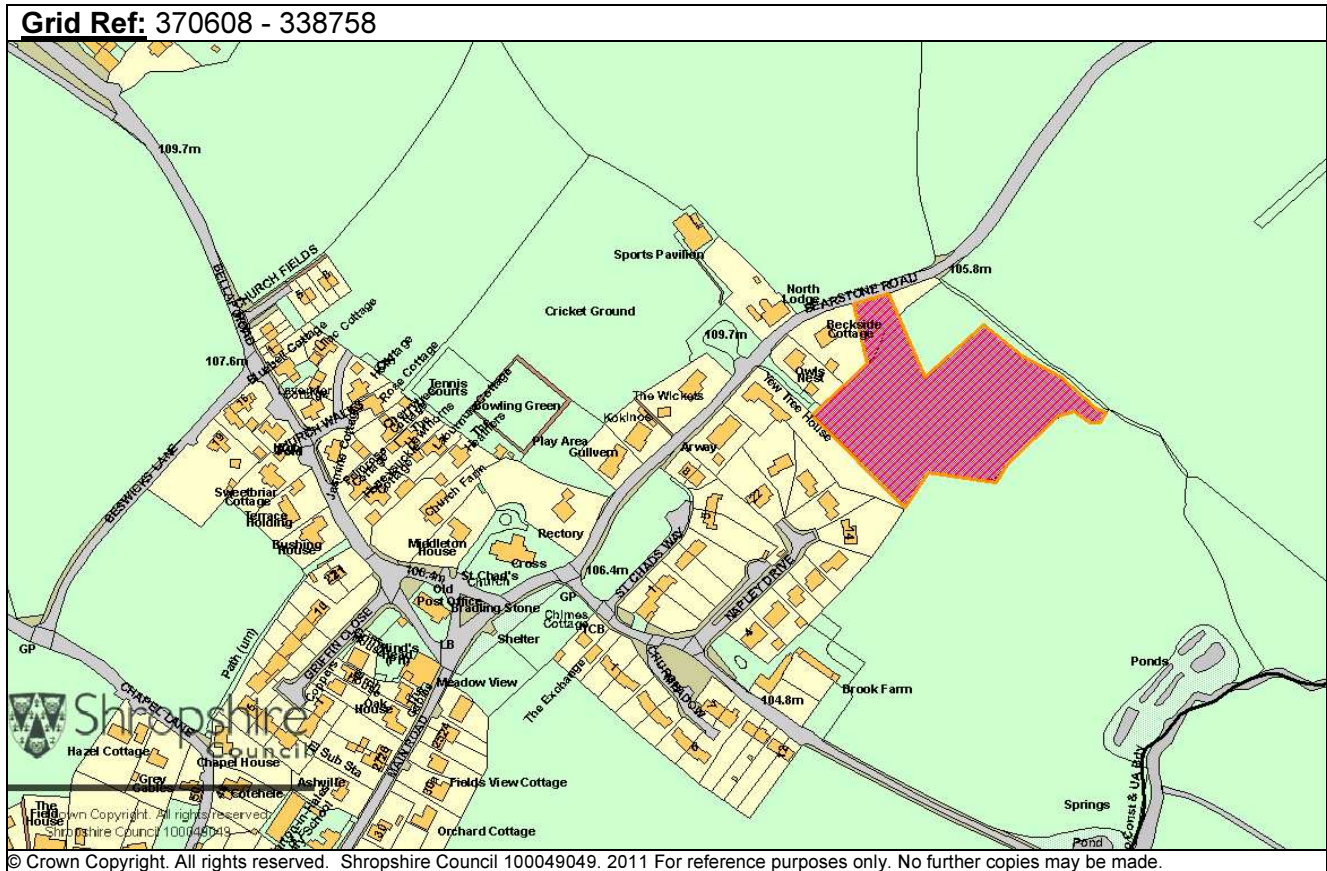


Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 14/00790/OUT	Parish: Norton In Hales
Proposal: Outline application for the erection of fourteen dwellings incorporating two affordable units (to include formation of vehicular and pedestrian access)	
Site Address: Land Off Bearstone Road Norton In Hales Market Drayton Shropshire	
Applicant: JRT Developments Ltd	
Case Officer: Richard Denison	email: planningdmne@shropshire.gov.uk



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 seeks outline planning permission for a mixed residential development on agricultural land adjacent to Norton in Hales. The proposed application will consider the provision of a new vehicular access with all other matters reserved for later approval (appearance, landscaping, layout and scale). To assist consideration of the application an illustrative site layout has been provided indicating the provision of eight detached dwellings and six semi detached dwelling with associated garages. The new dwellings would be served by a new estate road leading into the site, with direct access off the country lane onto Bearstone Road which leads towards the B5415. The indicative plan indicates the provision of a live/work unit and associated workshop, although this does not form part of this application and would be subject to a separate application.

2.0 SITE LOCATION/DESCRIPTION

2.1 The proposed site is adjoining the village boundary of Norton in Hales to the north west. Residential properties are located along the south western boundary, whilst Bearstone Road is located along the northern boundary and open countryside is located to the east and south.

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 – No objections.** On the basis of drawing No.AL(0) Rev C, showing edged red the application site area, it is considered that a satisfactory access can be provided to meet visibility standards of 2.4 metres x 43 metres in accordance with acknowledged guidance Manual for Streets.

In terms of footway provision to the site linking to the village, there is an opportunity to provide a section of footway from the site across the frontage of Becksides Cottage. A further section of footway could be provided to the vehicular access

serving Owls Nest which would provide access across to the Recreation Ground. From the frontage of Yew Tree House (opposite the Recreation Ground access) there is a continuous footway leading back into the centre of the village to the Public House and School.

Having regard to the above, whilst noting the concerns raised in representation against this development, the highway authority consider that it would be difficult to substantiate a highway objection. In the event that Members resolve to grant consent the highway authority would ask that the following conditions are imposed:-

“Prior to the commencement of development a scheme showing the means of access, visibility splays, junction and internal road layout together with a footway scheme along Bearstone Road between the site access and Recreational Ground access shall be submitted to and approved in writing by the Local Planning Authority; the development hereby permitted shall not be first occupied until the access, visibility splays and footway scheme have been fully implemented in accordance with the approved details. Reason: In the interests of highway safety.”

- 4.1.2 **Shropshire Council, Housing Enabling Officer** - Core Strategy Policy CS11 requires all open market residential development to contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application.
- 4.1.3 **Shropshire Council, Planning Ecologist** - An Ecological Survey Report has been carried which has identified two active subsidiary badger setts close to the site boundary and has been indicated that a 20 metre exclusion zone should be provided around the badger setts. The Proposed Site Plan shows a 5 metre wildlife corridor along the north east boundary, but it appears that some properties are proposed within 20 metres of the badger setts. If works are to be carried out within 20 metres of the setts, a Natural England licence will be required. A Method Statement will be required to be adhered to during works on site.

The Ecological Survey has also identified an ephemeral pond within 30 metres of the site boundary which has been given a Habitat Suitability Index (HSI) score of 0.41 and considered to have 'poor' potential for supporting great crested newts. Therefore, no further survey work is considered necessary for this pond. There are a group of six mapped ponds between 150 and 230 metres from the site boundary and a stream is likely to form a barrier to newt movement to the east of the site. An Addendum to the Ecological Survey has been submitted which indicated that all the ponds were found to contain fish and were given an assessment of 'poor' or 'below average' for Great Crested Newt suitability. Therefore, no further survey work is considered necessary.

The trees and hedgerows on site are likely to be used for bat foraging and commuting and a safeguarding condition regarding lighting is recommended. The trees and hedgerows on the site are likely to be used by nesting birds and safeguarding conditions and informatives are proposed.

- 4.1.4 **Shropshire Council, Flood & Water Management Team** - The following drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission is to be granted:

The Flood Risk Assessment is acceptable in principle; however, the risk of flooding from groundwater has not been mentioned. On the Groundwater Flooding Map, the site is at risk of moderate to high risk of flooding from groundwater. The groundwater flooding should be investigated and taken into account during the detailed design stage.

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. Full details, calculations 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.

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. This is to ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

A contoured plan of the finished road levels should be provided together with confirmation that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site. 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 water butts, rainwater harvesting system, permeable surfacing on any new 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.

- 4.1.5 **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.

The site layout would appear to reflect the general grain and form of the village. However, the siting and design of the proposed dwellings should reflect the local vernacular detail in terms of scale, details and materials. The quality and design of any properties on any of these sites should be appropriate to Norton-in-Hales.

- 4.1.6 **Shropshire Council, Historic Environment Team (Archaeology)** - A formal response has been received indicating that no comments are made on this application with respect to archaeological matters.
- 4.1.7 **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.
- 4.1.8 **Norton in Hales Parish Council** - The Parish Council unanimously objects to this planning application on the basis of Road Safety:

The access to the site is on an extremely dangerous position in the road, being on a blind bend, in a dip and on a very narrow single track lane. There would be very limited visibility in or out of the site making it hazardous.

The Roads to and from the village are narrow and could not safely take any further traffic, including vehicles or the trucks supplying additional houses e.g. oil, work unit/work shop suggested in this planning application. The site being built at the North end of the village means vehicles from that site would need to drive all the way through the village's narrow lanes to get to the nearest town i.e. Market Drayton. There is no bus service, as incorrectly stated in the planning application, all access to town would have to be by cars. On the 18th March 2014 there was a road collision between a tractor and a car on the narrow lanes approaching the village with more cars this would become more frequent.

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

Footpaths - There is no footpath from the site to the village so residents would have to walk on a bend on a narrow highway to access the village. Footpaths within the village are very narrow due to the narrow lanes, these footpaths are not suitable to be parallel to narrow lanes with increased amounts of vehicles.

The site is situated outside the development limit for the village where new housing should only be approved if there is a proven need in connection with agriculture or forestry. In this case no proven need has been provided.

To approve the proposed development would be contrary to both local and national planning policy and would set a precedent for other similar development in the area.

83% of parishioners who responded to a survey, in relation to the SAMDev Plan, in April 2012 voted to be classed as Countryside ie to have no development. In May 2012 the Parish Council requested to be classed as Countryside.

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.

4.2 Public Comments

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

- Development is located in open countryside outside of the village.
- Norton in Hales is not being proposed as a community hub or cluster.
- Increase in traffic.
- Highway safety due to narrow access road.
- Norton in Hales lacks key services.
- Proposed application is exploiting the five year land supply shortage.
- Inadequate drainage provision.
- Concerns over live/work unit.

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

- The proposed development will assist in providing dwellings for people wishing to live in their local area where they were bought up in.
- Additional development in the village will assist local facilities.
- The development is not high density.
- The additional dwellings will allow future generations to reside in the village.
- The development will not result in the loss of view, privacy or light.
- The Community Infrastructure Levy payments will assist the community.
- Severn Trent Water have installed a 150mm diameter mains sewer and would be levying a charge on the development to cover any possible future infrastructure works.
- A footpath extending from the centre of the proposal to link with the existing field access between Owls Nest and Yew tree house affords safe pedestrian access to the play area and the centre of the village.
- The proposed increase in traffic is minimal and would not lead to highway safety issues.

5.0 THE MAIN ISSUES

- Policy & Principle of Development
- Assessment of Sustainability
- Design, Scale and Character
- Impact on Residential Amenity
- Highways

- Impact on Trees
- Ecology
- Drainage
- Flooding
- Affordable Housing
- Community Infrastructure Levy
- Other Matters

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 Concerns have been raised from local residents that the village lacks key services. Norton in Hales is a village of approximately 160 dwellings and has 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 are all considered key services which you would expect to find in rural villages. With a small extension to the existing roadside footpath the proposed site would provide easy access to these facilities within the village and will provide improved access for neighbouring properties. 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 indicative proposal shows 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 at the prevailing rate at the time of the reserved matters application. The current rate of 15% would provide 2 affordable dwellings on site. Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in settlements where it will support facilities helping to retain services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. It is recognised that increasing the number of dwellings in a settlement without a proportionate increase in the provision of local services risks impacting upon the social integrity of the settlement. Officers consider that the existing infrastructure is capable of accommodating the new development and that there is sufficient capacity in the primary school. A full application is also proposed on land North of Norton Farm, Main Road (application reference 14/00260/FUL) 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 western boundary, whilst two properties and a large side garden are located along the northern boundary adjacent to Bearstone Road. 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. 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.

6.3.2 This is an outline application with the proposed layout, scale and appearance being reserved for later approval. The proposed site covers 1 hectare and is considered that there is adequate land available to provide fourteen residential dwellings with some roadside development to match existing properties along Bearstone Road. Adequate space would be provided for a residential scheme for fourteen dwellings and appropriate access, driveways and garden areas. The proposed site could provide adequate boundary landscaping against the open countryside to provide a soft edge to the settlement.

6.3.3 The proposed access, appearance, landscaping, layout and scale of the development would be considered as part of a subsequent reserved matters application.

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. Although this is an outline application with all matters reserved except the access it is considered that the site is significantly large enough to allow adequate separation from any proposed residential development with neighbouring properties. It is considered that residential development on this site can be designed in such a way to prevent any impact on neighbours from causing an overbearing impact, loss of light or resulting in overlooking and loss of privacy. As this is an outline application and does not include the layout for consideration the impact on the traffic numbers would have to be considered as part of the reserved matter application. However, the provision of fourteen dwellings would not result in significant traffic movements which would be detrimental to neighbouring properties.

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 Concerns have been raised from the Parish Council and local residents regarding the proposed new vehicular access and that it will lead to highway safety concerns. The proposed access forms part of this outline application and will involve the widening of the road along the site frontage and Becksides Cottage to provide a minimum width of 5.5 metres. The access will be located in a central position along the wide side grassed lawn associated to Becksides Cottage and will enable the provision of visibility splays of 2.4 metres by 43 metres which is in line with guidance indicated in the Manual of Streets. The Highways Authority have raised no objection to the proposed new access which will not result in any highway safety issues, whilst the road network is capable of accommodating the additional vehicle movements.
- 6.5.3 Concerns have also been raised that the proposed site does not have a pedestrian link into the village for residents to access the local services. However, this concern has also been raised with the Highway Authority and amended plans have been received indicating the provision of a new public footpath along the new vehicular access and along the frontage of Becksides Cottage and extending on the highway grass verge in front of Owls Nest. This will provide a safe means of pedestrian access to the local recreation facilities which are located on the opposite side of the road and will link into the existing footpath along Bearstone Road. This will allow pedestrians to gain access to the village church, public house, primary school and village hall. The proposed development also includes a new footpath from the centre of the proposed site towards the south west boundary linking into the access driveway between Owls Nest and Yew Tree House and will provide a safe pedestrian access for residents living towards the south area of the site
- 6.5.4 The proposed new vehicular access will not result in any detrimental impact on highway safety, whilst adequate pedestrian links are being proposed which will benefit existing residents and provided the new residents with residents with a safe route to the local facilities within the village.

6.6 **Impact on Trees**

- 6.6.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the local natural environment. The proposed site has a number of trees along the east and southern boundary and concerns have been raised that the development may impact on these trees. However, this is an outline application with the layout of the site reserved for later approval. Although the proposed application indicates the provision of fourteen dwellings the exact numbers of the development will be provided as part of the

reserved matters application.

- 6.6.2 The proposed indicative layout has indicated rear gardens backing onto the boundary landscaping and would appear to provide adequate separation to prevent any potential long term damage. The proposed trees are not protected and are not located within Norton in Hales Conservation Area. Having regard that the trees are located along the boundary it is considered that residential development could be positioned on the site without resulting in any impact on the existing trees.

6.7 Ecology

- 6.7.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environment and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in policy 11 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.
- 6.7.2 The Ecological Report identified two active subsidiary badger setts on the north eastern site boundary and it is stated that a 20 metre exclusion zone will be implemented around the badger setts. However, the proposed site plan shows a 5 metre wildlife corridor along the north east boundary; although it appears that some properties are proposed within 20 metres of the badger setts. If works are to be carried out within 20 metres of the setts, a Natural England licence will be required and a Method Statement will be required during works on site.
- 6.7.3 The Ecological Report also identified a pond within 30 metres of the site boundary, although this was assessed as having a Habitat Suitability Index (HSI) score of 0.41 and considered to have 'poor' potential for supporting Great Crested Newts. It was considered that no further survey was considered necessary for this pond. The report also indicated that there were a group of six mapped ponds between 150 and 230 metres from the site boundary. A stream is likely to form a barrier to newt movement to the east of the site. The Addendum to the report provides HSI figures for these ponds and the Ecological Assessment carried out netting and egg searching in April 2014. All the ponds were found to contain fish and were given an assessment of 'poor' or 'below average' for Great Crested Newt suitability. It is considered that no further survey is considered necessary.
- 6.7.4 The trees and hedgerows on site are likely to be used for bat foraging and commuting, together with nesting birds and therefore safeguarding informatives are proposed.

6.8 Drainage

- 6.8.1 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.

- 6.8.2 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. Concerns have been raised regarding the capacity of the existing sewerage system, although Severn Trent Water have an obligation to allow connections and the provision of capacity is a matter for Severn Trent Water to control. The application indicates that surface water runoff from the proposed highway and dwellings will be disposed of via a drainage pond which will feed into a nearby brook via a restricted outlet. The Drainage Engineer has not objected to this in principle and has confirmed that this would be subject to detailed plans. No concerns have been raised regarding the suitability of the local ground conditions and therefore it is recommended that both the foul and surface water drainage are conditioned accordingly for details to be submitted and approved prior to the commencement of works on site.

6.9 **Flooding**

- 6.9.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures for sustainable water management to reduce flood risk and development sites within flood risk areas should be developed in accordance with national planning guidance contained in Policy 10 'Meeting the Challenge of Climate Change, Flooding and Coastal Change' of the National Planning Policy Framework.

- 6.9.2 A detailed Flood Risk Assessment has been submitted which has indicated that the proposed site is not at a significant risk of flooding. An existing brook along the eastern boundary could be a possible source of risk of flooding. However, the brook falls away from the site at a constant gradient and due to the small catchment area of the brook and surrounding topography of the area, flooding onto the site from the brook is not likely. Due to the topography of the site any flooding of the brook would be to the east and south of the site away from any proposed dwellings. However, to ensure no flooding of the dwellings the developer has indicated that the dwellings will have a minimum finished floor level set at 600mm above the bank level to the brook.

6.10 **Affordable Housing**

- 6.10.1 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 affordable dwellings. This would provide two on site dwellings and the provision of a financial contribution of £9,000. The provision of the contribution would form part of a Section 106 legal agreement. However, as this application is not considering the layout the contribution will need to accord with the requirements of the Supplementary Planning Document on the Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application.

6.11 Community Infrastructure Levy

6.11.1 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 Charing 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.

6.12 Other Matters

6.12.1 Local residents have raised concerns regarding the proposed live/work unit indicated on the proposed site plan. The proposed site plan indicates the provision of a work shop building accessed from Bearstone Road, together with a detached dwelling which will be accessed from within the proposed estate road. The proposed work shop and dwelling will create a live/work unit, although is not proposed as part of this application and will be considered as part of a separate application. To date no application has been received.

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 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

8 : Promoting Healthy Communities

10 : Meeting the Challenge of Climate Change, Flooding and Coastal Change

11 : Conserving and Enhancing the Natural Environment

12 : Conserving and Enhancing the Historic Environment

Shropshire Council Core Strategy (February 2011):

CS6 : Sustainable Design and Development Principles

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 14/00790/OUT

Cabinet Member (Portfolio Holder) - Cllr M. Price

Local Member - Cllr John Cadwallader

Appendices

APPENDIX 1 - Conditions

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

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

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning General Procedure Development 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 12 months from the date of this permission.

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

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

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

4. The 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 drainage of the site
- The finished floor levels

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

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

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

6. No site clearance works shall commence until a disturbance licence has been issued from Natural England.

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

7. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Ecological Survey Report by Pearce Environment Ltd dated January 2014 including the Badgers: Method Statement.

Reason: To ensure the protection of badgers.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

8. Prior to the commencement of development a scheme showing the means of access, visibility splays, junction and internal road layout together with a footway scheme along Bearstone Road between the site access and Recreational Ground access shall be submitted to and approved in writing by the Local Planning Authority; the development hereby permitted shall not be first occupied until the access, visibility splays and footway scheme have been fully implemented in accordance with the approved details.

Reason: In the interests of highway safety.