

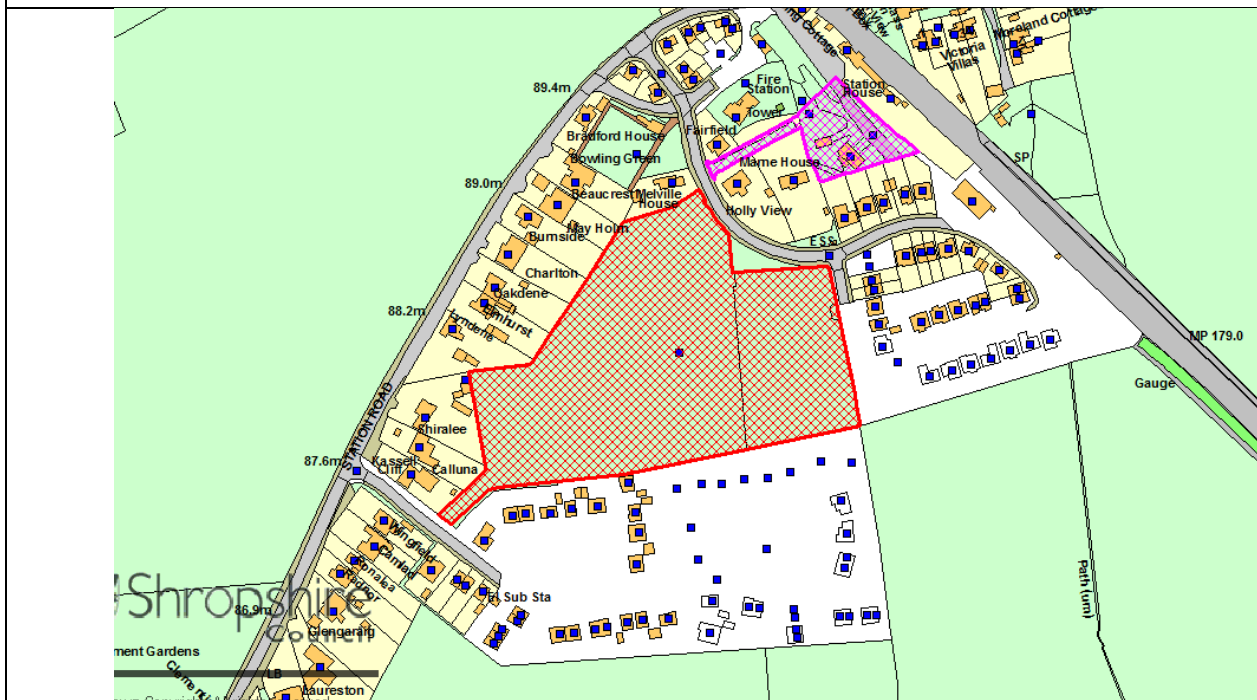
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 22/03752/FUL	Parish:	Baschurch
Proposal: Erection of 48 Dwellings Across 3 Phases with Associated Access Roads, Parking and Landscaping, including Provision of Land for Train Station Car Park		
Site Address: Land Adjacent to Melville House Station Road Baschurch Shropshire		
Applicant: Shingler Homes Ltd		
Case Officer: Mark Perry	email: mark.perry@shropshire.gov.uk	

Grid Ref: 342862 - 322502



Recommendation:- Refusal.

Reason for refusal

1. The site is not located within a defined development boundary and neither is it an allocated site for residential development. The location of the proposed development is therefore contrary to the policies of the Core Strategy and the Council's SAMDev plan which is the starting point for decision making in accordance with the NPPF. Whilst the scheme proposes a number of benefits which includes the over provision of affordable housing, over provision of open space and the provision of land for a station car park these are not considered to outweigh the clear conflict with both adopted and emerging planning policy in respect of its countryside location. Furthermore, there is no undersupply of homes in the Community Hub that would justify a departure from the relevant settlement policies of the Local Plan. The proposal is therefore contrary to policies CS1, CS4, CS5, MD1, MD2, MD3 MD7a and S16.2 (i) of the Local Plan as well as the overall aims and objectives in relationship to sustainable development as set out in the NPPF.

REPORT

1.0 THE PROPOSAL

- 1.1 The submitted application is for the erection of 48 dwellings with associated access roads, parking, provision of public open space, landscaping and the provision of land for the purposes of providing a train station car park. The car park would be provided in place of some of the dwellings that received planning permission under 14/02286/OUT in 2019.
- 1.2 The scheme proposes a mix of dwelling types and sizes. 10 of the dwellings would be on affordable tenures and 38 dwellings would be open market. The makeup of the housing mix is as follows:

Affordable Dwellings

- 3 x 1- bed
- 4 x 2-bed
- 3 x 3-bed

Open Market Dwellings

- 2 x 2-bed bungalows
- 7 x 2-bed dwellings
- 12 x 3-bed dwellings
- 17 x 4-bed dwellings

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located to the north eastern side of Baschurch which is identified within the SAMDev as a Community Hub. The site is within close proximity of the railway line which passes to the northeast of the site. Beyond

the northwestern boundary of the site there is a row of large, detached dwellings in a linear layout which front onto Station Road. Historically the land to the rear of these dwellings has been agricultural land although recent housing developments which have been granted in 3 separate planning applications has changed the use and character of the land.

- 2.2 For planning policy purposes, the application site is classed as being an open countryside location
- 2.3 Around 42m to the north of the site is the Conservation Area where there are three grade two listed buildings these are: Station Building, Pump House and Railway House (Station Crossing Cottage). There are located around 115m from the edge of the application site.
- 2.4 The access to the application site is via the access which was originally approved as part of the housing built that is under construction, with references 14/02286/OUT and 17/02174/REM. This development sits to the north and east of the current application and runs parallel with the railway line and much of the site is located within the defined development boundary for Baschurch. At the time of considering the above application in 2014 the encroachment of development beyond the development boundary was considered justified because of the age of the policies in place at that time and the sustainability of Baschurch as a settlement containing a range of services and facilities. As such, the scheme was considered to be windfall development and was granted outline planning permission with the reserved matters submission proposing 48 dwellings on the site.
- 2.5 A further application was submitted which sought amendments to part of the above scheme. This was a development for 34 dwellings which was approved under the reference 21/00666/FUL.
- 2.6 A further housing development is currently under construction, this is directly to the south of the application site and is for a development of 53 dwellings. This was approved under the reference 14/02454/OUT and 18/05447/REM. This site was allocated for housing in the adopted SAMDev plan.
- 2.7 All of the previously approved housing schemes are well advanced in terms of their construction. As such, despite the application site being classed as open countryside for planning policy purposes it is now entirely enclosed by other housing development whether that is by the older houses on Station Road or by the recently completed/ under construction dwellings on the remaining sides as referred to above.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Within 21 days of notification the local member requested that the application be referred to committee for determination and it was agreed by the Team Manager

(Planning) in consultation with the committee chairman and vice chairman that it is appropriate for this application to receive consideration at Committee as the site whilst located outside of the recognised development boundary is connected to the built form and worthy of a site visit with consideration to some of the material planning reasons raised by the local member and Parish Council.

4.0 Community Representations

Consultee Comment

4.1 Baschurch Parish Council- supports the application

Nature of the Site

Within the emerging Local Plan Review, the site is mostly surrounded by the village development boundary with little link to open countryside. On the ground the site is mostly surrounded by development on all 4 sides. The site appears as a logical infill site which will assist Baschurch in achieving its housing targets whilst also providing significant local benefits (as described below)

Affordable Housing Numbers

The provision of 20% affordable housing (where adopted policy requires 15% and the emerging policy requires 10%) would significantly benefit local people in need of housing

The scheme includes 1 bedroom affordable units which are identified as being much needed within the village by the Housing Officer.

Mix of housing

A mix of 3 one-bed, 13 two-bed, 15 three-bed and 17 four-bed homes is proposed. The last Right Home, Right Place survey indicated the most popular 'next move' by responders was to downsize, so Baschurch Parish Council welcomes the choice and number of 2 and 3 bed open market properties.

Land for Baschurch Railway Station Car Park

The provision of land for the Baschurch Station car park is a one-off chance to secure the future of the railway station. It is a key aspiration of the Parish Council to re-open the train station and this is an integral part of the project. Without this land for the car park the chance of the re-opening is lost. A leading railway planning expert, Dr Nigel G Harris described the plan to re Baschurch Station as a 'perfectly sensible plan'. A previous feasibility study deemed the station not viable as the catchment area wasn't large enough. Baschurch Parish Council believes the provision of 60 car parking spaces expands the catchment area to make the station feasible, providing benefits of improved public transport which will reduce the carbon footprint in Baschurch and neighbouring parishes. On Friday 15th July 2022, a public consultation event was held in Baschurch to discuss the proposals to reinstate the railway station. The event was very well attended by over 250 people, with an overwhelmingly positive response.

Footways and Highways

Another key objective of Baschurch Parish Council is to tackle a traffic pressure point and improve road safety around where the schools are situated in Baschurch. This application makes provision of the first stage of a road link to Eyton Lane enabling a future road to be constructed to alleviate school traffic and congestion around Eyton Lane, its junction with the B5067 Shrewsbury Road and the Shrewsbury Road and B4397 Station Road junction.

This proposed development will improve pedestrian connectivity and safer walking routes into the village and to the potential reopened railway station, both westerly towards Station Road Crossroads and southerly onto Eyton Lane.

Considerations

We ask that the Ecology report is updated to reflect the presence of Japanese Knotweed.

Summary

Baschurch Parish Council fully endorse the comments made and rationale provided in the Planning Statement attached to the planning application.

- 4.2 **Myddle, Broughton & Harmer Hill Parish Council-** support in principle the re-development of a Railway Station in Baschurch.
- 4.3 **Hordley Parish Council-** The parish council supports the campaign for a railway station in Baschurch and in principle therefore is in support of the release of land for a car park as an essential element to the reopening of the station.
- 4.4 **Drainage-** All foul and surface water proposals are acceptable with the submission of the revised highway drainage calculation.
- 4.5 **Ecology-** No Objection.
A financial contribution, secured through a S106 agreement for visitor management mitigation measures at Cole Mere Ramsar site in order to demonstrate that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017 (as amended) has been agreed by the applicant. A separate Appropriate Assessment has been undertaken and is provided below.

Conditions have been recommended to secure ecological protection and enhancements under NPPF, MD12 and CS17.

Biodiversity Net Gain

The Metric Report and accompanying spreadsheet show that with the implementation of the landscape plan and its successful ongoing management a net gain in habitat area of 3.01% and for hedges of 18.43% is possible.

I note that trees to be planted in private spaces have been included as an area

in the spreadsheet. These should not be included as there is no certainty going forward that these trees will remain.

Having removed the 19 trees in private spaces, the habitat area is now at a small loss of 1.94%, however it is considered that with the inclusion of the minimum of 16 bat boxes and 16 integrated swift bricks into the development, as well as a gain in hedgerows there will be no net loss of biodiversity. A condition is recommended to secure a detailed management plan including monitoring requirements, to ensure that the development meets the stated level of biodiversity gain.

It is noted that with the removal of the 19 trees (that are located in private spaces) trading rules have not been satisfied for the loss of the plantation woodland, however, as the plantation to be removed is very young, the 10-12 cm girth trees to be planted will, in my opinion, adequately compensate for the loss. Trees also do not raise any objection to the scheme. In addition, it is actually unclear if the young beech trees are to be removed as the submitted AIA shows them to be retained.

Invasive Species

The Japanese Knotweed Assessment recommends that:

‘The area where JKW has been recorded will be separated from the remaining site so there can be no disturbance with tracked or digging machines and monitored monthly until mid-summer 2023. Should any fresh growth of JKW be recorded then appropriate treatment by a fully insured, licensed contractor will be advised. This will ensure that the non-native invasive plant is treated appropriately and effectively controlled, allowing safe construction work in the area’.

The report does not include a plan showing the location of where the JKW has been recorded or delineate the zone where no disturbance will take place. This should be submitted so that the development can proceed in accordance with both the recommendations of the report and the associated plan so there is no avoidance of doubt as to the requirements in this regard. A condition is therefore recommended in this regard.

Recreational Impacts on International Sites - Habitats Regulations Assessment
This application has been considered under the Habitats Regulations Assessment process in order to satisfy the Local Authority duty to adhere to The Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations). Recreational pressure on Cole Mere Ramsar (part of the Midlands Meres and Mosses Phase 2 Ramsar) has been identified as having an adverse effect on this designated site.

The applicant has agreed to a financial contribution to Cole Mere Ramsar/SSSI to mitigate for recreational impacts and I have no objection to the development. I have compiled a Habitats Regulation Assessment on this basis.

- 4.6 **Archaeology-** Officers conform approval of the WSI by Hampton Heritage Design & Consultancy that has now been submitted by the Applicant. The following amended planning condition is therefore advised to secure its implementation:

The programme of archaeological work for the development approved by this permission shall be carried on in complete accordance with the Written Scheme of Investigation by Hampton Heritage Design & Consultancy dated October 2022.

Reason: The development site is known to have archaeological interest

- 4.7 **Affordable Housing-** Under current policy a site of 48 new homes would be required to provide 7.2 affordable units. The applicant has provided 10 which is an over provision of 2.8. homes. Under the new policy the provision would reduce to 10% giving a slightly larger over provision.

Agree to the 2 additional units being discounted market sale and the policy provision being split 5/3 between rent and shared ownership.

- 4.8 **Parks and Recreation-** The Design and Access plan now acknowledges the need for open space as set out under SAMDev Policy MD2 and Officers are happy that the development fulfils the planning criteria.

- 4.9 **Network Rail-** No objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

SAFETY

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwales@networkrail.co.uk.

NOISE

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of Planning Policy Wales and Technical Advice Notes which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

LEVEL CROSSINGS

As there is a level crossing in the vicinity then no part of the development shall cause any existing level crossing road signs or traffic signals or the crossing

itself to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing, this stipulation also includes the parking of vehicles, caravans, equipment and materials etc, which again must not cause rail and road approach sight lines of the crossing to be obstructed. At no point during construction on site or after completion of works should there be any deterioration of the ability of pedestrians and vehicles to see the level crossing and its signage. There must be no reduction in the distance that pedestrians and vehicles have sight of the warning signs and the crossing itself. Network Rail reserves the right to provide and maintain existing railway signals/signs (whistle boards etc) and level crossing equipment along any part of its railway.

- 4.10 **Conservation-** We do not wish to comment in great detail from a built heritage perspective on this application as the site is not within the Baschurch Conservation Area and it is not envisaged that it will cause harm to the identified designated heritage assets, due to distance and intervening built and natural form between them and the site. The Council's Archaeology Adviser will comment on archaeological matters separately.

Comments:

- It is noted that the application indicates provision of car parking for any future use in connection with the possible reopening of Baschurch Railway Station. We would therefore wish decision takers to note that the surfacing, lighting and landscaping of such an area will need careful consideration, in terms of its proximity to the identified designated heritage assets (Railway Station and associated buildings), and the potential harm that could be caused if not undertaken sensitively.
- We expect variation in the palette of construction materials used across the site to provide visual interest.
- Boundary hedge to the south of the site should be protected and retained as this will provide a natural buffer between this development site and the adjacent development already under construction.

- 4.11 **Highways-** The application site seeks to link with the current housing development site being developed by Shingler Homes and in effect forms a Phase 3 extension of the whole development site. The proposals are considered acceptable from a highway perspective and in terms of providing an adoptable road layout.

Highways therefore raise no objection to the granting of consent subject to conditions.

'The construction of any new estate street shall not be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details.

Reason: - In the interest of highway safety; to ensure a satisfactory appearance

to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway..

'The construction of any new estate street shall not be commenced until an estate street phasing and completion plan has been submitted to and approved in writing by the local planning authority. The estate street phasing and completion plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

Reason: - To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

- 4.12 **Education-** Shropshire Council Learning and Skills reports that the local primary school is currently forecast, with the cumulative effect of developments in the area, to require additional school place capacity to manage pupil numbers. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered necessary to meet pupil requirements at the school. Based on the scale of the proposed development it is recommended that contributions to address any arising primary capacity are secured by means of contributions raised by the Community Infrastructure Levy (CIL)
- 4.13 **Police Design Out Crime Officer** - Do not wish to formally object to the proposal at this time. However, there are opportunities to design out crime, reduce the fear of crime and to promote community safety.
- 4.14 **Trees** - No objection to the proposed development subject to a suitable 'no dig' access road and footpath design being provided the impositions of tree protection conditions.

There are a number of significant trees on this site, a number protected by a Tree Preservation Order and registered as veteran or notable trees. An Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has identified twenty-six individual trees, three groups of trees and seven hedgerows which have been assessed in accordance with BS 5837 (2012) and includes a categorisation of the trees based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree with the categorisations.

The AIA notes that three trees, one group of trees and a 30 metre length of hedgerow will be removed to facilitate the development. The trees, T10, T11 & T15, G1 and hedgerow H6 are all category B features and are not protected by

TPOs or hedgerow retention notice. All other trees are to be retained and the site design accommodates the retained trees and ensures that they are not visually separated or isolated and their function in the landscape is not significantly degraded. I have reviewed the site layout, AIA and undertaken a site visit and do not consider that the loss of trees would have a significant impact on the arboricultural resource, character of the area, local landscape or be detrimental to public amenity.

The retained trees have been provided with adequate protection areas in accordance with BS5837: 2012 and this will significantly reduce any risk of harm to the trees arising from the construction work, providing they are physically protected in accordance with the submitted arboricultural method statement and tree protection plan.

There is reasonable separation between the proposed dwellings and the retained trees to avoid any significant impact to future residential amenity caused by proximity and, in the main, the orientation of the dwellings relative to the trees is such that excessive shade would not be cast over dwellings and gardens. The exception may be with trees T17 & T18, which are relatively small at this time but will become larger in the future. However, this is not considered significant as future management may negate any significant issues.

The proposed development sites an access road and footpath within the RPAs of several trees. The AIA recommends the use of a 'no dig' CCS construction method to reduce potential damage to the root system of these trees. From an arboricultural perspective this approach would be acceptable in this situation but the use of such a system for this purpose in this location must be confirmed by an engineer and full details must be provided along with an installation method statement.

The site landscaping proposes a number of new trees and is considered acceptable.

No objection is raised to the proposed development subject to a suitable 'no dig' access road and footpath design being provided. Conditions recommended.

4.15 Public Comments

14 objections and 113 representations made in support of the application have been received commenting on the following:

Objections

- Baschurch is overcrowded
- Exceeded housing target
- Lack of school places
- Availability of doctors' appointments
- Open countryside location
- Ecological impact
- Highways safety
- Traffic speed on Station Road

Many only support station car park
Lack of facilities in village
No guarantee of rail station being delivered
Other station locations are available
Loss of privacy
Rail station is only aspirational
Insufficient information of the rail station
Station being used as justification for dwellings.
Car park no benefit to community
Impact character of the area
Manipulated the "New Station" issue to stir up enthusiasm for development
Noise from trains stopping at station

Support

Site is infill development
Long term benefits of proposal
Benefit to wider area
Opportunity for new rail station
Public support for reopening station
Presence of Japanese knotweed
Includes provision of affordable dwellings
Site is/ will be surrounded by houses
Site is between other housing developments
Enhancement of village's infrastructure
Environmental benefits of new station
Station would reduce traffic
Public benefits of proposal
Lots of work on new station done already
Current short supply of smaller houses in village
Application should be considered in the wider context
Development includes connectivity
Reduce traffic into Shrewsbury
A selection of smaller houses are proposed.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Ecology
Highway Safety
Affordable Housing
Other material benefits

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless other material considerations indicate otherwise.

- 6.1.2 The National Planning Policy Framework is a material consideration that should also be taken into account where it is relevant to the planning application. The presumption in favour of sustainable development at paragraph 11 of the Framework does not apply and is not engaged as Shropshire Council has a healthy 5-year land supply for housing, the local plan policies relevant to the determination of the application are therefore considered up to date.
- 6.1.3 The most relevant policies in determining whether this site is acceptable in principle for housing development are Core strategy policies CS1, CS4, and CS5 and SAMDev policies S16.2(i), MD1, and MD7a.
- 6.1.4 Shropshire Council currently has in excess of a 5-year land supply for housing (5.60 years supply of deliverable housing land against the housing requirement within the adopted Core Strategy (2011) and 7.44 years supply of deliverable housing land against the housing need identified using government standard methodology) and consequently, there is no undersupply of homes across Shropshire and the national housing delivery test has been met. The housing policies within the local plan are therefore up to date.
- 6.1.5 Paragraph 12 of the NPPF states:
- “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”
- 6.1.6 The Shropshire Core Strategy (2011) and the Site Allocations and Management of Development Plan (2015) clearly identify the hierarchy of settlements where new market housing is considered appropriate. The locations are set out in Policies CS1, CS3, CS4 and CS5 of the Core Strategy and Policies MD1, MD7a and S16.2(i) of the SAMDev Plan which relates specifically to Baschurch and identifies the settlement as a Community Hub.
- 6.1.7 SAMDev details that Baschurch has a housing guideline of around 150-200 additional dwellings over the period to 2026. This will be delivered through the development of the allocated housing sites together with development by infilling, groups of houses and conversion of buildings which may be acceptable on suitable sites within the development boundary identified on the Policies Map.
- 6.1.8 Baschurch has already exceeded the housing guideline referred to above with there being 206 completions between 2011/12 and 2020/21 with a further 112 dwellings having planning permission as of the 31st March 2021. These figures, do not consider any further planning permissions or completions achieved since

the specified base date, however they demonstrate a sufficient supply has been identified to achieve the residential guideline for the community hub set out in SAMDev policy S16.2(i).

- 6.1.9 This application site has become entirely enclosed by other built development, however it is not within the development boundary and therefore not identified as a location for additional open market housing in the current adopted development plan. It is also not identified as a housing site in the local plan review presently under consideration.
- 6.1.10 On the basis of the above the proposal does represent a departure from the development plan and the application has been publicly advertised as such.
- 6.1.11 CS1 and CS4 sets out the strategic approach for the identified Community Hubs and Community Clusters identifying that they will become more sustainable through a “rural rebalance” approach, accommodating around 35% of Shropshire’s residential development over the plan period. Development and investment will be located predominantly in community hubs and community clusters, and will contribute to social and economic vitality. Outside these settlements, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing.
- 6.1.12 Both Core Strategy policy CS4 and SAMDev policy MD7a strictly controls development in the countryside such that only limited types of development, such as accommodation for essential countryside workers and other affordable housing, is permitted.
- 6.1.13 The proposal is not for development that would be permitted in the countryside under policy CS5 and MD7a and therefore development of this site for open market housing would be contrary to the local plan policies identified as most relevant to the determination of this application and should not be supported unless there are material considerations that indicate otherwise.
- 6.1.14 The site is located on the edge of Baschurch which is identified in the SAMDev plan as a Community Hub. It is accepted that the whole of the site is located outside of the development boundary as set out in the adopted SAMDev plan. In the current adopted SAMDev plan the development boundary runs along the southern, western and northern boundaries of the site. Whilst the eastern boundary does not adjoin the development boundary it does now adjoin the housing development which was approved under the references 14/02286/OUT and 17/02174/REM. As such the application site is entirely hemmed in by other housing developments whether that is by existing dwellings or by those that are currently under construction.
- 6.1.15 Shropshire Council is at a relatively advanced stage of a Local Plan Review. To inform the Local Plan Review, a number of Regulation 18 (plan-making) consultations and a Regulation 19 (pre-submission) consultation have been undertaken. The draft Shropshire Local Plan (2016 - 2038) was subsequently submitted to the Secretary of State for examination on the 3rd September 2021.

- 6.1.16 Baschurch is proposed to remain as a community hub within the Draft Shropshire Local Plan (schedule SP2.2 of draft policy SP2 – Strategic Approach). The draft settlement policy S16.2 proposes that Baschurch has a residential guideline of around 360 dwellings. The residential development for Baschurch is intended to be delivered through the identified saved SAMDev residential allocations (BAS035 & BAS017), both of which have now been delivered; any identified Local Plan residential allocations (BNP024 & BNP035); appropriate small-scale windfall residential development within the development boundary, as shown on the Policies Map, where it is consistent with Community Hub Policy SP8 and other relevant policies of this Local Plan.
- 6.1.17 The emerging plan for Baschurch does propose a revision to the development boundary to extend it around the housing development built to the east which currently falls outside of the current adopted development boundary. The effect of this is that the proposed development boundary would surround the application site but the application site itself would remain outside of the defined area, as detailed on the extract below taken from emerging local plan. The site would therefore continue to be classed as open countryside for planning policy purposes.



- 6.1.18 The development of the site for open market residential development is contrary to adopted planning policies and also those of the emerging plan because of its open countryside designation. Additionally, the proposed development does not fall within any of the examples listed in policy CS5 of the Core Strategy in terms of development which may be permissible in the countryside; such as affordable housing, conversion schemes or dwellings for agricultural/ forestry workers.
- 6.1.19 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. In this particular case, when assessed against the adopted development plan the site is not an allocated site or within a defined development boundary, neither is the

proposal for a type of development that is normally deemed suitable for open countryside locations. It is therefore necessary to consider the other material considerations and whether these are sufficient to outweigh the conflict with the development plan and these are set out below and considered later in the report.

6.1.20 The applicant has set out what they consider to be other material considerations which should be taken into account by the Council in determining the application. These include the following which will be considered later in this report:

- No countryside function
- Site is within the settlement
- No wider visual impact
- Dedication of land for Railway Station Car Park
- Biodiversity neutral impact
- Over provision of affordable housing
- Housing mix in line with emerging policy
- Eyton Lane link road
- Electric vehicle charging points
- Energy efficient properties
- Delivery of development within 12 months.

6.2 Site Assessment

6.2.1 Whilst the site is not included within the development boundary, it does have the feeling of being part of the settlement. It is not the situation here that the proposed site extends outwards from existing built development and out into the surrounding agricultural land; which can often have a landscape and visual impact. The application site has been fully absorbed into the settlement by virtue of the recent housing developments that have or are being built around it. The application site is effectively a large infill site with all of the surrounding development screening it from the wider area. Whilst the application site is classed as 'open countryside' for planning policy purposes it is entirely surrounded by other residential development which does mean that it no longer has the function or the character of a more typical open countryside location.

6.2.2 The site is classed as open countryside for planning policy purposes and the authorised use of the site is agricultural. However, the site is now enclosed on all sides by residential development and therefore there is limited prospect of the site being used for agriculture because of its small size, relationship to adjacent dwellings and because any access to it would be through a housing estate. It is recognised by Officers that the site is no longer visually related to the rest of the open countryside which surrounds Baschurch and the wider countryside beyond; which typically comprises of open fields defined by hedgerows. It is considered by Officers that the site has a closer affinity, both visually and functionally, to the rest of the settlement than it does the surrounding countryside.

6.2.3 Policy CS5 sets out the types of development which may be permissible in the countryside. The policy also sets out the reasons why development is strictly

controlled in countryside locations. This includes maintaining and enhancing countryside vitality and character and avoiding isolated, sporadic, out of scale development, or which may either individually or cumulatively erode the character of the countryside. It is considered that given the unusual location of this 'open countryside' site some of the rationale behind policy CS5 does not apply to this particular site. Given the passage of time the site has been encircled by other development and has effectively closed off the site from the surrounding countryside.

6.3 Layout, Scale and Design

- 6.3.1 The proposed development consists of 2 storey dwellings and a small number of bungalows. The dwellings propose a mix of terrace, detached and semi-detached dwellings. Access into the development would be from the existing estate road which passes along the northern boundary of the site. The existing estate road would be the only means of entering and leaving the development for vehicles. There would however be a pedestrian option for entering/ leaving the site as footpath connectivity will be provided at the southwestern corner of the site providing a shortened route onto Station Road and onwards into the centre of the village. The scheme also proposes connectivity to the housing development to the east via paths through the proposed area of public open space at the eastern end of the site. The paths will also provide residents of the adjacent development with a shorter route into the village allowing them to bypass part of the busy Station Road.
- 6.3.2 The proposed layout of the site is such so that it integrates with the housing development to the east and once both are completed, they would be visually read as one single development. The area of open space utilises an area of land that already has a more formal and domestic character to the rest of the site as it already benefits from hedgerows and ornamental planting. This area will benefit from the natural surveillance provided by the proposed dwellings to the south (plots 12-15) and also from the dwellings on the adjacent development to the east which are under construction. Both sets of dwellings will have their front elevations directly facing over the area of public open space.
- 6.3.3 The proposed dwellings are all of a traditional design. All the dwellings have concrete tiled roofs and are finished in brick. All have casement windows and a number of the properties have chimneys which help to break up the roofscape. Some of the properties, namely the terrace and bungalow, have some rendered elements on them. It is considered that the mix of dwelling types provides good variation of design across the site; thereby providing visual interest.
- 6.3.4 All of the properties proposed would have an adequate amount of private garden to the rear and each would have two off street parking spaces. Some of the spaces would be to the front of the dwellings and other would be to the sides. Plots 11 and 39 are in prominent corner positions and to maintain the character of the street scene the parking has been provided to the rear of the gardens.
- 6.3.5 It is considered by Officers that the overall layout of the development is

acceptable and that it would provide an attractive development whilst ensuring that there is adequate private and public amenity space and the development is at a density that is appropriate for the site's context.

6.4 Impact on Neighbours

6.4.1 The proposed development will introduce built development on to what is currently an open green parcel of land and provides the outlook from the rear of the existing dwellings on Station Road. Much of the proposed development has a landscaping buffer between the proposed housing and the rear boundaries of the existing dwellings. This is with the exception of the six dwellings at the southwestern corner of the site, where these have their rear gardens, which have a depth of 10m, backing directly onto the rear boundary of the dwelling to the west. Despite this there will still be a distance of separation of around 31m between the facing rear windows.

6.4.2 Across the wider site it is considered that the proposed development provides adequate distance between dwellings and that there would be no detrimental loss of light or privacy to neighbouring occupiers.

6.5 Visual impact and landscaping

6.5.1 As noted above the application site is enclosed by existing/ under construction development. The existing dwellings along Station Road are generally large detached properties. There are small gaps in between these dwellings which will provide intermittent views of some parts of the proposed dwellings; but overall the existing dwellings will significantly screen the development from views along Station Road. The rest of the site will only be visible from either within the application site or from the neighbouring residential developments, thereby prevent any views of the application site from the surrounding landscape.

6.5.2 The application site benefits from hedge planting along the southern and eastern boundaries, interspersed with the occasional tree. The boundary with the dwellings on Station Road is more varied with a mix of hedgerows, fences and trees. The most landscaped area is the part of the site that would form the area of public open space. This benefits from robust hedges and trees planting around its perimeter. The existing planting will be retained with further tree planting and reinforcement of hedgerows proposed as part of the detailed landscape scheme submitted.

6.5.3 An Arboricultural Impact Assessment has been submitted as part of the application which has been considered by the Council's Tree Officer who raises no objection to the scheme. The Tree Officer has confirmed that contrary to his comments there are no trees on the site that are covered by a Tree Preservation Order and neither are there any veteran trees.

6.5.4 It is considered by officers that whilst the development will result in the loss of a green open space there would be no detrimental impact upon the character and appearance of the wider area.

6.6 Affordable Housing and Housing Mix

6.6.1 Adopted policy requires that in Baschurch new residential developments provide a 15% provision towards affordable housing which for a scheme of 48 dwellings would result in a provision of 7.2 dwellings. This would equate to 7 affordable dwellings on site plus a financial contribution to cover the 0.2. The applicant is proposing to provide 10 affordable dwellings on the site which equates to a 21% contribution.

6.6.2 The affordable dwellings would be provided on the following tenures:

- 5 x affordable rent
- 3 x shared ownership
- 2 x discounted sale dwellings

The Council's Affordable Housing Officer has confirmed that the above tenures are considered to be acceptable.

6.6.3 The above over provision of affordable housing is a material consideration which weighs in the application's favour. Not only is the amount of affordable housing greater than the current 15% requirement but it is also greater than the emerging development plan policy which if adopted by the Council would require only a 10% contribution.

6.6.4 In addition to the affordable dwellings being proposed the application is also proposing that of the 38 open market dwellings there are 9 x 2-bed (7 dwellings and 2 bungalows) and 12 x 3 bed dwellings. This equates to 23.6% and 31.6% respectively of the open market dwellings. I. Emerging policy DP1 at point 2b requires that:

At least 25% of open market dwellings will be dwellings with 2 bedrooms or less. At least a further 25% of open market housing will be dwellings with 3 bedrooms or less.

As such the greater percentage of smaller dwellings than are normally provided on similar developments does align with emerging policy DP1 concerning the housing mix.

6.6.5 Across the development as a whole (affordable and open market dwellings) the applicant is proposing 3 x 1-bed dwellings, and 13 x 2-bed dwellings and 15 x 3-bed dwellings. As such 64.5% of the dwellings would be either 1, 2 or 3 bedrooms. The housing mix proposed has been supported by the Parish Council in their consultation response and is a material consideration weighing in favour of the scheme.

6.7 Highway Safety

6.7.1 Access to the site would be via the same route as approved to serve the adjacent housing development. The road is being constructed to an adoptable standard as would the estate road being proposed as part of this current application. A small number of properties would be served by shared private driveways which are mainly located on the extremities of the proposed development. All of the dwellings would have two off street parking spaces. The

application has been considered by the Council Highways Officer who raises no objection subject to the addition of appropriate planning conditions to secure further details of the proposed highway works.

- 6.7.2 The proposed development will also include an alternative route for pedestrians by providing a pedestrian route onto the estate road of the neighbouring development which will create a quicker, safer and more pleasant route towards the centre of the Baschurch; this would cut out the need to walk along a 400m stretch of Station Road which can be busy with traffic especially at peak times. This would not only be beneficial to the residents of the proposed development but also to those of the existing development to the east who would be able to cut through the development proposed on their way into the village centre.

6.8 Open Space

- 6.8.1 The scheme proposes a large area of green open space of around 3,600 sqm at the eastern side of the site, a smaller area at the south western corner where a pedestrian footpath would link through to the neighbouring development and a strip of land along the boundary shared with some of the dwellings on Station Road. In total the development would deliver around 5,240 sqm of public open space

- 6.8.2 Policy MD2 of SAMDev and also DP15 of the emerging plan aims to secure at least 30 sqm of open space per bedroom provided. The development proposed would deliver a total of 142 bedrooms which would require the provision of a 4,260 sqm of public open space. As such the proposed scheme is providing 980 sqm of open space over and above the policy requirements. This over supply is a material consideration which weighs positively in favour of the development.

- 6.8.3 It is considered that the proposed areas of open space have been located and laid out so that they utilise the existing planting on the site and so that they provide a useful purpose for those using the space; whether that be for recreational purposes or to facilitate pedestrian movements through the site. The applicant is proposing further tree, shrub and hedge planting throughout the site which will provide both a visual and ecological benefit.

6.9 Ecology

- 6.9.1 The application has been submitted with an Ecological Appraisal, Metric Report, Japanese Knotweed Assessment along with ecological enhancements details on a plan showing proposed bird and bat box locations and proposed landscaping plans.
- 6.9.2 The ecological assessment of the site concluded that there were no features on the site for potential roosting bats and there are no ponds within 500m of the site so no impact on newts is expected. The site does however offer foraging habitat for hedgehogs and badgers.
- 6.9.3 The Council's Ecologist has considered the impact of the proposal and the implementation and management of the landscaping plan. They have concluded that after excluding the 19 trees to be planted in private gardens from the

Biodiversity metric calculation, it shows the habitat area would be at a small loss of 1.94% as a result of the development. However, it is considered that by including a minimum of 16 bat boxes and 16 integrated swift bricks into the development, as well as a gain in hedgerows there will be no net loss of biodiversity on the site.

- 6.9.4 This application has been considered under the Habitats Regulations Assessment process in order to satisfy the Local Authority duty to adhere to The Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations). Recreational pressure on Cole Mere Ramsar (part of the Midlands Meres and Mosses Phase 2 Ramsar) has been identified as having an adverse effect on this designated site. The applicant has agreed to a financial contribution to Cole Mere Ramsar/SSSI to mitigate for recreational impacts which would equate to £50 per bedroom created.
- 6.9.5 The presence of Japanese Knot Weed on the site has been established and this has been the subject of an assessment by the applicant's ecologist. The assessment is considered to be acceptable by the Council's Ecologist. A condition could be imposed on any consent requiring the submission of further details and the development being carried out in accordance with the assessment.
- 6.10 Station Car Park**
- 6.10.1 As part of this application the applicant is also making land available for the provision of a railway station car park for around 60 vehicles. The land will be made available for a period of 12 years which would enable the local community to continue their ambitious plans to have a new railway station built in Baschurch. It is understood that the provision of space for the car park is an intrinsic part of the plans for a station.
- 6.10.2 The reopening of a railway station at Baschurch is acknowledged within the current Shrewsbury Place Plan as a long-standing project and long-term aspiration of the Parish Council. However, it is not classified as a priority category A or B project in the place plan. Neither does the railway reopening form part of the draft Shropshire Local Plan, and it is currently not an objective of the Councils Local Transport Plan.
- 6.10.3 As noted in the consultation response from the Parish Council, they consider that securing the land for the Baschurch Station car park is a one-off chance to secure the future of the railway station and that without this land for the car park the chance of the opening a station is lost. Prior to the submission of the planning application a public meeting was held and attended by over 250 people. This is reflective of the large number of representations that have been received, the vast majority of which are in support of this planning application.
- 6.10.4 A letter of support has been provided on behalf of the applicant from an experienced Railway Consultant who attended the public consultation meeting. The consultant advises that he regards the proposal to re-open the station as a sensible one and one which he would be happy to support as appropriate. The

consultant also outlines the timescale involved for new rail projects which is largely determined by the need to assemble the necessary funding. The consultant explains that the whole process of station development can take between 5 and 7 years, and estimates that the Baschurch station project is about 6 months into this period.

- 6.10.5 Whilst the proposal for a station at Baschurch is an aspiration for the local community it is evident from the information that has been provided as part of this application that the process is at an early stage. It must be noted that any offer of the land for the purposes of providing the car park will not necessarily lead to the delivery of a station, it is however accepted that securing the land is just one component of the overall project working towards securing a new rail station. It is evident from a large number of the public representations received that much of the support is given on the basis of Baschurch having a new railway station. However, as noted above this is by no means guaranteed, even if the land offered as part of this planning application for a car park is secured. However, the offer of the land for the station car park is a material consideration which can be awarded some weight in favour of the proposal. However, Officers consider that only very limited weight can currently be given to this as a material consideration on the basis that there remains a lot of uncertainty about whether the ambitious plans of the community can be realised.

6.11 Impact on Heritage Assets

- 6.11.1 The proposed housing does lie outside of the defined Baschurch Conservation area but the area that would be made available by the applicant for the station car park would be within the Conservation Area and adjacent to the grade II listed for Station House.
- 6.11.2 In accordance with para 194 the applicant has provided a Heritage Assessment and a Written Scheme of Investigation where the applicant has described the significance of any heritage assets affected, including any contribution made by their setting.
- 6.11.3 Paragraph 199 of the NPPF requires that,
- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 6.11.4 It is considered that the proposed housing will not cause harm to the identified designated heritage assets, due to distance and intervening built and natural form between them and the site.
- 6.11.5 No details of the specification of the car park has been provided as part of this application, the details of the hard surfacing, lighting and landscaping can be secured by planning condition to ensure that any impact on the listed Station House is fully considered.

- 6.11.6 No objection to the scheme has been raised by the Council's Conservation officer.
- 6.11.7 Within the vicinity of the site there are a number of archaeological cropmark sites of likely prehistoric date. This suggests that the proposed development site has low-moderate archaeological interest.
- 6.11.8 A Written Scheme of Investigation (WSI) for a programme of archaeological work has been submitted and has been considered by the Council Archaeologist who has accepted the details of the archaeological works proposed.

6.12 Other Matters

- 6.12.1 The applicant has confirmed that they propose to install electric vehicle charging points within all of the dwellings. This is not a requirement of current adopted planning policy but it is a requirement that is set out in policy SP3 of the emerging development plan. As such the provision of EV charge points is a material consideration which can be awarded some weight.
- 6.12.2 The applicant has detailed that the proposed dwellings will have a 30% reduction in carbon dioxide emissions when compared to the usage of the adjacent dwellings currently under construction. Utilising low carbon technology will reduce the overall level of onsite energy demands. As this is to be a requirement under building regulations little weight can be awarded to this as a material planning consideration.
- 6.11.3 In the submission of the application the applicant refers to the delivery of the Eyton Lane link road as a material consideration. It is understood that the applicant does propose to deliver this link as part of the previous application for the land to the east (21/00666/FUL) sought to facilitate this.
- 6.12.4 The position of the link road falls outside of the current application site and therefore the current proposal has no bearing on whether or not it is delivered. As such in the context of the current application the delivery of the Eyton Lane link road cannot be awarded any weight as a material consideration.

7.0 CONCLUSION

- 7.1 The adopted Local Plan is the starting point for decision making as stated at paragraph 12 of the NPPF. Whilst Baschurch itself is established as a suitable location for sustainable development within the adopted Local Plan because of its inclusion as a community hub, the application site is located outside of the identified development boundary and therefore located within the 'open countryside'. Adopted Local Plan policies (including Core Strategy policy CS5 and SAMDev Plan Policy MD7a) and the National Planning Policy Framework (NPPF) set out criteria which limits new residential development in the countryside however the proposal does not meet any of these exceptions.
- 7.2 As set out above Baschurch is in a healthy position in terms of housing delivery

having already substantially exceeded the 150-200 dwellings that is set out in the adopted SAMDev plan.

- 7.3 Whilst the application site is classed as 'open countryside' for planning policy purposes it is now surrounded by other residential development which does mean that it has lost some of its function and character of open countryside. Policy CS5 has an overall aim to ensure developments maintain and enhance countryside vitality and character, where they improve the sustainability of rural communities by bringing local economic and community benefits.
- 7.4 It is considered that it is an unusual situation with the site being classed as open countryside yet surrounded by built development and this is a material consideration. The site has effectively become an infill site which now sits within the built-up part of the village. It is recognised by Officers that the development of the site would have no landscape or visual impact and neither would it impact upon the overall character of the village.
- 7.5 In addition to the above the scheme does propose a number of other benefits which are material considerations. These include the over provision of affordable housing 20.8% against a policy requirement of 15%, the inclusion of a significant number of 2 and 3 bedroom properties in line with emerging policies and the over provision of open space where 5,240 sqm is proposed against a policy requirement of 4,260 sqm. The scheme also delivers a neutral impact in terms of Biodiversity net gain. Officers consider these are material considerations which can be awarded weight.
- 7.6 Additionally, there is the benefit of securing the area of land in connection with the case for providing a new railway station for Baschurch. Whilst a new station would bring some economic and social benefits to the village it is apparent that the proposal is only at a very early stage and there is a lack of evidence and justification to show that it could become a reality. It is considered that the land being made available for a station car park would be of benefit to the community is only a part of their overall case for a station. However, it is considered that this can only be awarded very limited weight as a material planning consideration.
- 7.7 Accordingly, taking all the above into consideration, the development of the site would bring some local social, economic and community benefits and would not result in harm to the character of the area. There are also a number of other material considerations as set out above. However, as noted above the site is classed as open countryside for planning policy purposes so permitting housing on it would be a significant departure from the development plan in this respect. Additionally, Baschurch has already substantially exceeded its numbers in terms of its housing delivery. It is therefore a question of whether the other material considerations referred to in this report outweigh this substantial overprovision, a clear conflict with the adopted development plan.
- 7.8 It is considered by Officers that the competing factors are finely balanced, however it is Officers view that the material considerations, do not outweigh the

conflict with the development plan and therefore the application is recommended for refusal.

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 six weeks 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 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD7A - Managing Housing Development in the Countryside

MD8 - Infrastructure Provision

MD12 - Natural Environment

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

22/03752/FUL Erection of 48 Dwellings Across 3 Phases with Associated Access Roads, Parking and Landscaping, including Provision of Land for Train Station Car Park PDE

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RGO4RD9600>

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) - Councillor Richard Marshall

Local Member

Cllr Nick Bardsley

Appendices

N/A

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