



Committee and Date
 North Planning Committee
 26 August 2014

Item
9
 Public

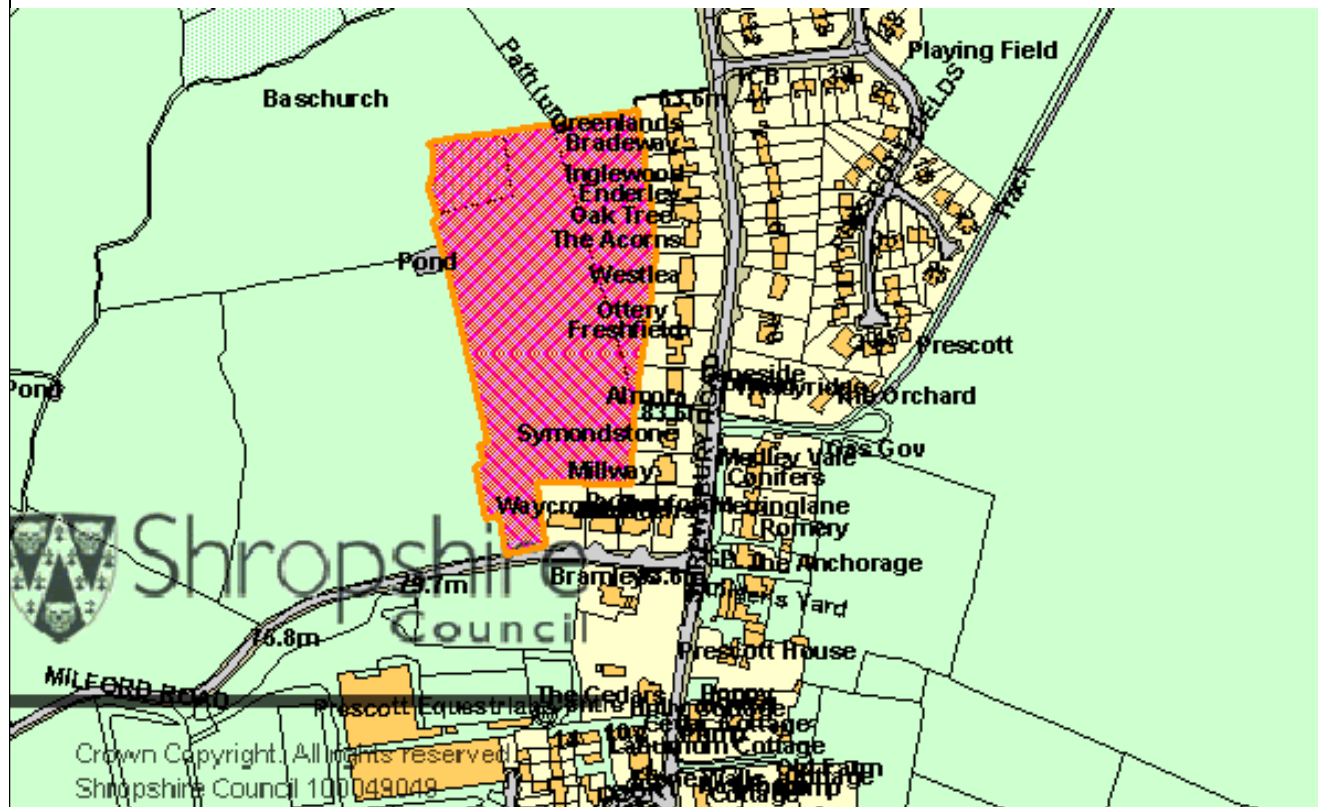
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 14/01123/OUT	Parish: Baschurch
Proposal: Outline application (access for approval) for mixed residential development and medical centre to include access	
Site Address: Land North Of Milford Road Baschurch Shropshire	
Applicant: Mr & Mrs JV and F Davies	
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk

Grid Ref: 342476 - 321364



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a S106 to secure the relevant AHC at the time of the reserved matters and the gift of land for a medical centre.

REPORT

1.0	THE PROPOSAL
1.1	This application relates to outline permission, to include access, for residential development of the site in addition to a medical centre and associated car parking with all matters reserved for later approval. Although an indicative layout has been submitted the exact layout is one of the matters reserved for later approval.
2.0	SITE LOCATION/DESCRIPTION
2.1	The application site is part of an agricultural field on the East side of the village of Baschurch. The site is situated behind a row of houses that face Shrewsbury Road which runs through the centre of the village. There is an existing access to the site off Shrewsbury Road that will serve the residential part of the proposal shown on the indicative layout. This access was approved under a planning permission approved in 1961 but it appears that only part of that permission was implemented and only the houses facing Shrewsbury and Milford Road were built (Ref: 60/1691). This proposal also includes a new access off Milford Road to serve the proposed medical centre indicated on the indicative layout plan. There is a footpath which runs through the site known as 'The Coffin Path' and a wooded area to the North West of the site and trees along the Northern boundary.
3.0	REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION
3.1	The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as it is a major application which in the view of the service manager with responsibility for Development Management, in consultation with the committee chairman should be determined by the relevant planning committee.
4.0	Community Representations
4.1	Consultee Comments
4.1.1	<p>SC Highways DC - The application is seeking the approval for the formation of a new estate road access onto the Class II road B5067, known as Shrewsbury Road and a new access to the proposed doctor's surgery onto the Class III road, known as Milford Road to the south of the site. The Class II road forms a link between the B4397 to the north and Shrewsbury to the south whilst the Class III road links Baschurch to the villages to the west and ultimately the A5 by a more 'rural localised' route.</p> <p>At both of the proposed access points there is a local speed limit of 30 mph in force. The proposal shows the provision of 2.4metres by 43 metres visibility splays</p>

	<p>at both of these access points to the nearside carriageway edge in both directions from the access point which fully accords with acknowledged standards. The proposed new access onto Shrewsbury road utilises a parcel of land between existing properties which appears to have been retained for this purpose to enable the land to be developed to the rear of the existing properties fronting Shrewsbury Road.</p> <p>There is no footway provision along Milford Road but it is anticipated given the location of the site in relation to the village that the preferred pedestrian route will be by the main pedestrian access to the new houses and doctors' practice via Shrewsbury road which has footway facilities linking the site directly to the village. The footway facility directly adjoining the new access junction onto Shrewsbury Road should however be improved and regularised to 1.8 metres in connection with the development.</p> <p>The proposed car park access onto Milford Road will however generate additional traffic movements between this access and the junction with the B5067, with the anticipated main direction of travel being along this section of the Class III road. Milford Road is currently varying in width and has tight radii with the B5067 and show overrunning evidencing this. Whilst it is considered that a highway objection to the use of this route in connection with the proposal would be difficult to sustain it is nonetheless going to serve as the main access to the car park which is proposing a number of spaces. In connection with the development therefore it is considered that the carriageway of Milford Road between the new access and its junction with the B5067 should be formalised to a standardised width of 5.5 metres and the junction radii increased to help with the respective turning movements of vehicles into and out of the junction at this point.</p> <p>The Highway Authority raises no objection to the granting of outline consent subject to the imposition of conditions.</p>
4.1.2	<p>SC Affordable Houses - 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 came into force on the 1st September 2013 and in this area is 15%. The profoma attached shows the correct percentage but an incorrect calculation, but as this is outline only this will be determined at the reserved matters or full planning permission stage so should just show the formula for now. 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.</p>
4.1.3	<p>SC Rights Of Way - I note that the intention is to retain the route of the footpath on its current alignment and that this was something that was specifically highlighted in the SAMDev as referred to in section 1.3 of the Planning Statement. I am pleased</p>

	<p>to see that the intention is not to coincide the path with an estate road but I do still feel that the potential amenity value of the path will be significantly reduced once enclosed, for much of its length, by property boundaries. I would ask whether relocating the path in the field around the outside of the development boundary would better retain its character.</p> <p>Whilst the path itself is probably an historic one with local significance, the section through the development site has only been on that particular alignment since it was diverted to allow for residential development along Shrewsbury Road in 1961. Ultimately the principal of incorporating a path into the layout of a development is acceptable and it will be a matter for the local community to decide whether they would rather the path be retained on its present alignment or moved beyond the perimeter. If the path is primarily used as a short cut the former will probably be preferable but if used more for amenity (such as dog walking) the feasibility of the latter may be something worthy of consideration; I would be happy to discuss the options with the applicant. If the path is to be retained on its current line we would wish to ensure that the boundary treatments do not lead to a narrow enclosed 'corridor' without natural surveillance from adjoining properties as such routes are generally unappealing, particularly at night, and are recognised to have the potential to attract anti-social behaviour.</p> <p>In any event, even with the path remaining on its current alignment, should permission be granted it is likely that a temporary closure (ideally with an alternative route) will be required during construction and the developer should maintain a dialogue with Outdoor Recreation prior to any works taking place.</p> <p>This team has been contacted by at least one member of the public concerned that the alignment of the path indicated on the block plan did not coincide with that shown on the Council's online mapping system. Having referred to the 1961 diversion order I am able to confirm that the line shown on the application block plan is broadly accurate and that whilst I have corrected the digital working copy of the definitive map to better reflect the changes made by the order there may be a short delay before this amendment takes effect on the Council's online mapping system.</p>
4.1.4	<p>SC Public Protection – In order to make the residential properties ready for EV charging point installation isolation switches must be connected so that a vehicle may be charged in the garage or driveway. With regard to the medical centre recommends that infrastructure required to put electric charging facilities into 10% of parking spaces is provided and that at the time the centre opens at least one charging point is connected up and available for use to staff and/or customers.</p>
4.1.5	<p>SC Drainage – Suggests drainage details, plan and calculations that could be conditioned and submitted for approval at the reserved matters stage.</p>
4.1.6	<p>SC Ecologist</p> <p>Great crested newts – The Great Crested Newt Survey report by Turnstone (June 2014) gives the result of surveys of 'Pond 1', which were carried out between March and May 2014. The Habitat Suitability Index score was 0.58 'below average'. No great crested newts were recorded, although smooth newts were.</p>

Of the other four ponds within 500m of the application site, Pond 2 no longer exists, Pond 3 was considered unsuitable for Great Crested Newt (size, fish and wildfowl) and Ponds 4 and 5 are separated from site by distances of over 250 m and barriers to dispersal.

Turnstone (June 2014) conclude from the survey results that GCN are very unlikely to be present within the site boundaries. They do however recommend protecting Pond 1 from negative impacts from the development in terms of changes in water levels or pollution. They also recommend enhancing this pond for wildlife.

It is recommended that a habitat management plan is required for the retained woodland and extended to include Pond 1 (the site boundary would need to be extended to include this). A condition to this effect is given.

Badgers

Turnstone (2014) found a well-used badger hole adjacent to the woodland in the north-west corner of the site. A large active sett was found over 50m from the site therefore the single hole is an outlier to this main sett. The proposals will destroy the single badger hole and a licence will be needed from Natural England to close it. Turnstone (2014) provides an outline of the method statement that will need to be followed.

Bats

The mature trees on the northern boundary of the site and the woodland have potential to support roosting bats provide foraging and commuting routes for bats. The submitted Block Plan indicates retention of these features and therefore the development is unlikely to have any direct impact on bats.

Reptiles

Turnstone Ecology (2014) report that habitats around the boundaries of the proposed development are considered suitable for reptiles and where proposed works are to affect hedgerows and/or field margins it is recommended appropriate safe working methods are put in place to ensure no reptiles are harmed.

Nesting birds

The trees and hedgerows on the site are likely to be used by nesting birds.

4.1.7

Trees – There are a number of significant trees present on the boundaries of this site. The development of this land has the potential to impact upon these trees, including the possibility of damaging them to a point that they cannot be safely retained and/or create a situation whereby the trees affect or exert an influence over the proposed development in the longer term.

To properly assess these impacts and implications and the consequences for the landscape and public amenity of the area and the wider environment an Arboricultural Assessment, prepared in accordance with BS 5837: 2012 must be provided with the application.

It is expected that any proposed development would make provision to retain any trees identified as significant or potentially significant in the terms of public amenity

	<p>or provide substantial justification and mitigation where their removal is proposed. As this is an outline application the information should demonstrate that there is adequate space to allow for the proposed numbers of structures and associated infrastructure and to provide the required protection / separation zones around retained trees.</p> <p>If this information is not forthcoming it must be considered that the proposed development will have a substantial negative impact on the adjacent trees and the wider amenity and it would be recommended that the application be refused as it would be contrary to the principals of the Shropshire Local Development Framework; adopted core strategy policies CS6 & CS17.</p>
4.2	Public Comments
4.2.1	<p>Objection comments from seven residents have been received and summarised as follows and are available in full on the file:</p> <p>Highways/Traffic</p> <ul style="list-style-type: none"> - Limited visibility on the Milford Road junction - Proposed development will increase the amount of traffic on local roads resulting in more congestion on roads that are already overloaded especially at peak times - The traffic report does not refer to horses and this is relevant due to the proximity of Prescott riding stable and illustrates how weak and flawed the report is. - The traffic report is based on opinion and not substance - The volume and type of traffic on Milford Road should be reassessed - Is alarmed that Highways have no objection to the proposal <p>Residential amenity</p> <ul style="list-style-type: none"> - Loss of privacy, light and air to existing properties - Loss of views and impact on the rural countryside character - Increased noise, activity, smells and disturbance to existing residents due to proximity of houses, garages and gardens in place of open fields - Hours of site working and site deliveries should be restricted (preferably 9am to 4pm on Monday to Friday only) <p>Layout/Landscaping/Scale and Design</p> <ul style="list-style-type: none"> - No indication as to the types of houses being built - Proposed high density housing is not in keeping with the village and rural aspect of the village - The landscaped 'buffer zone' is actually garden and provides no buffer. - Ownership of the landscaped 'buffer zone' needs clarification for maintenance and responsibility purposes and should be larger - If the size of the gardens on the new plots nearest the existing housing were increased to encompass this buffer zone or it was transferred to existing residents, ownership and maintenance issues would be resolved - A buffer strip of 15 metres should be provided

Infrastructure

- No infrastructure to support the proposed development in addition to the other housing proposed in Baschurch.
- Concerned the sewage system cannot support additional houses
- The school is over subscribed and there is no employment, no bank, limited post office, no fuel station and insufficient services and facilities for the proposed increased population
- It is unlikely that the train station will re-open
- The bus service is infrequent

Medical Centre

- The benefits of a new surgery are a 'red herring' and 'bogus' and officers and members should be aware that the applicants have not demonstrated that there is a need or funding available and that no application for NHS funding has been made and the current surgery is accepting new patients and there is no need for a new surgery
- Locals do not need a new doctors surgery, they need more parking spaces at the current surgery
- To benefit the community the surgery must be funded and delivered within agreed timescales before the houses are built and secured by S106
- Until the surgery is built, clear ownership, usage and maintenance of this area should be established
- Concerns that the land will be left to wasteland while waiting for development to go ahead

Policy Considerations

- Proposed development is outside the existing development area
- Allocating this land for housing development within SAMDev should have been considered on its own merits, without any consideration being given to the offer of land for a surgery
- The PC support this application and this allocated site within SAMDev but against the wishes of the vast majority of the people of Baschurch, as voiced in the Parish Plan of 2008
 - This plan at page 24 indicates that there was an overwhelming consensus that any new housing development should not include large estates as 427 responses supported groups of five or fewer houses, conversion of redundant buildings, and single dwelling plots.
 - The PC have made a U turn in that they originally opposed the site, preferring sites to the North East of the village but now support its allocation with no consultation or explanation
 - A joint owner of the land is a co-opted member of the PC
 - The SAMDev indicates a figure of 100-150 for Baschurch to cover the period up to 2026 but based on applications in the last six months and current permissions there is now almost double this amount
 - The number of dwellings vastly exceeds the projected number in SAMDev which is not approved yet by the Secretary of State and therefore the Council should be rejecting applications beyond these numbers.
 - Additional dwellings are not required and once the 5 year land supply figure is

	<p>known any more houses above the 100-150 outlined in policy should be rejected</p> <p>Determination</p> <ul style="list-style-type: none"> - This application should be determined by committee and not a delegated decision. - Determination of this application should be deferred until Shropshire Council has confirmed whether they have a 5 year land supply when they produce their next annual statement - To approve this application based on a lack of 5 year land supply would be an adverse decision based on an incorrect statutory framework of consideration and would be Wednesday unreasonable <p>Other issues</p> <ul style="list-style-type: none"> - Potential to extend the development at a later date - Loss of Grade 2 agricultural land - Potential impact on wildlife including bats and newts - There are many unimplemented housing schemes waiting to be developed - The 'Coffin Path' should be re-instated once development completed - Suggests a programme of works and an alternative proposal
4.2.2	<p>One letter of support has been received summarised as followed:</p> <ul style="list-style-type: none"> - Excellent opportunity for the village to grow - The village has a wealth of amenities which will benefit from additional houses and are easily accessible by footpaths - Would help Shropshire Council to meet its supply of housing land including affordable housing
4.2.3	<p>Baschurch Parish Council - Support the application with the conditions that:</p> <ol style="list-style-type: none"> 1. The coffin path must remain at its present location and must not be diverted other than whilst work on the site is being undertaken. 2 The dwellings built behind the houses on Shrewsbury Road must only be bungalows. 3. Should the Drs Surgery be built and then at a later date not required its alternative community use must be determined in consultation with the Parish Council and added to the 106 agreement
5.0	THE MAIN ISSUES
	<p>Principle of development Highways/Access Scale, appearance and layout / Visual and residential amenity Trees, Landscaping and Open Space Ecology Footpath Drainage</p>

	Developer contributions / AHC / CIL / Infrastructure
6.0	OFFICER APPRAISAL
6.1	Principle of provision of a medical centre
6.1.1	<p>Policy CS8 (Facilities, Services and Infrastructure provision) supports <i>'the provision of additional facilities, services and infrastructure to meet identified needs, as outlined in the LDF Implementation Plan whether arising from new developments or existing community need, in locations that are appropriate and accessible'</i>. This proposal includes the provision of land to provide a new medical centre which accords with the identification of the site within the emerging SAMDev DPD as an allocated housing site to include the provision of land for a medical centre. Health care provision for Baschurch is also referred to in the LDF Implementation plan and the Place Plan for Baschurch. The site would be reasonably accessible on foot from most parts of the village given its central location and this aspect of the outline proposal is therefore considered acceptable in principle.</p>
6.2	Principle of residential development
6.2.1	<p>The site is situated within Baschurch and is outside the development boundary on the proposals map of the NSDC adopted Local Plan. The site is currently classed as 'Open Countryside' under CS5 and therefore open market residential development of the site would be contrary to current adopted policy. However paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> • 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).
6.2.2	<p>The emerging 'Site Allocations and Management of Development' DPD (SAMDev) is at the 'pre-submission draft' stage and has recently been submitted for examination. Within the SAMDev policy MD1 identifies Baschurch as a 'Community Hub' within the Shrewsbury area and policy S6.2 (i) indicates the following:</p> <p><i>Baschurch is a Community Hub with a housing guideline of around 150-200 additional dwellings over the period to 2026. This will be delivered through the development of the allocated housing sites together with development by infilling, groups of houses and conversion of buildings which may be acceptable on suitable sites within the development boundary identified on the Policies Map.</i></p> <p>The application site is one of the allocated sites for up to 30 houses under reference BAS017 (Land to the west of Shrewsbury Road) and states the following:</p> <p><i>Development subject to satisfactory access, layout and design and the provision of</i></p>

	<p><i>land adjoining Milford Road for a new Medical Centre and associated parking, protection of the integrity of the coffin path crossing the site, and high quality landscape design to minimise the visual impact of the development on the surrounding area and existing adjoining residential properties.</i></p> <p>The proposed development of this site for residential use and medical centre therefore accords with this emerging policy. However as set out in paragraph 216 of the NPPF, the ‘weight’ that can be attached to relevant policies in emerging plans such as the SAMDev depends on the stage of preparation, extent of unresolved objections, and degree of consistency with the NPPF. The Council’s view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone very substantial public consultation, where significant weight can be attached but, pending examination and adoption, this needs to be considered with care alongside the other material considerations.</p>
6.2.3	<p>Paragraph 14 of the NPPF states that:</p> <p><i>‘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 that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:</i></p> <ul style="list-style-type: none"> <i>— 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; or</i> <i>— specific policies in [the] Framework indicate development should be restricted.’</i> <p>With regards to housing development paragraph 49 of the NPPF states that:</p> <p><i>‘Housing applications should be considered in the context of the presumption in favour of sustainable development’.</i></p> <p>and that</p> <p><i>‘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.’</i></p>
6.2.4	<p>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 year 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 of the SAMDev.</p>
6.2.5	<p>In this period prior to examination sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the</p>

	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. Officers consider that it would be difficult to defend a refusal for a site which is considered to constitute sustainable development unless the adverse impacts of granting consent would significantly and demonstrably outweigh the benefits (as outlined in paragraph 14 of the NPPF).
6.2.6	It is acknowledged that the site is outside the development boundary within the adopted North Shropshire Local Plan and would not normally be supported for development. The application has therefore been advertised as a departure from the adopted local plan. However adopted local plan 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’.
6.2.7	The principle issue for consideration is whether the development is sustainable or not when considered against the NPPF as a whole. The balance of material considerations is still in favour of boosting housing supply in locations that are considered to be sustainable. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether there would be any significant impact or harm as a result of the proposed development that would outweigh the benefits. This will be considered in the paragraphs below.
6.3	Sustainable development
6.3.1	Baschurch is a large village with a wealth of services and facilities within the village and surrounding area and a bus service to Shrewsbury and Oswestry. These services and facilities include a primary and secondary school within the village and Walford college and the private Adcote school just outside the village, an Indian restaurant, Chinese takeaway, fish and chip shop, hairdressers and beauticians, doctors, post office, village shop, farm shop, two pubs, hardware store, a new supermarket, a village hall, church and riding stables. The main facilities within the village can be accessed on foot by footpath along both sides of Shrewsbury Road. In addition there are numerous employment opportunities within in and close to the village including three vehicle repair garages, builders, PGL holiday centre, a care home, holiday cottages, a large equine vets practice, livery yard and vehicle driver agency. Office space is available to let at Walford Business Centre. 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 and a range of facilities and employment opportunities without over reliance on the private motor car.
6.3.2	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: <ul style="list-style-type: none"> • <i>an economic role - contributing to building a strong, responsive and</i>

	<p><i>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;</i></p> <ul style="list-style-type: none"> • <i>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</i> • <i>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.</i>
6.3.3	<p>Economic role – The proposal will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The provision of additional houses will also support local businesses as future occupiers are likely to access and use local services and facilities helping them to remain viable. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable for a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.</p>
6.3.4	<p>Social role – The proposal will provide up to 30 houses which will help meet the housing shortage 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 settlements where it will support facilities helping to retain services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. In addition to boosting the supply of open market housing the proposal will provide affordable housing on site at the prevailing rate at the time of the reserved matters application.</p>
6.3.5	<p>Environmental role – The site is grade 2 agricultural land (as is all land in Baschurch) and has no heritage, cultural or ecological designation. It is considered that the loss of this piece of agricultural land is not significant and the proposal would not result in any adverse ecological or environmental implications (ecology will be considered more fully below). The proposal would provide ecological enhancements of the site that will be secured by condition. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible on foot or by cycle to local services and facilities and by public transport to the array of services, facilities and employment opportunities in Shrewsbury and Oswestry.</p>
6.3.6	<p>It is therefore considered that the proposed residential development is acceptable in principle having regard to the three dimensions of sustainable development. This is also supported by the allocation of the site for up to 30 dwellings within the</p>

	<p>emerging SAMDev plan. This also refers to <i>'the provision of land adjoining Milford Road for a new Medical Centre and associated parking'</i> and some residents have commented that the residential development should not be commenced until the new medical centre shown on the indicative layout plan is built. However the allocation within SAMDev only refers to the provision of land and not the provision of the medical centre itself. It is considered that the proposed residential development is acceptable in principle and in accordance with the NPPFs 'presumption in favour of sustainable development' without requiring the medical centre to be built and it would be unreasonable for this proposal to make provision for this when other developments have not. The proposal will in any case make contributions to infrastructure through the required CIL payment and the provision of the land is being secured by a S106 agreement.</p>
6.3.7	<p>It has been suggested that determination of the application is deferred until the 5 year land supply figures have been reassessed and published. However determination of planning applications cannot be deferred until a new 5 year supply statement is produced or until SAMDev is adopted policy, and development proposals have to be considered with regard to all material planning considerations and relevant planning policy and information available at the time of submission. Planning applications should be determined expediently as part of <i>'approaching decision-taking in a positive way to foster the delivery of sustainable development'</i> (paragraph 186 of the NPPF) and <i>'issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs'</i> (NPPF para 190). The 'presumption in favour of sustainable development' prevails and as outlined above the proposal is considered to represent sustainable development and is considered to accord with the principles of the NPPF. In addition the site is allocated for housing to include the provision of land for a medical centre and some weight should be given to its allocation within the SAMDev DPD which the Council considers to form part of a sound Plan. The allocation of this site and any challenge to it is however a matter for the SAMDev Plan examination.</p>
6.4	<p>Highways/Access</p>
6.4.1	<p>The application is seeking approval for the formation of a new estate road access onto the Shrewsbury Road to serve the new dwellings and a new access to the proposed doctor's surgery onto Milford Road to the south of the site. The Highways officer has commented that the majority of pedestrians will access the site via the Shrewsbury Road access and that the footway facility should be improved and regularised to 1.8 metres. Highways have also commented that the visibility splays are adequate at both of the accesses but as vehicle movements using the new access will generate additional vehicle movements at the junction of Milford Rd with Shrewsbury Rd recommends that the carriageway off Milford Road between the new access and the junction with the Shrewsbury Rd should be formalised to a standardised width of 5.5 metres and the junction radii increased to help with the respective turning movements of vehicles into and out of the junction at this point. A condition will be imposed regarding this and it has been confirmed that the land required for these improvements are within the ownership of the applicant or is highway land. Whilst it is recognised that the proposal will result in an increase in traffic this would not be significant and subject to the imposition of conditions it is considered that the proposal would not have any highway safety implications that would justify refusal of this application.</p>

6.5	Scale, appearance and layout / Visual and residential amenity
6.5.1	<p>This proposal is Outline with all matters other than access reserved for later approval but the Design and Access statement indicates a mix of bungalows and two storey houses and an indicative layout plan has been submitted. This is only indicative to illustrate how the site might accommodate the number of dwellings indicated in addition to a medical centre and associated parking. There is local concern that this layout and number of dwellings is high density and not in keeping with the rural setting and that there is no indication of whether they will be houses or bungalows. However this application is only outline with siting, scale and appearance reserved for later approval. The number (and density) of dwellings is therefore not part of the proposal and would not be fixed by approval of this application. The number of dwellings and the layout could change completely and will be considered fully (along with scale and appearance) at the Reserved Matters stage as will the impact on existing residents and residential amenity. However it is considered that a development of an appropriate scale and design could be achieved that would not significantly and adversely affect the character and appearance of the locality and without any significant adverse impact on residential amenity. Whilst it is accepted that development of this field behind existing properties will change the view of open countryside enjoyed by existing residents there is no right to a view and this land was in any case designated for housing in a permission granted in 1961. The built development will obviously change the view and outlook from the rear of properties in Shrewsbury and Milford Road but a satisfactory separation distance could be achieved to ensure that the built development would not appear obtrusive and overbearing or result in unacceptable overlooking and loss of privacy. In addition whilst the enjoyment of the gardens by future residents might result in noise and activity this would be no different to that expected in a residential area and in existing neighbouring gardens.</p>
6.6	Trees , landscape and open space
6.6.1	<p>The tree officer has requested that an Arboricultural Assessment is submitted to demonstrate that there is adequate space to allow for the proposed numbers of structures and associated infrastructure and to provide the required protection / separation zones around retained trees. However as this is outline only and does not give permission for a set number of dwellings the layout and density of the proposal will be considered at the reserved matters stage to ensure that the buildings, driveways and construction works do not encroach the RPAs. However there are only trees to the Northern boundary and a wooded area in the North West corner and the indicative plan shows that the area around these trees would be open space. Therefore it is considered that an arboricultural report and tree protection measures are not required at this stage but will be fully considered at the Reserved matters stage. Landscaping will also be considered at the Reserved Matters stage but it is noted on the indicative layout that a 10m wide landscaping buffer is indicated. It is assumed that this buffer is actually the rear gardens of the proposed dwellings and any future submitted landscaping scheme should clearly indicate that these areas are private gardens if that is what they are intended to be. Without these areas becoming private garden it is not considered that the dwellings on the indicative layout have sufficient private amenity space. Open space</p>

	provision will also need to be provided on the layout and landscaping plan to be considered at the reserved matters stage and if sufficient private residential amenity space in addition to the required open space cannot be provided at the level of housing indicated then the number of houses may have to be reduced to the number shown on the indicative layout plan.
6.7	Ecology
6.7.1	The existing site is an agricultural field that is farmed and therefore is considered to be of low ecological value. However there are ponds near to the site and trees and a wooded area to the North West. The ponds closest to the site were surveyed for Great Crested Newts and none were recorded. The proposal includes enhancing the pond for wildlife and creating an area of open space near to the woodland area. This will provide for biodiversity enhancement of the site and a condition will ensure that a habitat management plan is in place. A single badger hole was found in the North West corner of the site but this is an outlier to the main sett and can be closed under licence from Natural England. There is potential for nesting birds in the mature trees and woodland which also have potential to support roosting bats and provide foraging and commuting routes for bats. However as these are proposed to be retained and provided the conditions and informatives suggested by the Councils Ecologist are imposed the proposal would have no adverse ecological implications.
6.8	Footpath
6.8.1	There is a footpath that runs across the site referred to as the 'Coffin Path' and the Parish Council have requested that it must remain in its present location and must not be diverted other than whilst work on the site is being undertaken. However the Councils Rights of Way officer has commented that relocating the path in the field around the outside of the development boundary would better retain its character but that the principal of incorporating the path into the layout of the development is acceptable and it will be a matter for the local community to decide whether they would rather the path be retained on its present alignment or moved beyond the perimeter. The route of the path will be included within the layout of any reserved matters application and is something that can be negotiated at that time.
6.9	Drainage
6.9.1	A Highways and Drainage report has been submitted that includes a flood risk assessment and details about foul and surface water drainage. The site is within Flood Zone 1 (land with the lowest probability of flooding). Foul water will drain to the existing foul sewer and surface water drainage to soakaways with attenuation to ensure that the Greenfield run-off rate is not exceeded but reduced. Local residents have commented that the existing sewerage system cannot support additional houses however Severn Trent are obliged to provide and maintain the public sewer for existing and new development that applies to connect to it,. Consent will be required to connect to the main sewer and an informative can be imposed advising of this. The Councils drainage officer has commented that detailed surface water drainage information can be submitted at the Reserved matters stage and recommends appropriate conditions to be imposed. Full

	drainage details will in any case be considered as part of an application for Building Regulation approval.
6.10	Developer contributions / AHC / CIL/ Infrastructure
6.10.1	The proposal is outline only but due to the likely number of dwellings affordable housing will be provided on site and the amount will be determined by the target rate at the time of the submission of an application for Reserved matters. This will be secured by a S106 in accordance with CS11 and the Housing SPD. At the current rate of 15% a development of 30 houses would include 4 affordable homes on site. The proposal will also be liable for a CIL payment. Some residents have raised concern about the capacity of the local infrastructure (including school places) to support the additional dwellings. However CIL replaces the need to seek additional developer contributions via a S106 for Education, Highway improvements or other infrastructure improvements for example and can also be used to target community improvements identified in the LDF Implementation plan and Place plans.
6.10.2	The application includes a draft S106 agreement to secure the required affordable housing and also the 'gift' of land to the owners and/or operators of the Prescott Surgery of the part of the site allocated on the indicative layout plan for a medical centre and associated parking. As referred to previously within the report some residents have commented that the residential development should not be commenced until the new medical centre shown on the indicative layout plan is built. However the proposed residential development is acceptable in principle on its own merits and in accordance with the NPPFs 'presumption in favour of sustainable development' without requiring the medical centre to be built. It is therefore not considered necessary for the S106 to secure the building of the medical centre. If the land is not used to provide a medical centre the submitted draft S106 is clear that it can only be used for agricultural purposes. If a different use is proposed at any time in the future an application to vary the S106 would need to be made.in addition to an application for planning permission.
7.0	CONCLUSION
7.1	The proposal is supported by the Parish Council and the site is an allocated site within the SAMDev plan and the proposed development is considered to represent sustainable development in a sustainable location having regard to the three dimensions of sustainable development and is therefore acceptable in principle. Layout, scale, appearance and landscaping of the scheme are reserved for later approval but it is considered that an acceptable and appropriately designed scheme could be achieved that would have no significant adverse impact on residential amenity and would not result in significant or demonstrable harm to the character and appearance of the locality. The proposal would have no adverse highway or ecological implications subject to conditions being imposed and the route of the existing footpath and open space provision will be determined as part of an application for reserved matters. The gift of land for a medical centre and the on site affordable housing provision will be secured by a S106 agreement. It is therefore considered that the proposal accords with Shropshire LDF policies CS4, CS6, CS11, and CS17 and the aims and provisions of the NPPF.

8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <p>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.</p> <p>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 it's 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.</p> <p>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.</p>
8.2	Human Rights
	<p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>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.</p>
9.0	Financial Implications
	<p>There are likely financial implications if the decision and / or imposition of conditions are 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</p>

the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies: CS4, CS5, CS6, CS11 and CS17

RELEVANT PLANNING HISTORY:

17/60/61 – Erection of dwelling houses and construction of estate road – Approved
01.03.1961

11. Additional Information

List of Background Papers: File 14/01123/OUT

Cabinet Member (Portfolio Holder): Cllr M. Price

Local Member: Cllr Nick Bardsley

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Details of the siting, 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. This permission does not purport to grant consent for the layout or the number of dwellings shown on the deposited plan Number SA1277/02 submitted with this application.

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

5. As part of the first submission of an application for reserved matters and prior to the commencement of development a drainage and flood risk assessment shall be completed and submitted for approval and should include as a minimum:
 - o Assessment of the Fluvial flooding (from watercourses)
 - o Surface water flooding (from overland flows originating from both inside and outside the development site)
 - o Groundwater flooding
 - o Flooding from artificial drainage systems (from a public sewerage system, for example)
 - o Flooding due to infrastructure failure (from a blocked culvert, for example)

The potential impact of flood water from the new site on adjacent properties should be considered, and mitigation proposals described.

Reason: To ensure that the proposal complies with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework and to minimise the risk of flooding of both the application site and adjacent land.

6. As part of the first application for reserved matters and prior to the commencement of development full engineering details of the means of access, including the layout, construction and sight lines shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the dwellings are occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

7. As part of the first application for reserved matters and prior to the commencement of development details of a scheme for the localised widening/regularisation of the Milford Road carriageway to a width of 5.5 metres between the new access and its junction with the B5067 and improvement to junction radii shall be submitted to and approved in writing by the Local Planning Authority. The proposed improvements shall be fully implemented in accordance with the approved details prior to the dwellings being first occupied.

Reason: In the interests of highway safety.

8. As part of the first application for reserved matters and prior to the commencement of development full details of the design and construction of any new roads, footways, accesses together with the disposal of surface water shall be submitted to, and

approved in writing by the Local Planning Authority. The agreed details shall be fully implemented prior to the dwellings are occupied.

Reason: To ensure an adequate standard of highway and access for the proposed development.

9. As part of the first application for reserved matters and prior to the commencement of development a contoured plan of the finished road levels should be provided together with confirmation that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change 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.

10. As part of the first application for reserved matters and prior to the commencement of development a scheme of landscaping shall be submitted to and approved by the local planning authority and these works shall be carried out as approved. The submitted scheme shall include:

Means of enclosure

Hard surfacing materials

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)

Planting plans

Written specifications (including cultivation and other operations associated with plant and grass establishment)

Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate

Implementation timetables

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

11. All existing trees, shrubs and hedgerows within and bordering the site shall be protected, retained and maintained to the satisfaction of the local planning authority for the duration of any development works and for 5 years thereafter. The plans and particulars submitted in accordance with condition 10 above shall include:
 - (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;
 - (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
 - (c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, [within the crown spread of any retained tree or of any tree on land

- adjacent to the site] [within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree];
- (e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason: To safeguard the visual amenities of the area.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

12. All development or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Ecological Survey Report by Turnstone Ecology dated February 2014.

Reason: To ensure the protection of reptiles and other wildlife

13. No site clearance works shall commence until the badger sett on site has been closed under licence in accordance with details given in the Ecological Survey Report by Turnstone Ecology dated February 2014.

Reason: To ensure the protection of badgers, under the Badgers Act (1992)

Informative

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

14. A habitat management plan shall be submitted to and approved by the local planning authority prior to the occupation of the development. The plan shall include:
- a) Description and evaluation of the features to be managed;
 - b) Ecological trends and constraints on site that may influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
 - g) Personnel responsible for implementation of the plan;
 - h) Monitoring and remedial/contingencies measures triggered by monitoring.

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

15. If non permeable surfacing is used on the private driveways and parking areas and/or these slope towards the existing and proposed highway prior to the commencement of

works the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway. The agreed details shall be fully implemented prior to the dwellings being occupied.

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

16. 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.

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

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

18. Prior to the 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