

Development Management Report

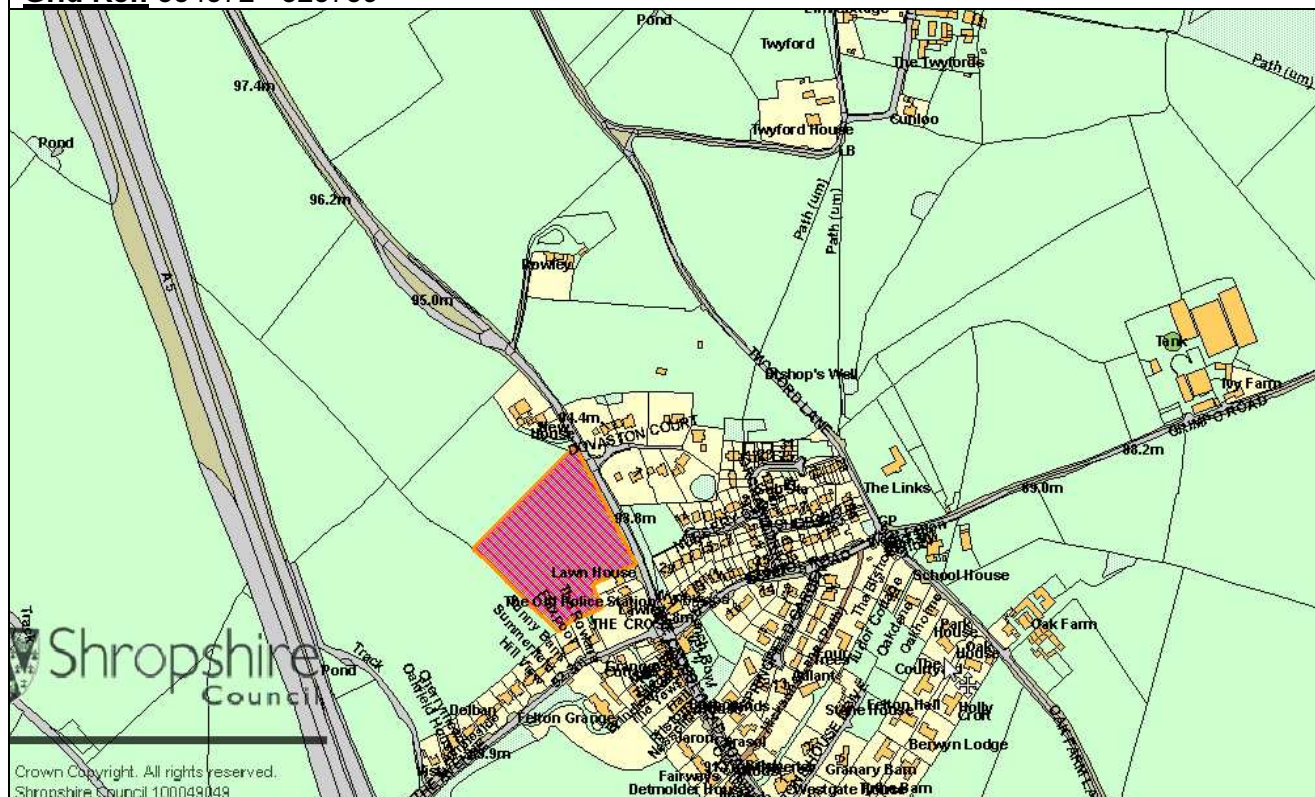
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 14/00133/OUT	Parish: West Felton
Proposal: Outline application for mixed residential use; formation of new vehicular access and estate roads and creation of public open space	
Site Address: Development Land At The Cross West Felton Shropshire	
Applicant: Galliers Homes Limited	
Case Officer: Karen Townend	email: planningdmne@shropshire.gov.uk

Grid Ref: 334572 - 325759



Recommendation: That delegated power be granted to the Area Planning Manager to grant permission subject to no new material planning issues being raised as a result of the re-consultation on amended plans, and subject to the applicants entering into a S106 agreement to secure affordable housing at the rate relevant at the time of the submission of reserved matters and subject to the conditions as listed below.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks outline planning permission for residential development on the land off Holyhead Road, West Felton, opposite Dovaston Court and between New House and Lawn House. All matters of layout, scale, appearance, access and landscaping are reserved for later approval and as such the application seeks consent for the principle of developing the site for housing. The application form suggests 25 dwellings in a mix of 2, 3 and 4 bed properties, a new estate road and public open space. Of the 25 houses 2 are indicated as being affordable dwellings. An indicative layout has been submitted to show how 25 dwellings could be built on the site but is not for consideration at this time.
- 1.2 In support of the proposal the application has been submitted with a design and access statement, highways assessment, drainage and flood risk assessment and ecological report.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is 1.53 hectares in area and is currently in agricultural use. It is located on the edge of the existing village between the built up village and a single detached house and outbuildings. Opposite the site is the Dovaston Court development, which is a group of detached houses off a single cul-de-sac, and the open space between Nursery Close and Holyhead Road. Nursery Close is a cul-de-sac off Orchard Drive and is detached and semi detached houses in smaller plots than those on Dovaston Court.
- 2.2 The field is set at a lower ground level than the adjacent road and is enclosed with hedging. There is a grassed verge between the hedge and the road but no footpath on this side of the road.
- 2.3 West Felton is a village which was previously identified in the Oswestry Borough Local Plan as a Larger Settlement where new development would be concentrated. It currently has a school, shop, Chapel, hall and public house. The housing is a mix of the original village centred around The Cross and the small area on the opposite side of the new A5 and more recent developments. The housing does not follow any set form, design or appearance, however it is in the majority two storey.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Councillor Charmley has requested that the application be considered by the North Planning Committee to discuss the sustainability of the site and the concerns over traffic, infrastructure, school places, carbon emissions and loss of agricultural land and ecological habitat. Furthermore the Parish Council has objected to the proposed development which is contrary to the officer

recommendation.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 West Felton Parish Council – Following consultation on the amended plan and additional information commented:

WFPC has not yet had time to see the amended plans but WFPC still **strongly OBJECTS** to this amended plan for the following reasons:

- a. This application which WFPC has *repeatedly objected* to for many reasons represents 25 houses more than WFPC's SAMDev target of ZERO new houses in this village - which 89% of respondents to the updated West Felton Parish Plan state they wish to remain as *Open Countryside* with ZERO new market housing.
- b. The three new large housing estates in the village are: 35 at Tedsmore, 25 at The Cross and 12 on Twyford Lane so this *total of 72 houses* would create a significant adverse cumulative effect or "*Housing Shock*".
- c. This development would represent an undesirable extension of the village *beyond the village boundary*.
- d. *Any reduction in the width of Holyhead Road* or any introduction of other traffic calming measures on this road such as a chicane with lights or signs showing priority right of way would create problems at the best of times and *chaos* during the several times each year when traffic is diverted off the A5 through the village.
- e. WFPC fully agrees with SC's four reasons for REFUSAL namely: Visual harm to the character of a rural village by extending the built up area beyond its existing boundaries; Loss of Agricultural land; Harm to pedestrian safety; Cumulatively, with the 35 houses already granted off Tedsmore Road it would result in a significant increase in the number of dwellings with consent outside of a plan-led process with a detrimental effect on community cohesion.
- f. The amended plan only tries to address the harm to pedestrian safety and with a deeply flawed dangerous plan at that.
- g. Cllr Steve Charmley has agreed to see that if SC Officers seek to *grant* this plan it *must* go to committee.

Previous comments received:

STRONGLY OBJECTS to this plan because it is unsustainable for these reasons:

exacerbating existing traffic problems, insufficient infrastructure in the village, no places in the village school, insufficient professional jobs in the village creating extra travelling and increased carbon footprint also leading to a dormitory village scenario, adverse environmental effects upon this feeding ground for many wild species including endangered birds, loss of prime agricultural land.

Additional reasons for WFPC'S STRONG OBJECTION are as follows: the volume impact of all these houses being built all at the same time would have an adverse effect upon the existing village community and village life, it would also be contrary to the expressed wishes of the vast majority of the local inhabitants, and it negates our SAMDev status of Open Countryside.

West Felton Parish Council strongly objects to this proposal for speculative development on the grounds that this development would form yet another test case, where if permission were granted this development would cause demonstrable harm to the village as it would be contrary to the policies and principles of sustainable development as documented in the National Planning Policy Framework (NPPF), adopted Core strategy and SAMDev.

Over the last 25 years 270 houses have been built in the parish, a 75% increase from 1988 house numbers, 214 of these have been built in West Felton Village almost trebling its size. In 2005 parishioners were asked about the future direction housing should take within the parish as part of the consultations for the current Parish Plan. 73% of respondents stated they wanted to see no more development in the village for the next local plan period as the village should be given some 'breathing space'.

With this in view West Felton Parish council expressed the overwhelming feelings from the Parish to Shropshire Council that West Felton should become Open Countryside to the period to 2026. This has now been carried forward through at least three rounds of public consultation. A poll was carried out in March 2013 asking residents if they still wished West Felton to be carried forward as Open Countryside or to become a Hub or Cluster, out of 402 responses returned, 384 (95.5%) responses expressed the view to maintain Open Countryside. This is conclusive evidence of the wishes of villagers of this resilient community, who through localism and engagement in the parish planning process should be listened to and their wishes acted upon.

We believe that the National Planning Policy Framework does not change the statutory status of the development plan in Shropshire as the starting point for decision making. Proposed development that conflicts should be refused unless other material considerations indicate otherwise. The adopted core strategy is in full conformity with the NPPF, therefore the NPPF does not indicate otherwise, furthermore the Core Strategy is of recent adoption following all the necessary legal and policy steps – an up to date local plan.

Page 28/29 of the Core Strategy States that: *“ In rural areas, new development of a scale and location appropriate to the size, role and function of each settlement will have delivered significant community benefit, helping places to be more sustainable”*

Policy CS2 states *“ Develop the role of Shrewsbury as a sub regional centre, and Shropshire’s market Towns and key centres as more sustainable and self sufficient settlements, providing the main focus for new housing, employment and infrastructure development and the preferred location for a range of services and facilities to serve the wider needs of their respective hinterlands”*

Para 49 of the NPPF states that *“Housing applications should be considered in the context of the presumption in favour of sustainable development. 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”*.

The Shropshire Site Allocations and Management of Development (SAMDev) Plan

complements the core strategy by identifying the sites that will meet the agreed core strategy vision and housing requirements – the SAMDev plan is at an advanced stage, having undergone three stages of public consultation, and most importantly exists in the context of a recently adopted Core Strategy and a positive approach towards delivery.

Para 216 of the NPPF states that: *“Decision takers may also give weight to 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 the framework the greater weight may be given.

The Planning Minister, Nick Boles, has recently confirmed that emerging plans may be afforded some weight (Hansard 17th July 2013), stating that, “We will make it clear that once a plan has reached the point that, first it has become specific and secondly, it has gone through a fairly substantial level of public consultation it will be come something of real materiality – to use a lawyers phrase – as a consideration in decision making”

It is Shropshire Council view that the SAMDev plan has reached this point being settlement and site specific and having undergone very substantial public consultation, namely three months of Issues and Options consultations in spring 2012 and eight weeks of revised Preferred Options consultation in July / August 2013

In view of the above, West Felton Parish Council considers that there is a very clear case for refusal of this application even before sustainability factors are considered.

Sustainability

Para 14 of the NPPF states: *“The Policies in Paragraphs 18-219 of the NPPF taken as a whole constitute the Governments view of what sustainable Development in England means for the planning system”*.

Presumption in favour of Sustainable Development or is the proposal “sustainable”? Sustainable means as defined by the UK Sustainable Development Strategy *Securing the Future* sets out five guiding principles of sustainable development.

- Living within the planets environmental limits;
- Ensuring a strong, healthy and just society;
- Achieving a sustainable economy;
- Promoting good governance;
- and using sound science responsibly

Para 14 of the NPPF states that *“at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should*

be seen as a golden thread running through both plan-making and decision-taking”

For decision taking this means: Where the development plan is absent, silent or relevant policies are out of date, granting permission unless: - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

West Felton Parish Council feel that the adverse impacts of this scheme far outweigh the benefits (of which we struggle to find any for the community) and that demonstrable harm to the village will be caused if permission is granted.

They Include:

1. Promoting long distance commuting to work (dormitory villages) West Felton is not well placed for large scale housing development as there are few employment opportunities, (if any in the village) and few services / shops within the village, therefore the village will act as a dormitory village promoting car travel and increasing carbon dioxide emissions - this cannot be ignored as since sustainability is the golden thread it must be given significant weight. Dormitory villages are not sustainable and do not promote a sense of community spirit and were specifically excluded as an option for village development right at the start of the Core Strategy consultations.

- 2 Loss of the best and most versatile agricultural land - Para 112 states: *“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 higher quality.* The site forms part of the open countryside and is situated on some of the best quality agricultural land in the locality, (thought to be Grade 2) as demonstrated by the site been flat, level, with deep soil, fertile, very free draining and relatively stone free. It is able to be cultivated or grazed for 12 months of the year. There is also no evidence that land of this quality is essential and *demonstrated to be necessary* to be used for development, as other sites of much lower quality have already been put forward and accepted in the Oswestry Area through the SAMDev process and will meet the projected housing growth to 2026

3. Capacity of School - West Felton School is over capacity – any further development in the village will increase out commuting to take / collect children from school promoting car travel and increasing carbon dioxide emissions - this cannot be ignored as since sustainability is the golden thread it must be given significant weight.

4. Congestion at A5 Junctions Weirbrook / Queenshead - Queenshead junction over the years has had a proven track record as an accident black spot with many fatalities since its construction. This development is at the North of the village and as such the use of the Queenshead Junction will be much increased by some 50 + additional cars. At peak times there are significant queues to get onto the A5 which lead to drivers taking chances and on some occasions causing accidents. This development will increase the

problems of congestion at this junction.

5. Effect on the amenity and wellbeing of residents through the connection with the Countryside. - Throughout the Parish plan consultations, a major factor that has dominated public engagement sessions is resident's connection with the surrounding countryside. Building a large estate in this location will cause demonstrable harm to the village amenity and the wellbeing of nearby residents. We strongly feel that a massing of residential properties in this location will create Urban Sprawl and remove the intrinsic beauty of the connection with the countryside that can be viewed as you travel north out of the village. Para 109 states that: *"The planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscape, geological conservation interests and soils."*

6. Effect on Wildlife - Whilst it is accepted that this site is Agricultural land, local evidence suggests it is a valuable feeding ground for Lapwing (which have also nested previously) and has been for at least 30 years. Large flocks of Fieldfare, Redwing and Starlings are seen on a daily basis visiting the site as the farming methods employed have directly led to a good source of food. Barn Owls are also seen regularly during the evenings hunting along hedgerows around the site. We therefore consider this site to be valuable for the maintenance of species that have been shown to be in serious decline on a national basis.

West Felton Parish Council is concerned that we now have developers seeking piecemeal, green field sites, such as this application site which are not related to Shropshire's development plan which has established through much public consultation sustainable sites to meet the needs of Shropshire to 2026. This application is not based on any evidence of housing need for the village nor has it been consulted upon at a pre application stage in clear contravention of Para 66 of the NPPF *'Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of views of the community'*

The current situation relating to the 5 year housing land supply probably wont increase the numbers of houses built but will give developers an opportunity to ignore identified sites in preference to more developer led, unplanned but profitable Greenfield sites in open countryside – this is what is now proposed for West Felton.

Wages are generally low, and employment opportunities limited in the former Oswestry Borough area. We believe that this proposal will attract people from outside Shropshire who will then commute considerable distances to their place of employment creating a dormitory village. This is not good planning in the 21st century when sustainability must be a material consideration, SAMdev has real 'materiality', to grant permission would harm the public perception of the planning system, which is harm to planning itself and peoples perception of a just society. We request that this application is refused so that the important planning principles involved can be tested at appeal if necessary.

WFPC Additional Objection to Planning Application 14/00133/OUT

This Parish Council has already objected strongly to Shropshire Council Planning application 14/00133/OUT. This additional notification is to evidence the reasons for those objections with reference to the National Planning Policy Framework (NPPF) and other relevant Planning related guidance.

Traffic - It is noted that the Highways Agency are not able to comment upon Planning applications of less than 50 houses. This means that the potential safety implications of cumulative applications for more than 50 houses can be hidden. Recently Planning application 13/01221/OUT has been approved for 35 houses and 4 commercial units. The additional 25 houses subject of this application means a potential addition of 60 houses and 4 commercial units.

We therefore request that Highways Agency are informed of the combination of these 2 applications, in the sure knowledge that more potential applications of this type, from the same or other applicants are waiting in the wings. This is covered in NPPF para 32, bps 2 and 3. The additional weight of traffic, particularly on the dangerous Queens Head/A5 junction is drawn to the attention of planners and the Highways Agency. How many small applications will it take to have a proper assessment of traffic infrastructure needs?

There is also particular concern at the immediate environment of access from this site on and off Holyhead Road. The lack of proper pavement on the western side of Holyhead Road in this vicinity means that pedestrians using the site will be forced either to cross the road more frequently, merely to find access to a full pavement but with an intention to cross back to the western side of the road to access the current local village centre shop premises, or such future shop premises as may exist in that location.

Agricultural Land Grade - This Council is aware, from information from a national soil laboratory, that the agricultural land grade of the site is at least grade 3a and probably grade 1. Each of these grades is defined with Planning Policy Statement (PPS) 7 as being "The best and most versatile land." This is considered in NPPF paras 17, bp 7, 109, 110 and 112. Such land is offered protection from development, in that the need to develop agricultural land should first be demonstrated and, if needed for development, then land of poorer quality should be used in preference to that of higher quality. This Council demands that the applicant, at their cost have the land surveyed to determine its proper agricultural land classification and that the determination of this application awaits the results of the relevant survey.

This will serve to educate not just on this application, but also on potential other, cumulative applications in a similar location, such as those adjacent to this site. We owe it to our future generations to preserve our best quality agricultural land. On page 2 of NPPF is quoted "Resolution 42/187 of the United Nations General Assembly, (which) defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs."

School - We are aware that West Felton CoE Primary School has recently had new extensions to cover the needs of the existing school role. CIL funds of

£75,000 have been earmarked by SC's education authority from application 13/01221/OUT to cover the additional school influx likely from that development. These additional 25 houses will put even more pressure on the school. This is covered by para 72 of NPPF.

CO2 emissions - NPPF devotes many paragraphs to the need to use Planning to reduce the nation's carbon footprint; notably NPPF paragraph 7, bp 3 and in paragraphs 34, 37, 93 and 95. The village of West Felton is already a dormitory village, with people travelling long, unnecessary distances for work, secondary schools, shopping and most leisure. The creation of dormitory villages is against this NPPF guidance. The environmental role in development, with the economic role and social roles is equal are mutually dependant; para 8 NPPF.

Democratically expressed local wishes - West Felton's 2005 Parish Plan is still extant and, up to date. Despite that a new parish Plan is being worked on. In the first Parish Plan 75% of people expressed their wish for no further large-scale development in the parish. The recent Parish Plan conducted a poll, which showed that 95.5% of the survey respondents (45% of Parish adults) were opined against further large-scale development. It is accepted that the lack of Shropshire Council's ability to meet its 5 year housing land supply means, according to NPPF para 49 that, "Housing applications should be considered in the context of the presumption in favour of sustainable development. 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."

However, NPPF para 17, bp 1 defines the need for, "...empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area." West Felton's plan is up to date. Paragraph 69 of NPPF requires local authorities to, "...involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning." Bearing in mind the amount of work already undertaken by West Felton's Parish Plan group, the determination of this application, against the clear majority wishes of residents, is a 'slap in the face' for this process and can only make it more difficult to encourage people to continue this vital work.

Biodiversity - The site is one locally renowned for wild birds which fill the old, well-established and therefore good habitat hedgerows on this edge of village site. This is covered by para 109 of NPPF bp 3. Para 110 says, "Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework." Development here would go against this principle. This Council requests a wildlife survey of birds in the vicinity of this site to determine is worth to biodiversity and the need to protect species such as Lapwing, which are regularly seen in the vicinity, as guided by NPPF para 117 bp 3.

Edge of Village - Core Strategy 17 at para 7.8 refers to promoting and maintaining links between urban areas and the adjoining countryside. This application, if granted will have the reverse effect, severing the existing, edge of village link between the urban area and surrounding countryside.

Pre application engagement and front loading - This Council wishes to point out

that there has been no community engagement about this application, as is advised in NPPF paras 188-190. This has already caused considerable resentment in the village and does not bode well for local views about the application.

WFPC further objection

The Planning Practice Guidance was published on 6th March 2014, giving greater clarity to a range of material planning considerations. West Felton Parish Council ask that in light of this new guidance that further assessments are now carried out for the two yet to be determined applications above, with particular reference to the impact of cumulative developments on a settlement.

Planning Practice Guidance 2014

This guidance gives additional information to inform para 32 of the NPPF, Under Transport Assessments (Para 13) Reference 42-013-20140306 bullet 6 and 7 it makes reference to specific situations where Transport assessments are needed which are very important to all the applications in West Felton because of the affect on the junctions with the A5.

Bullet point 6

Relates to the need for a TA where the cumulative impacts from multiple developments are situated in a particular area.

Bullet point 7

Relates to whether there are particular types of impacts around which to focus the TA or statement such as assessing the traffic at peak times.

Although the DOT have signed off the application at The Cross, in light of this new guidance, as the housing numbers at the Cross and Tedsmore Road exceed 50 dwellings, (not to mention Twyford Lane) cumulative impacts now need to be taken into consideration at the A5 Junctions, before a decision is reached.

We also believe that due to the presence of protected bird species on both Twyford Lane and The Cross application sites, there is a requirement under Habitats and Wild Bird Directives to ensure a proper survey is carried out.

We also reiterate that full Environmental and sustainability surveys are carried out in respect of:

- The Best and Most Versatile agricultural land
- Climate Change
- Carbon reduction

We are aware that clearly the site for 13/01221/OUT had previously been identified in the SHLAA as appropriate for the full process of Environmental Impact Assessments by Shropshire Council under their adopted Planning and Local Plan procedures. The site has been through the stage 1 process and had been identified as ready for the stage 2 process. Obviously the stage 2 process did not happen.

Also it is now clear that Shropshire Council during the relevant stage 1 assessment referred to the parcel of land since subject to application

13/01221/OUT as “The Best and Most Versatile Agricultural Land” and was also aware that the ‘Twyford Lane’ application is on land of a similar quality.

- 4.1.2 **Learning and Skills Officer** – The school is more than full and any additional pupils from housing will exacerbate the overcrowding problem. If we were to provide a new classroom, which forecasts suggest we will need to, then we could be looking in the region of a £300k cost, particularly in the light of the difficulties of the site. In which case, it may be fairer on the proposers, but yet still feasible from an education viewpoint, to adapt/extend the current building in other ways. In order to generate funding for this, I have used our calculation formula that tells us how many school pupils we are likely to get from each development and multiplied that by the government’s per place figure. This is the regular way we work out a precise cost in these matters. For the two proposed developments above, the figures produced in this way are:

Twyford Lane (5-6 pupils): £67,213

The Cross (4/5 pupils): £52,510

If these sums put the CIL premium from each development in difficulty, is there an S106 route?

- 4.1.3 **Conservation Officer** – Does not consider that the development will have an adverse impact on the setting of the heritage assets in the vicinity and therefore does not wish to comment any further on the application.
- 4.1.4 **Affordable Housing Officer** – Core Strategy Policy CS11 requires all open market residential development to contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application.
- 4.1.5 **Highways Agency** – The supporting documentation with this application states that there will be 25-30 trips in the peak hour and approximately 175 movements per day. DfT circular 02/2013 states that “a development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe”. The impact of this development and the recent Tedsmore Road development, individually and cumulatively, is not considered severe.

In addition, the A5 Queens Head and Weir Brook junctions are not considered to be operating at capacity.

It should also be noted that Amey are undertaking detailed design for a safety improvement scheme at Queens Head junction. This is in response to a small number of previous incidents predominantly involving drivers turning right into Holyhead Road. Construction is currently due to take place in the summer.

As the impact of the development is not considered to be severe and the safety of

Queens Head is to be improved further by a scheme currently in the development, the Highways Agency offers no objection to this planning application.

- 4.1.6 **Highways Officer** – Verbally confirmed that the amended plan resolves the concerns raised previously regarding pedestrian safety. Formal update to be provided at the meeting.

Access

Whilst the application seeks permission for residential development of the site, all matters are reserved for subsequent approval. Nevertheless the application submission provides an indicative layout in order to demonstrate that a satisfactory access to the land can be achieved in accordance with acknowledged highway standards and to the appropriate criteria based upon the site being located within a 30 mph speed limit. Moreover, although the indicative plan indicates the potential provision of 2.4 x 43 metres visibility splays in both directions, appropriate to 30 mph traffic speeds, in reality splays well in excess of 43 metres would be available from a centrally positioned access point. The highway authority conclude therefore that a satisfactory means of access to the site can be achieved.

Traffic

As with the previous housing application on land adjacent to Tedsmore Lane, concern has again been raised regarding the impact of additional traffic on the highway network including the cumulative impact upon the Trunk Road junctions on to the A5. The latter is a matter solely for the highway agency and I note their consultation response dated 4 April.

Insofar as Shropshire Council as the local highway authority is concerned in relation to the local highway network, it is considered that the traffic likely to be generated by the development of the site can be accommodated without an adverse capacity or safety impact. This acknowledges the cumulative impact of the permitted site at Tedsmore Lane and further development being promoted in respect of current application 14/00734/OUT. The highway authority advise that any objection based upon highway safety or traffic impact would not be sustainable.

Accessibility and Sustainability

From a transport perspective, West Felton can be considered a sustainable location in terms of access to a school, church, local shop and recreational facilities. All these facilities are within reasonable walking distance of the proposed development site.

Public transport service 70 operates on a half hourly basis between Shrewsbury and Oswestry, stopping at the Punch Bowl PH within West Felton.

Based upon the above the highway authority do not fundamentally question the sustainable credentials of this site in terms of the availability of local services within reasonable walking distances and public transport provision to travel to Oswestry and Shrewsbury.

- 4.1.7 **Ecology Officer** – No objection subject to conditions and informatives.

The site has the potential to support nesting birds. The hedgerow boundaries to the north and west of the site are to be retained. The hedge to the east of the site, the frontage, is to be replaced. In order to enhance the site for biodiversity a landscape plan should be submitted. New hedgerow planting should be of species rich, native, local species variety and artificial nests should be provided.

The site has the potential to support foraging and commuting bats and as such bat boxes should be provided.

The pond at 180m west of the site was assessed as being dry in 2011 and 2014. No further GCN survey work is required to support this application.

4.1.8 **Shropshire Wildlife Trust** – Shropshire Wildlife Trust has a number of concerns relating to this development. However given the limited ecological value of the majority of the site we are not lodging an outright objection.

The ecological survey report accompanying the application is somewhat questionable and the Planning Authority should carefully consider whether it is adequate to fully inform the planning decision. Limitations of the report include:

- It was not undertaken at the most appropriate time of year and appears to have involved little survey effort.
- Desk study using limited NBN data, which requires written permission prior to use for commercial purposes. A more thorough search would have revealed an historical record of an Annex 2 bat species (Lesser Horseshoe Bat) in the immediate vicinity.
- There was no habitat suitability index assessment undertaken on the ephemeral pond for great crested newts.

We have also been alerted to:

- Lapwings, fieldfares, redwings, and starlings present on the field.
- A pair of barn owls regularly seen feeding along the hedgerows.
- Bat Roosts in adjacent properties.
- Potential impacts on mature oaks if access footpath to village requires upgrading – this does not appear to have been covered by the survey.

Should the application be granted permission we recommend that the following conditions are required:

- Hedgerows are retained (replacement of boundary hedge along the Holyhead Road frontage should be prior to the removal of the existing hedge) .
- Public Open Space provides biodiversity enhancements and is subject to an ecological management plan.
- Features for bird nesting / bat roosting are built into the properties.

4.1.9 **Drainage** – **The drainage details, plan and calculations could be conditioned** and submitted for approval at the reserved matters stage if outline planning permission is granted.

The Highways and Drainage Report outlines some of the sustainable drainage systems (SuDS) to be explored for use on the site. Full details, plan and calculations of the proposed SuDS should be submitted for approval. This should illustrate how the development will comply with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework for the particular flood zone / site area and Shropshire Council's Interim Guidance for Developer, and how SUDs will be incorporated into the scheme. As part of the SuDS, the applicant should consider employing measures to reduce surface water.

As stated in the Highway and Drainage Report, soakaways will be investigated in the first instance, which 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. 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

Confirmation is required that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

Consent is required from the service provider to connect into the foul main sewer. If the service provider is Welsh Water, Section 104 Agreement has to be in place before any physical work on the drainage system can start on site.

4.1.10 **Severn Trent** – No objection subject to a condition to require details of the drainage plans for surface and foul water to be submitted for approval.

4.2 **Public Comments**

4.2.1 54 letters of representation have been received raising the following concerns:

- Site is outside the development boundary
- Will extend beyond the current village
- Loss of countryside
- Layout suggests further development beyond the application site
- Proposed density out of keeping with nearby developments
- No need for more housing in the village
- No jobs in the area
- Would result in increased commuting and carbon emissions
- Increase pressure on the junctions onto the A5
- Increase traffic through the village
- Village is used as a diversion when there is an accident on the A5
- The road from the village hall to the Cross is regularly congested with parked cars
- Current traffic speeds
- Pedestrian access dangerous
- Footpath to shop and school is only 600mm wide in parts

- Village school is over subscribed and no medical facilities
- Adverse impact on neighbouring properties
- Loss of enjoyment of gardens
- Loss of privacy and views
- Land is of excellent agricultural value – grade 3a
- Impact on wildlife, noting barn owls and Lapwings
- Loss of historic hazel hedge and any replacement would take decades to mature yet may be removed or altered by future residents
- Pressure on sewerage system, water and electricity
- Risk of flooding

4.2.2 An objection has also been received from CPRE Oswestry stating similar issues to those above.

4.2.3 One letter of support has been received on the following grounds:

- The village is well located, not too far from a market town and on a bus line
- There is a school
- The village has space

5.0 THE MAIN ISSUES

- Policy & principle of development
- Is the site sustainable?
- Economic considerations
- Social considerations
- Environmental considerations
- Layout, scale and design
- Impact on residential amenity
- Highways, access, parking and rights of way
- Ecology and trees
- Drainage

6.0 OFFICER APPRAISAL

6.1 Policy & principle of development

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

6.1.2 The NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking (para. 14), so it applies, as a material planning consideration, in any event. The NPPF specifically aims to 'boost significantly the supply of housing' therefore, the fact (and degree)

that a proposed development helps to boost housing supply is a significant material consideration to which considerable weight must be attached. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply.

- 6.1.3 In September 2013 the housing land supply in Shropshire fell below the 5 year requirement. This has now been updated following the submission of the SAMDev Final Plan to the Planning Inspectorate. The Council is now in a position that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. However, in calculating the 5 years' supply the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies as there are significant unresolved objections which will not be resolved until the public examination and adoption of the SAMDev. It is not until adoption that full weight can be given to the SAMDev.
- 6.1.4 In the intervening period between submission and adoption sustainable sites for housing where the 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 such it remains officer's advice that it would be difficult to defend a refusal for a site which constitutes sustainable development and that the presumption in favour of sustainable development at paragraph 47 of the NPPF is given greater weight than either the adopted or forthcoming policies. The NPPF does not permit a housing development free-for-all, the principle issue for consideration is whether the development is sustainable or not when considered against the NPPF as a whole. As such a development which is not sustainable can be refused against the NPPF but officers advise that caution should always be taken when considering refusal against the NPPF. Paragraph 14 advises that the adverse impacts of granting consent would need to significantly and demonstrably outweigh the benefits.
- 6.1.5 It is acknowledged that the site is outside the development boundary previously set within the Oswestry Borough Local Plan. As such the application has been advertised as a departure from the adopted local plan and would not normally be supported for development. However, these policies are at risk of being considered "time expired" due to their age and the time which has lapsed since the end date of the plan. Officers therefore advise that it is appropriate to assess this site within the context of the 'presumption in favour of sustainable development'.
- 6.1.6 The Parish Council and local residents have commented that the site is contrary to their SAMDev allocation as open countryside. This is also acknowledged, however at this time the SAMDev still holds little weight as has not yet been submitted for examination by the planning inspectorate. Once submitted, the weight which can be accorded may increase but it may then be reduced as regards the policies or elements of the plan which have attracted objections and which need to be resolved at examination. On this basis it would be difficult to attribute any significant weight to the designation of West Felton as open countryside until objections to that designation have been resolved. Officers are sympathetic with the local community and the work which has been done to get to the position of wanting to be open countryside and the work that the community plan to do in the future.

- 6.1.7 Policy CS6, amongst a range of considerations, requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Policy CS7 states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services. And policy CS9 states that development that provides additional dwellings or employment premises will help deliver more sustainable communities by making contributions to local infrastructure in proportion to its scale and the sustainability of its location.
- 6.1.8 Given the above, whether the site is appropriate for development rests on whether it is considered sustainable. The presumption is in favour of sustainable development as tested against the NPPF as a whole. The three dimensions of sustainable development; economic, social and environmental all need to be considered jointly and simultaneously in reaching a judgement about sustainability (NPPF paragraph 8).
- 6.2 **Is the site sustainable?**
- 6.2.1 The objections from West Felton Parish Council and local residents consider that the site is not sustainable on the grounds that it is distant from supermarkets, employment opportunities and other types of services and facilities and the associated increase in vehicle movements and emissions. Objectors consider that this would be contrary to National policies and adopted core strategy policies in relation to impact on climate change. Objectors consider that West Felton is a dormitory settlement for other employment centres and that the level of house building within the last 25 years has led to the settlement reaching its optimum size. In their opinion the capacity of the existing services and infrastructure have been met and the village does not need any more housing to help with its sustainability. Furthermore concerns are raised about the potential for further housing development pressure in the village.
- 6.2.2 Whether a site is sustainable is not judged purely on the distance from services, facilities or employment. The Council's adopted Core Strategy sets out the principle that new housing development will be supported in designated Hubs and Clusters and as such to say that a site is not sustainable because it is located within a small village or community with limited facilities would be contrary to this part of the Core Strategy and the approach taken in SAMDev of allocating housing in some rural settlements. Furthermore, the NPPF at paragraph 55 acknowledges that development in rural areas can support services and urges that it should be located where it can maintain and enhance the vitality of rural communities. The distance from services, facilities and employment is one of a number of factors to be taken into account when undertaking the planning balance. Alongside issues of impact on highway safety, ecology and development of agricultural land.
- 6.2.3 The agent has submitted a statement in response to the concerns raised by the Parish Council, and local objectors, noting the presumption in favour of development within the NPPF and that limited weight can be placed on the SAMDev. They have also noted that there is no definition within either the Core Strategy or the SAMDev as to the level of services and facilities, population or any

other criteria to determine whether a settlement is sustainable or not and that the SAMDev has been formulated on the basis of the views expressed by Parish Councils rather than an assessment of sustainability. The agent has also noted within the submitted Design and Access Statement that, although West Felton Parish Council have indicated that they wish to be open countryside and not have any further development, West Felton is one of the larger villages in the Oswestry area and has a range of local services and facilities.

- 6.2.4 Paragraph 7 of the NPPF sets out the three dimensions to sustainable development and provides an overview of what is considered to be the economic, social and environmental roles of the planning system.
- 6.2.5 However, this is also not a free for all and the cumulative impact of additional new housing is also a material consideration. Recent planning inspectors' decisions have taken into account the adverse impact of increasing the number of dwellings in a settlement, outside of the plan making process, as a material consideration. Substantial increases in residences could result in harm because of the need to allow time for proportionate increases in infrastructure and for the community to adapt, and the possible adverse impact on community cohesion. Developments such as this can be required to contribute to improvements in local infrastructure so far as they are needed to mitigate the effects of the specific development and it is acknowledged that CIL payments can address this. However the benefit of plan led development is that it can be brought forward with any necessary supporting infrastructure.
- 6.2.6 While West Felton may have some capacity to accommodate new housing the capacity is not limitless. The 2011 census for West Felton recorded 600 dwellings, including the area of West Felton on the opposite side of the A5. The recently approved scheme at Tedsmore Road approved 35 houses, which would equate to an increase of 5.83% and there are other consents which have been completed since 2011. The current proposal would add a further 25 houses and therefore an increase on the 2011 census figure of 10%. The agent is seeking to argue that this is not a significant increase in the number of houses, however officers consider that this increase outside of the plan led process is an adverse impact of the development which is a material consideration to be weighed against the development in the overall planning balance albeit not a matter which on its own outweighs the need to provide additional housing.
- 6.2.7 In response to notifying the agent of the above concern the agent has commented that the development of the site, although within the control of a house builder, would be market led. The agent considers that it is unlikely that the 25 houses would be built all at once and that it is more likely that there would be a slower provision of new housing at approximately 6 dwellings per year. This may provide members with some assurance that the impact on the community cohesion is not likely to be severe. Although this is not a matter which would be reasonable to control by condition the identified harm resulting from this development may not be as severe as it could be and would need to be balanced against the benefits.
- 6.2.8 It is also acknowledged that the application at Tedsmore Road, which has now been approved, will increase housing numbers as detailed above. On their own any one of the three applications, Tedsmore Road (13/01221/OUT), The Cross

(14/00133/OUT) or this application at Twyford Lane (14/00734/OUT), would increase housing numbers but not to an extent which officers consider would tip the balance of the material harm to the village. The amended scheme reducing the number of houses has also now reduced the potential cumulative impact of recommending consent for this development and the application at Tedsmore Road, which has been permitted.

6.3 **Economic considerations?**

- 6.3.1 Within the design and access statement the agent has noted that, as the developer has an option on the site, that early commencement of the development can be assured. The agent also notes that the new housing will support the village shop and that the village is served by Arriva Bus 70 which connects the village to Oswestry and Shrewsbury and other surrounding villages regularly through the day. It is accepted as the government has made clear that house building plays an important role in promoting economic growth to which significant weight must be given and as such weight should be given to the benefits of boosting housing supply and the economic gains from housing.
- 6.3.2 Given the concerns raised by the Parish Council and local residents about the reliance on the private car and as such the increases in traffic and CO2 emissions officers have considered the opportunities for non car based travel and can confirm that buses from Oswestry stop in West Felton adjacent to the Punchbowl Inn from 7:05 at least once an hour up to 18:35 and from Shrewsbury from 8:11 to 19:41. The journey from West Felton to Shrewsbury takes approximately 32 minutes and the journey from West Felton to Oswestry takes approximately 26 minutes and also stops outside Oswestry College. This provision is very good in comparison to large parts of the rural areas of Shropshire and officers consider that weight can be given to the opportunities for bus travel from and to West Felton. The residents of West Felton do not have to rely on the private car as many other areas of rural Shropshire do.
- 6.3.3 To require all development to be close to employment and all services and facilities would restrict the areas in which development could be provided to Shrewsbury and possibly Oswestry, though objectors have questioned whether Oswestry has sufficient employment. This restrictive approach would not be sustainable in itself and it would not promote rural rebalance or help with the sustainability of the remainder of Shropshire. The principles set in the Shropshire Core Strategy allow for development in Hubs and Clusters, some of which are much smaller areas with less services and facilities than West Felton and with no public transport links. As advised on the previous application at Tedsmore Road, officers consider that West Felton is a village which could support additional housing and which with new development could enhance the existing services and facilities it has.
- 6.3.4 Although, as advised above, it is accepted that the capacity for new housing in West Felton is not limitless and the local community already consider that it has reached its limit in their request to be considered as countryside within the SAMDev, the scale of development proposed is not considered to be substantial, either on its own or cumulatively with the other proposals, and is not considered to not result in significant development in the village.

6.4 **Social considerations?**

- 6.4.1 The development will provide additional housing including affordable housing. Of the 25 houses indicated, two would be affordable units and there would also be a requirement to pay a financial contribution to provide the 10% affordable housing as required by the current supplementary planning document. However, as an outline planning application the level of affordable housing to be provided would have to comply with the requirements set out in the SPD at the time of the reserved matters application. This may increase or decrease but as an outline the S106 would require the affordable housing to comply with the SPD. The provision of housing is itself a material consideration and is a clear benefit which should be given significant weight in the determination of the application. The acceptance by the developer to provide affordable housing should also be taken into consideration. In addition to the affordable housing the proposal includes an area of open space, which can be provided with a local area for play (LAP).
- 6.4.2 Concern has been raised by the Parish Council and local residents about the capacity of the village school. This concern is noted and if there is inadequate infrastructure to serve the development it could be a harm weighing against the development. However, the development proposed would provide a mix of house sizes and types and may also be occupied by families whose children are either already at West Felton School or do not wish to move from the school they are attending. The Council Education Officer advised that for a development of 35 houses the predicted new school place requirement would be 4/5 places. As required by policy CS9, the development of this site would be required to contribute to infrastructure through the payment of the Community Infrastructure Levy (CIL). The agent has estimated that for 25 houses the floor space would be around 2531sqm and therefore a CIL payment of £80 per sqm would be £202,480 which could be used to contribute towards the enhancement of the existing school alongside other infrastructure projects in the local and wider area.
- 6.4.3 Currently the Oswestry and Surrounding Area Place Plan does not list improvements to West Felton School to increase pupil places as a priority, although the Learning and Skills Team is currently updating its priorities for the Place Plans. Any additional funding required would need to be identified as a priority infrastructure requirement in the Place Plan and CIL proceeds allocated for that purpose. If planning permission is granted for the development on the basis that it is necessary for the additional education funding to be provided, then this item and the associated financial contribution will be fed into the annual review of the Place Plan as a result of being identified through the development management process, and funding allocated accordingly. This approach was agreed by the Portfolio Holder's decision in the report dated 14th February 2014 (see Section 4 Governance arrangements for projects not included on the CIL List).
- 6.4.4 The potential impact on the school places could be a harm which would weigh against the development, but may be balanced out by the benefits gained from the CIL contribution. As such little weight can be given to this potential harm as there is no evidence that the CIL contribution would not overcome the harm. The provision of market and affordable housing and CIL contributions are social benefits which can be afforded positive weight in the determination of the application.

6.5 Environmental considerations?

- 6.5.1 Concerns have been raised about the development of this site which is on agricultural land; outside the existing village boundary, beyond existing housing; will impact on the amenities of the village as a whole and specifically on the amenities of the residents adjacent to the site; will be detrimental to highway safety, both locally and in the wider area due to increase in traffic at the junctions with the A5; and significantly impact on ecology through the loss of feeding ground for bird species on the at risk register, the habitat of owls.
- 6.5.2 It is acknowledged that the development will be on agricultural land which is currently on the edge of the village however the agent has commented that, in his opinion, this would not prevent views of the countryside from the village, the development will extend the village but it will still be surrounded by open countryside and the agent considers that it would still retain strong visual links with the countryside.
- 6.5.3 The Parish Council have, as with the application off Tedsmore Road, objected on the grounds of the loss of agricultural land quoting paragraph 112 of the NPPF and noting that this application site is very good land which is flat, free draining and has been seen to be used for crops and grazing all year round, including during times of high rainwater. They have commented that the land may be grade 2 or 1 but the evidence which they have since submitted, which they received from Natural England, relates to a survey of some of the land around West Felton by MAFF in the 1980's. The information is acknowledged by the Natural England advisor who sent it to the Parish Council that it may not be accurately representative of the soil classification today. Furthermore the application site was not specifically assessed at that time. As such it is not clear what grade of agricultural land the application site lies within.
- 6.5.4 The current map provided on the Natural England website shows the land to be grade 3 but does not confirm whether it is 3a or 3b and without an up to date assessment it is not possible to confirm whether it is 3a or 3b. Although the Parish Council consider that an up to date survey should be undertaken the NPPF does not prevent development of agricultural land, or require a sequential approach to the development of agricultural land. It seeks to protect the "best and most versatile" land from significant development.
- 6.5.5 As with the application at Tedsmore Road there are three issues here, firstly planning inspectors decisions has established that the need for housing is considered to be demonstrating the need to develop on agricultural land and as such there is no requirement for each developer to demonstrate a need specific to a site. The fact that the Council has been under delivering on housing land supply demonstrates that development is required and the authority has accepted that some of this development will have to be on agricultural land. Secondly the scale of the development is not significant when considered against the overall need for housing or the amount of agricultural land available within Shropshire. It may seem significant, alongside the other applications in West Felton, in terms of the agricultural land around the village. However at 2 and half hectares it is not considered to be significant when considered against the above matters and the advice from Natural England which the Parish Council refers to. Within that

advice it notes that Natural England should be consulted on all developments over 20 hectares. Even taking the other three sites into account the total development around West Felton would be around 6 hectares and approximately 92 houses. Thirdly, and finally, the NPPF suggests development of lower quality land should be preferred. The NPPF does not require development to only be on lower grade land but seeks to develop lower grade as a preference. In Shropshire the areas of lower grade identified on the Natural England map as grade 4 and 5 are predominately river valleys and high ground. There are no areas identified as 4 or 5 around Oswestry and, although it is accepted that the map does not define between grade 3a and 3b, the application site is not considered to be any higher quality than the majority of Shropshire.

- 6.5.6 On balance, although officers acknowledge that the loss of this parcel of agricultural land is a harm resulting from the development, the loss of land is not significant and therefore it is advised that some, but limited weight should be given to this in the overall planning balance and it would not on its own outweigh the presumption in favour of sustainable development. The loss of the agricultural land itself does not make the development unsustainable as the NPPF requires the assessment of whether a development is sustainable or not to consider the whole of the NPPF and balance the harm against the benefits.
- 6.5.7 In considering the location of the site the Parish Council and local residents are concerned about extending the development beyond the village boundaries. The agent's opinion is noted above and it is acknowledged that the application site is close to services and facilities in the village and would still be bounded by agricultural land. However, this application would extend the built area of the village on this side of the main road, with the exception of one dwelling and its outbuildings (New House). Furthermore, the dwellings on this side of Holyhead Road and the minor road leading from The Cross are road frontage dwellings, and although the overall village does have a mix of road frontage and small estates the immediate area around the application site is road frontage properties with open countryside beyond. Officers consider that the development of this site for a small estate would alter the character of the area and would, as any development extending the edge of a settlement, result in harm.
- 6.5.8 However, this harm has to be quantified in the overall planning balance. Any housing development on the edge of a village will result in harm, but there also needs to be acknowledgement that there is not sufficient land within settlements to provide for the housing supply required in Shropshire. There will be a need for some developments on the edge of settlements to support overall growth. What needs to be considered is whether the harm is significant and demonstrable. The agent notes that the site is not classified as visually, historically or environmentally important in that it is not a designated site. Furthermore, it is on the edge of the existing built development and would be read with the backdrop of the existing village. Although the immediate surrounding built form is of roadside development this is not a character of the wider village and the proposed development will harmonize with the village over time.
- 6.5.9 There would be some harm in developing this site and that is acknowledged but officers do not consider that the harm would outweigh the benefits gained from new house building in terms of providing housing and affordable housing, both of

which are national requirements, providing a contribution towards infrastructure in the form of a CIL contribution and providing open space. Officers advise that developing beyond the existing village edge is an adverse impact in the overall planning balance but not one which officers would consider as significant.

6.6 **Layout, scale and design**

6.6.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. Section 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

6.6.2 Within the design and access statement the agent has commented on the indicative layout and principles of the future development of the site. It is suggested that the development would reflect the general character of West Felton and provide a range of house types, sizes and appearances including bungalows. Laid out in an informal layout to reflect the nature of the settlement with short cul-de-sacs the density is at 16.4 dwellings per hectare. It is suggested that two storey development would be along Holyhead Road and the bungalows would back onto the existing bungalows on The Avenue. Each property would have defensible private amenity space and there would be a separate area of open space of 0.24 hectares which is in line with the requirements of the Interim Planning Guidance.

6.6.3 However, the current application is for outline planning permission with all matters of layout, scale and appearance reserved for later approval. Although the principles suggested by the agent would be appropriate for the site the indicative layout is for indicative purposes only and has not been submitted for consideration or approval. Officers have some concern with the position of the terrace houses along the road frontage but this is not a matter for consideration at this time. A further application will be required for the approval of reserved matters which would then detail the layout, scale, appearance and landscaping. At that time the development proposed would have to be considered to be acceptable in context with the existing village and the indicative layout now provided would not set any precedent for what could be developed on the site.

6.7 **Impact on residential amenity**

6.7.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. As an outline application with all matters reserved for later approval it is not possible to fully consider the impact on the amenities of neighbouring residents. Objections have raised concern about the loss of privacy, amenity and the loss of views. This latter point is not a material planning consideration, private views are not protected in planning, whether the development has an adverse impact on the character of the area is considered elsewhere in the report but a private view of an open field is not protected.

6.7.2 The indicative layout plan does show that the site could be developed providing separation distances of over the suggested minimum of 21 metres between facing

elevations of existing and proposed properties or providing blank gables to existing elevations with windows or proposed elevations with windows facing towards existing blank gables. Although it is acknowledged that the development will result in a change of use from agricultural to residential this use is not considered to result in noise or any other pollution that would be significantly harmful as to adversely affect the amenities of existing residents. As noted above the development will change the outlook of the existing properties but this is not a material planning consideration. Officers consider that the development of the site could be achieved without substantial adverse impact on the amenities of the existing properties and would not result in overlooking or loss of light.

6.8 **Highways, access, parking and rights of way**

- 6.8.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. The development proposed at this site is for 25 dwellings and therefore does not meet the trigger to require a transport assessment, however the concerns of the local community regarding the cumulative impact of the three sites proposed for new housing in West Felton is noted and so too are the concerns about the potential impact on the junctions onto the A5. The application has been submitted with a highways and drainage report and the Council Highway Officer and the Highways Agency have both been consulted.
- 6.8.2 A single vehicular access is proposed off Holyhead Road with visibility splays of 2.4m by 43m in both directions and internal estate roads of between 4.5m and 5.5m with 1.8m footpaths. The submitted highways and drainage report notes that the access can be provided onto Holyhead Road with sufficient visibility in line with the requirements for a 30mph area. Within the response to the local objections the agent has advised that it is their opinion that the traffic conditions in the village are not significant and there has not been any major traffic congestion or serious accidents in the recent past. It is the agents opinion that the traffic problems referred to are more perceived than actual and it is unlikely that 25 dwellings would make a significant difference to the highway situation.
- 6.8.3 The Council Highway Officer has confirmed that the indicative layout for a single point of access would provide a satisfactory access to the site in accordance with national standards for a site within a 30mph speed limit and that visibility splays well in excess of the 43 metres required would be available.
- 6.8.4 Furthermore the Highways Agency have not raised any objection noting the cumulative impact of the proposed development and the application at Tedsmore Road; the potential traffic movement levels and the capacity of the A5 junctions. It is the advice of the Highway Agency that the impact of this development and the recent Tedsmore Road development, individually and cumulatively, is not considered severe.
- 6.8.5 The development will result in an increase in traffic movements, however, the

village is served by a bus service as detailed above, and any rural housing development will result in an increase in traffic movements. Although the concerns of the local community are noted, the traffic resulting from this development, even in combination with the other proposed developments in the village, would not result in a unacceptable or severe impact on highway safety or result in traffic movement levels that would warrant refusal of the scheme on its own. The increase in traffic is a harm although one which can only be given limited weight in the overall planning balance as the impact is not severe.

6.9.6 Concern has also been raised locally about the width of the footway in the immediate area and this has also been noted by the Council Highway Officer in his response. The existing footway is on the opposite side to the development and along the frontage of the development is considered to be an appropriate width and continues beyond the application site to outside the village signs. However, it is noted that there are sections of the existing footway further towards the village shop which are narrow and which could not be widened without harming a locally important wall and trees. The Highway Officer has noted that the width is 0.65 metres at its narrowest point and for the whole of this reduced section is under 1 metre in width. This is well below acknowledged standards and forces pedestrian users to walk in the highway which raises pedestrian safety concerns which would be increased by the development of this site.

6.9.7 In response to this concern the agent has submitted a plan proposing a new footway along the edge of the application site, passed the three existing houses and to the junction of The Avenue. The plan proposes the reduction of the width of the public highway from the edge of the application site along the front of the adjacent properties and moving the give way lines of The Avenue into the main road. This would reduce the width of the highway from 6.2m to 5.5m which would still be within the requirements of Manual for Streets. A re-consultation has been undertaken on this amended plan and updates will be provided at the committee meeting, however the recommendation reflects the potential that further comments may need to be taken into account after the meeting.

6.9 Ecology and trees

6.9.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. An ecological survey has been undertaken and submitted with the application and this has been considered by the Council's Ecologist and Tree Officer.

6.9.2 The ecology survey submitted considered potential species and habitats within 2km through record research and field surveys. The research identified bats within 3km, otter within 2km and great crested newts within 3 miles. The field surveys note the condition and species of the field boundary hedges; the oak tree in the adjacent field, which the author considers may be a summer roost for bats, and redwings were noted amongst more common species garden birds. The survey found no evidence of badgers, herpetiles or barn owls but did note birds overwintering. The report does not recommend any further survey work or licences or any mitigation beyond retaining the hedges.

- 6.9.3 However concerns have been raised by the Parish Council and residents about the impact on ecology especially Lapwing, Fieldfare, Redwing, Starlings and Barn Owls. The site is currently bounded by established hedges on all sides and as such has the potential to support nesting birds and as an agricultural field may attract birds feeding after sowing or ploughing. The indicative layout suggests that the hedge fronting Holyhead Road will be replanted and this has raised concerns locally. The design and access statement advises that the existing boundary hedgerows will be retained and strengthened but that the roadside hedge might need to be replaced to provide adequate visibility. The agent has since confirmed that this hedge will be removed and replanted behind the visibility splays.
- 6.9.4 Shropshire Wildlife Trust have also raised concerns about the ecology report and its detail but, as noted above, have not objected to the development and have suggested matters which could be conditioned to mitigate against any impact. The Council Ecologist has considered all of the information submitted and confirmed that the site has the potential to support nesting birds within the hedgerows which surround the site. The retention of the hedges along the north and west of the site is positive. The hedge to the east of the site, the frontage, is to be replaced, however the Council Ecologist has not objected to this and has recommended that it can be dealt with through the submission of landscaping details. In order to enhance the site for biodiversity a landscape plan should be submitted. New hedgerow planting should be of species rich, native, local species variety and artificial nests should be provided.
- 6.9.4 Bat boxes are also recommended as the site has the potential to be used by foraging and commuting bats. The pond 180m west of the site was assessed as being dry in 2011 and 2014 and as such the Council Ecologist has confirmed that no further surveys are required in relation to Great Crested Newts.
- 6.9.5 The agent has also responded to the concerns raised regarding ecology and confirmed that the ecological assessment submitted with the application confirms that there is no adverse impact on wildlife. The site is currently a field which is ploughed and as such there is no ecological value within the site, the hedgerows around the site are to be retained except along the edge of Holyhead Road and this will be replanted behind the visibility splays. Furthermore the development of the site will provide additional planting within the site and the amenity area.
- 6.9.6 It is officers opinion, taking into account all of the concerns raised and the professional advice from the Council Ecologist and Shropshire Wildlife Trust, that the site can be developed for housing without significant harm to protected species or their habitats. The development will alter the habitat from its existing condition but will also provide some opportunities for enhancements and as such complies with the requirements of policy CS17 and also the relevant sections of the NPPF.
- 6.10 **Drainage**
- 6.10.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. The highways and drainage report advises that the foul drainage from the development is proposed to be connected to the existing mains

sewerage system, the surface water from buildings to be discharged via soakaways in gardens and the road drainage discharged, via attenuation, into the existing highway drainage system in Holyhead Road.

- 6.10.2 The Council Drainage Engineer has confirmed that the drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission is granted. No objections have been received which raise any contrary opinions.
- 6.10.3 Local representations have noted that the land is free draining but objections have also been received raising concerns about flooding and sewerage capacity. The applicant's report has considered the potential for flood risk and has concluded that this land will have no risk of flooding or pose any risk to areas outside of the site. Furthermore, there have been no objections received from the sewerage provider to the principle of connecting to the existing mains drainage system for disposal of foul waste. As such there is no reason to consider, and no evidence to show, that the site could not be developed with an appropriate drainage system and would following development not result in any greater risk of flooding either to the application site or the wider area. As such the development of the site is compliant with the requirements of CS18.

7.0 CONCLUSION

- 7.1 The site is located outside the current development boundary for West Felton as shown in the Oswestry Borough Local Plan and is therefore classed as a departure from the development plan. Although the Council has recently submitted the SAMDev Final Plan and therefore has identified a 5 year housing land supply limited weight can be attributed to the SAMDev as there are outstanding unresolved objections. Furthermore limited weight can be given to the saved Oswestry Borough Local Plan due to its age and greater weight given to the NPPF and the presumption in favour of sustainable development.
- 7.2 It is accepted that the site is on the edge of West Felton which is a sustainable settlement with a range of services and facilities and benefits from transport links. Furthermore the development will provide additional housing supply in accordance with national planning policy priorities and economic benefits to the village and surrounding area. The development will also provide affordable housing in accordance with Policy CS11 and infrastructure provision in accordance with policy CS9 and will not result in significant loss of agricultural land.
- 7.3 The amended layout reducing the number of dwellings, and the proposed financial contribution towards resolving the existing issue with the width of the footpath has overcome the concerns previously raised by officers regarding development beyond the natural boundary of the village, the cumulative impact of the current applications for new housing in the village and pedestrian safety. Although there are harms identified from developing agricultural land beyond the village and the potential impact on protected species and trees these harms are either not significant or could be overcome with appropriate details and survey work. As such it is officers recommendation that the harm does not outweigh the benefits of new housing and that, in considering the development against the NPPF as a whole, the proposal will be sustainable development and in accordance with the requirements of the NPPF.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10. BACKGROUND

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS4 - Community Hubs and Community Clusters
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS9 - Infrastructure Contributions
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management

11. ADDITIONAL INFORMATION

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

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the siting design and external appearance of the development, the means of access to the site and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2010 and no particulars have been submitted with respect to the matters reserved in this permission

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

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

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

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

4. This permission does not purport to grant consent for the layout shown on the deposited plan submitted with this application.

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

5. An Arboricultural Assessment, prepared in accordance with BS 5837: 2012 must be submitted with the first of the reserved matters. The layout of the proposed development would need to make provision to retain any trees identified as significant or potentially significant in the terms of public amenity or provide substantial justification and mitigation where their removal is proposed.

Reason: To ensure the protection of existing landscape and the provision of landscape enhancements.

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

The number of units

The means of enclosure of the site

The levels of the site

The means of access for disabled people

The foul and surface water drainage of the site

The finished floor levels

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

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

7. 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.

8. A total of 6 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species, which shall be erected on the site prior to first occupation of the dwellings hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

9. A total of 6 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 dwellings hereby approved.

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