

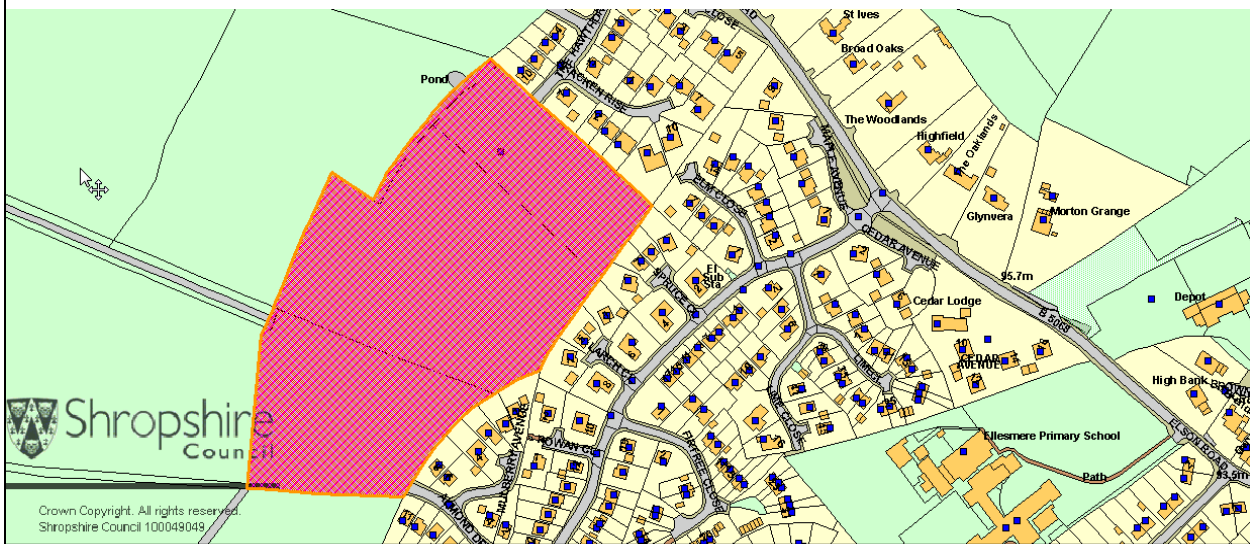
Development Management Report

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Summary of Application

Application Number: 14/00822/OUT	Parish:	Ellesmere Urban
Proposal: Outline application for residential development to include access		
Site Address: Proposed Development Land South Of The Hawthorns Ellesmere Shropshire		
Applicant: R.J Pearce, Mr. J. Edwards & Fletcher Homes		
Case Officer: Mark Perry	email: planningdmnw@shropshire.gov.uk	

Grid Ref: 339128 - 335127



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and the applicant entering into a S106 to secure affordable housing and contribution towards highway improvements.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks outline planning permission for the creation of a residential development on a 4.10 hectare site to south of the existing housing estate called The Hawthorns. The outline application also seeks permission for the principle of the development and its means of access.
- 1.2 The access into the site would be from the end of two existing modern housing estate roads, named The Hawthorns and Almond Drive, the indicative layout shows that the two new cul-de-sacs would be created with a cycle/ pedestrian route between the hammer-head turning areas. The scheme also includes the provision on on-site affordable dwellings and also an area of public open space.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is a 4.10 hectare area of land used for agricultural grazing. A modern housing development abuts the north eastern and south eastern boundaries of the site with the other boundaries adjoining agricultural land. The edge of the site is 730 metres (as the crow flies) from the centre of Ellesmere. As such the site has a semi-rural appearance being located on the edge of Ellesmere.
- 2.2 In terms of current development plan policies the site sits within an area defined as open countryside. In terms of emerging policy the site is not included as a draft allocation in the Site Allocations and Management of Development (SAMDev) Plan which has now been submitted to the Planning Inspectorate. The application site was considered as part of the SAMDev process and The Hawthorns/ Almond Drive site was numbered ELL017a/b, the site(s) were a potential option for new residential development in the SAMDev Revised Preferred (July 2013). However the site was removed from the submitted SAMdev plan in favour of site ELL003 which is to the southern side of Ellesmere.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application is a both a major application and an application where the Parish Council have submitted a view contrary to officers based on material planning reasons and where the Principle Planning Officer and the Committee Chair agree that the application should be determined by the relevant Planning Committee

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 **Ellesmere Town Council- objects** this application for the following reasons:

- 1) The bottleneck at the top of Trimpley street although this does as the application states prove to be a traffic calming facility it already has to cope with an enormous volume of traffic and this development will increase that level of traffic dramatically.
- 2) Access problems were identified initially when this application was looked at which is the main reason that members looked to withdraw it from SAMDev.
- 3) This application would be outside the development boundary already agreed in the SAMDev which is about to go to cabinet.
- 4) Members have concerns that with the SAMDev already including site ELL003 which had full Town Council support in providing 250 dwellings in on area as opposed to having housing in three separate locations. Member have concerns that an additional 130 dwellings would be over development to the town and would be beyond the capabilities of the current infrastructure

4.1.2 **Highways- No objection** subject to a Section 106 Contribution towards traffic management measures along Trimpley Street and standard outline highway access conditions.

4.1.3 **Affordable Housing-** 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.

4.1.4 **Drainage-** Drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.

4.1.5 **Archaeology- No objection** subject to conditions. The proposed development site comprises an approximately 4.05ha area on the north-western edge of Ellesmere. The Tithe Award map indicates that the northern half of the site was previously known as Brick Kiln Field, suggesting that archaeological remains of brick kilns of 19th century or earlier date may exist in this area. This map also indicates that the far northern corner of the site was occupied by a fold yard and historic editions of the Ordnance Survey map that small field barn was present by the later 19th century. The southern half of the site was crossed by both the Ellesmere to Wrexham (HER PRN 08459) and Ellesmere to Oswestry (HER PRN 05892) branches of the Cambrian Railway, although the track beds appear to have been removed after the lines closed in the 1960s. The proposed development site is also located c.400m north-east of two cropmark enclosures of likely prehistoric date (HER PRNs 04219 & 04220), and there is therefore a possibility that archaeological features and deposits of an earlier date will be present on the proposed development site. On this basis the proposed development site is deemed to have moderate archaeological potential.

Ecology- No objection subject to at least the minimum open space requirement being provided in line with Policy CS6 and emerging MD2.

Natural England- no objection

4.1.6 **Trees- No objections** following the submission of the Arboricultural Impact Assessment

4.1.7 - Public Comments

52 letters of objection received commenting on the following issues:

4.1.8

- Impact on tourism
- Increased traffic generation

4.2

- Impact on highway safety
- Primary School is full to capacity
- Doctors surgery is at capacity
- Existing bottle neck on Trimley Street
- Impact on wildlife
- Impact on Trees
- No jobs in Ellesmere
- Site would compete with the mixed use Wharf development which is the preferred SAMDev allocation which includes 250 dwelling, leisure and tourism uses.
- Not a brownfield site
- Over development of the site
- Increased risk of flooding
- Increased traffic pollution
- Already substantial development in Ellesmere
- Inadequate roads and pavement for volumes of traffic.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structure

Visual impact and landscaping

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the 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.
- 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 North Shropshire 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 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. 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.

6.2 Is the site Sustainable?

- 6.2.1 The site is located on the outer edge of one of the larger settlements in North Shropshire. Policy CS3 of the Core Strategy states that Market Towns will provide “Balanced housing and employment development, of an appropriate scale and design that respects the towns’ distinctive character”. By its very nature a market town such as Ellesmere has a range of services, facilities, transport links and employment opportunities which are not only used by residents in Ellesmere but also to its rural hinterland.

- 6.2.2 When assessing the sustainability of a site its 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, social impact and development and the loss of agricultural land.

- 6.2.3 The strands of sustainability referred to in paragraph 7 of the NPPF are economic, social and environmental, further consideration of how the proposed development impacts upon these elements is set out below.

6.3 Economic Consideration

- 6.3.1 In economic terms the proposed development will provide employment during the constructions process and support suppliers, Community Infrastructure Levy contributions, New Homes Bonus and additional community charge receipts; although these benefits would be achieved by any new housing development and in any location. An increase in the number of people living within the town would provide an increased amount of spending power who would help to support and maintain the wide range of services that the town has to offer. As an important settlement it is well connected by public transport with bus services to Oswestry, Wem and Shrewsbury.

6.4 Social Consideration

- 6.4.1 Socially the scheme will provide both affordable and open market housing of which there is a proven need across Shropshire as set out in policy CS11 of the Core

Strategy. The number of affordable dwellings would be based on the target rate at the time of the reserved matters submission; currently set at 10%. The scheme would provide infrastructure improvements through the payment of the Community Infrastructure Levy under policy CS9. The contribution is dealt with outside of the planning process and after development commences and is used to pay for infrastructure identified as local priorities. However, it is a material consideration in the determination of the application and the acknowledgement of the requirement to pay the CIL ensures that this matter will be dealt with after the consent. The CIL contribution would provide for infrastructure enhancements as required.

- 6.4.2 It is recognised that increasing the number of residences in a settlement without a proportionate increases in the provision of local services risks impacting upon the social integrity the settlement. One example that has been cited by residents is the local medical surgery which is said by residents to be at capacity with a long wait to have an appointment with a doctor. It is also acknowledged that Ellesmere is subject to a number of other current planning applications for large residential schemes, the application for the site allocated in SAMDev has yet to be submitted to the planning authority. The provision of a replacement GP surgery in the town is listed as a 'Priority' in the Place Plan where it advised that the Primary Care Trust has the replacement of the existing surgery is its list of premises for development but no additional PCT funding has been identified for new premises. Options for use of developer contributions should be explored in consultation with the PCT. Land has already been earmarked for a new building as part of the Wharf development.
- 6.4.3 Concerns have also been expressed about the number of school placements available in the town. The Learning and Skills section of the Council have confirmed that there is pressure on the primary school places and a new classroom will be provided this summer and that there will be a need to provide a 3 new classrooms over the plan period. Additional classroom accommodation would be funded by payment received through the community infrastructure levy.
- 6.4.4 The layout and form of the western side of Ellesmere consists primarily of large residential estates of either post war local authority housing or modern housing estates with the Primary School located at its heart. Modern residential development has expanded along Elson Road which historically consisted of just a long row of linear development on the northern side. The application site could be described as being semi-rural in its character given the proximity to other existing built development and the open fields. It is considered that although the proposed development is large, potentially 130 dwellings, it is not considered to be so excessively large to overwhelm the sizable settlement of Ellesmere or significantly impact upon the existing local community.
- 6.4.5 The site would have good access for pedestrians as there is a footway leading all the way to Primary School and the Town Centre. It is also well located to promote cycling within the built up part of Ellemere.
- 6.4.6 The site benefits from bus services 53, 501 and 208, the latter being the town centre service. Service 501 is a commercial route and 53 and 208 are subsidised

routes. The site is well located to benefit from these public transport services, which could lead to increased patronage using the subsidised routes.

6.4.7 Overall it is considered that the proposed addition of potentially up to 130 dwellings on the site would not result in a level of pressure on local infrastructure which would justify refusing the application, where necessary identified improvements could be carried out by CIL which is generated by new development. The site is within walking distance of the town centre where there is a significant range of services, facilities, shopping and employment opportunities as well as primary and senior schools. The scheme would also provide new housing, including affordable housing.

6.4.8 The sustainability appraisal carried out as part of SAMDev scored the site positively for access to public transport, access to a primary school, access to a local park or garden, access to amenity greenspace, access to a children's play area and for flood risk. It scored negatively for access to open space and a young people's recreation facility.

6.5 Environmental Considerations

6.5.1 The North Shropshire Landscape Sensitivity and Capacity Study records this site as having a medium/low landscape sensitivity. It is described as being "set back from the B5068 behind recent housing development and screened from wider view on the approach to the town by local topography and hedging, although part of the site is fenced to the roadside.

6.5.2 The site is part of the wider farmed landscape and is well screened from wider view because of the vegetation along the edge of the disused railway which from the southern section of the site in a north westerly direction. Views are available from the agricultural fields to the west and from the existing houses on the eastern edge of Ellesmere. A combination of topography and vegetation screens the site from wider views on the approach into the town, and it is only visible from adjacent housing and access points within the recent housing development adjacent to the northern and eastern edges of the site.

6.5.3 Within the site there are three mature trees and also further mature trees within the boundary hedgerows some of which are subject to tree preservation orders. In support of the application the applicant has provided an arboricultural impact assessment to demonstrate the impact of the development on the existing trees and hedges. It is considered that the report and the revised site plan has adequately demonstrated that the significant trees can be retained on the site and can be incorporated into the development. The scheme and accompanying reports have been assessed by the Council's Tree Officer who raises no objection subject to appropriate conditions.

6.6 Siting, scale and design of structure

6.6.1 The application and indicative layout of the site to show the possible position of the access roads which is shown as two cul-de-sacs with a pedestrian/ cycle route between The Hawthorns and Almond Drive. The plan also shows four distinct

areas of the site which would have low, medium and high density development and an areas for self building housing. The indicative layout also identifies the hedges, trees and their appropriate exclusion zones. The indicative layout does not go into the specific detail to show the potential position of dwellings. This will allow the number of dwellings, density and layout of the development to be considered as part of any subsequent reserved matters application. As such the indicative layout and are not for consideration at this stage.

6.6.2 The applicant has adequately demonstrated that the site is capable of being developed for a sizeable number of dwellings. The applicant originally included “up to 130 dwellings” in the description of development but has now agreed to remove this figure so that only the principle of a residential development on the site and its means of access is being considered. Following the additional requirements regarding ecology areas and tree protection areas the number of dwellings are likely to be lower than 130 and given its edge of village, semi-rural location. The exact number of dwellings that are appropriate for the site would only be fully considered at the reserved matters stage. The development would significantly alter the appearance of the site by introducing built development onto an open field, however the new dwellings would be seen against the existing housing estates and represent a logical extension.

6.6.3 The application site could be described as being semi-rural in its character given the proximity to other existing built development. It is considered that although the proposed development is large, it is not considered to be so excessively large to overwhelm a settlement the size of Ellesmere but would still significantly contribute meeting the housing targets.

6.6.4 The appearance, layout and scale of the development are all reserved for later approval as such full consideration would be given to these aspects of the scheme which includes the number of dwellings once an application is made for reserved matters approval.

6.6.5 Officers consider that the use of the land for housing would represent a logical extension to the village. The development of the land for residential purposes would not result in the site being in an isolated or detached location as it would be bound on two of its sides by existing residential curtilages; only the north-west and southern boundaries of the site would be against open fields although it is recognised that the view from the open field could be changed by the loss of an existing area of open land. However, in the planning balance this is not considered to be of sufficient harm to outweigh the presumption in favour of sustainable development.

6.7 Visual impact and landscaping

6.7.1 The application site is mainly screened from the B5068 because of existing hedgerows and the topography of the land and by the existing housing development. Whilst the existing site appears to be regularly used by dog walkers and for recreation there are no public rights of way across or near to the site. The existing boundaries of the site are formed by the unattractive rear boundary fences

and walls of the dwellings on the adjacent estate. Whilst the proposed development would be likely to create a new defining edge to the settlement there is scope for it to have a softer appearance as there is an existing mature hedge line with intermittent trees that would help screen the development.

6.7.2 The main view of the site would be either from within the development or from the rear gardens of the neighbouring properties. The applicant has indicated that they would be willing to retain existing features such as hedgerows and mature trees. This has a benefit both for ecological reasons and for the site's visual amenity. How the proposed development incorporates and responds to these existing features would be considered as part of the reserved matters submission.

6.7.3 It is considered by Officers that the site can be developed for housing without there being any detrimental impact on the visual amenity of the area.

6.8 Impact on Neighbours

6.8.1 The introduction of an extension to a housing estate will inevitably increase the number vehicle movements and increase the amount of activity on a site that is currently used for agricultural purposes. The proposed residential scheme would be accessible from the two access routes splitting traffic between The Hawthorns and Almond Drive/ Cherry Drive both access have good visibility onto the main highway network. Concerns have been expressed by residents about the increasing vehicle movements and this would detrimentally affect the amenities of existing residents because of noise and disturbance from passing cars. It is considered that the number of likely vehicle movements and the likely speed of vehicles would not generate a level of disturbance that would be detrimental to the living conditions of neighbouring occupiers or the occupiers of dwellings located along the two access roads.

6.9 Highway Safety

6.9.1 The indicative road layout indicates the site being served off 2 existing cul-de-sac roads known as 'The Hawthorns' and 'Almond Drive'. There is the potential to provide a road through link between The Hawthorns and Almond Drive however the indicative plan shows 2 separate cul-de-sac routes with an cycleway/pedestrian plus emergency vehicle access to link the new 2 roads.

6.9.2 The Hawthorns is laid out to a carriageway width of 6.0 metres with 1.8 metre wide footways and forms a standard 'T' junction arrangement with the B5068 Elson Road, which meets acknowledged highway layout and visibility standards. It is considered that The Hawthorns has been designed with potential future development in mind into the adjoining field off the end of the access road. The application suggests that this would serve the major part of the site.

6.9.3 The second portion of land is proposed via an extension of Almond Drive, currently a short cul-de-sac access road which exists onto Cherry Drive which functions as the spine road serving the housing stock within the housing estate. Again, as with The Hawthorns, Almond Drive provides a carriageway width of 6.0 metres with 1.8 metre wide footways and forms a 'T' junction arrangement with Cherry Drive which

meets acknowledged highway and visibility standards. Again the termination of Almond Drive suggests that potential future development was considered at the time the development was built.

- 6.9.4 It is considered that both The Hawthorns and Almond Drive are suitable to serve further development and have been laid out as such. The highway authority have stated that they are satisfied that suitable access can be achieved.
- 6.9.5 A significant number of objections have been received where they comment on the narrowing of Trimpley Street; between the site and the town centre. The narrowing allows only single vehicle flow, currently controlled via a priority traffic management arrangement whereby the outbound traffic flow has priority over the inbound (town centre) traffic flow.
- 6.9.6 Without the acquisition of third party land it is difficult to see an alternative traffic management arrangement than is currently in place. Whilst traffic signals would be a potential option but the highway authority would question its effectiveness which may in fact lead to an adverse impact upon the movement of traffic along Trimpley Street.
- 6.9.7 Inevitably any increase in residential to the north of the narrowed section of Trimpley Street can only have a negative impact upon traffic flow as referred to by objectors. The highway authority do share this view and therefore the weight it carries as part of the decision making process is key. The fundamental issue that the highway authority have to consider is whether that impact is 'severe' in itself to warrant an objection that would stand up to scrutiny. The Highways authority have commented that notwithstanding the deficiencies of Trimpley Street, it would be difficult to justify that the road narrowing would result in such adverse highway conditions as to warrant a highway objection. At the reserved matters stage the exact numbers of dwellings will be known which would be the determining factor in terms of the impact of traffic flow through the narrowed section.
- 6.9.8 In the submitted design and access statement the applicant has confirmed that they would be willing to offer a financial contribution towards the traffic management via a Section 106 Agreement. At this stage no financial figure has been put forward and it is recommended that this be agreed by officers with the applicant/agent.

6.10 Ecology

- 6.10.1 In support of the application and in response by comments made by the Council's Ecologist and Tree Officer the applicant has provided further protected species survey and an arboricultural impact assessment.
- 6.10.2 The application site is within a relatively short distance of Colemere and Whixall Ramsar sites and as such there is the potential for the development in conjunction with other new residential developments in Ellesmere to increase visitor numbers. If this is the case then it is necessary to mitigate against this by providing adequate public open space within the proposed development. The amount of open space is

not known at this outline stage although the applicant has confirmed that the open space provision would be in accordance with minimum amounts set out in adopted policies. The Council's Ecologist has confirmed that because the site would provide adequate public open space there would be no likely significant effect on the European protected sites.

- 6.10.3 The submitted report includes details of protected species including details of evidence of badger foraging throughout the site and two active badger setts found nearby. The Shropshire Badger Group have objected to the development on the ground that it would destroy a large part of the foraging area. However, the foraging areas are not legally protected. Instead it is considered that no development should be carried out within 30m of either of the badger setts. This can be dealt with by an appropriate planning condition.
- 6.10.4 There are a number of matures Oak trees on the site with the potential to provide a bat roosting habitat and the other trees and hedges are likely to be used for bat foraging and commuting, the trees are shown as being retained and with the addition of suitable conditions the Council's Ecologist and Tree Officer have raised no objection to the proposal.

6.11 Affordable Housing

- 6.11.1 In accordance with the adopted Core Strategy all new open market development must make a contribution towards the provision of affordable housing, unless there are other material planning considerations. The number of dwellings is not yet known as this is an outline planning application. Therefore a S106 will secure either on site and a financial contribution which will be used for the provision of affordable housing in accordance with the Shropshire Viability Index as set out in the adopted SPD.

7.0 CONCLUSION

- 7.1 The site is located outside of the current Ellesmere development boundary and is therefore classed as a departure from the development plan, significant weight must be awarded to paragraphs 7 and 8 of the NPPF where is a presumption in favour of sustainable development.
- 7.2 The proposed scheme will create a significant expansion to the northern side of Ellesmere. The location of the development is not considered to be out of keeping with the form and layout of the adjacent existing housing development. The development of the site would follow the form of the immediately adjacent housing development whilst maintaining the character and appearance of the settlement and not impacting upon the character and appearance of Ellesmere when approaching from the north. The proposed scheme would link in at either end with the existing housing estate road provide a natural link and a logical extension to the estate.
- 7.3 It is considered that the application site is appropriately located where visually it would have limited visual impact because of the topography of the land and the high levels of existing mature tree and hedge planting. There would be the loss of

an open field but it has been demonstrated that the mature trees and hedges could be retained within the development.

- 7.4 The proposal will be of significant benefit in terms of boosting the local housing supply including the provision of affordable housing in what is a sustainable location where there is good access to services in a sizeable market town. Accordingly, it is considered on balance that the benefits of the scheme is not demonstrably outweighed by the harm caused and that the proposal complies with policies CS6 and CS11 of the Core Strategy and the requirements of the National Planning Policy Framework.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework
Planning Practice Guidance

Core Strategy and Saved Policies:

CS3- Market Towns and Other Key Centres

CS5- Countryside and Greenbelt

CS6- Sustainable Design and Development Principles

CS9- Infrastructure Contributions

CS11- Type and Affordability of Housing

11. Additional Information

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

Cllr M. Price

Local Member
Cllr Ann Hartley

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

Reason: The application is an outline application under the provisions of Article 2(1) of the Town and Country Planning (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. The design of the detailed site layout must take account of the tree constraints identified in the Arboricultural Impact Assessment submitted and an updated version of this report, taking account of the detailed site layout, along with a tree protection plan and arboricultural method statement shall be provided with the first reserved matters submission.

Reason: To enable the impact of the development on the trees to be fully considered.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

8. No building and construction work shall be commenced unless evidence has been provided to the Local Planning Authority that no badger setts are present within 30 metres of the development to which this consent applies immediately prior to work commencing. The site should be inspected within 3 months prior to the commencement of works by an experienced ecologist and a report submitted to the Local Planning Authority.

Reason: To ensure the protection of badgers

9. No development approved by this permission shall commence until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This

written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

10. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

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

6. 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

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

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

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

5. Work shall be carried out strictly in accordance with the Ecological Assessment by Star Ecology dated February 2014 and as shown on Wildlife Mitigation Plan/Tree Survey Drawing numbered 04A.

Reason: To ensure the protection of badgers, a Protected Species