

Development Management Report

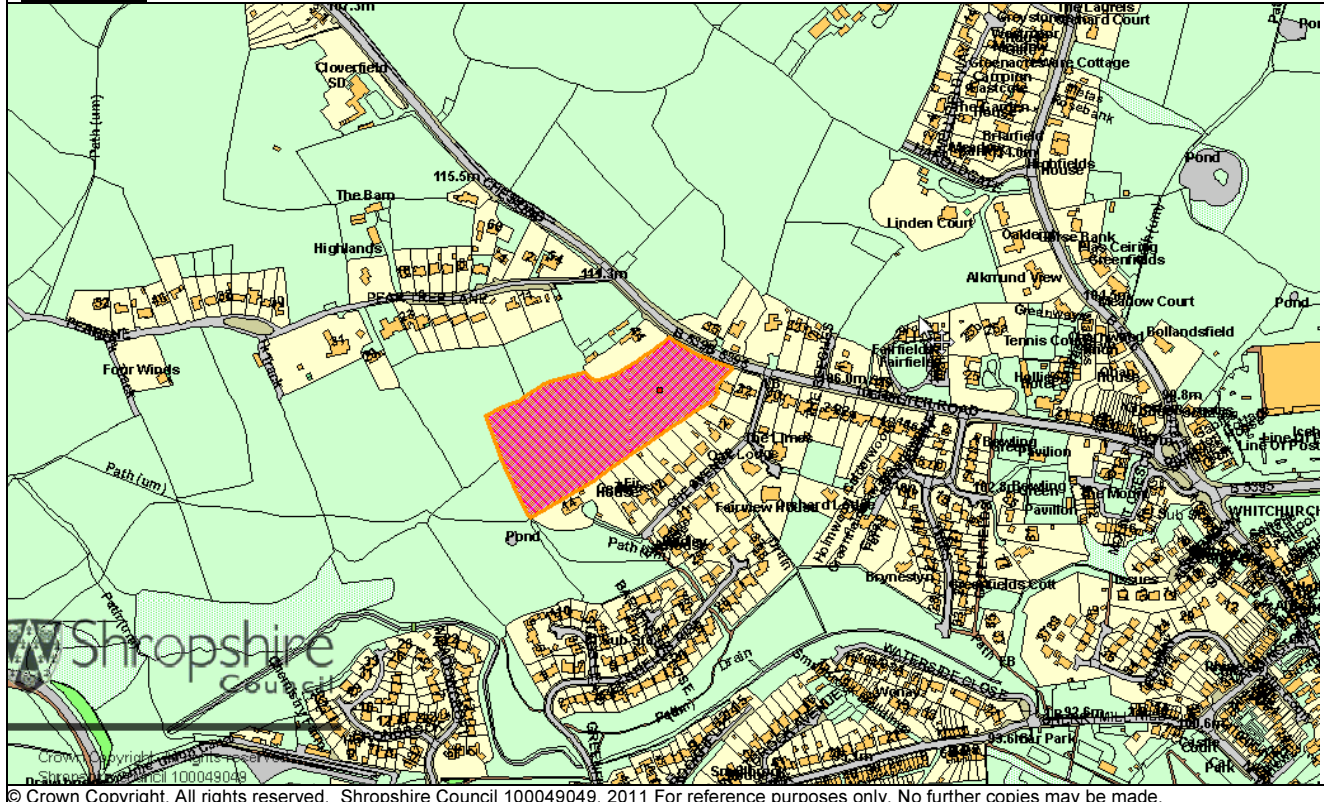
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 14/02222/OUT	Parish: Whitchurch Urban
Proposal: Outline application for residential development to include access	
Site Address: Development Land South Of Chester Road Whitchurch Shropshire	
Applicant: Hollins Strategic Land LLP	
Case Officer: Karen Townend	email: planningdmne@shropshire.gov.uk

Grid Ref: 353395 - 341961



Recommendation:- That delegated powers be granted to the Area Planning Manager to grant planning permission subject to no objections being received from Shropshire Wildlife Trust; subject to the applicants entering into a S106 agreement to secure the provision of affordable housing; and subject to the conditions listed in appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application is for outline planning permission for residential development on 2.25 hectares of land off Chester Road with only the access submitted for consideration at this stage. The layout, scale, appearance and landscaping are all reserved for later approval. However, the application form suggests a development of up to 57 dwellings. The proposed means of access is from a single point off Chester Road (the B5395).
- 1.2 In support of the outline planning application a detailed topography survey has been submitted along with a location plan and indicative masterplan and site sections. In addition a design and access statement, transport assessment, tree survey, biodiversity report, foul sewage and utilities assessment and flood risk assessment have been provided.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site lies between the existing dwellings on Chester Avenue, the large detached dwelling at 44 Chester Road and the recently approved land to the south of the housing on Pear Tree Lane and the area of land identified as open space associated with that consent (13/04268/OUT). The site is approximately 2.2 hectares and is currently made up of two agricultural fields with established hedge boundaries. The design and access statement advises that the site frontage onto Chester Road is 70 metres.
- 2.2 The houses on Chester Avenue and Pear Tree Lane are predominately large detached houses and bungalows in large plots built of red brick and pitched tile roofs with some render introduced in the newer dwellings.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council comments are contrary to the officer recommendation and the Chair of the planning committee has confirmed that the issues raised are material planning considerations which should be considered by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Whitchurch Town Council – Objects** to this application for outline development because it is outside of the SAMDev and not in keeping with the area.
- 4.1.2 **Conservation Officer – No objection.** The design of any proposed dwellings, in the event of permission being granted, should reflect the local vernacular in terms of scale, details and materials and the development should be in accordance with policies CS6 Sustainable Design and Development and CS17 Environmental Networks, and with national policies and guidance, including PPS5 Historic Environment Planning Practice Guide published by English Heritage in March 2010 and National Planning Policy Framework (NPPF) published March 2012.
- 4.1.3 **Archaeologist** – No comments to make with respect to archaeological matters.

- 4.1.4 **Affordable Housing** – 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 Reserved Matters application.

The current prevailing target rate for affordable housing in this area is 10% this would mean a provision of 5 Affordable houses on site plus a financial contribution for the remaining 0.7. ($57 \times 0.1 = 5.7$). The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and these 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. However as this is an outline application the percentage contribution and number of affordable homes will not be set at this time, but will be reviewed at the time of the reserved matters application. The size, type and tenure of the affordable housing needs to be agreed in writing with the Housing Enabling team before any application is submitted.

- 4.1.5 **Highways – No objection.** The highway authority does not wish to raise a highway objection to the granting of outline consent subject to a condition requiring submission of full engineering details.

On a further note, the highway authority will update Members regarding a 'hale and ride' opportunity in relation to the bus services 41/41A operated by the neighbouring Council authority, and the requirement for footway to be provided on the northern side of Chester Road for the benefit of inbound bus passengers.

Access:

The application seeks outline consent for residential development with only access being considered at this stage. In addition whilst the application submission indicates an indicative scale of 57 dwellings the highway authority's comments are based upon the potential for this number of units to be realised.

The site accesses onto the B5395 Chester Road which is lit and subject to a 30 mph speed limit. Chester Road measures some 7 metres in width bounded on the southern site side by a footway and narrow verge margin adjacent to the frontage boundary hedge along the site road frontage. From the central position access shown, visibility at a setback distance of 2.4 metres both meets and exceeds the acknowledged standards set out in 'Manual for Streets'

The highway authority conclude that the proposed access to serve the site is satisfactory.

Sustainability:

The application is supported by a Transport Statement (TS) which seeks to demonstrate the accessibility of the site by non-car modes. The TS sets out the potential walking distances to the local facilities and services together with acknowledging that the site is located with 800 metres of the town centre. It is considered therefore that the location of the site provides realistic opportunities to promote walking.

In view of the above, clearly cycling provides a more than realistic alternative transport mode to access the town centre and whole of Whitchurch.

Whilst the TS states concludes that the development is accessible by bus the highway authority would question this assertion. Service 41/41A Chester – Whitchurch is the only bus service operating along Chester Road. This is a service not operated by Shropshire Council and is not at the frequency set out in the TS. There is the potential to 'hale and ride' the service although on the inbound town centre journey there is not footway available. A footway facility therefore would need to be provided on the northern side of Chester Road in close proximity to the site.

The TS highlights the availability of other bus services in the locality which however require greater walking distances than is recommended i.e. in excess of 400 metres to a bus stop.

The site is within 2 kms walking distance of the Railway Station and therefore the distance is likely to dissuade but not prevent walking between the site and Railway Station, however the site is well within cycling distance of the Railway Station.

Overall, the highway authority consider that the site is sustainable having regard to non-car travel mode opportunities although there are short comings in terms of public transport provision.

- 4.1.6 **Trees** – The large field Oak tree - T28 on the submitted tree survey is not shown as retained on the indicative masterplan. We would expect category A trees to be retained - in the case of large spreading Oaks in areas of public open space and not in gardens where proximity issues become a burden on the occupier.
- 4.1.6 **Ecology** – Recommends further information is required at the reserved matters stage regarding the protection and enhancement of the environmental network (to include public open space) and a great crested new reasonable avoidance method statement. Also recommends conditions and informatives regarding bats and nesting birds.

Bats

From further correspondence with Karen Townend the applicant now wishes to retain the Oak tree within the proposed development site.

I have liaised with Andrea Cordon from REC Ltd, (telephone conversation 12th August 2014), who has confirmed that further bat activity surveys are not required providing that the oak tree in H7 is retained and lighting is controlled on site. As such recommends conditions to provide 10 bat boxes and details of lighting to reduce impact on bats.

Great Crested Newts

5 water bodies have been located within 250m of the proposed development site.

The ecologist has assessed the ponds as follows;

- 1.35m south west – ephemeral - HSI 0.52.
- 2.70m north east – no longer present

3. 165m west – no longer present
4. 220m east – fish stocked – HSI 0.65, within a garden and with limited terrestrial connectivity between the pond and the site.
5. 245m west – no longer exist

The proposed development site was surveyed during the beginning of April, and the ecologist is of the opinion that further survey work is not required to support this application.

Due to the close proximity of the ponds, and the size of the proposed development, a Reasonable Avoidance Method Statement for Great Crested Newts is required to be submitted and agreed with the local planning.

Environmental Networks

The Shropshire Core Strategy contains in Policy CS17: Environmental Network provision for mapping and subsequently protecting, maintaining, enhancing and restoring Environmental Networks in the county in line with the recommendations of both The Lawton Review and the National Planning Policy Framework.

Over half of the proposed development site is within the Environmental Network and as such the proposed scheme must clearly demonstrate how the development will 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by paragraph 117 of the National Planning Policy Framework.

There is a ditch, and a dry ditch running across the middle of the site and parallel to a section of the north boundary (please see phase 1 survey map in ecological report (2014)). From the proposed site layout this has not be protected or enhanced.

The proposed site layout does not currently provide open space. Would recommend incorporating the existing landscape features into areas of open space and would recommend at least 5m buffer around the ditch habitats, potentially including this feature in a SUDs scheme and that this should not be included in garden curtilage.

Appreciates that the existing boundary hedgerows are to be retained. These will be managed by the occupant of the property and would expect an appropriate planning condition which protects these hedgerow habitats post development.

Following further correspondence from Karen Townend, regarding the practicality of a 5m buffer to the existing boundary hedgerows not including gardens, I have reviewed my comments dated 11th August. I would welcome public open space to be positioned at the west, and north-west corner of the site in order to enhance this area which is within close proximity to a Local Wildlife Site for biodiversity.

Recommends an informative to advise the developer of the site of the ecological value of the ditch and hedges and the need for the development of the site to protect and enhance these features.

Badger

During the ecological survey no mammalian tracks were recorded. The ecological value of the site for badgers is assessed as negligible. There is a badger record within close proximity therefore I would recommend a pre-commencement walk over by an experience ecologist to check for badger signs.

Further Consultations

This site is in close proximity to a Local Wildlife Site, Greenfields, designated by Shropshire Wildlife Trust for its meadows and hedgerows. Shropshire Wildlife Trust should be consulted on this application, by contacting Robin Mager, and their comments should be received prior to a planning decision being made.

Nesting Birds

The site has the potential to support nesting birds and as such recommends the provision of 10 artificial nests.

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

As stated in the FRA, the use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

The use of large diameter pipes and crate storage together with a large number of chambers is likely to prove to be an expensive solution in terms of both construction and maintenance. The site's topography lends itself well to the use of true SuDS. Opportunities for permeable paving, attenuation basins and filter strips exist within the development site which could be explored to make the drainage system more sustainable

The 'Management Train Approach' should be central to the surface water drainage strategy of the proposed site. The main objective is treatment and control of runoff as near to the source as possible protecting downstream habitats and further enhancing the amenity value of the site aiming to incrementally reduce pollution, flow rates and volumes of storm water discharging from the site. SuDS should link with the individuals plot structure, planting, public open space requirements and amenity areas, gaining multiple benefits from a limited area of land 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.

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 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.

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

Also advised the use of water reducing measures and that consent is required for connection to the main sewer.

4.1.8 **Welsh Water** – No comments received at the time of writing the report.

4.2 **Public Comments**

4.2.1 5 letters of representation have been received raising the following concerns:

- Site outside the development boundary
- Shortage of jobs and electricity
- Loss of agricultural land and green space
- Overdevelopment of the site and should be bungalows
- Chester Road has defined character and features in the housing which the proposed development is not in keeping with
- Access will not be safe
- There is a pond and ditches on site which are used for surface water
- Concern over capacity of sewer system, ground water and subsidence
- Impact on wildlife, specifically water voles, newts, frogs, birds
- Affect on trees by building too close
- Increase in traffic flow onto Chester road.
- Proposed access is an regimented lay-out and will impinge on the accesses

5.0 **THE MAIN ISSUES**

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

6.0 OFFICER APPRAISAL

6.1 Policy & principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 The NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking (para. 14), so it applies, as a material planning consideration, in any event. The NPPF specifically aims to 'boost significantly the supply of housing', with the requirement for authorities to have a housing land supply of 5 years to achieve this. Therefore, the fact (and degree) that a proposed development helps to boost housing supply is a significant material consideration. 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 lies outside the development boundary previously set within the North Shropshire Local Plan and as such the application has been

advertised as a departure from the adopted local plan and would not normally be supported for development. Furthermore, the site is outside the development boundary proposed within the forthcoming Site Allocations and Management of Development Plan (SAMDev). 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. And policy CS9 states that development that provides additional dwellings or employment premises will help deliver more sustainable communities by making contributions to local infrastructure in proportion to its scale and the sustainability of its location.
- 6.1.7 It is also appropriate to consider the NPPF as a whole in assessing the sustainability of this proposal. Paragraph 14 of the NPPF states that within the context of the ‘presumption in favour’ development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweighs the benefits.
- 6.1.8 The applicant has also noted in the design and access statement that they have submitted an objection to the soundness of the SAMDev questioning whether the SAMDev proposes enough housing in Whitchurch and the other market towns in the North of Shropshire to meet the targets set within the Shropshire Core Strategy. The agent recommends increasing housing numbers for Whitchurch which they consider is capable of accepting additional housing and thereby also reducing the land requirements in rural areas. This is not a material planning consideration but does provide an indication of the outstanding objections to the submitted SAMDev which officers advise establishes that limited weight can be given to this forthcoming document.
- 6.2 **Is the site sustainable?**
- 6.2.1 Paragraph 7 of the NPPF sets out the three dimensions to sustainable development and provides an overview of what is considered to be the economic, social and environmental roles of the planning system. For a site to be considered to be sustainable development the three dimensions need to all be provided and the presumption in favour of sustainable development advises that, unless there are material considerations which significantly and demonstrably outweigh the benefits, consent should be granted. It is not a case of having to prove the benefits outweigh the harm but to prove that any harm substantially and demonstrably outweighs the benefits.
- 6.2.2 The agent has noted in the design and access statement that the application site is immediately adjacent to the site considered by the North Planning Committee in February 2014 (land off Pear Tree Lane) where officer’s conclusion was that the

site is sustainable.

6.2.3 It is acknowledged that a site within or on the edge of Whitchurch would be in a sustainable location given the proximity to the wide range of services and facilities in the market town. However, whether the development is considered sustainable needs to be assessed against all three threads of sustainable development set out in the NPPF not purely on location.

6.3 **Economic considerations?**

6.3.1 It is acknowledged that the site is not adjoining the town centre, employment area or the train station, however it does adjoin existing residential areas and is within the Whitchurch by-pass.

6.3.2 The agent has noted the economic benefits of employment and supply chain opportunities during construction and also post completion in the additional household expenditure and demand for services and facilities. The construction of new housing in, or on the edge of, Whitchurch would support the businesses within the town and residential areas. The new residents would also be likely to support community and leisure facilities in and around the town and furthermore the construction of the housing provides employment for the construction period and potential new employees into the town.

6.3.3 Concerns have been raised about the lack of jobs available in the town and the electricity supply however this is not a site specific objection to the development proposed and if the availability of jobs was a determinative factor this would apply to all housing proposals in the town, including the large allocated site off Tilstock Road. Officers do not have any evidence that there are not job opportunities in the town and new opportunities being made available. The new Sainsbury store has provided new jobs; there are employment sites being developed around the town and additional land being put forward for employment use allocation in the SAMDev. Officers do not consider that this matter is one which results in significant and demonstrable harm which would outweigh the benefits of new housing.

6.3.4 The issue of electricity provision is a matter for the supplier, and may require funding and improvements provided for by the developer of sites. This is not a matter which could hold up a planning application without an objection from the supplier. New housing will provide economic benefits and these are given weight in the determination of the application and the concerns raised by residents are not specifically harms resulting from the development proposed. Officers consider that the economic benefits of new housing needs to be part of the balance of determining the application.

6.4 **Social considerations?**

6.4.1 Policy CS11 of the Shropshire Core Strategy requires all new housing to contribute towards affordable housing. The provision of up to 57 new dwellings will provide new housing for Whitchurch, which will include an element of affordable housing and new households will support existing services and facilities. As an outline application the level of affordable housing would be set at the time of the submission of a reserved matters application which would need to be ensured through the signing of a S106 agreement on the outline.

- 6.4.2 Policy CS9 also requires all new housing to financially contribute to the provision of infrastructure. This is done through the Community Infrastructure Levy which is a levy charged on new housing and in the case of the application site would be £40 per square metre of new housing. 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.
- 6.4.3 The agent notes that Chester Road is one of the main link roads into the town from the bypass. There is an existing footway along the outside of the site, along Chester Road, which provides pedestrian access towards the town centre. The identified town centre retail area is within walking distance at approximately 800 metres from the site and therefore around 10 minutes walk. However the agent has also noted the presence of other local amenities including open space, recreational facilities and shopping in closer proximity than the town centre. Furthermore the site is close to on-road cycle routes which serve the town and wider area. With regard to bus travel it is noted that the site is some way from the closest bus stop (approximately 730m east).
- 6.4.4 As noted above the site is considered to be on the edge of the existing market town of Whitchurch and within walking and cycling distance of a number of services and facilities. Overall it is not considered that the proposed addition of up to 57 new dwellings on the application site, taking into account the significance of Whitchurch as a market town and as a priority for new development, would not result in a level of pressure on local infrastructure which would justify refusing the application.
- 6.5 **Environmental considerations?**
- 6.5.1 It is acknowledged that the development of the site from agricultural land to built development will have an environmental and visual impact. The scale of the development proposed will not result in significant loss of agricultural land, the case officer during a site visit noted that the land is not in active agricultural use and is a parcel of land which is nearly surrounded by residential development and the open space associated with the recently approved scheme to the north. The loss of best and most versatile agricultural land is an impact of the development proposed, however officers consider that the loss of the area proposed for the up to 57 houses would not constitute significant loss of agricultural land and as such that this harm is not so significant and demonstrable as to outweigh the benefits of new housing.
- 6.5.2 The main consideration of environmental impact is dependent on the layout, scale and design and the impacts on highways, trees, ecology and drainage. These matters are considered in detail in the following sections. However it should also be noted that the application site has a short road frontage and projects back from the road the same length as the adjacent housing development. This surrounding context and character should be taken into account when considering the severity of any visual harm.

6.6 **Layout, scale and design**

6.6.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Local concerns have been raised about the density, scale of development and character and features of the development.

6.6.2 The indicative masterplan is not submitted for determination at this outline stage but is intended to indicate that the principle of developing the site for housing is achievable. The layout shows a single point of access serving the whole development from an estate road; the retention of roadside hedging either side of the access; housing facing towards Chester Road, set behind private driveways and gardens; the remainder of the site developed as small groups of houses off cul de sacs and private drives and gable end onto the existing properties to the south. The cross sections show two storey dwellings, some with rooms in the roof space served by windows in the gable ends, some chimneys, garages and gable features. Although the scale and design are reserved for later approval officers consider that the indicative sections show some positive features, however the indicative layout does not appear to take into account the dip noted from the topography plan and as such this plan will need to be revised. Furthermore there are parts of the indicative layout where the amenities of the future residents would not be appropriate, areas where the houses are shown too close together or with domestic curtilages which are too small or with limited parking provisions shown on this plan and no open space provision within the application site.

6.6.3 The submitted topography survey shows the existing levels of the site and of the adjacent public highway, Chester Road. The levels range from 109.5 AOD at the rear of the site, dropping to a low level of 106.5 along a dip running parallel to the road, 107.35 on the northern edge of the site and 102.5 on the southern edge of the site. Between the dip and the road the level varies to a lesser extent from 109.46 to 107 from north to south. The road level is shown as an average of 108AOD. As such the levels of the site are small fluctuations which should be able to be used in any future development of the site. This matter will need to be considered at a later date under an application for approval of reserved matters and this will need to take into account the dip as an existing feature.

6.6.4 Overall officers consider that the site can be developed for housing with an appropriate layout, scale and design but do not consider that the indicative layout plan should be accepted. This plan does show some positive principles, including housing fronting Chester Road, but also shows some areas for improvement. These matters will need to be resolved before an application is submitted for approval of reserved matters but are not matters which need to be dealt with at this outline application stage as the only matter for consideration is the access.

6.7 **Impact on residential amenity**

6.7.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

6.7.2 As noted above the application is currently for outline planning consent with only the access details submitted for approval. Officers have raised concerns with the indicative layout submitted and as such this plan has not been part of a detailed assessment for its impact on the amenities of existing properties. Any future development of the application site would need to take into account the location of the surrounding development and ensure that the amenities of the existing properties are not unacceptably affected.

6.8 Highways, access, parking and rights of way

6.8.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Concerns have been raised locally that the access is not safe and that the development will increase traffic on Chester Road.

6.8.2 As noted above the proposal includes access for consideration at this outline stage. This is to be provided by a single point of access off Chester Road providing a junction of 5.5m wide with footways of 2m wide and a radii of 6m. The visibility from the access is noted in the design and access statement as being at least 2.4m by 40m and the agent considers that this is in line with Manual for Streets. The proposed junction is within the existing 30mph speed limit zone on Chester Road and the agent also notes that it is over 100m from the proposed alterations to the junction of Pear Tree Lane approved in February. The Council Highway Officer has confirmed that the access exceeds the acknowledged standards set out in 'Manual for Streets' and as such provides a satisfactory means of access to serve the site.

6.8.3 A transport statement has been submitted with the application which has assessed the potential impact on the local highway network. The report suggests that the trip generation from the development will be 30 movements at the peak times and therefore a net impact of one additional vehicle every 2 minutes. As such the consultant considers that this would be a minimal increase in traffic. Furthermore the report also notes that the site is within 10 minutes walk of the town centre, that there are other facilities closer than the town centre and that all the town facilities and services, including the schools and train station are within acceptable walking distances of up to 2km. The Highway Officer has agreed that the location of the site provides realistic opportunities to promote walking.

6.8.4 The report also notes the nearest bus stop is approximately 730m from the application site. Officers consider that this is some distance and the town is not far beyond the bus stop and as such the opportunities for using this service to access the town is limited. The Highway Officer has noted that the service that passes the site is operated by the adjoining authority but may be a 'hale and ride' service. This would, subject to the provision of a footway on the opposite side of Chester Road, provide residents with the ability to stop the bus and alight without the need for a formalised bus stop. The Highway Officer is investigating this further and will confirm for the committee meeting whether a condition is required

to enable the provision of a section of footway.

6.8.5 The report also provides an assessment of potential traffic movements to and from the site for the proposed 57 dwellings. It is concluded that the development will result in a minimal increase in traffic on the local highway network with a maximum of 30 trips in the peak hours. The Highway Officer has not commented specifically on traffic movements, however as members have been previously advised a reason for refusal on increase in traffic has to be based on a the cumulative impacts being severe. In the case of this application it is officers opinion that the level of traffic movements from up to 57 dwellings could not be considered to be severe. Accordingly, as the access is considered to be appropriate and the internal layout and parking standards reserved for later approval the current outline application is considered to meet the requirements of policy in relation to highway safety and traffic.

6.9 **Ecology and trees**

6.9.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. A phase 1 ecology survey was undertaken in 2011 and updated to be submitted with the current application and this has been considered by the Council's Ecologist and Tree Officer. Local concerns have been raised about impact on wildlife and existing trees.

6.9.2 The submitted ecology survey identifies five ponds within 250m of the site, the proximity of the Greenfields Local Nature Reserve and the Shropshire Union Canal. It also assesses the hedges and trees within and around the site and the ditches which cross the site. With regard to protected species the report notes that there is no evidence of amphibians or Great Crested Newts in the 2 of the 5 ponds which remain in the immediate area; that the site is not suitable habitat for GCN but that nesting birds may be present in the boundary hedges and trees; no evidence was found of badgers or water voles and the author considers the site is not suitable habitat; however the site may be commuting and foraging habitat for bats and the trees may provide transitional roosts. Overall the report concludes that providing the boundary hedges are retained the development will not adversely affect on pathways to the Local Nature Reserve, the existing hedges should be filled in and selectively thinned to enhance the species variety, new oaks should be planted to replace one which is to be removed, hedges and trees should be checked for nesting birds and artificial nests provided, artificial bat boxes and an artificial roost be provided to mitigate the potential loss of habitat from the removal of the one oak and that lighting be appropriate so as not to disturb bat commuting. The report also notes that the planting of new species within domestic gardens will provide additional habitat and also facilitate the movement of small animals between gardens and the surrounding area.

6.9.3 The Council Ecologist had initially raised concerns about the loss of the tree and the potential impact that would have on bats and also the need for further information regarding great crested newts. Following confirmation from the agent that the tree would be retained and further consideration of the information submitted the Council Ecologist has confirmed that the development of the site

may be possible without adversely affecting protected species. At this time the tree is to be retained and the Council Ecologist would also require the retention of the hedges within and around the site to ensure the protection and enhancement of the environmental network and the biodiversity habitat. As with the other concerns raised previously in this report these concerns relate to the layout shown on the indicative plan. As layout is not submitted for approval at this time it is officer's opinion that a revision to the layout could provide for retention of these features and as such ensure that the statutorily protected species are not adversely affected.

- 6.9.4 However, the Council Ecologist has recommended that Shropshire Wildlife Trust are consulted on the application and this consultation has been done but at the time of writing the report no comments have been received and an update will be provided to members if a response is received before the meeting.
- 6.9.5 The design and access statement suggests that the existing natural boundaries to the site will be retained and reinforced, with the exception of the roadside boundary hedge opening to provide the new vehicular access. The tree survey submitted identifies one Oak tree to be removed which it advises has significant deadwood and is at risk of being structurally unsound. The Council Tree Officer has advised that the large field Oak tree - T28 on the submitted tree survey is not shown as retained on the indicative masterplan and that this should be retained within an area of public open space. This matter can be dealt with at the time of the submission of reserved matters along with the other issues with the master plan identified previously.
- 6.10 **Drainage**
- 6.10.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. The application form notes that foul drainage is proposed to be disposed to the existing mains sewerage system and surface water also discharged to the mains however this is in conflict with the advice in the design and access statement which notes that the site can be drained using infiltration such as soakaways and by limiting the run off rate to greenfield run off to avoid increasing flooding or surface water impacts.
- 6.10.2 Concerns have been raised by local residents that there is an existing pond and ditch on site which are used for surface water and also that the capacity of the sewer system is not sufficient. The utilities statement submitted with the application notes that there are foul sewers under Chester Road and combined sewers in Chester Avenue and Pear Tree Lane, it notes that consultation will be required with the Local Authority and Welsh Water to establish capacity and connection however does not detail whether any discussions have been undertaken prior to submitting the application.
- 6.10.3 Welsh Water have not commented on the current application although they were consulted. Although this is not a guarantee that there is not an issue with the foul drainage it would not be reasonable to hold up making a decision on the planning application for a consultee to respond when they have been given the statutory time in which to respond and no extension of time has been requested. However,

a condition is proposed that requires the details of the drainage system to be submitted at the time of the submission of the first of the reserved matters which would enable further consideration of this issue at the reserved matters stage.

- 6.10.4 A Flood Risk Assessment (FRA) has also been submitted with the application given the size of the site. This assessment identifies the features in the area including the Shropshire Union Canal Llangollen Branch, Grindley Brook and a number of un-named ponds and watercourses. The report advises that the risk of flooding is negligible to low from off-site sources and that the main risk is from surface water from the development of the site. However it also notes that the pluvial (surface water) flooding risk is low and that there are no recorded incidences of surface water flooding.
- 6.10.5 The FRA also sets principles for the surface water drainage of the site which the Council Drainage Engineer has commented on and advised that, in principle, the surface water from the site can be drained to ensure that there is no additional run off and ensure that there is no greater risk of flooding. The details of the scheme can be conditioned for later approval. The precise details of the surface water drainage system for the site are not known at this time, however the FRA does propose the use of soakaways but also recommends alternatives for on-site storage and controlled discharge of surface water to ensure that the surface water does not increase.

7.0 CONCLUSION

- 7.1 The application site is not within the Whitchurch development boundary as shown either in the North Shropshire Local Plan or the forthcoming Site Allocations and Management of Development Final Plan and is therefore classed as a departure from the development plan. However, significant weight must be awarded to paragraphs 7 and 8 of the NPPF where is a presumption in favour of sustainable development.
- 7.2 It is considered that the site, in principle, is an appropriate site within the existing and approved built development of Whitchurch and could be designed with an appropriate layout which would be in keeping with the form and layout of the surrounding housing development and without adversely affecting the amenities of the existing properties or the character of the wider area. A safe means of access is available and the site is within a sustainable location close to the services and facilities within the town. Furthermore the layout of the site could take into account the existing landscape and ecology features and ensure that it protects and enhances the environmental network.
- 7.3 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 - written representations, a hearing or inquiry.

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

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

8.2 **Human Rights**

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

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

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

8.3 **Equalities**

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

9.0 **FINANCIAL IMPLICATIONS**

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

10. BACKGROUNDRelevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
 CS3 - The 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
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management

11. ADDITIONAL INFORMATION

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr Thomas Biggins Cllr Peggy Mullock

Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

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

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

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

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

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

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

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

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

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

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

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

The number of units

The means of enclosure of the site

The levels of the site

The means of access for disabled people

The foul and surface water drainage of the site

The finished floor levels

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. No development shall take place until full engineering details of the means of access, internal road layout, construction and sight lines have been 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.

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

8. 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.

9. A total of 10 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species, which shall be erected on the site prior to first occupation of the dwellings hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

10. A total of 10 woodcrete artificial nests, suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwellings hereby approved.

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

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

11. Except where detailed to be removed as part of the design of the reserved matters application 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.

Reason: To safeguard the visual amenities of the area.