephone exchange to the south and Shrewsbury Road to the west. Residential development exists opposite the site, on the other side of Shrewsbury Road.

2.2 In terms of current development plan policies the site sits just outside the development boundary for the village and therefore within an area defined as open countryside. In terms of the emerging Site Allocations and Management of Development (SAMDev) Plan the site remains outside the established development boundary for Cockshutt.

2.3 Whilst the site is not within the development boundary, it does have road frontage and is considered to be contiguous with the existing residential development.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Officer recommendation contrary to Parish Councils view and the Local Member is of the opinion the Parish Councils views are material and valid and that therefore the application should be considered by Committee for determination.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 **SC Drainage** – No objection raised in principle. Should planning permission be granted then further drainage details, plans and calculations will be required for prior assessment. Recommend the imposition of appropriate drainage conditions accordingly on any outline planning permission issued.

4.1.2 **SC Ecology** – No objection. The submitted Ecological Assessment concludes that there is little scope for protected species on the site. Recommend informatives,

referencing the Ecological Assessment and setting out the legislation in relation to the protection of wild birds.

- 4.1.3 **SC Highways Development Control** – No objection. Acknowledge that the footway provision does not meet desired standards beyond the site road frontage but consider it would be difficult to sustain an objection on pedestrian safety grounds alone. An improvement of the footway provision along the site road frontage is proposed as part of the development. Recommend the imposition of appropriate highway conditions.
- 4.1.4 **SC Affordable Homes** - Core Strategy Policy CS11 requires all open market residential development to contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of the Reserved Matters.
- 4.1.5 **SC Planning Policy** – No comments received.
- 4.1.6 **SC Public Protection** – No objection. The properties are set well back from the road and therefore there are no expected air quality or noise issues requiring comment. However in order to make the properties ready for EV charging point installation of isolation switches must be connected so that a vehicle may be charged in the garage or driveway. Recommend condition accordingly.
- 4.2 **Public Comments**
- 4.2.1 **Cockshutt Parish Council** – Original comments: At the meeting of Cockshutt cum Petton Parish Council held on 12 December 2013 it was agreed that the Council had insufficient information to accurately assess this application. Comments made in the Design and Access Statement regarding the objection to Preferred Sites identified through the SAMDev consultation process need to be explored further with Shropshire Council. The Parish Council resolved that it has no alternative but to submit an objection to the application.

Re-consultation comments: At the meeting of Cockshutt cum Petton Parish Council held on the 9 January 2013 it was resolved to object to the application. The Council considered the following:

The site is outside the current development boundary for Cockshutt and is not considered a preferred site for the Site Allocations and Management of Development (SAMDev) Plan. As part of the SAMDev consultation process in 2012 the Parish Council undertook a series of meetings which reviewed all the potential sites put forward by owners/agents and a comprehensive review of each individual site was undertaken. Sites were assessed against set criteria and, if meeting those criteria, progressed to a further stage. The site in question progressed to the further stage but was not supported by the Parish Council as it did not fulfil the second stage criteria. The Council's overriding consideration at this stage was the wish to develop on the West side of the A528 with sites being capable of a developing up to 5 properties of a mixture of housing type. This site, to the east of the A528 did

not meet the Council's preferences.

The Design and Access Statement questions the suitability of 2 sites included in the SAMDev Plan for Cockshutt on highways issues as part of the justification for this application. During the SAMDev review process mentioned above the Parish Council raised similar concerns and sought the advice of a Senior Officer of Highways Development Control. The Officer confirmed that as the access to both sites was already in existence and that entry to A528 was in the 30mph speed limit section there would be no objections from Highways to considering them as preferred sites. The Parish Council rejects the comments that these 2 sites are unsuitable. The Parish Council understands that Shropshire Council Planning Policy Team also considers the objections to these 2 sites not to be valid. The sites will be included in the final Plan to be submitted to the Secretary of State.

With regard to the application site, the Parish Council has serious concerns regarding pedestrian access to the facilities in the centre of the village. The pathway is narrow and could put pedestrians in danger. The application states this access can be improved but does not expand. The Parish Council questions the applicant's ability to do so.

The application is for Outline Permission and drainage details could be made conditional and submitted for approval at the reserved matters stage. However, the Parish Council considers these issues material, as noted below, and should be submitted and reviewed at this stage. The Parish Council strongly supports the comments made by local residents, Mr GD Ashley and Mr FE Tomlinson regarding the impact changes to the current drainage system could have. It also understands the sewage pumping station is at maximum. The Parish Council considers any development of this site will have an adverse effect on the sustainability of this area of the village.

Reasons why this site was not included in previous Local Plans should be reviewed and considered.

The Parish Council also considers the site as an undeveloped open green space on the approach to the centre of the village, a major contribution to the rural characteristic of Cockshutt, which was another factor considered by the community when selecting our preferred sites to the West, that will retain the village character a great deal more than a development with a main road frontage.

The Parish Council acknowledges that this highly speculative application has been submitted due to the lack of a Five Year Land Supply and the resulting reference to the National Planning Policy Framework in determining the application. The Parish Council, working with Shropshire Council, is planning a structured approach to the long term development of the village. The Parish Council has regularly consulted with and reported back to the local community during the SAMDev process and has received full support of its actions. In addition, the reasons why this site was not selected during the SAMDev process was explained fully on several occasions to the agent acting for the applicant. By submitting the application at this specific time confirms a total lack of regard of the views and aspirations of the local community and the actions taken by the Parish Council on its behalf. To re-iterate, the Parish Council objects to this application.

Further re-consultation comments: At the meeting of Cockshutt cum Petton Parish Council held on 8 May 2014 having considered the re-consultation documentation, it was resolved to continue to object to the application.

4.2.2 **Local representations** – Seven representations of objection have been received. The main objections relate to:

- Support the Parish Council objection and their efforts to manage the village in a sensible way. Their reasons are clearly defined in SAMDev submission.
- Future development should be directed west of the A528 around the village centre, in accordance with the wishes of the community.
- Proposal is outside the development plan.
- Footpath is too narrow. Danger to families and children walking alongside the A528. Restricted wheel chair access.
- Drainage. Aware of the problems these houses could bring being built on top of a main water drain and main sewage line/ an underground culvert runs through the middle of the site. Any disturbance to existing drains will cause severe flooding.
- Planning has previously been rejected for a larger development on this site, upheld by a Government Inspector.
- Completing the development at the Meadows would be of greater benefit to the village.
- Would seriously damage the character of the village.
- Ribbon development.
- Potential drop in mains electricity supply capacity and voltage.
- Potential roadside parking.
- Question whether there are issues of deliverability in respect of parcels C002A and C002B. Keen to ensure that any inaccurate statements made within this application do not affect SAMDev consultation.

5.0 **THE MAIN ISSUES**

- Policy and principle of development
- Accessibility and highways
- Drainage
- Social dimension
- Economic dimension
- Environmental dimension

6.0 **OFFICER APPRAISAL**

6.1 **Policy and 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 Site Allocations and Management of Development (SAMDev) Plan housing policies.
- 6.1.3 The site is outside the development boundary previously defined within the North Shropshire Local Plan and also has not been carried forward as a preferred option site within the emerging 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. The NPPF defines sustainability as having three dimensions: the social dimension, the economic dimension and the environmental and these are discussed further below, together with the technical matters relating to highway and drainage issues.
- 6.1.4 Members will note that both the Parish Council and local residents have made reference to a previous rejection of this site for housing development. To clarify, the comments relate to land allocation within the former North Shropshire Local Plan and not a previous planning application. Whilst the Parish Council have requested that the reasons for rejection be reviewed, officers would highlight that the adoption of the North Shropshire Local Plan occurred nearly 9 years ago (December 2005) and the policy considerations at that time would now be out of date. Furthermore, there is a clear distinction between what Policy Officers would choose to allocate as planned development within the context of the availability of reasonable alternatives as part of the development plan process and how Development Control Officers respond to an application for planning consent where the development must be considered on its own merits and in the present circumstances where it has been established that local housing policies have negligible weight.

Notwithstanding the above officer opinion, Members may wish to take into

consideration the response of the agent to the previous housing land allocation rejection. The agent states that at no time did the Inspector indicate that the site was unsuitable for development (including pedestrian access to the villages' community facilities). The proposal at that time was for 20 or more dwellings on a larger site and the site was in direct competition with an alternative site to the north. The Inspector concluded that '...there was little to choose between the two sites, but supported the site to the north of the village because he felt pedestrian access to the school was easier, and the northern site was more clearly defined.'

- 6.1.5 As regards the future development proposals for Cockshutt as put forward within SAMdev, the village is defined as a Community Hub with a housing guideline of around 50 additional dwellings over the plan period. It is envisaged that this will be delivered through the development of 5 allocated sites of up to 5 dwellings (delivering around 20 homes) which are all located to the west of the A528 'so as to provide some balance to the village'. In addition to identified site allocations, there are existing commitments of around 18 dwellings and it is envisaged that the remainder of the target will be delivered with development by infilling, conversions and small groups (again up to 5 dwellings) on suitable sites within the identified development boundary. Whilst it is acknowledged that the approach to direct housing land allocation only to the western side of the village may reflect the preferences of the Parish Councils' and the wishes of the community, the soundness of this approach has yet to be tested when SAMDev is submitted to the Secretary of State. It is understood from the agent that objections to the plan have been lodged and therefore it cannot be assumed that it will be approved in its current form. As it stands SAMDev is not yet in force and is not at a stage where it can be given significant weight in the determination of planning applications. To reiterate, at the time of writing the absence of a five year supply of housing in combination with the presumption in favour of sustainable development remain as significant considerations. As a main service village and identified Community Hub it is accepted in principle that Cockshutt is sustainable settlement and capable of accommodating an appropriate level of new housing development.

6.2 **Accessibility and highways**

- 6.2.1 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 be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced.
- 6.2.2 The site is located on the outskirts of the village on the eastern side of the A528, a principle road known as Shrewsbury Road. The site is within the local speed limit of 30 mph and will if permitted continue the line of residential development on this side of the road. The site has road frontage and abuts a continuous footway link to the main village facilities to north, whilst a bus stop is located directly adjoining the site. Although it is acknowledged that the site is not brownfield it is considered to form part of the fringe of the settlement and has access to appropriate transport links offered by the village. It is also accepted by officers that that the site is close to the facilities and services within Cockshutt. Cockhutt is one of the main service villages within the north of Shropshire and has a good range of local facilities serving the settlement and the outer lying smaller settlements. Indeed, the village has been identified as a Community Hub within the emerging SAMDev. In principle, therefore

as a site on the edge of the village and reasonably 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.

- 6.2.3 Concerns have been raised by local residents regarding the adequacy of the pedestrian link to the main village and highway safety issues. In terms of specific access details the Councils' Highway Officer has been consulted on the application. The Highway Officer is of the professional opinion that the application site has sufficient frontage to be able to provide satisfactory visibility splays in line with desired standards and, subject to the access being laid out and constructed satisfactorily, raises no objection in principle to the residential development. The details as currently submitted indicate a single access point onto the principle road, which is welcomed from a highway perspective. In response to a neighbour concern that the proposal will lead to 'on street' parking the Highway Officer has advised that pedestrian access to the Shrewsbury Road frontage to each of the dwellings should be resisted to avoid/discourage potential parking on the A528.
- 6.2.4 Turning to pedestrian matters, in response to concerns expressed over the narrow nature of the existing footway, the agent has confirmed that a properly sized footpath can be formed along the complete road frontage of the proposed site. Beyond the site frontage and the village centre third party land prevents the widening of the footway. The Highway Authority has considered both the nature of the existing footway and the agents offer. On balance, the Highway Officer is of the opinion that the proposed footway improvements to the site frontage can be secured by condition and that otherwise the narrow nature of the existing footway beyond does not constitute a substantive reason to sustain refusal on pedestrian safety grounds alone. Furthermore, as pointed out by the agent, as part of the emerging SAMDev, there are preferred housing sites proposed to the southern and south western part of the village that could not only use the same footpath route into the village but would also benefit from the offer of the improved section along the proposed site frontage.
- 6.2.5 Taking on a board the professional opinion of the Highway Officer, overall the development is considered capable of satisfying policy in accessibility and highway terms and there are no substantive barriers to the granting of consent on highway grounds.
- 6.3 **Drainage**
- 6.3.1 The NPPF requires consideration to be given to the potential flood risk of development. Core Strategy Policy CS18: Sustainable Water Management states that development will integrate measures for sustainable water management to reduce flood risk and avoid an adverse impact on water quality.
- 6.3.2 Foul mains drainage is available in Cockshutt and for foul drainage disposal the development would be expected to connect to the existing mains sewer. The agent has confirmed that a manhole exists in the northern corner of the application site, and so direct connection to the mains sewer is possible. The route of the mains sewer has been shown on an accompanying plan. It will be the applicants'/ developers responsibility to pursue consent from the service provider to connect into the foul main sewer. Whilst the Parish Council have mentioned that the

sewage pumping station is at capacity this issue is a matter for the service provider and is not a reason to refuse planning permission.

6.3.3 On assessing the application as submitted the Councils Drainage Engineer commented that the disposal of surface water from the development to the mains sewer (as indicated on the submitted application forms) would not be acceptable as it can result in increased flood risk elsewhere. In response the agent has confirmed that surface water will alternatively be disposed of to soakaways in accordance with the Drainage Engineers guidance. The Drainage Engineer has consequently raised no objection in principle and advises that the final surface water drainage details can be controlled through appropriately worded conditions of approval. This includes the submission of full details, calculations, dimensions of the percolation tests and the proposed soakaways together with their location for prior approval.

6.3.4 As such 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.

6.3.4 On a further drainage matter concerns have been raised by local residents concerning the potential of the development to disturb existing drains that cross the site and that this in turn generates a risk to creating flooding and drainage problems in the area. In response the agent has undertaken a drainage survey of the site to identify the existing drains and submitted a plan on which the line of the known drains is identified and the illustrative layout of the housing development adjusted to take into account the presence of the drains. The revised layout would not appear to comply with the requirements of the Drainage Engineer for a 6 m easement to be provided, although it must be emphasised that the submitted plan is for illustrative purposes only and that the final layout is reserved for later approval and so too is the scale and size of the dwellings. It is not therefore considered that the presence of the drains precludes the granting of outline consent for residential development in principle. Within any subsequent reserved matters application the detailed scheme and layout would need to be designed and laid out to take into account the presence of the existing drains and any easement requirements.

6.4 **Social dimension**

6.4.1 In respect of fulfilling the social dimension of sustainability the main benefit of the proposal is that it will help meet the future housing needs of the area and contribute to the Councils' lack of a 5 year land supply for housing, a government priority.

6.4.2 Affordable housing: Core Strategy Policy CS11 requires all open market residential development to contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application. A standard S106 agreement to secure the financial contribution would need to be entered into and completed prior to the grant of outline planning permission.

6.4.3 From the site it is considered that future residents will have reasonable access to goods, services and facilities locally by foot, cycle or car and reasonable access to the highway network and public transport options in this location. Matters of scale, layout, landscaping and appearance and design are reserved matters and the assessment of such at a later stage can ensure that the scheme will be sustainable in its design, incorporating sustainable and energy efficient measures, and providing a pleasant environment in which to live, contributing to the health and well being of potential residents. In this context it is envisaged that the development of the site could further satisfy the social dimensions of policy.

6.5 **Economic dimension**

- 6.5.1 In respect of satisfying the economic dimension of sustainability the main benefits will firstly arise from the development process, generating employment during the construction phase and the potential associated spending on sourcing goods, products and services locally. Moreover, once completed, future residents of the development will also have the potential to increase spending on local goods, facilities and services and to access employment and schools locally. In so doing, the residential development will contribute to the socio-economic balance of the village, supporting and enhancing its role as a sustainable settlement in accordance with Core Strategy policies CS1 and CS4 and the NPPF.
- 6.5.2 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.
- 6.5.3 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. 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.
- 6.5.4 With regard to this specific application site, the proposed 5 dwellings on this site have not been taken into account in the consideration of the housing growth proposed for the settlement in the SAMDev. Cockshutt is proposed to have approximately 50 new homes but as the site has not been promoted through the SAMDev the proposed 5 dwellings on this site would be in addition to this allocation. Taking into account the Councils current lack of 5 year housing land

supply it is considered that the proposed addition of 5 dwellings on the application site would not result in a level of development that would prejudice the SAMDev preferred option sites or, bearing in mind the fact that Cockshutt has been identified as a Community Hub capable of accepting housing development schemes for up to 5 units, put pressure on local infrastructure which would justify refusing the application.

6.6 **Environmental dimension**

- 6.6.1 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 and pattern taking into account the local context and character.
- 6.6.2 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 on the outskirts of 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.
- 6.6.3 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 protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not affect the visual, ecological, geological, heritage or recreational values and functions of these assets and their immediate surroundings.
- 6.6.4 Site context and character – The Parish Council and local residents are concerned that the proposal will harm the open character of this part of the village. It is acknowledged that the development of the land will change the character and appearance of the site itself and the outlook over the land from nearby properties. However, the issue is whether that change will be so harmful as warrant refusal.
- 6.6.5 In respect of landscape there are no recognised local or national landscape designations that influence the site and the site is not seen as having a high landscape sensitivity. The land itself is used as rough grazing agricultural land and has no protection as designated open. Indeed, the site sits on the edge of the village, where residential development generally abuts agricultural land and the character of the area is that of semi-rural. There is already residential development in the immediate vicinity (to the west and north) and this existing development is linear in form, following the line of the approach road into the village centre. Reference has been made to the fact that the development will constitute ribbon development in a negative sense. However, it is considered that whilst the development will continue the line of residential development on the eastern side of Shrewsbury Road, it will reflect the pattern and form of road frontage development in this part of the village and constitute contiguous development. It will not extend development southward beyond the extent of the residential development on the

opposite side of the road.

- 6.6.6 In paying due regard to the physical characteristics of the site and its surroundings therefore, it is not considered that a linear road frontage development will appear visually or contextually out of character with the pattern and form of development in this location and that the loss of the open field frontage to a small scale development of no more than five houses would result in a significant and demonstrable harm which would justify the resistance of the outline application.
- 6.6.7 Ecology: The NPPF requires consideration to be given to the impact of the proposed development on the natural environment. Core Strategy Policies CS6 and CS17 state that all development should protect the natural environment whilst enhancing environmental assets.
- 6.6.8 At the request of the Council's Planning Ecologist, the application is supported by an Ecological Assessment. The Planning Ecologist accepts the findings of the Assessment that there is little scope for protected species to be present on the site and acknowledges that Churton Ecology (2014) recommend that additional hedgerow planting takes place of native, locally sources species around the site boundaries. Native hedgerow planting and any new planting generally introduced to the site as part of a reserved matters landscaping scheme will provide opportunities for biodiversity enhancements.
- 6.6.9 Accordingly, the development is considered capable of complying with national and local planning policy requirements in relation to ecology, wildlife and landscaping, in accordance with the requirements of the NPPF and Core Strategy Policies CS6 and CS17 in relation to the need to protecting the natural environment and enhancing environmental assets.
- 6.6.10 Impact on residential amenity - Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.6.11 At this outline planning stage the layout of the site has not been submitted for approval, although an indicative layout has been provided. Providing due regard is paid to orientation, separation distances and boundary treatments, on balance, it is considered that the site can be developed without causing any unacceptable overlooking or loss of light. Accordingly it is considered that policy CS6 can be satisfied.
- 6.7 **Other Matters**
- 6.7.1 The councils public protection officer raises no objection to the application however in order to make the properties ready for Electrical Vehicle charging point installation of isolation switches must be connected so that a vehicle may be charged in the garage or driveway. A condition has been recommend by public protection requiring that an independent radial circuit isolation switch must be supplied at each property for the purpose of future proofing for electric vehicle charging points. The NPPF highlights at paragraph 35 that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people and developments should be located and designed where practical to amongst other items incorporate facilities for charging plug-in and other

ultra-low emission vehicles. Having considered the request for the imposition of such a condition, in light of the recently published Planning Practice Guidance dated 6th March 2014 planning conditions should only be imposed where they are necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects. The recommended condition is not considered necessary to make the development acceptable and therefore the requirement for EV charging points will be attached as an informative to any consent issued in accordance with adopted practice

7.0 **CONCLUSION**

- 7.1 The site is located outside the current Cockshutt development boundary and is therefore classed as a departure from the development plan, contrary to Core Strategy policies CS4 and CS5. Furthermore, the site has not been identified as a site for future residential development within the emerging SAMdev. However, taking into consideration the Councils' lack of a 5 year housing land supply, 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 village and will provide additional housing supply to help sustain the settlement and in accord with national planning policy priorities relating housing provision. In this context the application is considered to satisfy the socio-economic dimensions of sustainability as set out in the NPPF.
- 7.2 The development will need to provide for affordable housing in accordance with Policy CS11 and infrastructure provision in accordance with policy CS9. Both affordable housing and infrastructure provision offer community, social and economic benefits that lend to the sustainability of development in accordance with the requirements of the NPPF.
- 7.3 Officers are satisfied that the development can be served by satisfactory access and drainage arrangements, subject to the imposition of recommended conditional requirements at this outline stage. With the recommended conditions in place, the proposal is considered to satisfy Core Strategy policies CS6 and CS18, saved Local Plan policy D7 and the associated sustainable objectives of the NPPF.
- 7.4 Notwithstanding the need to submit a reserved matters application for further assessment in relation to matters of layout, appearance and landscaping, in principle the site is considered capable of being developed in a manner that will not be unduly harmful to the physical characteristics of the locality or to residential amenity. Accordingly, the proposal satisfies policies CS6 and CS17 and the NPPF at this outline stage.
- 7.5 Sufficient information has been provided with the application to satisfy officers that the development will not be harmful to the natural and historic environment. In this context the proposal is considered to satisfy Core Strategy policies CS6 and CS17 and the associated sustainable objectives of the NPPF.
- 7.6 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.

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, 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.

10.0 Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport

CS8 - Facilities, Services and Infrastructure Provision

CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing

CS15 - Town and Rural Centres

CS17 - Environmental Networks

CS18 - Sustainable Water Management

D7 - Parking Standards

SPD Type and Affordability of Housing

11. 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 Brian Williams
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Details of the access, appearance, landscaping, layout and scale (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 4 of the 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. This permission does not purport to grant consent for the layout shown on any of the deposited plans submitted with application.

Reason: To enable the Local Planning Authority to consider the siting and layout of the development when the reserved matters are submitted.

5. 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 levels of the site
 - The foul and surface water drainage of the site
 - The finished floor levels
 - Details of a scheme for the localised widening/regularisation of the footway along the site road frontage

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