

Development Management Report

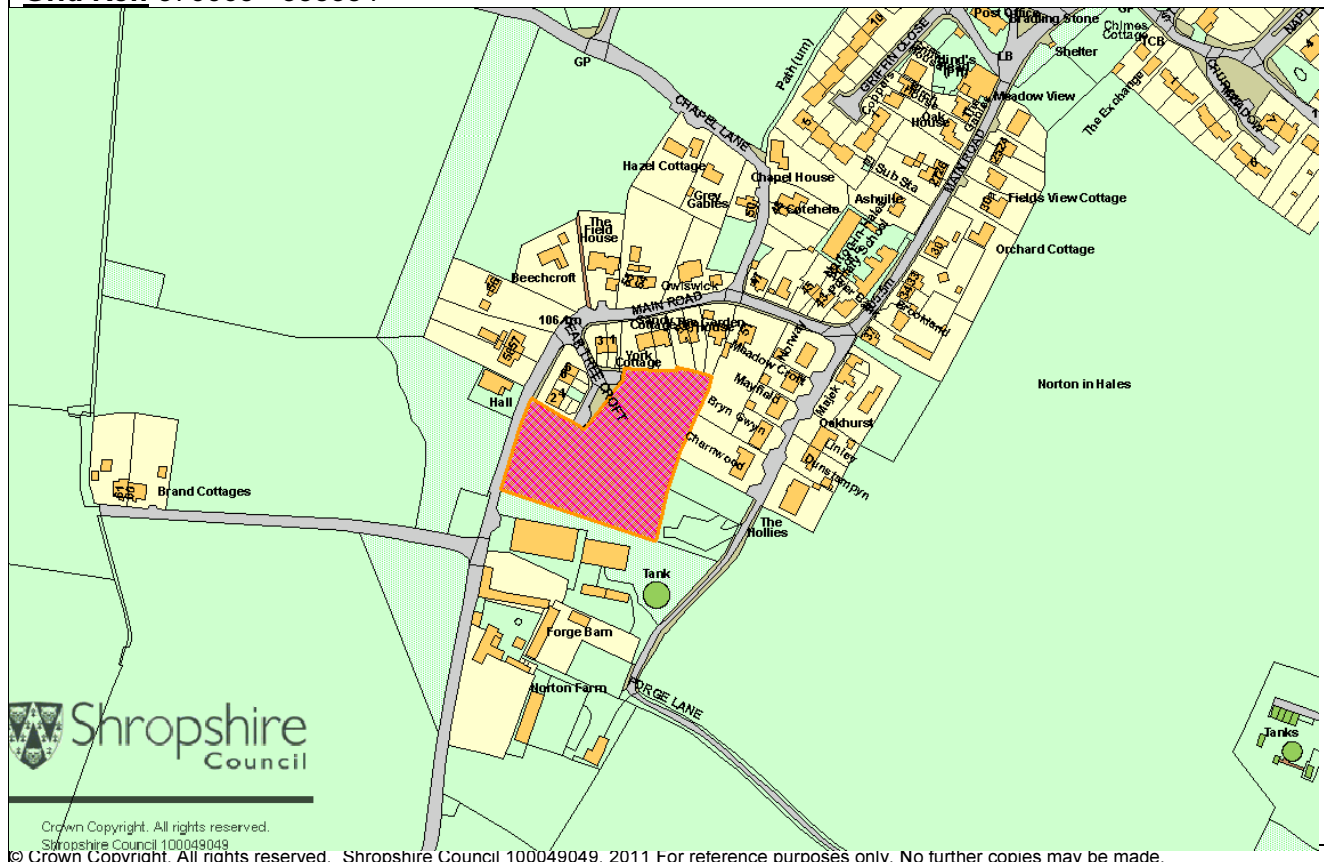
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Summary of Application

Application Number: 14/00260/FUL	Parish: Norton In Hales
Proposal: Residential Development of 14 detached dwellings	
Site Address: Land North Of Norton Farm Main Road Norton In Hales Shropshire	
Applicant: Mr Glenn James	
Case Officer: Richard Denison	email: planningdmne@shropshire.gov.uk

Grid Ref: 370065 - 338384



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Recommendation:- That planning permission be granted subject to the applicants entering into a S106 agreement to secure affordable housing at the rate relevant at the time of the submission of reserved matters and subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the erection of 14 detached dwellings (four 3-bedroom and ten 4-bedroom) on land adjoining Norton in Hales. The proposed dwellings will have a mixture of single and double garages with each unit providing a minimum of two car parking spaces each. Twelve of the dwellings will have access from an existing driveway serving six recently constructed dwellings, whilst the remaining two dwellings will be accessed from the existing driveway serving an existing residential barn conversion and Norton Farm. A pedestrian link from the development will be provided onto Forge Lane with structural landscaping being provided throughout the development.

2.0 SITE LOCATION/DESCRIPTION

2.1 The proposed site is located directly to the south of Norton in Hales village and is an open agricultural field. A number of semi-detached and detached properties adjoin the north, east and part of the western boundary. Modern farm buildings historically associated with Norton Farm are located along the southern boundary, although permission was granted in August 2013 for the demolition of these buildings and erection of a large residential dwelling. The Main Road is located along part of the western boundary and is opposite the village hall.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Principal Planning Officer in consultation with the committee chairman and the Local Member agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Shropshire Council, Highways Development Control** - There are 2 access aspects to the development proposal. Plots 3 & 4 are to be served via the existing agricultural farm access which show provision for 2.4 x 43 metres visibility splays.

Plots 1 & 2 and 5 to 14 inclusive are shown to be accessed via the existing development access road known as Pear Tree Croft. This existing access road has not been adopted by Shropshire Council and is not subject to a Section 38 adoption agreement due to issues surrounding the visibility splays provided at the

junction with the Main Road. Whilst in principle the highway authority do not fundamentally object to Pear Tree Croft serving the proposed extension and 12 further properties, it is strongly recommended that this must be based upon the visibility splay at the junction being secured prior to any development taking place.

The highway authority does raise concern regarding the lack of and/or inadequacy of the footway provision between the site and in the direction of the School and public house. The development as proposed would be likely to generate pedestrian movement, including more vulnerable users, between the site and village facilities as well as local interaction within the village.

The lack of and/or deficiency of the footways would inevitable result in pedestrians from the development walking within the highway carriageway. This of course is not unusual for a rural village and nor is there carriageway space to fundamentally improve footway provision which would improve the situation albeit change the character of the village.

The lack of footway provision between the site and body of the village is a deficiency of the site which does raise pedestrian safety concerns. However, the development proposal does provide a new pedestrian link between the site and Forge Lane and whilst this lane does not provide a off carriageway footway it is a quite lane in terms of likely traffic flow and does lead to Main Road where footway provision, although somewhat restricted, is available. It is considered therefore that an objection to this development on pedestrian safety grounds would not be warranted.

In the event that Members resolve to grant consent the highway authority would recommend the following conditions are imposed:-

Prior to the commencement of plots 3 & 4 shown on the approved drawings, visibility splays of 2.4 x 43 metres shall be provided at the southern junction, all growths and obstructions in advance of the visibility splay area shall be lowered to and thereafter maintained at carriageway level. Reason: In the interests of highway safety.

Prior to plots 3 & 4 shown on the approved drawings being first occupied the access driveway, parking and turning areas together with a footway link to the existing footway adjacent to 6 Main Road shall be constructed in accordance with a specification and footway alignment to be first submitted to and approved in writing by the Local Planning Authority. Reason: To provide a satisfactory means of access to the site.

Prior to the commencement of plots 1 & 2 and 6 to 14 inclusive, as shown on the approved details, at the junction of Pear Tree Croft with Main Road visibility splays of 2.4 x 43 metres shall be provided in both directions along Main Road, all growths and obstructions shall thereafter be lowered to and thereafter maintained at the level of the adjoining highway footway. Reason: In the interest of highway safety.

Prior to the commencement of plots 1 & 2 and 6 to 14 inclusive, as shown on the approved details, the internal access road, parking and turning areas and footway

link to Forge Lane shall be constructed and drained in accordance with a specification to be first submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety.

- 4.1.2 **Shropshire Council, Planning Ecologist** - If any trees or hedgerows are to be removed to accommodate the development, the following informative should be attached: The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive
- 4.1.3 **Shropshire Council, Drainage Engineer** - The application form states that the surface water drainage from the proposed development is to be disposed of via soakaways. However no details and sizing of the proposed soakaways have been supplied. SuDS Applicability for the site is Infiltration. 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. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted for approval. A catchpit should be provided on the upstream side of the proposed soakaways. This is 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.

If non permeable surfacing is used on the new road, driveway and parking area and/or the new road slopes toward the highway, the applicant should submit for approval a drainage system. This is to ensure that no surface water runoff from the new road runs onto the highway.

On the Pluvial Flood Map, part of the site along the southern boundary is at risk of surface water flooding. The applicant should provide details on how the surface water runoff will be managed and how the flow of the flood water could be routed away from the property and will not cause flooding of any property either within the proposed development or any other in the vicinity. This is to minimise the risk of surface water flooding.

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

As part of the SuDS, the applicant should consider employing measures such as the provision of surface water soakaways (Designed in accordance with BRE Digest 365), swales, infiltration basins, attenuation ponds, water butts, rainwater harvesting system, permeable surfacing on any new road, driveway, parking area/ paved area, attenuation, grey water recycling system and green roofs.

Details of the use of SuDS should be indicated on the drainage plan. This is to ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

Consent is required from the service provider to connect into the foul main sewer.

- 4.1.4 **Shropshire Council, Tree and Landscape Protection Officer** - Although the applicant ticked yes to trees and hedges on site no details were shown on the attached plans and drawings. Unless any tree issues are brought to my attention I have no objection in principle to the scheme
- 4.1.5 **Shropshire Council, Landscape and Amenity Protection Officer** - There does not appear to be any protected or important amenity trees on site. A landscape plan should cover details of the frontage hedgerow and its treatment, along with other new planting.
- 4.1.6 **Shropshire Council, Historic Environment Team (Conservation)** - A formal response has been received indicating no comments on the application, although it is suggested to condition the materials for the construction of the dwellings and that the eaves and verge details are as per the submitted plans.
- 4.1.7 **Shropshire Council, Affordable Housing Officer** - As an open market housing proposal, the Core Strategy requires the development to contribute towards the provision of affordable housing. The detail of this requirement is contained in Core Strategy Policy CS11 together with Chapter 4 of the Council's adopted Supplementary Planning Document on the Type and Affordability of Housing.

The affordable housing contribution rate changed on the 1st September 2013 and is now 15% for this area. As such a proposal for 14 new open market dwelling would be liable to make a contribution equivalent to 14×0.15 which gives a contribution of 2.1, we would prefer the 2 units to be provided on site and as the 0.1 is less than a whole unit, it is translated into a cash sum paid by the developer as an off-site Affordable Housing Contribution used by the Council fund the delivery of affordable housing provision elsewhere in the area. The pro-forma submitted shows an offsite provision which has not been agreed and the calculation is incorrect, for offsite provision a build cost of £1,155 is to be used for the 2 whole units therefore the total off site cost will be £240,000. ($2 \times 100\text{sqm} \times £1,155 + 0.1 \times 100\text{sqm} \times £900$).

As part of the application process the applicant should be requested to resubmit the Affordable Housing Contribution Pro-forma so that the correct level of their contribution can be calculated and agreed.

- 4.1.8 **Shropshire Council, Historic Environment Team (Conservation)** - Norton-in-Hales has a conservation area. All of the proposed sites are unlikely to affect the setting of the Grade II* Church, Grade II listed and Scheduled Ancient Monument Churchyard Cross and Grade II Font and Tomb Stone within the Churchyard. The proposal needs to be in accordance with policies CS5 Countryside Green Belt, 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.

Generally the house types are acceptable but they are quite generic in their detailing. There is no design statement which indicates how the layout, siting, density and design has been planned. This would suggest that the dwelling designs are standard and may not necessarily be vernacular to Norton-in-Hales. The density, siting and layout of the dwellings should reflect the grain and form of the village rather than appearing to be applicable to anywhere.

It is noted that a revised site layout has been submitted and this does address one concern regarding the dwellings onto Main Road and that they should address the road. This has been amended to show the three dwellings on that site facing the road. Also the dwelling proposed for Plot 12 should ensure that its elevation facing towards Main Road has interest and adds value to the visual appearance to the development when viewed from Main Road.

4.1.9 **Shropshire Council, Learning & Skills** - Norton in Hales Primary School has a significant proportion of unfilled places and this is forecast to continue for the foreseeable future. Any school children that the proposed developments may yield (which are envisaged to be no more than around 10 in total) are therefore likely to help school numbers to a degree. From a site neighbour viewpoint, none of these proposed developments look like they will cause problems, such as traffic build up around the school. Secondary school numbers (Grove School, Market Drayton) are forecast to reach capacity by the end of the plan period, but any effect from the developments in Norton-in-hales are expected to be minimal. It is not envisage that there will be any particular problems in the education sector if any or all of the development sites in Norton in Hales were to obtain approval.

4.1.10 **Norton in Hales Parish Council** unanimously objects to this planning application on the basis of Road Safety:

The Roads to and from the village are narrow and could not safely take any further traffic, including vehicles or the trucks supplying houses eg oil.

The five entrance / exits to the village are already not safe and they have no passing points.

The Road entrance to the village from Market Drayton is extremely narrow at the Jubilee Hall.

At the entrance to Pear Tree Croft residents already have to reverse out of their drives on a bend, this would be made dangerous with an increase in cars coming from both directions.

In addition the Parish Council has concerns over the sewerage infrastructure and whether the system could cope with extra houses a specific report would need to have been done.

Should Shropshire Council over-rule the Parish Council and agree to the planning application, the Parish Councillors request that the following be adhered to:

1. Sympathetic materials in keeping with the village are used including sandstone lintels (not brick as in the design), sandstone kerbs, and appropriate roof tiles.
2. The very narrow section of road outside the Jubilee Hall to be widened, with suitable traffic calming measures put in place.
3. The current footpath opposite the Jubilee Hall to be continued along to allow for safe access from the village to the converted barns, this footpath link to be created and surfaced to an adoptable standard by Shropshire Council again using materials in keeping with the village eg. Sandstone kerbs. The footpath should be adjoining the road, and then the Sandstone wall be moved further in land with the hedge replanted behind the sandstone walls giving privacy to the new houses. (ie Road / Footpath / Sandstone Wall / Hedge) .
4. No reduction in the number of hedges or trees should happen.
5. A rainfall / ground saturation full inspection to be done together with an ecology report.
6. Agreement to the ownership and maintenance of any new street lights needs to be listed between the land owner and Shropshire Council.
7. Norton in Hales entry to the National Britain in Bloom competition should be taken into consideration when stipulating the building timeframe so as not to ruin their chances.

4.2 Public Comments

4.2.1 Nineteen letters of objection have been received raising the following concerns:-

- Site not suitable for development.
- Concerns of public safety due to an increase volume of cars on the local roads.
- Access routes to and from the village are narrow and poorly maintained. An increase in the number of cars will only damage roads further and cause more traffic related accidents.
- Not a sustainable development as all journeys will have to be made by car (no public transport within the village).
- Proposed development design is not in keeping with properties in the village.
- Increase pressure on sewage systems within the village.
- More houses will increase risk of flooding.
- Proposed site is outside of the current village Development Area.
- Three of the proposed properties will overlook the gardens of 4 properties nearby.
- Proposed footpath does not improve traffic safety.

4.2.2 Eight letters of support have been received raising the following comments:-

- Offers more housing to people wanting to move into the village.
- The development will tidy up the entrance to the village.

5.0 THE MAIN ISSUES

Policy & Principle of Development
 Assessment of Sustainability
 Design, Scale and Character
 Impact on Residential Amenity
 Highways
 Drainage
 Affordable Housing
 Community Infrastructure Levy

6.0 OFFICER APPRAISAL

6.1 Policy & Principle of Development

- 6.1.1 The site is situated within Norton in Hales 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' Plan (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 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 Assessment of Sustainability

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 Norton in Hales is a village of approximately 160 dwellings and with a range of services and facilities within the village including a primary school, public house, village hall, church, recreational facilities (including cricket pitch, tennis court, bowling green and sports pavilion) and children's play area. These facilities within the village can be accessed on foot by a footpath along the Main Road, whilst a footpath link is proposed to link into Forge Lane which will provide a safe means of pedestrian access to the primary school. Norton in Hales has strong links with Market Drayton which is only 2.4 miles away along a main country lane and provides a wide range of shops, employment opportunities, recreational and leisure facilities and public transport. 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.

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.

Economic Consideration

- 6.2.4 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.

Social Considerations

- 6.2.5 The proposal will provide 14 dwellings 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 and this matter is discussed later in the report. 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. Officers consider that the existing infrastructure is capable of accommodating the new development and there is sufficient capacity in the primary school. An outline application is also proposed along Bearstone Road (application reference 14/00790/OUT) which also proposes 14 dwellings. There are approximately 160 dwellings in Norton in Hales and the cumulative impact of 28 additional dwellings (a 17.5% increase) is not considered to be a disproportionate number that would adversely change the structure and character of the community.

Environmental Considerations

- 6.2.6 The site is grade 2/3 agricultural land and has no heritage, cultural or ecological designation. The site is located adjoining residential properties which are positioned along the northern and part eastern boundary, whilst a new large dwelling has been approved along the southern boundary and the site cleared in preparation for building works to commence. 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 in relation to additional planting. 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 is close to the array of services, facilities and employment opportunities in Market Drayton.

6.2.5 The balance of material consideration remains one of boosting housing supply in locations that are considered to be sustainable even if they fall outside of the defined development boundaries within existing saved and adopted development plan policies. The proposed site is considered to be in accordance with the sustainable objectives that are set out in the National Planning Policy Framework by providing economic, social and environmental benefits. Accordingly, it is considered that the principle of a residential development in this location is acceptable.

6.3 Design, Scale and Character

6.3.1 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.

6.3.2 Objection has been received from local residents indicating that the proposed design is not in keeping with properties within the village. The proposed development will be positioned between existing residential development to the north, east and south with Main Road running along the western boundary. The proposed field would appear as an infill site enclosed by existing development and would represent a natural expansion of the village. Ten of the proposed units will be accessed off Pear Tree Croft with an internal estate road with pedestrian footpath.

6.3.3 The proposed dwellings will incorporate six different house designs including a mixture of features including symmetrical frontages, front facing gables, open pitched canopies, stone window cills, brick headers, and chimney stack and attached single garages/double garages. The Parish Council have indicated that the materials should be in keeping with the village including sandstone lintels, sandstone kerbs and use of appropriate roof tiles. The dwellings will be constructed with traditional red bricks with plain roof tiles to match the existing older style properties in the village. The dwellings will have stone window cills and brick headers which will be in keeping with Norton Farm House and similar properties along Main Road. The dwellings will not have sandstone corners as there are no immediate adjoining properties with these features to match. It is considering that including an additional feature will make the overall appearance too fussy. The dwellings will be orientated and set back at different positions to give a unique appearance and variety to the development.

6.3.4 Units 1 to 4 will have a roadside frontage facing the Main Road with units 3 and 4 accessed off the existing access serving Norton Farm. These four dwellings will consist of a pair of semi detached properties and two detached dwellings and will each be individual to give variety in the street scene. They will be set back from the roadside with a staggered appearance with a hedgerow frontage, gardens and access driveway separating them from the road.

6.3.5 It is officers opinion that the proposed dwellings will match the design and

appearance of the existing modern six dwellings on either side of Pear Tree Croft and pick up a number of design features from the older style properties within the older centre of the village. The proposed plots provide adequate off street car parking for residents and visitors with reasonable rear private gardens and amenity space. Structural landscaping has been incorporated into the development along the roadside frontage on the approach into the village and within the new estate road.

- 6.3.6 Concerns have been raised regarding the loss of the hedgerow along the Main Road. However, the development will only result in a 17 metre section of hedgerow being removed which will be replanted behind the proposed visibility splays for the existing access serving plots 3 and 4, together with the existing barn conversions at Norton Farm. The proposed repositioning of the hedgerow will increase visibility for emerging vehicles and will improve highway safety for existing and future residents. The repositioning of the hedgerow will also assist in providing improved visibility for pedestrians crossing the road to gain access to the overflow car park associated with the village hall.
- 6.3.7 The proposed layout, design and scale of the dwellings would be acceptable on this edge of town location and would not impact on the character of existing properties or local area.

6.4 **Impact on Residential Amenity**

- 6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. Concerns have been raised from local residents regarding overlooking and loss of privacy.
- 6.4.2 The existing dwellings along Pear Tree Croft, Main Road and Forge Lane all have rear gardens which back onto the development site against the rear gardens of the proposed dwellings. Unit 1 will be positioned 9.6 metres away from the gable elevation of 5 and 6 Pear Tree Croft and will prevent any direct loss of privacy. Units 5 and 6 will have rear elevations facing the southern boundary which will adjoin the landscaped garden of the previously approved large dwelling. The rear elevation is approximately 7.5 metres from the boundary and over 22 metres from the corner of the approved dwelling. Unit 7 will be set at an angle and will facing the rear access driveway to this dwelling and a HGV yard. Having regard to the distance and orientation the properties along this southern boundary will not result in any detrimental impact on the future occupiers of this property.
- 6.4.3 Unit 8 is located over 10 metres away from the rear boundary and a further 30 metres from the approved new detached dwelling along Forge Lane. Units 9 and 10 are located at an angle to the eastern boundary of the site and separated from the bungalows along Forge Lane by mature landscaping. These two dwellings will be positioned approximately 40 metres away from the rear elevation of the bungalows. Unit 11 will have a gable elevation facing Sandy and York Cottage and will be in excess of 20 metres away, whilst the rear elevation will face the private rear gardens of 52 and 53 Main Road at right angles.
- 6.4.4 Having regard to the layout of the proposed dwellings they will not result in any

significant overlooking or loss of privacy, whilst the two storey scale and distance away from the site boundaries will prevent any overbearing impact or loss of light. The additional movement of vehicles along Pear Tree Croft and onto the Main Road will not be significant and would not result in any significant increase in noise and disturbance.

6.5 Highways

- 6.5.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all. Policy D7 'Parking Standards' of the North Shropshire Local Plan is still a saved policy and indicates that all development should provide an appropriate level of vehicle parking to avoid on street parking and increasing traffic problems.
- 6.5.2 A significant level of objection has been received from local residents and the Parish Council regarding the road entrance into the village being narrow, increase in traffic and highway safety issues for vehicles and pedestrians.
- 6.5.3 The proposed development will utilise two existing accesses. Plots 3 and 4 will be served from the existing agricultural farm access which shows the provision for 2.4 metre x 43 metres visibility splays. Plots 1 and 2 and 5 to 14 inclusive are shown to be accessed from the existing development access road known as Pear Tree Croft. This existing access road has not been adopted by Shropshire Council and is not subject to a Section 38 adoption agreement due to issues surrounding the visibility splays provided at the junction with the Main Road. Whilst in principle the Highway Authority have not objected to Pear Tree Croft serving the proposed extension and 12 further properties, it has been strongly recommended that this must be based upon the visibility splay at the junction being secured prior to any development taking place. This existing access has a width of 4.8 metres and the visibility splays have been included within the site boundary and can be conditioned accordingly.
- 6.5.4 The Highway Authority did raise concern regarding the lack of and inadequacy of the footway provision between the proposed site and in the direction of the primary school and public house. The development would generate pedestrian movement, including more vulnerable users such as parents with pushchairs and young children together with elderly residents, between the site and village facilities as well as local interaction within the village.
- 6.5.5 The lack of and deficiency of the footways would inevitable result in pedestrians from the development walking within the highway carriageway. The Highways Authority have indicated that this is not unusual for a rural village and nor is there enough carriageway space to widen the footway which would help to improve the situation. The lack of a suitable footway between the site and the main body of the village is a deficiency of the site which does raise pedestrian safety concerns. However, amended plans have been submitted which indicates the provision of a new pedestrian link between the centre of the site and Forge Lane. Neighbour

concerns have been raised that this link will be onto a lane without any footway. However, whilst this lane does not provide an off carriageway footway it is a very quiet lane in terms of likely traffic flow (providing access to Forge Barn and Norton Forge Farm) and does lead to Main Road where footway provision is available to the local services. The Highways Authority have indicated that with the new footpath link the development would not result in pedestrian safety and therefore would raise no objection subject to a conditions regarding the proposed visibility splays for each access and link being provided prior to occupation.

6.5.6 Concerns have also been raised by the Parish Council regarding the narrow section of road outside the Jubilee Hall and have recommend that this should be widened, with suitable traffic calming measures put in place. However, the Highways Authority have indicated that the restricted width of this road naturally will help slow traffic speeds and any increase in the width will increase the speed of traffic further within the village. The provision of traffic calming measures will also detract from the character of the village. The majority of traffic will leave the village to the south and head towards Market Drayton direction and the existing width of the road is suitable to accommodate the increase in traffic. Comments have also been received that an agreement will be required for the maintenance of any new street lights. However, should the Council adopt the roads, footpaths and street lighting then this would form part of a S52 Agreement.

6.5.7 The proposed two vehicular accesses will enable the provision of visibility splays which will enable a safe means of access, whilst the road network is capable of accommodating the additional number of vehicles. The proposed footpath link will provide a safe means of pedestrian access to the centre of the village to enable future residents to access the local services safely.

6.6 **Drainage**

6.6.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. Concerns have been raised from local residents regarding the pressure of the existing sewerage system and additional dwellings would lead to flooding.

6.6.2 The application indicates that foul water drainage will be directed to the existing foul mains which is the preferred option and allows the foul water to be dealt with in an effective and sustainable manner. Consent is required from the service provider to connect into the foul main sewer, although Severn Trent Water have an obligation to allow connection and make any necessary improvements to deal with the additional capacity

6.6.3 The application indicates that surface water will be disposed of via a sustainable drainage system which comprises of the use rainwater harvesting and permeable surfaces. An overflow for the rainwater harvesting system, which will also dispose of water from the site at a rate identical to a greenfield run off rate, is also proposed. No formal objection has been received from the Council Drainage Engineer who has indicated that the sustainable drainage system for the site should be either infiltration or attenuation. Infiltration methods are the most

preferable way of disposing of surface water, and should be considered in the first instance. Percolation tests and the sizing of the soakaway should be designed in accordance with BRE Digest 365. Residential developments are now required to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. No issues have been raised regarding the ground conditions being unsuitable for soakaways and therefore it would be acceptable to condition the surface water drainage.

6.6.4 Comments have been received from the Council Drainage Engineer who has indicated that the site is classed as brownfield and therefore a 50% betterment to the current surface water flows should be provided in accordance with Shropshire Council requirements. SUDs applicability for the site is Infiltration and the betterment requirement will be assumed to have been achieved if all surface water is disposed of via soakaways. Full details, calculations and location plan of the percolation tests and the proposed soakaways should be submitted for approval and will be conditioned accordingly. This is 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.

6.6.5 On the Pluvial Flood Map, the site is at risk of surface water flooding and the applicant should provide details on how the surface water runoff will be managed and to ensure that the finished floor level is set above any known flood level. As part of the SuDS, the applicant should consider employing measures such as the provision of water butts, rainwater harvesting system, permeable paving on any new driveway/paved area, attenuation, grey water recycling system and green roofs. This is to ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner and prevent any potential flooding.

6.6.6 Having regard to the large site area and significant area of landscaping the Drainage Engineer has not provided any concerns that the surface water drainage could not be provided. It is therefore recommend that safeguarding conditions are provided regarding the provision of detail percolation test and soakaway design being submitted for approval.

6.7 **Affordable Housing**

6.7.1 Policy CS11 'Type and Affordability of Housing' of the Core Strategy indicates that all new open market housing development should make an appropriate contribution to the provision of local needs affordable housing having regard to the current prevailing target rate as set out in the Shropshire Viability Index. The existing target rate is 15% which equates to the provision of 2.1 units. This will result in the provision of two on site affordable dwelling and a financial contribution of £9,000. The provision of the contribution would form part of a Section 106 legal agreement.

6.8 **Community Infrastructure Levy**

6.8.1 Policy CS9 'Infrastructure Contributions' of the Shropshire Core Strategy indicates that development that provides additional dwellings or residential extensions over

100 square metres should help deliver more sustainable communities by making contributions to the local infrastructure. The arrangements for the use of the levy funds are detailed in the Local Development Frame Implementation Plan. The levy rates are set out in the CIL Charging Schedule and in this particular case will relate to £80 per square metre of new residential development. The levy charge would become active when the development commenced if planning permission were to be granted and 15% of the levy would be required 60 days from commencement of the development, 25% at 270 days from commencement and the remaining 60% at 365 days from commencement.

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 - written representations, a hearing or inquiry.

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

Both of these risks need to be balanced against the risk of not proceeding to

determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10.0 BACKGROUND

10.1 Relevant Planning Policies

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:-

National Planning Policy Framework:

6 : Delivering a Wide Choice of High Quality Homes

7 : Requiring Good Design

11 : Conserving and Enhancing the Natural Environment

Shropshire Council Core Strategy (February 2011):

CS4 : Community Hubs and Community Clusters

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

CS9 : Infrastructure Contributions

CS11 : Type and Affordability of Housing
CS17 : Environmental Networks
CS18 : Sustainable Water Management
Supplementary Planning Document - Type and Affordability of Housing

10.2 Relevant Planning History

NS/06/00050/OUT - Affordable housing scheme of 10 semi-detached houses and 2 semi-detached bungalows. Withdrawn 28th February 2006.

14/00260/FUL - Full application for the erection of fourteen detached dwellings on Land North of Norton Farm, Main Road, Norton in Hales, Market Drayton, Shropshire. Subject to Committee Consideration.

14/00790/OUT - Outline application for the erection of fourteen dwellings incorporating two affordable units (to include formation of vehicular and pedestrian access) on Land Off Bearstone Road, Norton in Hales, Market Drayton, Shropshire. Subject to Committee Consideration.

14/01121/OUT - Outline application (all matters reserved) for residential development of up to twelve dwellings on Land East of Beswicks Lane, Norton In Hales, Market Drayton, Shropshire. Subject to Appeal for Non Determination.

14/01426/OUT - Outline application for the erection of 16 open market dwellings and 3 affordable dwellings to include access Land South Off Chapel Lane, Norton in Hales, Market Drayton, Shropshire. Current Application.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application reference 14/00260/FUL

Cabinet Member (Portfolio Holder) - Cllr M. Price

Local Member - Cllr John Cadwallader

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. 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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No built development shall commence until details of all external materials, including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the external appearance of the development is satisfactory.

4. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:

- Means of enclosure
- Hard surfacing materials
- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
- Implementation timetables

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

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

5. Prior to the occupation of plots 3 & 4 shown on the approved drawings, visibility splays of 2.4 metres x 43 metres shall be provided at the southern junction, all growths and obstructions in advance of the visibility splay area shall be lowered to and thereafter maintained at carriageway level.

Reason: In the interests of highway safety.

6. Prior to plots 3 & 4 shown on the approved drawings being first occupied the access driveway, parking and turning areas together with a footway link to the existing footway adjacent to 6 Main Road shall be constructed in accordance with a specification and footway alignment to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a satisfactory means of access to the site.

7. Prior to the occupation of plots 1 & 2 and 5 to 14 inclusive, as shown on the approved details, at the junction of Pear Tree Croft with Main Road visibility splays of 2.4 metres x 43 metres shall be provided in both directions along Main Road, all growths and

obstructions shall thereafter be lowered to and thereafter maintained at the level of the adjoining highway footway.

Reason: In the interest of highway safety.

8. Prior to the occupation of plots 1 & 2 and 5 to 14 inclusive, as shown on the approved details, the internal access road, parking and turning areas and footway link to Forge Lane shall be constructed and drained in accordance with a specification to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.