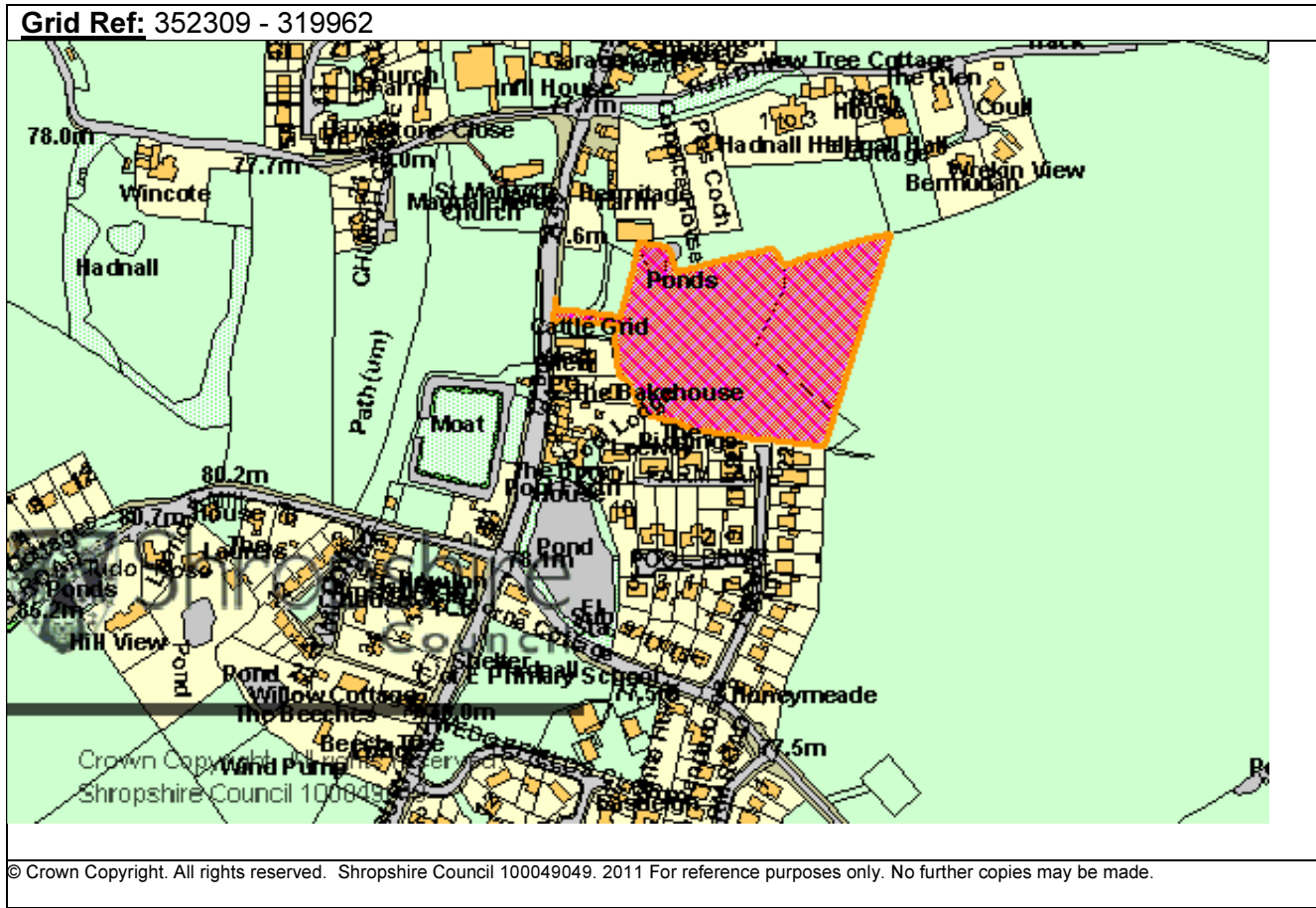


Development Management Report

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

Summary of Application

Application Number: 14/01872/OUT	Parish:	Hadnall
Proposal: Outline application (access for approval) for mixed residential development (30 dwellings)		
Site Address: Land South Of Hermitage Farm Shrewsbury Road Hadnall Shropshire		
Applicant: Mr M Jones		
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk	



Recommendation: Grant Permission subject to the conditions sets out in Appendix 1 and a s106 to secure the relevant affordable housing.

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to outline permission, to include access, for residential development of the site for up to 30 dwellings. Although an indicative layout has been submitted the exact layout to include the total number of dwellings is one of the matters reserved for later approval.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is an agricultural field to the East of the A49 within Hadnall that is associated with Hermitage Farm. To the South of the site are residential properties on Pool Road and Pool Farm Lane, to the West of the site is the rear of properties that front the A49, to the East is open fields and to the North are the rear gardens of properties that front Hall Drive including Hadnall Hall. There is a large Oak tree in the centre of the site and mature trees to the Northern boundary and a pond in the North West corner.

3.0 REASON FOR COMMITTEE 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 the Parish Council have submitted a view contrary to officers and the Principal Planning Officer in consultation with the Committee Chairman and Local Member agrees that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SC Ecologist:

Great crested newts

Pond 1 is sited partly on the application site. Worsfold and Bowen (July 2014) have now completed six presence/absence surveys, which found a maximum adult great crested newt (GCN) count of 5. This is a small population size class. A European Protected Species licence will be required for the development. Mitigation will include installation of amphibian fencing and removal of GCN from the site. Compensation will be needed, probably in the form of a hibernaculum for GCN. The revised proposed block plan shows no development in the immediate vicinity of Pond 1.

Pond 2 has served as a fishing amenity pond and had an HSI score of 0.53 'below average' GCN suitability. On further inspection large carp were found in Pond 2

and 'bucket traps' used in April caught no newts. A ditch on the southern boundary was also examined but found to be unsuitable for GCN.

A European Protected Species 3 tests matrix is provide and the planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered.

Bats

A pollarded oak in the middle of the field was considered by Worsfold and Bowen to be a suitable place for a bat roost. An activity survey at the tree was undertaken on the 26th May 2014 but no bats were seem to emerge from the tree.

As bats are likely to use the hedgerows, trees and pond on site and a condition on lighting is recommended.

Nesting birds

The Proposed Block Plan indicates removal of a hedgerow but replanting of a species-rich hedge along the new proposed eastern site boundary. This is likely to be an improvement in biodiversity value in the longer term.

- 4.1.2 **SC Trees:** The veteran Oak tree has been retained in public open space. In order to protect the Oak tree during construction a Tree Protection Plan will be required with a full application.
- 4.1.3 **SC Highways DC:** The application is seeking the approval for the formation of a new estate road access onto the principal road A49. The A49 at this point is subject to a local speed limit of 30 mph and the available measure of visibility from the site access is in line with current guidelines. The site is located more or less in the centre of the village with good links to the local facilities. The proposed footpath link between the site and Pool Road is welcomed providing a direct footpath link towards the school. The Highway Authority raises no objection to the granting of outline consent subject to the imposition of conditions.
- 4.1.4 **SC Drainage:** Suggests drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage.
- 4.1.5 **SC Affordable Houses:** Core Strategy Policy CS11 requires all open market residential development to contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application. The proforma shows the correct calculation at the current prevailing target rate, but this may change if the prevailing target rate changes before the reserved matters application is submitted. The size, type and tenure of

the affordable homes on site must be discussed with the Housing Enabling team before any further application is submitted.

4.2 - Public Comments

4.2.1 **Hadnall Parish Council:** Following the current Parish Plan which designates Hadnall as 'countryside', the majority of councillors have voted to object to this development.

4.2.2 9 letters of objection have been received summarised as follows and are available in full on the file:

Policy/Principle

Hadnall is not designated as a 'Hub' or 'Cluster', but as 'Countryside'; there should be no building other than small building works or essential Low Cost housing

The SAMDev accurately informs local need and it would be inappropriate to pre-empt its findings at examination.

There are other sites designated for future development in Hadnall where access is considerably safer which should be considered before this site.

Development on the opposite of the A49 would be more appropriate

Hadnall is already losing its village status due to previous development and another 30 dwellings will change the village character for the worse.

Hadnall does not need more houses especially as there are still houses unsold on the Chapel estate and bungalows for sale in the village.

Hadnall will become a suburb of Shrewsbury

On 13th June 2014 Eric Pickles, Communities Secretary announced that "Britain must remain a green and pleasant land" with new housing to be concentrated on brown field sites. Councils will be required to create LDO's and it will be easier to construct on brown field sites and this application should be considered against this backdrop of it not being a brownfield site.

Highways/Traffic

Traffic passing through the village is excessive and dangerous and this will make it worse.

Increased vehicles will impact on road and pedestrian safety.

Visibility and safety is impeded by parking outside the shop and the proposed site access will be unsafe.

Traffic calming measures should be considered.

Due to there being no access to Hermitage Farm and their fields if this site is developed, is concerned about the increased traffic down Hall Drive. This is a private drive and Hermitage Farm has refused to contribute to its maintenance.

The proposed pedestrian access is via the turning head of Pool Drive a quiet cul-de-sac.

Residential amenity

Increased noise and light (street lighting) levels for existing residents around the proposed development.

Loss of privacy and overlooking of nearby properties particularly during the winter months due to reduced foliage.

The visual amenity from Hadnall Hall will be restricted.

Layout, scale and design

The picturesque view of an 'English Village field' will be lost

Bungalows would be visually more aesthetically acceptable than 2 or 3 storey houses and would not be so intrusive to existing properties of which many are bungalows.

The proposed development has a higher density of buildings than the surrounding area, and would not be in keeping with the rest of Hadnall Village.

There are no recreational facilities indicated.

Infrastructure

Local services and infrastructure (including foul drainage, power and roads) are stretched to full capacity and the school is over subscribed.

Drainage

Concern over soakaways being used in the construction as the proposed site suffers from areas of ponding.

The roads surrounding the site and the site itself have experienced flooding and photos provided as evidence.

A detailed flood assessment and Environment Agency surface and subsurface water survey should be conducted to better understand the impact this development could have on water levels and flooding

Environment and Ecology

Water voles and bats inhabit this site and the increased noise, light and human presents could impact on the extensive wildlife and ecosystem in existence around and on the proposed development site.

The removal of hedgerows will result in the loss of habitat for a variety of wildlife

The site is home to a veteran Oak Tree and possibly the site of the original village church.

The trees around the ponds are inhabited by bats and should not be removed

Newts have inhabited the ponds in the past.

There should be a buffer zone to protect trees on the boundary to the site

The land is grade two or three (a) agricultural land.

Other issues

Properties values have and will decrease

Requests that if approved that it should be for fewer properties, include improvements to boundaries and access and that a larger buffer area of grassland is created between existing properties.

This application cannot be dealt with under delegated powers and should be considered at committee.

5.0 THE MAIN ISSUES

Principle of development

Highways/Access

Scale, appearance and layout / visual and residential amenity

Trees, Landscaping and Open Space

Ecology

Drainage

Developer contributions - AHC and CIL

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The site is situated within Hadnall and is outside the development boundary on the proposals map of the NSDC adopted Local Plan and is also not coming forward as a hub or cluster settlement within the emerging SAMDev. 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 and emerging policy

and the application has been advertised as a departure. However paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:

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

6.1.2 The emerging 'Site Allocations and Management of Development' DPD (SAMDev) is at the 'pre-submission draft' stage and has recently been submitted for examination. Paragraph 216 of the NPPF indicates that 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.

6.1.3 Paragraph 14 of the NPPF states that:

'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.....For decision-taking this means that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the]Framework taken as a whole; or

— specific policies in [the] Framework indicate development should be restricted.'

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

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

and that

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

6.1.4 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.

6.1.5 In this period prior to examination sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. 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).

6.1.6 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. 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’.

6.1.7 The principle issue for consideration therefore 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.

6.2 Sustainable development

6.2.1 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.

6.2.2 Hadnall is a large village of approximately 300 dwellings and with a range of services and facilities within the village including a primary school, post office, shop, public house, restaurant, village hall and church and the Sansaw business Park is nearby. These facilities within the village can be accessed on foot by footpath along both sides of the A49 and the proposal also indicates a footpath link

to Pool Road which provides a safe means of pedestrian access to the primary school. There is also an hourly bus service (511) between Whitchurch, Wem and Shrewsbury that stops in Hadnall. 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.

6.2.3 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:

- *an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *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*
- *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

6.2.4 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.

6.2.5 Social role – The proposal will provide up to 30 houses which will help meet the housing shortage in Shropshire. 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. The current rate of 15% would provide 4 affordable houses on site. 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. It is recognised that increasing the number of dwellings in a settlement without a

proportionate increase in the provision of local services risks impacting upon the social integrity of the settlement. Residents are concerned that the infrastructure is not capable of accommodating the new development and that the school is already over subscribed. However infrastructure and education are in part funded by CIL contributions. There are approximately 300 dwellings in Hadnall and up to 30 additional houses is not considered to be a disproportionate number that would adversely change the structure and character of the community.

6.2.6 Environmental role – The site is grade 2/3 agricultural land 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 and the proposal would provide some ecological enhancements of the site (ecology will be considered more fully below). 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 Wem, Whitchurch and Shrewsbury.

6.2.7 It is therefore considered that the proposed residential development is acceptable in principle having regard to the three dimensions of sustainable development and is in accordance with the NPPFs 'presumption in favour of sustainable development'.

6.3 Highways/access

6.3.1 The vehicular access to the proposed development will be via improvements to an existing farm access which highways have confirmed has good visibility in both directions and has no objection to the proposal subject to a condition regarding the formation of the access. Residents are concerned about vehicular and pedestrian safety due to the speed of traffic on this busy road and that cars parked outside the shop will obstruct the visibility. However the shop is on the same side of the road and vehicles approaching from the direction of the shop will be on the opposite side of the access. The provision of up to 30 dwellings will result in some increase in traffic but will not increase the number of vehicles that are travelling through the village. The introduction of a road junction onto the highway and increased use of the junction should have the effect of slowing traffic and would improve highway safety. It is therefore considered that the proposal would have no highway safety implications. In addition the proposal includes a pedestrian access to the quiet cul-de-sac providing safe pedestrian access to the school. Access to Hermitage farm and the field behind the proposed site will be retained without the need to access the private Hall Drive.

6.4 Scale, appearance and layout / visual and residential amenity

6.4.1 This proposal is Outline with all matters other than access reserved for later approval. The Design and Access statement and indicative layout indicates an estate of predominantly family sized detached houses and four semi-detached affordable homes. This is only indicative to illustrate how the site might accommodate the number of dwellings indicated. Some residents have commented that it is high density and not in keeping with the existing character of the village, and that bungalows would be more appropriate than houses. 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.

6.4.2 There are a variety of housing types, scale and plot sizes within Hadnall, some directly facing the main road and some off side roads and mini estates and 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. The public view of the majority of the site is screened by existing housing and the development of this field would be virtually unnoticeable when travelling along the A49 apart from the gap at the entrance at the site. This gap will however be undeveloped as the land adjacent to the road is outside of the site boundary and the land immediately behind this next to the pond is indicated to be landscaped open space.

6.4.3 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. The built development will obviously change the view and outlook from the rear of properties in Hall Drive to the North and in particular Hadnall Hall and from the rear of the bungalows in Pool Farm Lane to the South 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. It is accepted that the construction phase of the development will result in some noise and disturbance but this can be controlled by condition. However it is not considered that the use of this field for residential development once complete and occupied would result in unacceptable levels of noise and disturbance to existing residents. Impact on property values is not a material consideration.

6.5 **Trees, landscape and open space**

6.5.1 There is a large Oak tree within the site and an arboricultural report has been submitted to assist in determining the potential layout of the site and that it can be developed without impacting on this and trees near the boundary to the site. The tree officer is satisfied that the revised indicative layout indicates that this tree can be retained in public open space but that in order to protect the Oak tree during construction a Tree Protection Plan will be required with a full application. This tree protection plan will also ensure that all existing trees along and adjacent the boundary of the site will be retained and protected. Whilst the layout and landscaping is reserved for later approval the revised indicative layout does now indicate a satisfactory level of open space provision and the landscape detail will be more fully considered at the reserved matters stage.

6.6 **Ecology**

6.6.1 An ecological survey has been submitted and as there is a small population of Great crested newts in Pond 1 although the revised indicative layout plan shows no

development in the immediate vicinity of this pond a European Protected Species licence will be required for the development. Mitigation will include installation of amphibian fencing and removal of GCN from the site and compensation will be needed in the form of a hibernaculum for GCN. No evidence of newts were found in other nearby ponds and in the ditch on the Southern boundary and are unsuitable for GNC. The Councils ecologist has confirmed that the proposed development will not be detrimental to the maintenance of the populations of great crested newts at a favourable conservation status within their natural range, provided that the suggested conditions and informatives are imposed. Work will need to be conducted under licence from Natural England and an EPS three tests matrix has been completed and is attached as appendix 2 to this report. A pollarded oak in the middle of the field has potential as a bat roost but a activity survey has been undertaken and bats were seen to emerge from the tree. However as bats are likely to use the hedgerows, trees and pond on site the lighting condition recommended by the Ecologist can be imposed. The indicative layout indicates removal of a hedgerow but replanting of a species-rich hedge along the new proposed eastern site boundary will provide longer term biodiversity value and enhancement.

6.7 Drainage

- 6.7.1 The Design and Access statement indicates that foul drainage will be to the public sewer or alternatively to a separate package treatment plant. The surface water will be to soakaways at greenfield rates or discharged to the watercourse along the Southern boundary. Although the site is in Flood Zone 1 which is an area of low risk of flooding, on the Pluvial Flood Map the site is at risk of surface water flooding. The Councils drainage engineer has commented that the detailed surface and foul water drainage proposals including full details on how the surface water runoff will be managed 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.

6.8 Developer contributions - AHC and CIL

- 6.8.1 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.

7.0 CONCLUSION

- 7.1 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. It is not considered that there would be any significant adverse impacts of the proposal that would outweigh the benefits. 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 not result in the loss of any significant trees, and have no adverse highway or ecological implications subject to conditions being imposed and landscape details and open space provision will be determined as part of an application for reserved matters. The on site affordable housing provision and any balance of AHC will be secured by a S106 agreement. It is therefore considered that the proposal accords with Shropshire LDF policies CS6, CS11, and CS17 and the aims and provisions of the NPPF.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, 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 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

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

11. Additional Information

List of Background Papers: File 14/01872/OUT
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Simon Jones
Appendices APPENDIX 1 – Conditions APPENDIX 2 – EPS 3 tests matrix

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Details of the scale, appearance, layout 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 number of dwellings shown on the deposited plan Number SA15364-02 REV B received 24 07 14.

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

5. The development shall be carried out strictly in accordance with the approved plans and drawings.

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

6. All trees and hedges which are to be retained shall be protected in accordance with the BS 5837: 2012 'Trees in relation to Design, Demolition and Construction recommendations for tree protection'. This shall include establishing a Root Protection Area (RPA) around each tree enclosed by suitable fencing, as specified by BS 5837: 2012 or as agreed in writing with the local authority or, where specifically approved, protected using ground protection measures to the satisfaction of the local planning authority. A tree protection plan shall be submitted with the first application for approval of reserved matters.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important in the appearance of the development.

7. As part of the first application for approval of reserved matters 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.

8. As part of the first application for approval of reserved matters 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 being occupied.

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

9. As part of the first application for approval of reserved matters a Flood Risk Assessment (FRA) should be produced and submitted using Shropshire Council's Strategic Flood Risk Assessment (SFRA) documents for guidance.

Reason: To ensure that all potential flood risk to the development has been addressed.

10. As part of the first application for approval of reserved matters details on how the surface water runoff will be managed including full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted for approval

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

11. As part of the first application for approval of reserved matters a contoured plan of the finished ground levels should be provided to ensure 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. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

12. No development, demolition or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

Reason: To ensure the protection of great crested newts, a European Protected Species

13. Work shall be carried out strictly in accordance with the Great Crested Newt and Bat Activity Survey by Worsfold and Bowen dated July 2013.

Reason: To ensure the protection of great crested newts, a European Protected Species

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

14. 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.

APPENDIX 2: EUROPEAN PROTECTED SPECIES – Consideration of the three tests

Application name and reference number:

14/01872/OUT

Date of consideration of three tests:

3rd August 2014

Consideration of three tests carried out by:

Alison Slade
 Planning Ecologist (01743 252578)
Alison.Slade@Shropshire.gov.uk

1 Is the development ‘in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?

The proposal will provide up to 30 new homes of which 4 would be affordable which will boost the housing supply in a sustainable location and as a result provide social and economic benefits for both present and future generations and will also provide bio-diversity enhancements of the site with no adverse environmental impacts.

2 Is there ‘no satisfactory alternative’?

The alternative is not to develop the site but this would not provide the much needed boost to housing supply numbers in Shropshire and would not provide the social and

economic benefits of the proposal and the ecological enhancements of the site.

3 Is the proposed activity ‘not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range’?

Pond 1 is sited partly on the application site. Worsfold and Bowen (July 2014) have completed six presence/absence surveys, which found a maximum adult great crested newt (GCN) count of 5. This is a small population size class. Mitigation will include installation of amphibian fencing and removal of GCN from the site. Compensation will be needed, probably in the form of a hibernaculum for GCN. The revised proposed block plan shows no development in the immediate vicinity of Pond 1.

Pond 2 has served as a fishing amenity pond and had an HSI score of 0.53 ‘below average’ GCN suitability. On further inspection large carp were found in Pond 2 and ‘bucket traps’ used in April caught no newts. A ditch on the southern boundary was also examined but found to be unsuitable for GCN.

The proposed development will not be detrimental to the maintenance of the populations of great crested newts at a favourable conservation status within their natural range, provided that the conditions and informatives detailed in the response from Alison Slade to Jane Raymond dated 3rd August 2014 are attached to any consent and thereafter implemented.

Conditions

1. No development, demolition or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

Reason: To ensure the protection of great crested newts, a European Protected Species

2. Work shall be carried out strictly in accordance with the Great Crested Newt and Bat Activity Survey by Worsfold and Bowen dated July 2013.

Reason: To ensure the protection of great crested newts, a European Protected Species