

Development Management Report

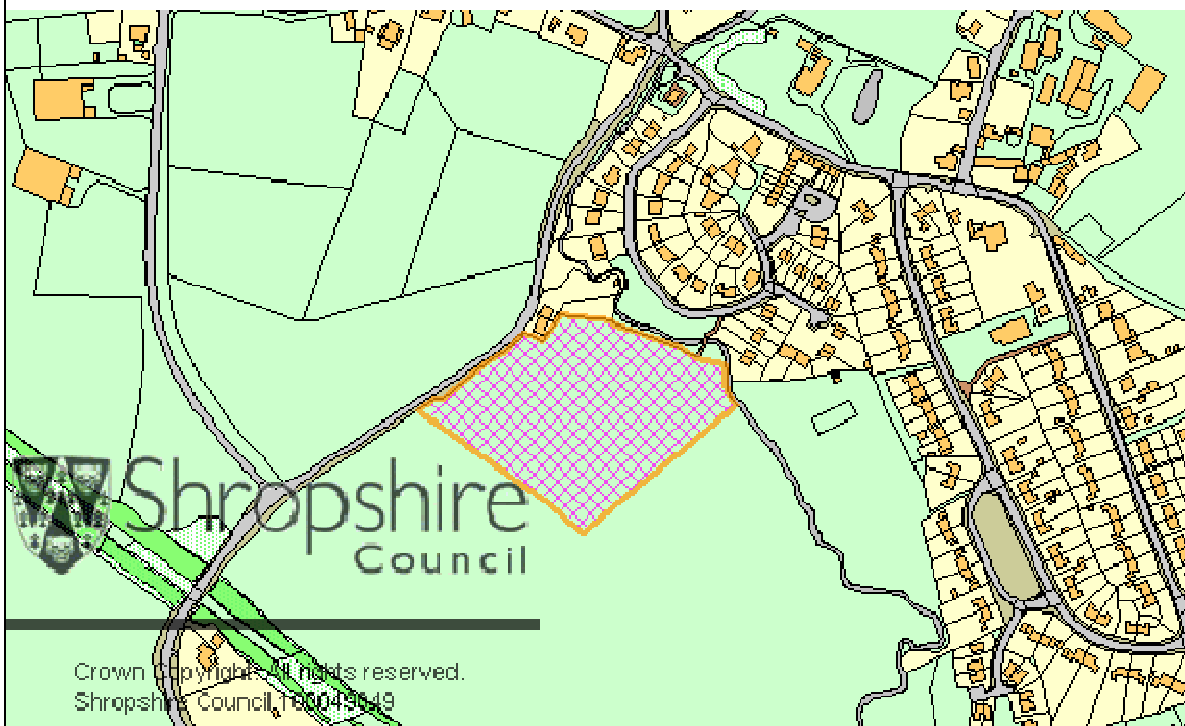
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 14/01036/OUT	Parish:	Ford
Proposal: Outline application for residential development (upto 30 dwellings) to include access.		
Site Address: Development Land South Of Brook Cottages Ford Shrewsbury Shropshire		
Applicant: Oak Street Properties Ltd		
Case Officer: Nanette Brown	email: planningdmc@shropshire.gov.uk	

Grid Ref: 341182 - 313546



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Recommendation:- Grant Permission subject to a section 106 legal agreement to secure an off-site affordable housing contribution and to the conditions set out in Appendix 2.

ADDENDUM

This application was deferred by Central Planning Committee at their meeting on 26th June 2014. Committee's resolution was to defer consideration of the application with members minded to refuse the application in view of its lack of connectivity with the village for both pedestrians and motor vehicles. In conjunction with the Area Planning Manager, the applicant was advised to explore the ownership and provision of the proposed footway across The Leasowes playing field and also any other possible links that would provide a direct and convenient connection to the village centre.

In response to the above deferral reasons the agent has investigated the possibility of provision of the proposed footway across The Leasowes playing field and they have obtained copies of the lease between the former SABC and Ford Parish Council. The lease to Ford Parish Council was granted for 125 years from 1st October 2008. The lease (in clause 2.8.2.2) also provides the tenant for the right to quiet enjoyment of the land without interruption from the landlord. This means that Ford Parish Council would have to grant their consent for the developer to place a footpath over the land.

The applicant's agent has also approached the Ford Parish Council in light of this with a request for the provision of the footpath to be considered. Ford Parish Council has considered this request but has declined to grant any permission at this time. In their response Ford Parish Council have provided details of their concerns relating to such a proposal, as summarised:

- The height of any bridge constructed would need to be substantial to give adequate clearance of a 100 year storm event and would likely be unsightly if designed to permit access by pushchairs and wheelchair users;
- The access road into the playing field is actually a vehicular access road used by maintenance vehicles for the playing field and the residents of the 5 houses on The Leasowes who park at the rear of their properties; this access road is narrow, of only a single vehicle width with no refuge for pedestrians representing a safety risk;
- Heavy pedestrian use of the access road would add to the Parish Council's on going public liability insurance costs;
- The recreation ground is unlit at night and there is presently no need or desire to light it as the use of the area takes place during daylight hours, there is a safety issue if more people and children access the area to walk in the dark across it;
- Potential for increased opportunities for vandalism which would add to direct costs for the Parish Council;
- Any pressure to light the proposed footpath would have a visual and environmental impact on local residents and wildlife.

Further to the Parish Council's response the agent has submitted plans confirming walking distances and times from 19 Manor Crest (located close to the bridge over the brook) following the public footpaths alongside the highway to the following village locations:

The Leasowes Recreation Ground – 0.3 miles – 6 minutes walk
Village Hall – 0.3 miles – 6 minute walk
School – 0.5 miles – 9 minute walk
Bus Stop – 0.6 miles – 12 minute walk
Petrol Filling Station/Shop – 0.7 miles – 14 minute walk

The agent has also provided additional plans that show walking distances and times from 19 Manor Crest utilising a footpath that runs between properties on Compton Mews, at the end of Manor Crest:

The Leasowes Recreation Ground - 0.17 miles - 3 minute walk
Village Hall – 0.17miles – 3 minute walk
School – 0.37 miles – 7 minute walk
Petrol Filling Station & Shop – 0.67 miles – 12 minute walk
Bus Stop – 0.57 miles – 10 minute walk
Four Crosses Public House and Bus Stop 2 – 0.3 mile – 6 minute walk

The agent has also provided the following observations and points relating to the proposed route over the recreation ground, summarised below:

Clearly to promote the use of this access (as requested by Committee) would have a serious pedestrian / highway safety issue and the request for the planning permission to provide for this is unreasonable and un-sustainable. Even if consent was gained from Ford Parish Council to construct the bridge partially on their land (which clearly is not likely) it would only serve the Recreation Ground as the users would be at risk leaving the Recreation Ground to access the village. Having considered this and having due regard to the SPG and sustainable walking distances, the shortest travel distance from 19 Manor Crest to the Recreation Ground is approx 220metres, with an alternative route of 482metres, just 2 metres in excess of the guidance. As the shortest route is well within the SPG, the site is sustainable in respect of this.

The report submitted to the earlier Committee confirmed the sustainability as reported by the Highways consultees in relation connectivity and linkage. The agents consider that such a reason for refusal as requested by committee, taking into account the above Highway safety issue, would be unsustainable at appeal and that the council would be at risk of a costs award.

Officers note that the provision of any footpath across The Leasowes cannot be achieved without the agreement of Ford Parish Council, who have clearly stated with several reasons why they cannot agree to this proposal. In terms of the existing footpath link to the village, (other than any route that would involve walking along Back Lane/Butt Lane) the agent has confirmed walking distances and times for two potential routes after crossing the existing footbridge over the brook, that shows that the site is located within reasonable reach of services such as the

school and recreation ground. The shortest route utilises a footpath that runs through the centre of the terrace of buildings that form Compton Mews and it is noted that this route is not lit along its entirety. The longer routes follow the roadway along Manor Crest that is lit and adds only approximately 2 minutes to the journey times. It is considered that it has been demonstrated that the existing pedestrian links to the village are adequate.

The proposed works to widen part of Back Lane will enable and encourage vehicle users from the application site to access the main road network by turning west out of the site toward the A458 rather than navigate through the village centre.

Meanwhile in respect of policy, following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council's position is that it has identified sufficient land that will address the NPPF 5 year housing land supply requirements. In the calculation of the 5 years' supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF para 49 and these provide the starting point for considering planning applications.

However prior to the adoption of the SAMDev DPD there is still a strong presumption in favour of sustainable sites for housing where any adverse impacts do not significantly or demonstrably outweigh the benefits of the development as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration.

The key factor in determining this proposal continues to be an assessment of whether the proposal would represent sustainable development and whether it is an acceptable scale and design appropriate for the village of Ford.

Appendix 1

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for the residential development of the site. This application is outline with matters of access to be considered, with all other matters reserved (layout, scale, appearance and landscaping) for later consideration. An indicative site plan shows provision of a green buffer along the eastern site boundary adjacent to the brook and a possible new pedestrian link running north/south along this green buffer.
- 1.2 The proposed access to the site has been discussed with Highways Officers since this application was submitted and a revised access plan has been submitted for consideration. The revised plans show the provision of the site access onto Back Lane, with visibility splays and also the widening of the existing narrow section of Back Lane to at least 5.1 metres by realigning the field boundary.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site consists of part of an agricultural (arable) field situated to the south of Back Lane and to the west of the village of Ford. To the west and south of the site lie more fields with the A458 running to the south of these fields. A public footpath crosses the eastern corner of the site, the footpath running in a north/south direction linking the A458 to the village (Manor Crest). The brook that runs to the north west of the site is well screened by existing vegetation and trees.
- 2.2 The closest residential properties are located immediately to the north of the site, Brook Cottages, who front the lane. Other residential properties are located further from the site on the other side of the Brook, to the north east along Manor Crest.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Ford Parish Council have submitted a view contrary to officers recommendation for approval based on material planning reasons that cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman or vice chairman and the Local Member agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 Community Representations

- Consultee Comments

SC Conservation (Historic Environment) – No objection

Background to Recommendation:

The subject lands lie just outside of but immediately south and west of the westerly boundary of the Ford Conservation Area. There are no listed buildings within the subject area and an overview of the relevant circa 1900 archival Ordnance Survey mapping suggests that there may be no heritage assets within the subject area, but

this should be confirmed by the agent. Brook Cottage immediately north of the subject lands are not statutorily listed however the building appears on the archival mapping layer so is at least a pre-1900 dwelling.

Principles of Scheme:

In terms of the historic environment, the proposal needs to be in accordance with policies CS6 Sustainable Design and Development and CS17 Environmental Networks, and with national policies and guidance, including the Historic Environment Planning Practice Guide published by English Heritage and the National Planning Policy Framework (NPPF).

As these lands are sited at an important position adjacent to the Conservation Area immediately outside of the historic settlement of Ford, any development here will need to be sensitively designed in terms of access, building layout, scale of development, elevational detail and materials. A very high quality of design will be expected here and the materials and landscaping need to both reflect and enhance the adjacent Conservation Area, the settlement as a whole and any heritage assets nearby. External materials will need to harmonise well with the built form in the area, and it will need to be demonstrated that the proposal will not have a significant detrimental impact on the adjacent Conservation Area.

RECOMMENDATION:

In terms of historic environment matters, the submission of full design details including external materials and means of enclosure/boundary fencing should be required and conditioned. I would raise initial concerns over the proposed development layout for house 2 in particular.

SC Archaeology (Historic Environment) – No objection

Background to Recommendation:

Initial SC Archaeology comments on this application on 2 April 2014 I indicated the proximity of the proposed development site to two archaeological cropmark sites: a ring ditch (HER PRN 03718) and single ditched rectilinear enclosure (HER PRN 03719). On this basis it was advised that the results of an archaeological field evaluation should be submitted prior to determination of the application. Information has now been provided by the applicant to satisfy this requirement in the form of a Geophysical Survey Report by Stratascan and an Archaeological Statement by Castlering Archaeology.

RECOMMENDATION:

Despite the proximity of the crop mark features recorded on the Historic Environment Record, the geophysical survey has not identified any anomalies of archaeological origin on the proposed development site. It is understood that the character of superficial geology in this area has previously proved responsive to the particular survey technic used and therefore conclude that the archaeological interest of the site it likely to be lower than previously expected. In this respect, the additional information which has now been submitted meets the requirements of Paragraph 128 of the National Planning Policy Framework (NPPF).

Given that the archaeological potential of the site appears to be lower than previously anticipated, confirm agreement to the request set out in Castlering Archaeology's Archaeological Statement that further archaeological evaluation, and any appropriate mitigation thereafter, be secured as a condition of any planning consent. In line with Paragraph 141 of the NPPF, therefore recommend that a phased programme of archaeological work be made a condition of any planning permission for the proposed development. This should comprise an initial field evaluation followed by further mitigation as necessary. An appropriate condition of any such consent would be: -

Suggested Conditions:

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

Reason: The site is known to hold archaeological interest.

SC Highways DC – No objection

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

Technical Approval

Prior to the commencement of the development full engineering details of the site access works, new access road, existing highway/road works, structures, foot/cycleways, surface water drainage, street lighting and carriageway markings/signs, shall be submitted to and approved by the planning authority; the works shall be fully implemented in accordance with the approved details prior to the development hereby permitted being first brought into use.

Reason: To ensure the construction is to an adequate standard in the interests of road safety.

Site Access Works

The widening and improvement works required on the road known locally as 'Back Lane' are to be completed prior to the first occupation at the development.

Reason: To ensure a suitable means of access is established for the development and in the interests of road safety.

Informatives

We understand that the proposed estate roads will be offered up for adoption under s38 of the Highways Act 1980 and therefore these roads are to be designed and constructed in accordance with the Shropshire Council Estate Roads design guide and an agreement will be required with the local highway authority. An agreement under s278 of the act will be required for the proposed site access works on the existing public highway. No works are to be undertaken on the adjacent public highway without obtaining prior approval from the highway authority via the appropriate means.

Key Issues

The proposed access layout first provided with the application was not supported by the local highway authority, as the section of the road known locally as 'Back Lane' proposed to be used for vehicular access to the site was deemed to be unsuitable for the scale of development proposed.

Through negotiation with the applicant's agent a design has now been provided which is acceptable in principle to the local highway authority, as this addresses our previous concerns.

A new footway connection is proposed across The Leasowes playing field which is supported by the local highway authority as this would provide a direct and convenient connection to the village centre. However this work is proposed over land leased to the parish council and we understand they are yet to agree to this.

Background

Concern was raised with the applicant regarding the suitability of a section of Back Lane of to provide an adequate access to the proposed development to the strategic road network; our concern was primarily regarding the narrow section of the lane to the north east of the junction with the private road leading to the poultry units. Following this a site meeting was held with the applicant's agent in order to discuss possible local highway improvement works in order to address the issues raised.

A revised access design has since been provided by the applicant that proposes to widen Back Lane to at least 5.1m throughout the existing narrow section running along the field boundary, which is sufficient for a car and a large vehicle to pass each other. We have requested that a verge also be provided and that drainage enhancements will be required along this section in order to secure vehicular access to the site from the A458 at the Cross Gates junction. We don't consider that any works are required on the remaining length of Back Lane as this appears to have been widened and improved in the past, possibly to accommodate the existing poultry and industrial units. Whilst the old railway bridge does restrict forward visibility and the carriageway narrows to a single lane, this does act as a control feature to help restrict vehicle speeds on the lane.

We understand that the Highways Agency has provided a response over the suitability of the Cross Gates junction and no objection has been made. Visibility from this junction is generally good so it should provide a suitable means of access to the strategic road network from the development.

No improvement works are considered necessary on the section of Back Lane up to But Lane, as any enhancements may lead to increased use where the more appropriate and convenient route for traffic accessing the site is via Back Lane and the Cross Gates junction. However, some people will inevitably travel along this route but any increases as a result of the development are likely to be minor.

The design of the proposed access works is subject to technical approval and hence a condition is requested for this, however the design is now acceptable in principle to the local highway authority.

Pedestrian links are proposed to be provided from the development to Manor Crest and also to The Leasowes recreation ground. We understand that Ford Parish Council who hold the lease for the recreation ground are yet to be directly consulted over the latter route, however we are of the opinion that establishing this link will be critical to the success of the development and to the integration with the local community and therefore we urge the applicant to hold early discussions over this. This link would also provide a direct and convenient route from the site to the primary school and nearby bus stops on The Leasowes and we are open to the notion of adopting this route as a footway.

The sloped topography of this site lends itself well to a landscape-based SUDS scheme and we have requested that should the application be approved early discussions are held with the applicant's designers, our drainage team and the local highway authority to look to maximise the benefit and to minimise the costs of the drainage scheme. If designed well, SUDS schemes can offer wider ecology and amenity value whilst being cheaper to construct and maintain than traditional piped systems.

Following clarification of the connection with existing FP 0416/13/1 and Manor Crest it is considered that the proposed connection to The Leasowes would provide the most direct and convenient connection to the school. The existing walking route via the footpath and footways does indeed provide an acceptable route so it is confirmed that this deals with the previously raised concern.

SC Rights of Way – awaited.

SC Ecologist – No objection

Have read the above application and the supporting documents including the Phase 1 Environmental Survey by Greenscape Environmental dated February 2014. The following conditions and informatives should be attached to any consent

Watercourses

Greenscape (2014) found no evidence of otter and considered the brook unsuitable for water voles. However they recommend a 7 metre undeveloped buffer is retained to the brook to protect the watercourse and its riparian trees. The brook corridor is part of the Environmental Network under Policy CS17.

Condition

1. Prior to the commencement of work on site a 7m buffer shall be fenced off parallel to the banks along the length of the water course, put in place within the site to protect the watercourse during construction works. No access, material storage or ground disturbance should occur within the buffer zone.
Reason: To ensure the protection the Environmental Network function of the brook

Great crested newts

There is one mapped pond within 500 metres of the application site, approximately 200 metres to the north east. This is separated from the application site (an arable field) by housing development, a brook and a lane. Greenscape (2014) consider the barriers will inhibit great crested newt dispersal and do not recommend further

survey work is needed in view of the low risk.

Bats

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

Condition

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

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

Informative

All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

Badger

Greenscape (2014) report the presence of a badger sett over 150 metres from the application site. The following informatives are recommended to avoid injury to any badgers crossing the site.

Informative

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

Informative

Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

Nesting birds

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

Condition

3. Prior to the first occupation of the dwellings details of ten woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow

and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

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

Informative

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

SC Drainage – No objection

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

1. The use of soakaways should be investigated in the first instance for surface water disposal. The SuDs applicability for the area is Infiltration PLUS treatment as the development lies within a groundwater Source Protection Zone. Surface water run-off must be treated through a filtration unit prior to entering the soakaway and also pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

2. On the EA Flood Map, the eastern boundary is shown to be in Flood Zone 3. No building work should take place within Flood Zone 3. A Flood Risk Assessment in accordance with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework should be completed and submitted for approval. The applicant should complete the FRA using Shropshire Councils Strategic Flood Risk Assessment (SFRA) documents for guidance. The SFRAs are available on the Shropshire Council website. The criteria for a FRA are set out in National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework. Reference should also be made to the Environment Agency West Area (Midlands) Flood Risk Assessment Guidance notes.

A FRA should include, as a minimum:

Assessment of the Fluvial flooding (from watercourses)

Surface water flooding (from overland flows originating from both inside and outside the development site)

Groundwater flooding

Flooding from artificial drainage systems (from a public sewerage system, for example)

Flooding due to infrastructure failure (from a blocked culvert, for example)

Flood compensation storage, finished floor levels and evacuation plan should be detailed.

Reason: To ensure that it complies with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework and to ensure that all potential flood risk to the development has been addressed

3. The site is identified as being at risk of groundwater flooding. The applicant should provide details of how groundwater will be managed. The level of water table should be determined if the use of infiltration techniques are being proposed.
Reason: To minimise the risk of groundwater flooding.

4. A contoured plan of the finished ground levels should be provided to ensure that the design has fulfilled the requirements of Shropshire Councils Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.
Reason: To ensure that any such flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.

5. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway
Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

6. Informative: The applicant should consider employing measures such as the following:

Water Butts

Rainwater harvesting system

Permeable surfacing on any new driveway, parking area/ paved area

Greywater recycling system

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

7. The layout of the proposed foul sewage system should be submitted for approval, along with details of any agreements with the local water authority. Due to the scale of the development the foul drainage should connect to a mains system and the use of septic tanks or package treatment plants are not deemed acceptable.

Reason: To ensure that the proposed foul water drainage complies with the Building Regulations 2000(as amended) and Sewers for Adoption 7th Edition.

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

SC Affordable Houses – No objection

If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full application or a Reserved Matters application. The current prevailing target rate for affordable housing in this area is 15%. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. The size, type and tenure of the affordable homes will need to be agreed with the Housing Enabling Team before any further application is submitted.

SC Trees – No objection, subject to condition

The proposed site is to the south west of the village of Ford. It is currently used for agricultural purposes. A small brook runs adjacent to the north boundary. This acts as a green corridor and there are a number of trees growing on the banks of this brook, which are important in the landscape and help to visually separate the proposed site from existing residential housing to the north.

No Arboricultural impact assessment (AIA) has been provided with this application so it is not possible to properly assess the impact of the development on the existing trees or to understand the opportunities for improving the existing arboreal environment that may arise from the development of this land. The applicant has submitted a planning statement that considers that an AIA is not required at this stage as they have provided a 'green buffer' along the north of the development. Given that the only trees that could be affected by or potentially affect the site are on the north boundary, I would accept this approach provided that the buffer is extended far enough to ensure that not trees can be damaged or are likely to negatively impact on the development, and that a full AIA is submitted with the Reserved Matters. The green buffer must be extended to a depth into the site of 20 metres measured from the stem base of the nearest tree. It would be expected that the tree survey and tree constraints plan forming part of the AIA was used to inform the site layout and provision made to retain and protect any significant tree and to accommodate new landscape planting, allowing space for new trees to be established and develop to maturity.

Highways Agency West Midlands – No objection

The proposed development is unlikely to generate a significant number of additional vehicles using the A458 trunk road, and does not border the trunk road boundary. Therefore, it is unlikely to have a significant impact on the strategic road network.

Ford Parish Council – Strong Objection

Ford Parish Council wishes to record its **strong objection** to this application for up to 30 dwellings on prime agricultural land within the rural village of Ford. Ford Parish has clearly stated its wish to be designated open countryside and this has been accepted by Shropshire Council in their final draft of the emerging SAM.Dev plan. The designation as open countryside was requested following extensive consultation with the community, through a Rural Community Toolkit event in 2010 and a comprehensive Parish Plan review in 2012. The requirement for additional affordable housing was further tested in October 2013 through a Parish Housing Needs Survey, which revealed a minimal need within the community that is able to be met by the existing social housing stock. The size of the village is considered by the majority of residents to be optimal and sustainable. Further expansion by 8% of the housing stock is neither wanted nor needed to maintain the services and quiet enjoyment of the community.

The Parish Council objects to this application on the following material planning grounds:

Highways safety and capacity:

The proposed access is from the single track rural road known locally as Back Lane. This is a poorly surfaced road, with passing spaces, constricted by a disused railway bridge, giving access to the A458 at the Cross Gates Public House. The road is used by large, slow moving agricultural vehicles for access to farmland and by a small number of residents to access the cottages on Back Lane and Jackson's Bank. The road is unsuitable for heavy commuter traffic as there is poor visibility and little space for vehicles to pass each other. The development of 30 houses can be expected to introduce up to 60 cars to the lane and generate a huge increase in vehicle movements. There will be significant conflict between residents' cars and agricultural vehicles on a daily basis. There have already been accidents in the current year requiring the attendance of the emergency services, with vehicles colliding whilst trying to pass each other on this lane. Furthermore, there is an existing planning permission for 9 business units on the disused poultry farm site, accessed via Back Lane. If the employment site is developed it is likely to generate a steady stream of medium sized vans and trucks. These vehicles are likely to be in direct conflict with residential traffic, coming into the site just as commuters are attempting to leave for work and vice versa.

Back Lane is regularly used by pedestrians, both for access to the pub and village services and by ramblers, horse riders and dog walkers gaining access to the many rural footpaths and bridleways encircling the village, including the recently completed Humphrey Kynaston Way. The poultry farm access is a key access point for the new bridleway. There is no space for two vehicles to pass between the proposed entrance and the chicken farm site and there is no footpath, so walkers are forced to step onto the narrow grass verge if vehicles are passing. Visibility is poor due to blind bends so an increase in vehicle movements will make the lane dangerous for pedestrians and cyclists.

The developer suggests that vehicles from the development will access the main A458 trunk road via the junction at the Cross Gates PH. This junction is of a poor quality, being in close proximity to the junction with the busy Alberbury Road which has an acceleration lane approaching the Cross Gates junction. Speed compliance on this section of the A458 is poor, being at the bottom of a hill and only just within the 40mph speed limit. There was a fatal accident on this stretch of the A458 in December 2013 and this stretch of road has been the subject of a range of speed enforcement measures in the last three years. For these reasons and because many residents are likely to wish to travel in an easterly direction, towards the employment centres of Shrewsbury, Telford and Wolverhampton, the Parish Council predicts that the majority of vehicles will in fact turn right from the development and access the A458 via Butt Lane.

Butt Lane is also a narrow, rural road, with no footpaths along its northern stretch. It passes over a narrow stone, hump-backed bridge which is unsuitable for heavy vehicles. Children walk to school along this route and there is no space to build a footpath. Butt Lane joins the A458 close to Trinity C of E Primary School. This school serves the wider rural communities of Ford, Yockleton and Cardeston and therefore attracts a large number of vehicles at the start and end of the school day. The parking issues associated with these cars have been well documented but in summary, they cause considerable congestion at the junction during busy periods. There is a traffic calming feature outside the school, obliging vehicles to wait for oncoming cars. The addition of up to 60 vehicles approaching the junction from the north will result in school traffic queuing back to the junction with the A458, blocking the main carriageway and increasing the danger to both pedestrians and through traffic. The Parish Council considers that this is an unacceptable risk when the need for housing at this site is not demonstrated.

The developer has indicated a proposal to construct a footbridge from the site across the Ford Brook into the recreation ground at The Leasowes. The recreation ground is leased to the Parish Council and no request has been received to gain access to the land. There is also no established footpath across the recreation ground. If this route is proposed as an alternative route to the school and parish hall a suitable path would need to be created and a right of way negotiated. Without such arrangements being agreed in principle, pedestrian access to the site must be deemed to be only via Manor Crest or Back Lane.

Housing Need and Sustainability:

The developer has stressed the countywide shortfall in housing land identified by Shropshire Council and suggested that Ford has a moral obligation to address the matter by identifying itself as a Community Hub, on grounds of sustainability. The inclusion of figures for housing targets in Shropshire is of academic interest only and appears to have been included with the intention of clouding the planning issues relevant to the site and the community. The Parish Council has tested the views of the residents on a number of occasions since 2010, using robust and publicly verifiable methods. The views of the Parish Council can be seen to reflect the up to date views of the electorate of the parish as to housing need and growth. The Parish Council will continue to keep these under review in the coming months. The Parish Council stands by its comments as to CIL priorities and understands that without market housing the Parish will have limited access to funds for infrastructure development. The infrastructure priorities of the parish will also be kept under annual review to ensure the community does not risk stagnation or decline. Reference to the identification of Ford as a development village in 2001 by

Shrewsbury & Atcham BC, (now a defunct institution) is out of date and should be disregarded.

The sustainability argument presented as the overriding justification for the development proposal is based on the number of key services enjoyed by Ford. These services are presently at full capacity and do not require additional housing to support them at this time. The primary school has no space to expand and limited outside space to play. The bus service, which is at best a 2-hourly service on 6 days, is barely adequate to prevent new households being heavily dependent on their private cars. There is great pressure on rural bus services, which are heavily subsidised and there is no guarantee that the present level of service can or will be maintained.

There is very little employment in Ford so any new housing is likely to be occupied by commuters travelling to the employment centres of Shrewsbury, Telford and Wolverhampton with the result of an increase in carbon footprint. Despite including a 'conceptual' document suggesting the inclusion of a community centre and recreational facilities, there are no improvements to community services proposed by the developer. Indeed the addition of 30 houses will simply overwhelm the present services enjoyed by the community. In recent years Ford has embraced the need for affordable housing by promoting the development of 10 new homes on a Rural Exceptions Site. This demonstrates that the community is aware of its wider social obligations and the changing needs of society and has responded in a proportionate fashion.

Furthermore, Ford lies within 3 miles of the major urban expansion project planned for Bicton, which will provide extensive housing and employment land. The small demand for affordable housing that cannot be met within the parish can comfortably be met within the Western SUE, without increasing the need for commuting.

Ford does not have a supply of natural gas and as such any new development will be reliant on fuel oil or low pressure gas for heating. The limited choice of suppliers will result in higher prices for heating these homes than would be the case if they are built within the Western SUE and would tend to lead to an increase in fuel poverty, which goes against Adopted CS8.

Environmental Damage and loss of amenity:

The NPPF supports development where it is sustainable and promotes the use of brownfield sites over high quality agricultural land. The site is presently in use for food production and simultaneously supports a wide variety of wildlife. Badgers, buzzards, bats and hares have been recorded on the site and all of these species have protected status. Footpath 13 crosses the eastern tip of the development site and is regularly used by walkers, enjoying an uninterrupted rural outlook. This amenity would be destroyed by the development of housing.

The site slopes up from the brook, which creates a natural sound bowl trapping noise originating from the site. At present, agricultural vehicles are clearly audible from Manor Crest and if approval were to be granted for this site, the noise of construction over many months would be extremely intrusive to the residents of both Manor Crest and Brook Cottages. Once construction is completed, noise from residential vehicles will continue to be an issue, impacting on the amenity of neighbouring properties. The proposals do not include any landscaping features likely to mitigate the effects of this noise nuisance.

Flooding and drainage:

It is acknowledged by the developer that part of the site is subject to flooding and this has been extensively demonstrated over the past 3 months. Back Lane is

regularly flooded between Brook Cottages and the sewage pumping station adjacent to the bridge on Butt Lane. The developer would be expected to ensure that surface water run-off from the site equated to that of a green-field site, however in this case it should be a condition of approval that surface water run-off be significantly reduced, to prevent the continued flooding of the highway. The developer proposes that foul drainage from the site will be disposed of via the existing mains sewer or that an additional sewage treatment plant could be installed. The latter scenario is likely to be the only one achievable without overwhelming the capacity of the existing pumping station, which is already supported by supplementary pumps to prevent overflowing into the stream. This will be required to protect public health. The site is within a groundwater protection zone and any drainage solution must therefore be designed to ensure no contamination of groundwater or surface water systems.

- Public Comments

24 letters of objection have been received to the application and are summarised as follows:

Highway Safety

Back Lane is a narrow single track country lane with no pedestrian path; the developer has shown a pedestrian pavement on either side of the access road being installed; these pavements would go nowhere as there is no space for a pavement on Back Lane; Back Lane has two exits - one directly onto the A458 where to the right, traffic not only comes from the A458 but also from the Alberbury Road slip road that enters the A458 immediately before the Crossgates Pub that is on the corner of Back Lane and to the left is a blind bend; quite recently a woman was killed in a vehicle accident at this dangerous section of road and this increased use of the junction would add to the existing danger; the other exit from Back Lane is via a small hump backed bridge (that has a preservation order on it) to Butt Lane, this route involves an acute right turn and this is a blind turning onto a very narrow bridge that also serves as the pedestrian route to Butt Lane; Butt Lane is a two lane village road that is actually single lane for at least a third of its length due to permitted parking along one side of the road; the pedestrian path is very narrow only being wide enough for one person and passing involves stepping into the road; increased use of this limited village road network is unacceptable; a decision on the Hotel proposal on another part of the site (believed to be by the same applicant) is still outstanding, potentially adding more traffic disruption to the area around the village; the local bus service is insufficient, restrictive and too unreliable to service local residents who may wish to use it to travel to employment, education or other amenities in Shrewsbury; there can be every certainty that the proposed new development will be car dependant.

Noise

The topography of the land at Manor Crest, Cardeston Brook and the field for the proposed development site forms a large sound bowl; at present, this is not too much of a problem as the field is used only by the occasional agricultural vehicle; a new housing development would introduce an unacceptable level of noise and disturbance to the residents of Manor Crest and to the residents of Brook Cottages.

Drainage/Flooding

Back Lane lies in a valley between two higher sloping fields that in the event of rain, results in water running down Back Lane from Jackson's Bank and from the fields on either side; this is a regular feature and this flooding is not confined to alluvial water, raw sewage regularly flows into Back Lane and even the two extra pumps that have been deployed to the pumping station at the corner of Back Lane have not been able to prevent foul water making Back Lane completely impassable; any further development in this area would be unacceptable and would exacerbate the existing inadequate situation; the sewage pumping station would be put under even more pressure; the brook is often polluted with sewerage and also regularly floods the road.

School

The village school at the top of Butt Lane results in parents taking their children to school or picking them up with all roads in the vicinity used for parking and naturally chaos reigns at each end of the school day; whilst the school is officially not totally full to all intents and purposes the school is at capacity with just enough outside space for children to exercise; increasing the number of pupils would not only cause even more traffic problems but it could very well result in this now successful school becoming overstretched with the result that there would be underperforming children.

Local Ecology

Back Lane has a hedgerow running along both sides providing an invaluable habitat for the many birds that presently roost, nest and feed in it as well as providing a safe backdrop for rabbits, foxes and badgers, all of which live in the area; badgers have been followed along Back Lane; the application site is of great environmental value with the boundary hedgerows, wild grass area, trees and brook containing a huge variety of wildlife; these wildlife areas and corridors are currently undisturbed on the edge of a quiet agricultural greenfield site and any form of residential development will cause a huge disturbance and irreversible damage to the valuable ecosystems present in the area.

Localism/Sustainability

The villagers of Ford overwhelmingly feel that there is no need for further housing in the village; this is the villager's decision; the village already has a school, a church, a village hall, a seniors building with function room and a large recreation field - no need for any new community centre; this is not a sustainable development, there are no jobs in Ford for occupants of any new housing meaning all residents will be commuting out of the village on already strained small roads; the telephone exchange is already at capacity and residents already often lose broadband due to faults on the line.

Shropshire Council have refused applications In Worthen and Montford Bridge already (14/00398/OUT & 14/00518/OUT) for reasons relating to adverse impacts on the character and setting of the rural area by reason of location and proposed scale, failing to promote or reinforce the local distinctiveness of the area and the proposed built form would not reflect the scale and proportions of the existing nearby housing; both the Worthen application and the Montford Bridge application are similar in size and nature to the application for housing development on the

field to the rear of Brook Cottages, Ford and the material reasons for objection to the development proposal at Worthen apply to an even greater extent to the application for development at Ford; Ford has a unique historical character and distinctiveness, particularly at the end of the village for which development is being proposed; allowing this development to take place at Ford will irreversibly ruin the historical character and tranquil nature of the village for good.

The NPPF states that "decision making may also give weight to emerging policy". Ford is due to be classified as "open countryside" in emerging development plans following extensive consultations with the local population; two key objectives of the NPPF are to "put power in the hands of local communities" and "to protect places of value"; core planning principals in the NPPF include that decision makers should "take account of different roles and character of areas" and "recognise the intrinsic character and beauty of the countryside."

There are currently two plots of land for sale in Ford; neither has been sold despite being up for sale for over 2 years; there are several houses up for sale, both private and part ownership properties, which remain unsold, demonstrating there not being a need for additional housing in the village.

One additional letter received from the Access and Bridleway Representative of the Shrewsbury & District Riding Club and the Chairman of the Nesscliffe Hills & District Bridleway Association P3 Group summarised as follows:

Back Lane, which is put forward as the access route to this proposed development site for 30 houses, forms part of the recently launched Humphrey Kynaston Way with Circular Routes off it; this is a project that is promoted by Shropshire Council with funding from Natural England's Paths for Communities Project; Back Lane links the off road sections of the route in both directions from the proposed development site entrance; Back Lane is therefore used by horse riders to access the bridleways in the vicinity and is highlighted on the published leaflets, as it forms an essential part of the Humphrey Kynaston Circular Ford route, as well as providing a link for the linear route from the Kittyoak Lane Bridleway via Back Lane to Ford; occupiers of the proposed houses will need to use vehicles to access many facilities, including the local shops and work and there will also be extra traffic brought onto this narrow lane for deliveries and to service the households; extra traffic generated by this large housing development will put non motorised users on Back Lane at risk, including equestrians and there are no measures put forward for their safe passage, nor for the cyclists who use this lane, should the development be granted; Back Lane is currently a narrow country lane with blind bends and the improvements are only planned for a very short distance by the development.

5.0 THE MAIN ISSUES

- Principle of development
- Access
- Drainage
- Archaeology
- Design/Visual Impact
- Loss of Agricultural Land

Ecology
Open Space Requirements

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Council's Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight. Paragraph 12 of the NPPF states that 'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'

6.1.2 With regards to housing development paragraph 49 of the NPPF states that:

'Housing applications should be considered in the context of the presumption in favour of sustainable development'.

and that:

'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'

6.1.3 Shropshire Council has an adopted Core Strategy and CS4 outlines that housing development that is of a scale that is appropriate to the settlement will be allowed in villages in rural areas that are identified as Community Hubs and Clusters within the SAMDev DPD. The SAMDev DPD is at the 'Pre-Submission Draft' stage and paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Council's view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone substantial public consultation, where some degree of weight can be attached.

6.1.4 Ford has not been promoted as part of any 'Community Cluster' and therefore the SAMDev Pre-Submission Draft does not indicate any development boundary. This site is therefore located within open countryside and allowing this proposal would be contrary to the emerging SAMDev DPD and contrary to the PC's aspirations

regarding no new development within Ford. However in the absence of a five year land supply a 'presumption in favour of sustainable development' and the need to boost the housing supply (a government priority) is now the most significant material consideration when determining planning applications for housing and takes precedence over adopted and emerging local planning policy in relation to the supply of housing due to those policies not being considered up to date. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether it is an acceptable scale and design appropriate for the village of Ford.

6.1.5 Ford is a village mostly located to the north side of the A458, with some housing and a petrol station, shop and restaurant and private business located to the east of the village fronting the southern side of the A458. Including these services close by the villagers have access to a range of services and facilities, including a primary school, shop, petrol station, restaurant, public house, bowling club, church and playing fields and it is serviced by two regular bus services from Shrewsbury. The site is located at the western end of the village and it is considered that these services that are all within an easy walking distance of the application site. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services without over reliance or long journeys by private motor car.

6.1.6 However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is 'about positive growth – making economic, environmental and social progress for this and future generations'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

- ② an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- ② a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- ② an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

6.1.7 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide local employment for the construction phase of the development supporting small local builders and building suppliers. The provision of up to thirty additional houses will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also

make a financial contribution to the supply of affordable housing in addition to a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

- 6.1.8 Social role – Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in smaller settlements where it will support facilities within the settlement and those nearby, thereby helping to retain services and enhancing the vitality of rural communities. Providing housing will support and maintain existing facilities and will benefit both the existing and future residents and help meet the needs of present and future generations. It is considered that the additional 30 dwellings now proposed would not provide any significant additional pressure on services that would render them unable to sustain services for residents.
- 6.1.9 Environmental role – The site has no ecological designation and whilst it is currently utilised as open agricultural it has little ecological value. The brook running to the east of the site is of greater ecological value and the proposal states that any development would be kept away from this area so as to cause no impact on the existing ecology of this area. The proposal would have no adverse impact on wildlife and the ecological value of the site could potentially be improved by relevant conditions. The site has been identified as a potential heritage value in terms of archaeology and a report to investigate this issue has been submitted by the applicants agent and this is discussed below. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible to local services and facilities on foot or by cycle and by public transport to the array of services, facilities and employment opportunities in Shrewsbury.
- 6.1.10 Affordable Housing - There is a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full or Reserved Matters application. The current prevailing target rate for affordable housing in this area is 15%. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. The number, size, type and tenure of the on-site affordable units would be discussed and agreed with the Housing Enabling Team prior to the submission of a full or reserved matters application.
- 6.2 Access
- 6.2.1 The proposed access layout first provided with the application was not supported by the local highway authority, as the section of the road known locally as 'Back Lane' proposed to be used for vehicular access to the site was deemed to be unsuitable for the scale of development proposed. Through negotiation between the applicant's agent and SC Highways Officers a design has now been provided which is acceptable in principle to the local highway authority. This revised access design proposes to widen Back Lane to at least 5.1m throughout the existing narrow section running along the field/application site boundary, which is sufficient

for a car and a large vehicle to pass each other. SC Highways officers have requested that a verge also be provided and that drainage enhancements will be required along this section in order to secure vehicular access to the site from the A458 at the Cross Gates junction.

- 6.2.2 The design of the proposed access works is subject to technical approval and highways officers have requested that this be covered by conditions. However the design is now acceptable in principle to the local highway authority.
- 6.2.3 The Highways Officers have not requested or looked for any improvement works to the section of Back Lane leading from the application site up to But Lane, as any enhancements may lead to increased use. It is considered that if the more appropriate and convenient route for traffic accessing the site is via Back Lane and the Cross Gates junction with the A458 then people will more likely travel along this route. It is considered that any increases in traffic towards But Lane as a result of the development are likely to be minimal on this basis.
- 6.2.4 As well as the existing public footpath that crosses part of the site giving pedestrian access into the village, the submitted indicative plans also indicate pedestrian links proposed to be provided from the development to The Leasowes recreation ground. It is understood that that Ford Parish Council who hold the lease for the recreation ground have not yet been directly consulted over this route, however the Highways Officers are of the opinion that establishing this link will be critical to the success of the development and to the integration with the local community and therefore urge the applicant to hold early discussions over this with the Parish Council. This link would also provide a direct and convenient route from the site to the primary school and nearby bus stops on The Leasowes. Highways Officers have confirmed that they are open to the notion of adopting this route as a footway.
- 6.2.5 The Highways Agency has not made any objections to the application. They consider that the proposed development is unlikely to generate a significant number of additional vehicles using the A458 trunk road, and does not border the trunk road boundary. Therefore, it is unlikely to have a significant impact on the strategic road network.
- 6.3 Drainage
- 6.3.1 The Shropshire Council Drainage Engineer has raised no objections to the proposal subject to requesting that conditions are added to any consent granted that require further details of surface water drainage and groundwater management to be submitted for approval, as well as a final foul sewage system design that will likely need to connect to the main sewerage system due to the size of the development.
- 6.2.2 On the Environment Agency Flood Map, the eastern site boundary is shown to be within Flood Zone 3. No building work should take place within Flood Zone 3 and it has been confirmed within the application submission that this will be the case.
- 6.3 Archaeology
- 6.3.1 Initial comments to this application from this Council's Archaeology Team requested that an archaeological field evaluation should be submitted prior to

determination of the application as the site lies in close proximity to two archaeological cropmark sites: a ring ditch (HER PRN 03718) and single ditched rectilinear enclosure (HER PRN 03719). Information has now been provided by the applicant's agent to satisfy this requirement in the form of a Geophysical Survey Report by Stratascan and an Archaeological Statement by Castlering Archaeology.

- 6.3.2 The SC Archaeologist has confirmed that from the submitted reports it can be concluded that the archaeological interest of the site is likely to be lower than previously expected and that any further archaeological evaluation, and any appropriate mitigation thereafter, could be secured as a condition of any planning consent granted, in line with Paragraph 141 of the NPPF.
- 6.4 Design/Visual Impact
- 6.4.1 The application site lies just outside of Ford, immediately south and west of the westerly boundary of the Ford Conservation Area. The site is situated at an important position adjacent to the Conservation, although the brook and its mature planting does provide a visual break between the site and the existing built area of Ford. Shropshire Council's Conservation Officer notes that any development here will need to be sensitively designed in terms building layout, scale of development, elevational detailing and materials but does not raise any objections to the development in principle. These are all details which would be considered carefully at reserved matters stage.
- 6.5 Loss of Agricultural Land
- 6.5.1 The site lies on a Grade 3 agricultural land. The NPPF states at paragraph 112 that "Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality." This factor needs to be weighed in the balance of considerations in relation to this site and taking account of the guidance in the NPPF taken as a whole. In view of the significant weight which must be given to the lack of a 5 year housing land supply in Shropshire, explained in section 6.1 above (Principle of Development), it is considered that a refusal on the grounds of loss of high quality agricultural land could not be sustained.
- 6.6 Ecology
- 6.6.1 A Phase 1 Environmental Survey report has been submitted with this application. The Council's Ecologist has raised no objections to the findings and proposals in relation to ecological matters, subject to conditions including a condition that would seek to protect the brook's ecology by the provision of a protected zone.
- 6.6.2 The Council's Tree & Landscape Officer has identified that the trees running along the north eastern site edge should be protected by a buffer zone within which no development should take place. They also recommend that an Arboricultural Impact Assessment (AIA) should be submitted with any subsequent reserved matters application for layout details, forming part of the design process for the development of the site. This can be required by condition.

6.7 Open Space Requirements

6.7.1 Open space – IPG requires developments of 20 or more dwellings to provide open space on site, to 30sq metres per person. This application design and layout are reserved matters and the provision of open space will therefore have to be designed into a final scheme at the reserved matters stage.

7.0 CONCLUSION

7.1 It is appreciated that approving this development would be contrary to the Parish Councils wishes for the village of Ford and would go against the ideals of 'localism'. However the NPPF is clear that where there is a lack of a 5 year land supply local policies relating to housing are considered to be out of date and that the priority is to boost housing supply and to approve sustainable development in appropriate locations provided there are no adverse impacts of doing so. It is considered that the site is of a sufficient size to accommodate the proposed number of dwellings and would not result in an unacceptable form of development within the village. The proposal would have no adverse environmental or ecological implications and would not impact on highway safety. The detailed, appearance, landscaping, and scale designs will be considered at the reserved matters stage.

7.2 The existing infrastructure is sufficient to support the proposed development and the proposal will provide local needs affordable housing and will be liable for the required CIL payment. It is considered that Ford is a sustainable location for a limited number of new houses (over and above the view put forward by the Parish as part of SAMDev) due to its range of essential services and facilities and its proximity to Shrewsbury with good access to all essential services and facilities without over reliance or long journeys by private motor car. It is considered that the proposal represents sustainable development that will contribute to providing a balance of available housing and would help support facilities and services in this and neighbouring towns and villages and therefore promote '*strong, vibrant and healthy communities*'. It is therefore recommended that members support this application and grant planning permission in line with clear guidance within the NPPF. Permission, if granted, should be subject to the completion of a S106 Agreement to secure the provision of affordable housing in accordance with the Councils adopted policy.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although

they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS4, CS6, CS9, CS11 & CS17

RELEVANT PLANNING HISTORY:

11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

See planning file

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member - Cllr Roger Evans

Appendices

APPENDIX 1 – Report

APPENDIX 2 - Conditions

APPENDIX 2

Conditions

STANDARD CONDITION(S)

1. Details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:

The number of units
The means of enclosure of the site
The drainage of the site

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

5. The details submitted as part of any reserved matters application for 'layout' shall contain a full Arboricultural Impact Assessment (AIA) that shall include a tree survey and tree constraints plan in order to retain and protect any significant trees.

Reason: In the interest's amenity and to ensure a satisfactory form of the development.

6. The development shall be carried out strictly in accordance with the deposited plans and drawings as amended by the revised plan Numbers 1257-01-A, 1257-02-A, 1257-03-A _ 1257-04-A received on 12th May 2014.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. No development approved by this permission shall commence until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.
Reason: The site is known to hold archaeological interest.
8. Prior to the commencement of the development full engineering details of the site access works, new access road, existing highway/road works, structures, foot/cycleways, surface water drainage, street lighting and carriageway markings/signs, shall be submitted to and approved by the planning authority; the works, including the widening and improvement works required on the road known locally as 'Back Lane' shall be fully implemented in accordance with the approved details prior to the development hereby permitted being first brought into use.
Reason: To ensure the construction is to an adequate standard in the interests of road safety.
9. No development shall take place until a scheme of surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.
Reason: To ensure satisfactory drainage of the site and to avoid flooding
10. No development shall take place until a scheme of Groundwater drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.
Reason: To ensure satisfactory drainage of the site and to avoid flooding
11. Prior to the commencement of work on site a 7m buffer shall be fenced off parallel to the banks along the length of the water course, put in place within the site to protect the watercourse during construction works. No access, material storage or ground disturbance should occur within the buffer zone.
Reason: To ensure the protection the Environmental Network function of the brook

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

12. Prior to the occupation of any part of the development the layout of the proposed foul sewage system along with details of any agreements with the local water authority should be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the proposed foul water drainage complies with the Building Regulations 2000(as amended) and Sewers for Adoption 7th Edition and to ensure satisfactory drainage of the site and to avoid flooding.
13. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small,

privately owned, domestic gardens shall be submitted to and approved by the local planning authority prior to the occupation of the first dwelling. The landscape plan shall be carried out as approved and retained thereafter.

Reason: To ensure the long term maintenance of the amenity green space.

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

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

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

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

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

Informative(s)

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
2. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.
3. We understand that the proposed estate roads will be offered up for adoption under s38 of the Highways Act 1980 and therefore these roads are to be designed and constructed in accordance with the Shropshire Council Estate Roads design guide and an agreement will be required with the local highway authority. An agreement under s278 of the act will be required for the proposed site access works on the existing public highway. No works are to be undertaken on the adjacent public highway without obtaining prior approval from the highway authority via the appropriate means.

4. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.
5. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.
6. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.
7. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.
8. Consent is required from the service provider to connect into the foul main sewer.
9. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
10. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.