

## Development Management Report

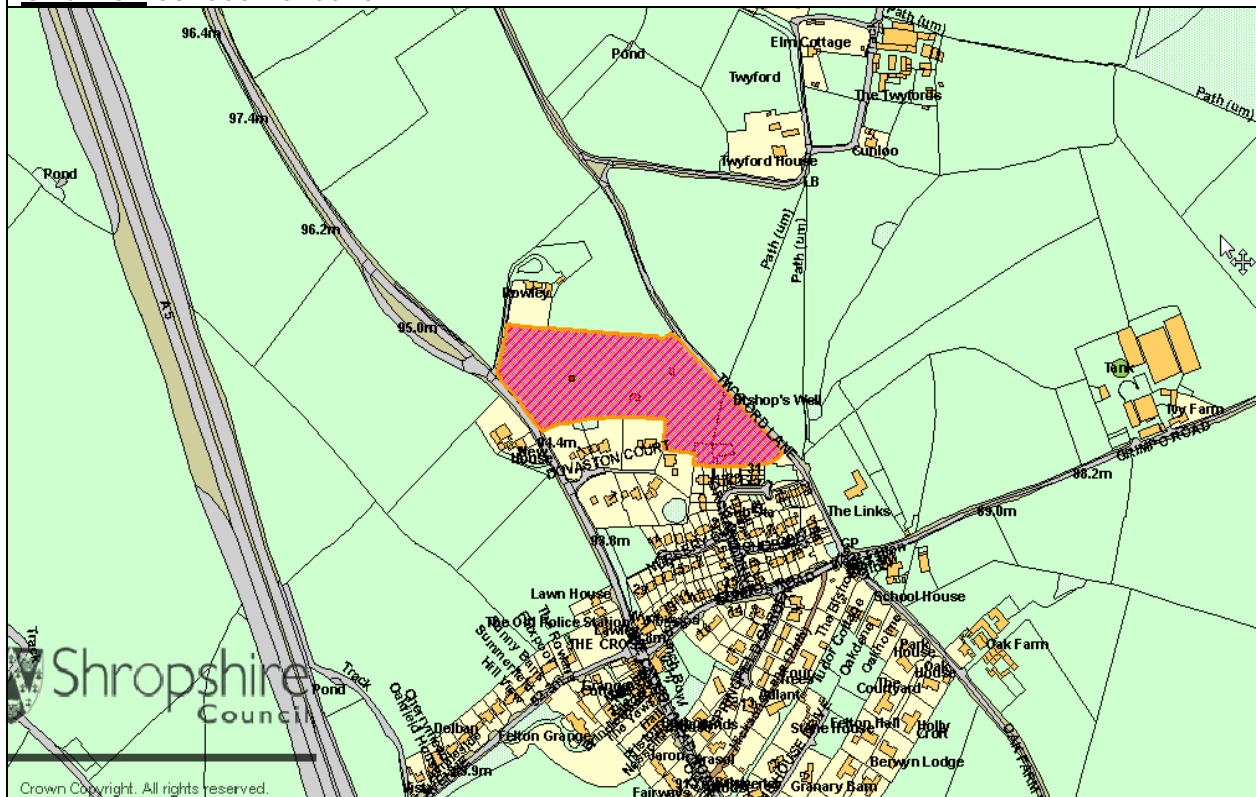
Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 14/00734/OUT	<b>Parish:</b> West Felton
<b>Proposal:</b> Outline application (access for approval) for residential development	
<b>Site Address:</b> Land Between Twyford Lane And Holyhead Road West Felton Shropshire SY11 4EQ	
<b>Applicant:</b> Mr T Humphreys And Mr G Davies	
<b>Case Officer:</b> Karen Townend	<b>email:</b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>

**Grid Ref:** 334585 - 325943



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**Recommendation:** That delegated power be granted to the Area Planning Manager to grant planning permission subject to the resolution of the Highways Agency concerns

**and 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 a financial contribution towards the improvement of the existing highway footway and subject to the conditions as listed below.**

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 The application seeks outline planning permission for residential development on the land between Holyhead Road and Twyford Lane, West Felton. Access is the only matter which is submitted for consideration at this time with the matters of layout, scale, appearance, and landscaping reserved for later approval. As such the application seeks consent for the principle of developing the site for housing and the access to the site. The planning statement submitted with the application suggests 32 dwellings but does not provide any indication on mix, tenure or layout.
- 1.2 In support of the proposal the application has been submitted with a planning statement, heritage statement, highways, drainage and flood risk assessment, ecological report and a block plan showing the area of land to be allocated as open space.

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is 2.45 hectares in area and is currently used as grazing land for horses. It is located on the edge of the village between the low density, large detached, Dovaston Court development off a single cul-de-sac, the minor road, Twyford Lane, and the single detached dwelling, Rowley, which is itself set back from the main road. Opposite the site is agricultural land.
- 2.2 The field is enclosed on Holyhead Road with a stone wall which varies in height from 0.9m to 1.4m across the frontage of the site. Other boundaries are made up of hedges and trees. The site contains two grade 2 listed structures, the Cider Press and Dovaston Gate and two small agricultural buildings. Agricultural access is currently from two fields gates off Twyford Lane and a public footpath currently crosses part of the site. The land gently slopes up from Holyhead Road to the centre and then falls back to a low point in the eastern corner of the site.
- 2.3 West Felton is a village which was previously identified in the Oswestry Borough Local Plan as a Larger Settlement where new development would be concentrated. It currently has a school, shop, Chapel, hall and public house. The housing is a mix of the original village centred around The Cross and the small area on the opposite side of the new A5 and more recent developments. The housing does not follow any set form, design or appearance, however it is in the majority two storey.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 Councillor Charmley has requested that the application be considered by the North Planning Committee to discuss the sustainability of the site and the concerns over traffic, infrastructure, school places, carbon emissions and loss of agricultural land and ecological habitat. Furthermore the Parish Council has

objected to the proposed development which is contrary to the officer recommendation.

#### **4.0 COMMUNITY REPRESENTATIONS**

##### **4.1 Consultee Comments**

##### **4.1.1 West Felton Parish Council** – Following consultation on the amended plan and additional information advised:

Having studied the plans WFPC still **strongly OBJECTS** to this amended plan for the following reasons:

- a. Although the density of housing is now more sensible this application still represents 12 houses more than WFPC's SAMDev target of ZERO new houses in this village - which 89% of respondents to the updated West Felton Parish Plan state they wish to remain as Open Countryside with ZERO new market housing.
- b. The three new large housing estates in the village are: 35 at Tedsmore, 25 at The Cross and 12 on Twyford Lane so this total of 72 houses would create a significant adverse cumulative effect or "Housing Shock".
- c. This development would represent an undesirable extension of the village beyond the village boundary.
- d. Any reduction in the width of Holyhead Road or any introduction of other traffic calming measures on this road such as a chicane with lights or signs showing priority right of way would create problems at the best of times and chaos during the several times each year when traffic is diverted off the A5 through the village.
- e. WFPC fully agrees with SC's four reasons for REFUSAL namely: Visual harm to the character of a rural village by extending the built up area beyond its existing boundaries; Loss of Agricultural land; Harm to pedestrian safety; Cumulatively, with the 35 houses already granted off Tedsmore Road it would result in a significant increase in the number of dwellings with consent outside of a plan-led process with a detrimental effect on community cohesion.
- f. The amended plan only tries to address the harm to pedestrian safety and with a deeply flawed plan at that.
- g. Cllr Steve Charmley has agreed to see that if SC Officers seek to grant this plan it must go to committee.

Previous comments received are as follows:

Strongly objects to this third large housing scheme for the village on grounds similar to its objection to the 25 new houses proposed across the Holyhead Road from this site.

**STRONGLY OBJECTS** to this plan because it is unsustainable for these reasons: exacerbating existing traffic problems, insufficient infrastructure in the village, no places in the village school, insufficient professional jobs in the village creating extra travelling and increased carbon footprint also leading to a dormitory village scenario, adverse environmental effects upon this feeding ground for many wild species including endangered birds, loss of prime agricultural land.

Additional reasons for WFPC'S STRONG OBJECTION are as follows: the volume impact of all these houses being built all at the same time would have an adverse effect upon the existing village community and village life, it would also be contrary to the expressed wishes of the vast majority of the local inhabitants, and it negates our SAMDev status of Open Countryside.

And the attached additional two WFPC letters of objection to the 25 new houses at The Cross also apply to this 32 houses scheme by Dovaston Court.

WFPC asks SC to ensure that this application goes to the SC North Planning Committee and that WFPC is informed of the time date and venue of the relevant Planning Committee Meeting so that WFPC can also make a spoken representation to the Committee.

West Felton Parish Council strongly objects to this proposal for speculative development on the grounds that this development would form yet another test case, where if permission were granted this development would cause demonstrable harm to the village as it would be contrary to the policies and principles of sustainable development as documented in the National Planning Policy Framework (NPPF), adopted Core strategy and SAMDev.

Over the last 25 years 270 houses have been built in the parish, a 75% increase from 1988 house numbers, 214 of these have been built in West Felton Village almost trebling its size. In 2005 parishioners were asked about the future direction housing should take within the parish as part of the consultations for the current Parish Plan. 73% of respondents stated they wanted to see no more development in the village for the next local plan period as the village should be given some 'breathing space'.

With this in view West Felton Parish council expressed the overwhelming feelings from the Parish to Shropshire Council that West Felton should become Open Countryside to the period to 2026. This has now been carried forward through at least three rounds of public consultation. A poll was carried out in March 2013 asking residents if they still wished West Felton to be carried forward as Open Countryside or to become a Hub or Cluster, out of 402 responses returned, 384 (95.5%) responses expressed the view to maintain Open Countryside. This is conclusive evidence of the wishes of villagers of this resilient community, who through localism and engagement in the parish planning process should be listened to and their wishes acted upon.

We believe that the National Planning Policy Framework does not change the statutory status of the development plan in Shropshire as the starting point for decision making. Proposed development that conflicts should be refused unless other material considerations indicate otherwise. The adopted core strategy is in full conformity with the NPPF, therefore the NPPF does not indicate otherwise, furthermore the Core Strategy is of recent adoption following all the necessary legal and policy steps – an up to date local plan.

Page 28/29 of the Core Strategy States that: *" In rural areas, new development of a scale and location appropriate to the size, role and function of each settlement*

*will have delivered significant community benefit, helping places to be more sustainable”*

Policy CS2 states “ *Develop the role of Shrewsbury as a sub regional centre, and Shropshire’s market Towns and key centres as more sustainable and self sufficient settlements, providing the main focus for new housing, employment and infrastructure development and the preferred location for a range of services and facilities to serve the wider needs of their respective hinterlands”*

Para 49 of the NPPF states that “*Housing applications should be considered in the context of the presumption in favour of sustainable development. 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”*.”

The Shropshire Site Allocations and Management of Development (SAMDev) Plan complements the core strategy by identifying the sites that will meet the agreed core strategy vision and housing requirements – the SAMDev plan is at an advanced stage, having undergone three stages of public consultation, and most importantly exists in the context of a recently adopted Core Strategy and a positive approach towards delivery.

Para 216 of the NPPF states that: “*Decision takers may also give weight to 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 the framework the greater weight may be given.

The Planning Minister, Nick Boles, has recently confirmed that emerging plans may be afforded some weight (Hansard 17<sup>th</sup> July 2013), stating that, “We will make it clear that once a plan has reached the point that, first it has become specific and secondly, it has gone through a fairly substantial level of public consultation it will be come something of real materiality – to use a lawyers phrase – as a consideration in decision making”

It is Shropshire Council view that the SAMDev plan has reached this point being settlement and site specific and having undergone very substantial public consultation, namely three months of Issues and Options consultations in spring 2012 and eight weeks of revised Preferred Options consultation in July / August 2013

In view of the above, West Felton Parish Council considers that there is a very clear case for refusal of this application even before sustainability factors are considered.

Sustainability - Para 14 of the NPPF states: “*The Policies in Paragraphs 18-219 of the NPPF taken as a whole constitute the Governments view of what sustainable Development in England means for the planning system”*.”

Presumption in favour of Sustainable Development or is the proposal “sustainable”? Sustainable means as defined by the UK Sustainable Development Strategy *Securing the Future* sets out five guiding principles of sustainable development.

- Living within the planets environmental limits;
- Ensuring a strong, healthy and just society;
- Achieving a sustainable economy;
- Promoting good governance;
- and using sound science responsibly

Para 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: 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.

West Felton Parish Council feel that the adverse impacts of this scheme far outweigh the benefits (of which we struggle to find any for the community) and that demonstrable harm to the village will be caused if permission is granted.

They Include:

1. Promoting long distance commuting to work (dormitory villages) West Felton is not well placed for large scale housing development as there are few employment opportunities, (if any in the village) and few services / shops within the village, therefore the village will act as a dormitory village promoting car travel and increasing carbon dioxide emissions - this cannot be ignored as since sustainability is the golden thread it must be given significant weight. Dormitory villages are not sustainable and do not promote a sense of community spirit and were specifically excluded as an option for village development right at the start of the Core Strategy consultations.

2 Loss of the best and most versatile agricultural land - Para 112 states: “*Local Planning Authorities should take into account the economic and other benefits of the best and most versatile Agricultural land. Where significant development of agricultural land is demonstrated to be necessary local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.*” The site forms part of the open countryside and is situated on some of the best quality agricultural land in the locality, (thought to be Grade 2) as demonstrated by the site been flat, level, with deep soil, fertile, very free draining and relatively stone free. It is able to be cultivated or grazed for 12 months of the year. There is also no evidence that land of this quality is essential and *demonstrated to be necessary* to be used for development, as other sites of much lower quality have already been put forward and accepted in the Oswestry Area through the SAMDev process and will meet the projected housing growth to 2026

3. Capacity of School - West Felton School is over capacity – any further development in the village will increase out commuting to take / collect children from school promoting car travel and increasing carbon dioxide emissions - this cannot be ignored as since sustainability is the golden thread it must be given significant weight.

4. Congestion at A5 Junctions Weirbrook / Queenshead - Queenshead junction over the years has had a proven track record as an accident black spot with many fatalities since its construction. This development is at the North of the village and as such the use of the Queenshead Junction will be much increased by some 50 + additional cars. At peak times there are significant queues to get onto the A5 which lead to drivers taking chances and on some occasions causing accidents. This development will increase the problems of congestion at this junction.

5. Effect on the amenity and wellbeing of residents through the connection with the Countryside. - Throughout the Parish plan consultations, a major factor that has dominated public engagement sessions is resident's connection with the surrounding countryside. Building a large estate in this location will cause demonstrable harm to the village amenity and the wellbeing of nearby residents. We strongly feel that a massing of residential properties in this location will create Urban Sprawl and remove the intrinsic beauty of the connection with the countryside that can be viewed as you travel north out of the village. Para 109 states that: *"The planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscape, geological conservation interests and soils."*

6. Effect on Wildlife - Whilst it is accepted that this site is Agricultural land, local evidence suggests it is a valuable feeding ground for Lapwing (which have also nested previously) and has been for at least 30 years. Large flocks of Fieldfare, Redwing and Starlings are seen on a daily basis visiting the site as the farming methods employed have directly led to a good source of food. Barn Owls are also seen regularly during the evenings hunting along hedgerows around the site. We therefore consider this site to be valuable for the maintenance of species that have been shown to be in serious decline on a national basis.

West Felton Parish Council is concerned that we now have developers seeking piecemeal, green field sites, such as this application site which are not related to Shropshire's development plan which has established through much public consultation sustainable sites to meet the needs of Shropshire to 2026. This application is not based on any evidence of housing need for the village nor has it been consulted upon at a pre application stage in clear contravention of Para 66 of the NPPF *'Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of views of the community'*

The current situation relating to the 5 year housing land supply probably wont increase the numbers of houses built but will give developers an opportunity to

ignore identified sites in preference to more developer led, unplanned but profitable Greenfield sites in open countryside – this is what is now proposed for West Felton.

Wages are generally low, and employment opportunities limited in the former Oswestry Borough area. We believe that this proposal will attract people from outside Shropshire who will then commute considerable distances to their place of employment creating a dormitory village. This is not good planning in the 21<sup>st</sup> century when sustainability must be a material consideration, SAMdev has real 'materiality', to grant permission would harm the public perception of the planning system, which is harm to planning itself and peoples perception of a just society. We request that this application is refused so that the important planning principles involved can be tested at appeal if necessary.

This Parish Council has already objected strongly to Shropshire Council Planning application 14/00133/OUT. This additional notification is to evidence the reasons for those objections with reference to the National Planning Policy Framework (NPPF) and other relevant Planning related guidance.

Traffic - It is noted that the Highways Agency are not able to comment upon Planning applications of less than 50 houses. This means that the potential safety implications of cumulative applications for more than 50 houses can be hidden. Recently Planning application 13/01221/OUT has been approved for 35 houses and 4 commercial units. The additional 25 houses subject of this application means a potential addition of 60 houses and 4 commercial units. We therefore request that Highways Agency are informed of the combination of these 2 applications, in the sure knowledge that more potential applications of this type, from the same or other applicants are waiting in the wings. This is covered in NPPF para 32, bps 2 and 3. The additional weight of traffic, particularly on the dangerous Queens Head/A5 junction is drawn to the attention of planners and the Highways Agency. How many small applications will it take to have a proper assessment of traffic infrastructure needs?

There is also particular concern at the immediate environment of access from this site on and off Holyhead Road. The lack of proper pavement on the western side of Holyhead Road in this vicinity means that pedestrians using the site will be forced either to cross the road more frequently, merely to find access to a full pavement but with an intention to cross back to the western side of the road to access the current local village centre shop premises, or such future shop premises as may exist in that location.

Agricultural Land Grade - This Council is aware, from information from a national soil laboratory, that the agricultural land grade of the site is at least grade 3a and probably grade 1. Each of these grades is defined with Planning Policy Statement (PPS) 7 as being "The best and most versatile land." This is considered in NPPF paras 17, bp 7, 109, 110 and 112. Such land is offered protection from development, in that the need to develop agricultural land should first be demonstrated and, if needed for development, then land of poorer quality should be used in preference to that of higher quality. This Council demands that the applicant, at their cost have the land surveyed to determine its proper agricultural land classification and that the determination of this application awaits the results



of the relevant survey.

This will serve to educate not just on this application, but also on potential other, cumulative applications in a similar location, such as those adjacent to this site. We owe it to our future generations to preserve our best quality agricultural land. On page 2 of NPPF is quoted “Resolution 42/187 of the United Nations General Assembly, (which) defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”

School - We are aware that West Felton CoE Primary School has recently had new extensions to cover the needs of the existing school role. CIL funds of £75,000 have been earmarked by SC’s education authority from application 13/01221/OUT to cover the additional school influx likely from that development. These additional 25 houses will put even more pressure on the school. This is covered by para 72 of NPPF.

CO2 emissions - NPPF devotes many paragraphs to the need to use Planning to reduce the nation’s carbon footprint; notably NPPF paragraph 7, bp 3 and in paragraphs 34, 37, 93 and 95. The village of West Felton is already a dormitory village, with people travelling long, unnecessary distances for work, secondary schools, shopping and most leisure. The creation of dormitory villages is against this NPPF guidance. The environmental role in development, with the economic role and social roles is equal are mutually dependant; para 8 NPPF.

Democratically expressed local wishes - West Felton’s 2005 Parish Plan is still extant and, up to date. Despite that a new parish Plan is being worked on. In the first Parish Plan 75% of people expressed their wish for no further large-scale development in the parish. The recent Parish Plan conducted a poll, which showed that 95.5% of the survey respondents (45% of Parish adults) were opined against further large-scale development. It is accepted that the lack of Shropshire Council’s ability to meet its 5 year housing land supply means, according to NPPF para 49 that, “Housing applications should be considered in the context of the presumption in favour of sustainable development. 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.”

However, NPPF para 17, bp 1 defines the need for, “...empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.”

West Felton’s plan is up to date. Paragraph 69 of NPPF requires local authorities to, “...involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning.” Bearing in mind the amount of work already undertaken by West Felton’s Parish Plan group, the determination of this application, against the clear majority wishes of residents, is a ‘slap in the face’ for this process and can only make it more difficult to encourage people to continue this vital work.

Biodiversity - The site is one locally renowned for wild birds which fill the old, well-established and therefore good habitat hedgerows on this edge of village site. This

is covered by para 109 of NPPFbp 3. Para 110 says, “Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework.” Development here would go against this principle. This Council requests a wildlife survey of birds in the vicinity of this site to determine is worth to biodiversity and the need to protect species such as Lapwing, which are regularly seen in the vicinity, as guided by NPPF para 117 bp 3.

Edge of Village - Core Strategy 17 at para 7.8 refers to promoting and maintaining links between urban areas and the adjoining countryside. This application, if granted will have the reverse effect, severing the existing, edge of village link between the urban area and surrounding countryside.

Pre application engagement and front loading - This Council wishes to point out that there has been no community engagement about this application, as is advised in NPPF paras 188-190. This has already caused considerable resentment in the village and does not bode well for local views about the application.

### **WFPC further objection**

The Planning Practice Guidance was published on 6<sup>th</sup> March 2014, giving greater clarity to a range of material planning considerations. West Felton Parish Council ask that in light of this new guidance that further assessments are now carried out for the two yet to be determined applications above, with particular reference to the impact of cumulative developments on a settlement.

### **Planning Practice Guidance 2014**

This guidance gives additional information to inform para 32 of the NPPF, Under Transport Assessments ( Para 13 ) Reference 42-013-20140306 bullet 6 and 7 it makes reference to specific situations where Transport assessments are needed which are very important to all the applications in West Felton because of the affect on the junctions with the A5.

### **Bullet point 6**

Relates to the need for a TA where the cumulative impacts from multiple developments are situated in a particular area.

### **Bullet point 7**

Relates to whether there are particular types of impacts around which to focus the TA or statement such as assessing the traffic at peak times.

Although the DOT have signed off the application at The Cross, in light of this new guidance, as the housing numbers at the Cross and Tedsmore Road exceed 50 dwellings, (not to mention Twyford Lane) cumulative impacts now need to be taken into consideration at the A5 Junctions, before a decision is reached.

We also believe that due to the presence of protected bird species on both Twyford Lane and The Cross application sites, there is a requirement under Habitats and Wild Bird Directives to ensure a proper survey is carried out.

We also reiterate that full Environmental and sustainability surveys are carried out in respect of:

- The Best and Most Versatile agricultural land
- Climate Change
- Carbon reduction

We are aware that clearly the site for 13/01221/OUT had previously been identified in the SHLAA as appropriate for the full process of Environmental Impact Assessments by Shropshire Council under their adopted Planning and Local Plan procedures. The site has been through the stage 1 process and had been identified as ready for the stage 2 process. Obviously the stage 2 process did not happen.

Also it is now clear that Shropshire Council during the relevant stage 1 assessment referred to the parcel of land since subject to application 13/01221/OUT as “The Best and Most Versatile Agricultural Land” and was also aware that the ‘Twyford Lane’ application is on land of a similar quality.

- 4.1.2 **Learning and Skills Officer** – The school is more than full and any additional pupils from housing will exacerbate the overcrowding problem. If we were to provide a new classroom, which forecasts suggest we will need to, then we could be looking in the region of a £300k cost, particularly in the light of the difficulties of the site. In which case, it may be fairer on the proposers, but yet still feasible from an education viewpoint, to adapt/extend the current building in other ways. In order to generate funding for this, I have used our calculation formula that tells us how many school pupils we are likely to get from each development and multiplied that by the government’s per place figure. This is the regular way we work out a precise cost in these matters. For the two proposed developments above, the figures produced in this way are:

Twyford Lane (5-6 pupils): £67,213

The Cross (4/5 pupils): £52,510

If these sums put the CIL premium from each development in difficulty, is there an S106 route?

- 4.1.3 **Affordable Housing Officer** – If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of Reserved Matters application.

The current prevailing target rate for affordable housing in this area is 10% and for a scheme of 32 new homes, this would mean a provision of 3 Affordable houses on site and a financial contribution. The assumed tenure split of the affordable homes would be 2 for affordable rent and 1 for low cost home ownership and these would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. However as this is an outline application the percentage contribution and number of affordable homes will not be set at this time, but will be reviewed at the time of the reserved matters application. The size, type and tenure of the affordable housing needs to be agreed in writing with the Housing Enabling team

before any further application is submitted.

- 4.1.4 **Conservation Officer** – No objection. The application is in outline therefore has no comment to make other than the cider press should remain and its setting respected and enhanced by any development that may be found acceptable on this site. Any scheme proposed for this site should be designed in line with the requirements of NPPF paras 131 and 132.

The area is not within a Conservation Area but within the site is a Grade II listed Cider Press approx. 40m north-east of the site of the now demolished property called The Nursery. The cider press has been disused for many years but is thought to be of late C18 date. Constructed of regularly coursed and dressed sandstone blocks with red brick to higher areas of the gable ends and the list description notes slate roof but it is noted that the Heritage Report found stone tiles in the building and it is thought that these probably may have been on the building. The stone press survives complete (although now out of position) with circular grooved base etc. The building survives in near complete state and therefore is a good example of a cider press of a small scale.

The stone archway on the edge of the site is also grade II listed. As it is adjacent to the proposed open space it will not be as affected by the development as the cider press could be, although there may be some development in close proximity to it. Does not consider that the proposed development will be any more detrimental than those already built adjacent to it on the existing development

- 4.1.5 **Archaeology Officer** – No comments.
- 4.1.6 **Highways Agency** – Will not require a full Transport Assessment. However, due to the potential cumulative impact of this development with other proposals the developer will need to assess the impact of the proposed development at the A5 Queen's Head junction in accordance with Circular 02/2013. The assessment should include consideration of the work currently being undertaken by the Highways Agency.

Submitted a holding objection requiring the Council not to make a decision for two months.

- 4.1.7 **Highways Officer** – The highway authority is aware of the latest advice from the Highways Agency, who maintain a holding position to consent being granted pending an assessment of the traffic information submitted by the applicant's agent, which seeks to demonstrate that the scale of the development would not have an adverse impact upon the trunk road junctions.

It is noted that the application has been amended and now seeks outline consent for a maximum of 12 dwellings including access and with all other matters for subsequent approval. In addition the applicant has offered a contribution of £10,000 towards widening of the footway along the eastern side of Holyhead Road.

With regard to the potential to widen the footway along the eastern side of Holyhead Road, the highway authority consider that whilst this would be

achievable it does not provide any additional benefits that can otherwise be gained in respect of the footway scheme promoted as part of application 14/00133/OUT. The highway authority have previously considered the footway being widened by moving the short height wall further back towards the mature trees. However this would be likely to have an adverse impact upon the tree routing system of the mature trees and therefore unacceptable.

The land to the rear of the wall however is owned by Shropshire Council and there is scope to provide an off-road section of footway through the grassed area and in effect by-pass the narrowed section. The benefit of this would be to serve both the residents of the proposed development and those currently residing at Dovaston Court together with other users walking that route. A scheme therefore would need to be agreed with the Council to access this land through the wall at either end. Clearly it would be a matter if residents wished to utilise such a facility but it would provide an available facility rather than pedestrians having to walk into the highway carriageway as is currently the case.

The highway authority consider that the above footpath improvement would represent an overall pedestrian safety benefit in the locality.

In terms of the delivery of the footpath scheme and the costs it is requested that this should be a matter to be delegated to officers in terms of the cost of the works and agreement upon those works within land owned by the Council.

### Access

Whilst the application seeks permission for residential development of the site, all matters are reserved for subsequent approval other than access. In this regard, the submitted plan indicates the provision of a centralised access position along the site road frontage. This is at a location just inside of the 30 mph speed limit extent. Satisfactory visibility is available from the point of access in both directions along Holyhead Road which both meets and exceeds 30 mph standards. However given the proximity and current extent of the 30 mph speed limit and site, the highway authority would generally wish to see the speed limit extended further out and/or introduce a 40 mph buffer speed limit. This is considered to be good practice in assisting the reduction of traffic speeds when entering the built up area and therefore providing, in effect, a traffic calming feature.

In order to facilitate the access bellmouth layout and construction, the sandstone wall would need to be removed and realigned together with the setting back or tapering of the wall either side of the junction to accommodate the appropriate visibility splays. It is not clear to what extent the wall would be effected although the alignment of Holyhead Road is such that it helps to minimise the impact upon the wall.

The highway authority conclude that the site provides a satisfactory means of access which meets acknowledged standards.

### Traffic

As with the previous housing application on land adjacent to Tedsmore Lane, concern has again been raised regarding the impact of additional traffic on the

highway network including the cumulative impact upon the Trunk Road junctions on to the A5. The latter is a matter solely for the highway agency and I note their consultation response dated 4 April.

Insofar as Shropshire Council as the local highway authority is concerned in relation to the local highway network, it is considered that the traffic likely to be generated by the development of the site can be accommodated without an adverse capacity or safety impact. This acknowledges the cumulative impact of the permitted site at Tedsmore Lane and further development being promoted in respect of current application 14/00133/OUT. The highway authority advise that any objection based upon highway safety or traffic impact would not be sustainable.

#### Accessibility and Sustainability

From a transport perspective, West Felton can be considered a sustainable location in terms of access to a school, church, local shop and recreational facilities. All these facilities are within reasonable walking distance of the proposed development site.

Public transport service 70 operates on a half hourly basis between Shrewsbury and Oswestry, stopping at the Punch Bowl PH within West Felton.

Based upon the above the highway authority do not fundamentally question the sustainable credentials of this site in terms of the availability of local services within reasonable walking distances and public transport provision to travel to Oswestry and Shrewsbury.

4.1.8 **Rights of Way Officer** – No objection. Public footpath UN1 runs within the southern boundary of the proposed open space. Provided it is protected during and after any development I would not raise any objection from a rights of way perspective.

4.1.9 **Ecology Officer** – No objection. Trees to be removed should be assessed for potential bat roosts and the results and any necessary mitigation submitted prior to determining the application. Recommends conditions relating to bats and nesting birds.

#### Great crested newts

Greenscape Environmental have confirmed that they searched for a pond at Bishops Well but none was found. No other ponds are deemed to require great crested newt surveys.

#### Bats

There are two buildings located on the site. A former stone and brick built cider press and another brick building with a partial corrugated roof were examined and no evidence of bats or barn owls was found. If the former cider press were to be removed or repaired, bat emergence/activity surveys are recommended by Greenscape Environmental (2014).

The report by Greenscape Environmental (2014) states that trees have potential to support bats. They have confirmed this is the case, particularly the lime tree

numbered 23Ti. Trees to be removed should be assessed for potential bat roost habitat as described in The Bat Conservation Trust's *Bat Surveys – Good Practice Guidelines* (2<sup>nd</sup> Edition 2012).

The trees and hedgerows on site are likely to be used for bat foraging and commuting. A condition on lighting is recommended to avoid affecting bat behaviour and a further condition to require bat boxes to enhance biodiversity.

#### Nesting birds

The trees and hedgerows on the site are likely to be used by nesting birds.

- 4.1.10 **Tree Officer – No objections.** There are a number of trees on this site. An Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The application site is situated on the northern edge of the village of West Felton. The site is currently used as agricultural land.

The AIA has been prepared in accordance with BS 5837 (2012) and includes an assessment and categorisation of the tree based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate.

The AIA has identified 40 trees and the proposed development would require the removal of 10 of these. The trees for removal are either in poor condition or of low public amenity value. The bulk of the trees on the site are situated in the south east corner, this area is to be retained undeveloped and will form part of the open space element of the site.

In this case it is considered that, with view to their current condition, the loss of trees could be justified providing sufficient mitigation was provide in the form of new tree planting on the site. The indicative layout shows an acceptable level of tree retention and adequate space for the new trees to be planted and to develop to maturity without impacting on the reasonable enjoyment of the proposed properties. Any amendments to the final site layout would be expected to maintain the levels of open space, tree planting and separation between the trees and the properties.

No objection is raised to the proposed application subject to the above recommendations regarding the final site layout and to a requirement to provide an updated AIA with the reserved matters. It is recommended that a condition is applied.

- 4.1.11 **Severn Trent Water – No objection** subject to a condition requiring submission of drainage plans for the disposal of surface water and foul sewage to the Local Planning Authority prior to commencement of development.

- 4.1.12 **Drainage** – The drainage details, plan and calculations could be conditioned and

submitted for approval at the reserved matters stage if outline planning permission is granted.

The SUDs applicability zone area that the site is classified under according to Shropshire Council's Surface Water Management: Interim Guidance for Developers is infiltration therefore the use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

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

A contoured plan of the finished road level will be required to ensure that the proposed gullies are located correctly. 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.

The layout of the proposed foul sewage system should be submitted for approval, along with details of any agreements with the local water authority. Due to the scale of the development the foul drainage should connect to a mains system and the use of septic tanks or package treatment plants are not deemed acceptable.

The applicant should consider employing measures to reduce surface water and consent is required from the service provider to connect into the foul main sewer.

## 4.2 **Public Comments**

4.2.1 24 letters of representation have been received raising the following concerns:

- Site is outside the development boundary
- Contrary to the wishes of the village to be open countryside
- Will extend beyond the current village
- Village has already grown enough
- No need for more housing
- Cumulative impact of the three sites proposed
- Loss of countryside
- No jobs in the area
- The reduced number of houses will mean that they are very big and will not be affordable



- Would result in increased commuting and carbon emissions
- Increase pressure on the junctions onto the A5
- Increase traffic through the village
- Twyford Lane is too narrow to be used to serve any development and also passes the school
- A bus stop is needed on the road
- Village school is over subscribed
- Area identified as open space is close to Twyford Lane which is frequently used by large agricultural vehicles and as such raises safety issues
- Potential loss of, or adverse impact on, Cider House, grade II listed Doveston Archway and avenue of trees which include TPO'd trees
- Land is of excellent agricultural value – grade 3
- Impact on wildlife, noting bats, barn owls
- Loss of trees
- Connection to existing foul sewer will disrupt access to properties
- Existing storm drain regularly floods, is not maintained and inadequate for any additional use
- Existing foul drainage on a reed bed system and would not cope

## **5.0 THE MAIN ISSUES**

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

## **6.0 OFFICER APPRAISAL**

### **6.1 Policy & principle of development**

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 The NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking (para. 14), so it applies, as a material planning consideration, in any event. The NPPF specifically aims to 'boost significantly the supply of housing' therefore, the fact (and degree)

that a proposed development helps to boost housing supply is a significant material consideration to which considerable weight must be attached. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply.

- 6.1.3 In September 2013 the housing land supply in Shropshire fell below the 5 year requirement. This has now been updated following the submission of the SAMDev Final Plan to the Planning Inspectorate. The Council is now in a position that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. However, in calculating the 5 years' supply the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies as there are significant unresolved objections which will not be resolved until the public examination and adoption of the SAMDev. It is not until adoption that full weight can be given to the SAMDev.
- 6.1.4 In the intervening period between submission and adoption sustainable sites for housing where the adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF. As such it remains officer's advice that it would be difficult to defend a refusal for a site which constitutes sustainable development and that the presumption in favour of sustainable development at paragraph 47 of the NPPF is given greater weight than either the adopted or forthcoming policies. The NPPF does not permit a housing development free-for-all, the principle issue for consideration is whether the development is sustainable or not when considered against the NPPF as a whole. As such a development which is not sustainable can be refused against the NPPF but officers advise that caution should always be taken when considering refusal against the NPPF. Paragraph 14 advises that the adverse impacts of granting consent would need to significantly and demonstrably outweigh the benefits.
- 6.1.5 It is acknowledged that the site is outside the development boundary previously set within the Oswestry Borough Local Plan. As such the application has been advertised as a departure from the adopted local plan and would not normally be supported for development. However, these policies are at risk of being considered "time expired" due to their age and the time which has lapsed since the end date of the plan. Officers therefore advise that it is appropriate to assess this site within the context of the 'presumption in favour of sustainable development'.
- 6.1.6 The Parish Council and local residents have commented that the site is contrary to their SAMDev allocation as open countryside. This is also acknowledged, however at this time the SAMDev still holds limited weight as although it now been submitted for examination by the planning inspectorate there remains outstanding objections to the SAMDev and the designation of hubs, clusters and open countryside. On this basis it would be difficult to attribute any significant weight to the designation of West Felton as open countryside until objections to that designation have been resolved. Officers are sympathetic with the local community and the work which has been done to get to the position of wanting to be open countryside and the work that the community plan to do in the future.
- 6.1.7 Policy CS6, amongst a range of considerations, requires proposals likely to

generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Policy CS7 states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services. And policy CS9 states that development that provides additional dwellings or employment premises will help deliver more sustainable communities by making contributions to local infrastructure in proportion to its scale and the sustainability of its location.

6.1.8 Given the above, whether the site is appropriate for development rests on whether it is considered sustainable. The presumption is in favour of sustainable development as tested against the NPPF as a whole. The three dimensions of sustainable development; economic, social and environmental all need to be considered jointly and simultaneously in reaching a judgement about sustainability (NPPF paragraph 8).

## 6.2 **Is the site sustainable?**

6.2.1 The objections from West Felton Parish Council and local residents consider that the site is not sustainable on the grounds that it is distant from supermarkets, employment opportunities and other types of services and facilities and the associated increase in vehicle movements and emissions. Objectors consider that this would be contrary to National policies and adopted core strategy policies in relation to impact on climate change. Objectors consider that West Felton is a dormitory settlement for other employment centres and that the level of house building within the last 25 years has led to the settlement reaching its optimum size. In their opinion the capacity of the existing services and infrastructure have been met and the village does not need any more housing to help with its sustainability. Furthermore concerns are raised about the potential for further housing development pressure in the village.

6.2.2 Whether a site is sustainable is not judged purely on the distance from services, facilities or employment. The Council's adopted Core Strategy sets out the principle that new housing development will be supported in designated Hubs and Clusters and as such to say that a site is not sustainable because it is located within a small village or community with limited facilities would be contrary to this part of the Core Strategy and the approach taken in SAMDev of allocating housing in some rural settlements. Furthermore, the NPPF at paragraph 55 acknowledges that development in rural areas can support services and urges that it should be located where it can maintain and enhance the vitality of rural communities. The distance from services, facilities and employment is one of a number of factors to be taken into account when undertaking the planning balance. Alongside issues of impact on highway safety, ecology and development of agricultural land.

6.2.3 Paragraph 7 of the NPPF sets out the three dimensions to sustainable development and provides an overview of what is considered to be the economic, social and environmental roles of the planning system. The agent, within the planning statement suggests that the site is a natural extension to a sustainable village and that increase in footfall will reinforce the sustainability of existing amenities. The statement suggests that the development will meet the economic dimension as it is well located, will contribute to the economy of the rural area and

will bring new housing; meet the social dimension in providing new housing to meet needs and support community services and facilities; and meet the environmental dimension by not having a major adverse effect on ecology or historic environment.

- 6.2.4 It is acknowledged that the NPPF advises that local authorities should seek to approve applications for sustainable development and work with applicants to find solutions. However, the presumption in favour of sustainable development is also not a free for all. The cumulative impact of additional new housing is also a material consideration. Recent planning inspectors' decisions have taken into account the adverse impact of increasing the number of dwellings in an settlement, outside of the plan making process, as a material consideration. Substantial increases in residences could result in harm because of the need to allow time for proportionate increases in infrastructure and for the community to adapt, and the possible adverse impact on community cohesion. Developments such as this can be required to contribute to improvements in local infrastructure so far as they are needed to mitigate the effects of the specific development and it is acknowledged that CIL payments can address this. However the benefit of plan led development is that it can be brought forward with any necessary supporting infrastructure.
- 6.2.5 While West Felton may have some capacity to accommodate new housing the capacity is not limitless. The 2011 census for West Felton recorded 600 dwellings, including the area of West Felton on the opposite side of the A5. The recently approved scheme at Tedsmore Road approved 35 houses, which would equate to an increase of 5.83% and there are other consents which have been completed since 2011. The initially submitted application proposed a further 32 houses and therefore an increase on the 2011 census figure of 11.16%. Officers considered that an increase of 32 houses outside of the plan led system would result in an adverse impact. However, following notifying the agent of the recommendation to refuse the application, with this issue being one of the main concerns, the agent has submitted an amended plan which reduces the number of houses to 12. This reduction in the scale of the development will reduce the overall impact of the new housing outside of the plan led system and at the new proposed scale is not consider to be a significant or demonstrable harm. A re-consultation on this amendment was sent to the Parish Council and local objectors and all comments received have been summarised in this report. No further comments have been received from the Parish Council since the deferral of this item from the August committee.
- 6.2.6 It is also acknowledged that the application at Tedsmore Road, which has been approved, will increase housing numbers as detailed above. On their own any one of the three applications, Tedsmore Road (13/01221/OUT), The Cross (14/00133/OUT) or this application at Twyford Lane (14/00734/OUT), would increase housing numbers but not to an extent which officers consider would tip the balance of the material harm to the village. The amended scheme reducing the number of houses has also now reduced the potential cumulative impact of recommending consent for this development and the application at Tedsmore Road, which has been permitted.
- 6.3 **Economic considerations?**

- 6.3.1 As previously noted the agent considers that the development of the site would meet the economic dimension of sustainable development in contributing to the rural economy and providing new housing to support existing local services. It is accepted as the government has made clear that house building plays an important role in promoting economic growth to which significant weight must be given that weight should be given to the benefits of boosting housing supply and the economic gains from housing.
- 6.3.2 Given the concerns raised by the Parish Council and local residents about the reliance on the private car and as such the increases in traffic and CO2 emissions officers have considered the opportunities for non car based travel and can confirm that buses from Oswestry stop in West Felton adjacent to the Punchbowl Inn from 7:05 at least once an hour up to 18:35 and from Shrewsbury from 8:11 to 19:41. The journey from West Felton to Shrewsbury takes approximately 32 minutes and the journey from West Felton to Oswestry takes approximately 26 minutes and also stops outside Oswestry College. This provision is very good in comparison to large parts of the rural areas of Shropshire and officers consider that weight can be given to the opportunities for bus travel from and to West Felton. The residents of West Felton do not have to rely on the private car as many other areas of rural Shropshire do.
- 6.3.3 To require all development to be close to employment and all services and facilities would restrict the areas in which development could be provided to Shrewsbury and possibly Oswestry, though objectors have questioned whether Oswestry has sufficient employment. This restrictive approach would not be sustainable in itself and it would not promote rural rebalance or help with the sustainability of the remainder of Shropshire. The principles set in the Shropshire Core Strategy allow for development in Hubs and Clusters, some of which are much smaller areas with less services and facilities than West Felton and with no public transport links. As advised on the previous application at Tedsmore Road, and as noted by the agent, officers consider that West Felton is a village which could support additional housing and which with new development could enhance the existing services and facilities it has.
- 6.3.4 Although, as advised above, it is accepted that the capacity for new housing in West Felton is not limitless and the local community already consider that it has reached its limit in their request to be considered as countryside within the SAMDev, the reduced scale of development now put forward by the agent is considered to not result in significant development in the village.
- 6.4 **Social considerations?**
- 6.4.1 The agent considers that the social dimension is met as the site is on the edge of the village with good links to facilities which the development will support. The development will provide additional housing including affordable housing. The reduced number of housing would reduce the affordable housing contribution and given the indicative house sizes this would likely to be proposed as a financial contribution in lieu of the 10%. However, as an outline planning application the level of affordable housing to be provided would have to comply with the requirements set out in the SPD at the time of the reserved matters application. This may increase or decrease but as an outline a S106 would require the affordable housing to comply with the SPD. The provision of housing is itself a

material consideration and is a clear benefit which should be given significant weight in the determination of the application. The acceptance by the developer to provide affordable housing should also be taken into consideration. In addition to the affordable housing the proposal includes an area of open space, which can be considered a benefit of the scheme.

- 6.4.2 Concern has been raised by the Parish Council and local residents about the capacity of the village school. This concern is noted and if there is inadequate infrastructure to serve the development it could be a harm weighing against the development. However, the amended reduced scale of the development would have a limited impact on school places. The Council Education Officer advised that for a development of 35 houses the predicted new school place requirement would be 5/6 places. As such the amended scheme, which reduces the housing to 12 would have a proportionally lower requirement. As required by policy CS9, the development of this site would be required to contribute to infrastructure through the payment of the Community Infrastructure Levy (CIL). For West Felton the rate of CIL payment is £80 per sqm which could be used to contribute towards the enhancement of the existing school alongside other infrastructure projects in the local and wider area.
- 6.4.3 Currently the Oswestry and Surrounding Area Place Plan does not list improvements to West Felton School to increase pupil places as a priority, although the Learning and Skills Team is currently updating its priorities for the Place Plans. Any additional funding required would need to be identified as a priority infrastructure requirement in the Place Plan and CIL proceeds allocated for that purpose. If planning permission is granted for the development on the basis that it is necessary for the additional education funding to be provided, then this item and the associated financial contribution will be fed into the annual review of the Place Plan as a result of being identified through the development management process, and funding allocated accordingly. This approach was agreed by the Portfolio Holder's decision in the report dated 14th February 2014 (see Section 4 Governance arrangements for projects not included on the CIL List).
- 6.4.4 Given the scale of the amended development officers do not consider that the potential impact on the school places could be considered to be a harm and furthermore will be balanced out by the benefits gained from the CIL contribution. As such little weight can be given to this potential harm as there is no evidence that the CIL contribution would not overcome the harm. The provision of market and affordable housing and CIL contributions are social benefits which can be afforded positive weight in the determination of the application.
- 6.5 **Environmental considerations?**
- 6.5.1 Concerns have been raised about the development of this site which is on agricultural land; outside the existing village boundary, beyond existing housing; will impact on the amenities of the village as a whole and specifically on the amenities of the residents adjacent to the site; will be detrimental to highway safety, both locally and in the wider area due to increase in traffic at the junctions with the A5; and significantly impact on ecology through the loss of feeding ground for bird species on the at risk register, the habitat of owls.

- 6.5.2 It is acknowledged that the development will be on agricultural land which is currently on the edge of the village and the Parish Council have, as with the application off Tedsmore Road, objected on the grounds of the loss of agricultural land quoting paragraph 112 of the NPPF. They have commented that the land may be grade 2 or 1 but the evidence which they have since submitted, which they received from Natural England, relates to a survey of some of the land around West Felton by MAFF in the 1980's. The information is acknowledged by the Natural England advisor who sent it to the Parish Council that it may not be accurately representative of the soil classification today. Furthermore at the time of this assessment part of this application site was not in agricultural use (as the curtilage of a dwelling) and the other part was not assessed. As such it is not clear what grade of agricultural land the application site lies within. It should also be taken into account that the land is currently in use for grazing of horses and not for productive agricultural use.
- 6.5.4 The current map provided on the Natural England website shows the land to be grade 3 but does not confirm whether it is 3a or 3b and without an up to date assessment it is not possible to confirm whether it is 3a or 3b. Although the Parish Council consider that an up to date survey should be undertaken the NPPF does not prevent development of agricultural land, or require a sequential approach to the development of agricultural land. It seeks to protect the "best and most versatile" land from significant development.
- 6.5.5 As with the application at Tedsmore Road there are three issues here, firstly recent planning inspectors decisions have established that the need for housing is considered to be demonstrating the need to develop on agricultural land and as such there is no requirement for each developer to demonstrate a need specific to a site. The fact that the Council has been under delivering on housing land supply demonstrates that development is required and the authority has accepted that some of this development will have to be on agricultural land. Secondly the scale of the development is not significant when considered against the overall need for housing or the amount of agricultural land available within Shropshire. It may seem significant, alongside the other applications in West Felton, in terms of the agricultural land around the village. However at 2 and half hectares it is not considered to be significant when considered against the above matters and the advice from Natural England which the Parish Council refers to. Within that advice it notes that Natural England should be consulted on all developments over 20 hectares. Even taking the other three sites into account the total development around West Felton would be around 6 hectares and approximately 72 houses. Thirdly, and finally, the NPPF suggests development of lower quality land should be preferred. The NPPF does not require development to only be on lower grade land but seeks to develop lower grade as a preference. In Shropshire the areas of lower grade identified on the Natural England map as grade 4 and 5 are predominately river valleys and high ground. There are no areas identified as 4 or 5 around Oswestry and, although it is accepted that the map does not define between grade 3a and 3b, the application site is not considered to be any higher quality than the majority of Shropshire.
- 6.5.6 On balance, although officers acknowledge that the loss of this parcel of agricultural land is a harm resulting from the development, the loss of land is not significant and it is not currently in productive, economically beneficial agricultural

use and therefore it is advised that some but limited weight should be given to this in the overall planning balance and it would not on its own outweigh the presumption in favour of sustainable development. The loss of the agricultural land itself does not make the development unsustainable as the NPPF requires the assessment of whether a development is sustainable or not to consider the whole of the NPPF and balance the harm against the benefits.

- 6.5.7 In considering the location of the site the Parish Council and local residents are concerned about extending the development beyond the village boundaries. The agent's opinion is that the site is a natural extension to the village and it is acknowledged that the application site is close to services and facilities in the village. However, this application would extend the built area of the village beyond its existing boundaries and beyond the existing main built up area of the village, with the exception of one dwelling and its outbuildings (Rowley). Officers consider that the development of this site for a small estate would alter the character of the area and would, as any development extending the edge of a settlement, result in harm. However, the reduced development scale would be more in keeping with the adjacent development at Dovaston Court and as such the harm would be reduced.
- 6.5.8 There would be some harm in developing this site and that is acknowledged but officers do not consider that the harm would outweigh the benefits gained from new house building in terms of providing housing and affordable housing, both of which are national requirements, providing a contribution towards infrastructure in the form of a CIL contribution and providing open space. Developing beyond the existing village edge is an adverse impact in the overall planning balance but not one which officers would advise is significant.
- 6.6 **Layout, scale and design**
- 6.6.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. Section 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.
- 6.6.2 Within the planning statement there is an indicative density referred to as circa 32 dwellings, designed to be sympathetic to the character of existing dwellings, however the recently submitted plan shows a indicative layout of 12 houses. This was submitted by the agent in response to the concerns raised by officers about the development of a housing estate beyond the existing settlement boundaries. The amended plan shows 12 properties spaciouly laid out in sizable gardens all accessed off a single estate road and an area of open space around the existing protected trees and the stone archway.
- 6.6.3 However, the current application is for outline planning permission with all matters of layout, scale and appearance reserved for later approval. A further application will be required for the approval of reserved matters which would then detail the layout, scale, appearance and landscaping. At that time the development proposed would have to be considered to be acceptable in context with the



existing village. However, officers consider that the indicative layout would be acceptable in principle, subject to approval of the final details.

## 6.7 **Impact on heritage**

- 6.7.1 The heritage statement submitted with the application considers the impact on the grade II listed Cider Press which is “a small later 18<sup>th</sup> century purpose-built structure built within the grounds of the now demolished house called ‘The Nursery’, home of John Dovaston. Built to house an apple crusher and cider press and for storage”. This structure is considered to be a heritage asset and as such the impact on the structure needs to be understood to establish whether the development will cause harm to the heritage asset.
- 6.7.2 The report notes that previous dwelling was abandoned in the 1960’s and fell into disrepair eventually being demolished in the 20<sup>th</sup> century and the adjacent housing estate (Dovaston Court) erected. The cider press is the only intact building surviving from The Nursery. It is built of red sandstone with arched stone headers, a number of existing openings but a replacement roof and the loss of the first floor. However, the remains of the press and the stone crushing wheel remain, though possibly not in their original position.
- 6.7.3 The applicant’s consultant considers that there is scope to restore the buildings close to its original form, reinstate the loft and stairs and reposition the wheel. The planning statement suggest that the building could either be sold with one of the plots as domestic storage space or be gifted to the parish council. However the agent notes that this would result in a maintenance responsibility for the parish council. At this outline stage it is not confirmed what the intention is for the building.
- 6.7.4 The Council Conservation Officer has confirmed the listed status of this structure, and also of the stone archway on the edge of the site. It is considered that the Cider Press will need to be carefully considered as part of the reserved matters to ensure that the importance of this building and its history is fully understood in the long term in order for the scheme to meet the national policy requirements. It is accepted that the development of this site has the potential to ensure that this listed building is retained and brought back into active use and that this is a material planning benefit. However, there is also the potential that the importance of the building could be lost amongst a modern residential development and therefore the benefit would be reduced. The amended plan showing the reduced layout shows this listed building within the curtilage of one of the dwellings, to the side of the dwelling and visible from the new estate road. In principle providing the building is still a prominent part of the finished development officers do not consider that the harm of developing around the listed building would be significantly harmful to the setting of the building.
- 6.7.5 The stone archway on the edge of the site is also grade II listed and is noted by local residents as important to the character of the area and the understanding of the link with John Dovaston. This structure is adjacent to the proposed open space and as such it will be retained within its current situation and the agent has advised that this structure is within the curtilage of the neighbouring properties. Overall it is considered that the development of the site for housing has the potential for contributing to conserving the heritage assets in accordance with

policy CS17 and the NPPF but also has the potential for harm although it is acknowledged this would be less than substantial harm (NPPF paragraph 132) this harm would also need to be considered in the overall planning balance.

## 6.8 **Impact on residential amenity**

6.8.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. As an outline application with all matters reserved for later approval it is not possible to fully consider the impact on the amenities of neighbouring residents.

6.8.2 The indicative layout plan does show that the land closest to the housing on Orchard Drive is to be used as open space and therefore only the properties on Dovaston Court have the potential to be affected. However, these properties have large gardens themselves and the site is of a sufficient size to enable a layout to be developed which would provide appropriate separation distances between the dwellings and facing windows to ensure that there is not an unacceptable loss of light or privacy. Although it is acknowledged that the development will result in a change of use from agricultural to residential this use is not considered to result in noise or any other pollution that would be significantly harmful as to adversely affect the amenities of existing residents. As noted above the development will change the outlook of the existing properties but this is not a material planning consideration. Officers consider that the development of the site could be achieved without substantial adverse impact on the amenities of the existing properties.

## 6.9 **Highways, access, parking and rights of way**

6.9.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. The development originally proposed at this site was for circa 32 dwellings and therefore does not, on its own, meet the trigger to require a transport assessment, however the concerns of the local community regarding the cumulative impact of the three sites proposed for new housing in West Felton is noted and so too are the concerns about the potential impact on the junctions onto the A5. The application has been submitted with a highways and drainage report and the Council Highway Officer and the Highways Agency have both been consulted. It is a matter for the local planning Authority to make a judgement as to whether a development would generate, on its own or cumulatively with other developments, significant amounts of traffic and therefore require a transport assessment as advised in the planning practice guidance. The case officer has sought the advice of Highways Officers and the Highways Agency on this matter and this issue is discussed below.

6.9.2 A single vehicular access is proposed off Holyhead Road with visibility splays of 2.4m by 250m to the left and 220m to the right. The submitted highways and drainage report notes that the access can be provided onto Holyhead Road and that the visibility is well in excess of the minimum required and will compensate for

the approaching vehicle speeds observed. The site is within the 30mph speed limit and the applicant's highway consultant has noted that the road is approximately 6.3m wide with a footpath of 1.6m and a grassed verge opposite. Twyford Road, which currently serves as access to the site, is approximately 3.3m wide, however the application proposes closing off the existing accesses for vehicles and only retaining pedestrian access onto Twyford Lane.

- 6.9.3 The Council Highway Officer has confirmed that the single centralised access is acceptable and that satisfactory visibility is available, although given the proximity to the 30mph speed limit extent either an extension to the 30mph or a 40mph buffer zone would be preferred. The Highway Officer has also commented that it is not clear to what extent the wall would be affected by the provision of the access and visibility.
- 6.9.4 The development will result in an increase in traffic movements, however, the village is served by a bus service as detailed above, and any rural housing development will result in an increase in traffic movements. Although the concerns of the local community are noted, the traffic resulting from this development, even in combination with the other proposed developments in the village, would not result in a unacceptable or severe impact on highway safety or result in traffic movement levels that would warrant refusal of the scheme on its own. The increase in traffic is a harm although one which can only be given limited weight in the overall planning balance as the impact is not severe and the number of dwellings proposed has been significantly reduced.
- 6.9.5 At the time of writing the committee report the Highways Agency have placed a holding objection on the application advising that they have not yet had the opportunity to consider the information submitted by the applicant regarding the cumulative impact of this and the other applications in the village on the junction at the A5 Queen's Head. As such the recommendation to members is that delegated powers be granted to approve the development once this matter is resolved. If the matter can not be resolved the application can be refused under delegated powers. However, the recommendation is not to ignore the Highways Agency but to await their updated comments prior to making a decision.
- 6.9.6 Concern has also been raised locally about the width of the footway in the immediate area and this was noted by the Council Highway Officer in his initial response. The existing footway is on the same side of the development and along the frontage of the development is considered to be an appropriate width and continues beyond the application site to outside the village signs. However, it is noted that there are sections of the existing footway further towards the village shop which are narrow and which could not be widened without harming a locally important wall and trees. The Highway Officer has noted that the width is 0.65 metres at its narrowest point and for the whole of this reduced section is under 1 metre in width. This is well below acknowledged standards and forces pedestrian users to walk in the highway which raises pedestrian safety concerns which would be increased by the development of this site.
- 6.9.7 In response to this the applicant has suggested either the widening of the existing footway or the creation of a new section of footway within the open space south of Dovaston Court. The preferred option would be for a new footway which could be

provided within Council owned land within the locally important wall and without adversely affecting the trees. This would need to be subject to separate design detailing and consultation, however this would be a solution to the issue raised locally and by the Highway Officer and the latest response from the Highway Officer has confirmed that this is an overall pedestrian safety benefit.

6.9.8 As such it is considered that pedestrian safety is no longer something which can be considered to be a harm resulting from the development. In principle the provision of this alternative footway would improve pedestrian access to the village. In addition the reduction in the scale of the development needs to be taken into account in that a development of 12 houses would result in less pressure and potential for risk of pedestrian safety issues than a development of 35 houses. In conclusion officers acknowledge that there is an existing issue with the width of the footway on the highway but consider that there is a possible solution to the issue which would make it unreasonable to refuse the application on this matter.

#### 6.10 **Ecology and trees**

6.10.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. An ecological survey has been undertaken and submitted with the application and this has been considered by the Council's Ecologist and Tree Officer.

6.10.2 The ecology survey submitted suggests retaining the hedges and trees except where they need to be removed to provide access; notes that part of the site is a historic orchard but now only contains 3 trees which are in poor condition and is mainly grassland and used for grazing of horses; that there is one pond within 480m of the site but with barriers between and therefore not considered to be linked to the site; that the mature trees around the site have the potential to support commuting bats, possibly roosts and nesting birds. Overall the report concludes that the site can be developed without loss of habitat or significant value and without the loss of favourable conservation status of any protected species and recommends protecting trees, providing new trees, ensuring lighting is appropriate and nesting boxes.

6.10.3 However concerns have been raised by the Parish Council and residents about the impact on ecology especially Lapwing, bats and owls. The Council Ecologist has confirmed that the development of the site has the potential to affect nesting birds and bats but not great crested newts and as such has recommended conditions and informatives. The Council Ecologist has also advised that trees to be removed should be assessed for potential bat roosts and the results and any necessary mitigation submitted prior to determining the application. However, at this outline stage it is not clear whether any trees are to be removed and as such it is considered that it would not be reasonable to require this information. This is a matter which would be more appropriately done prior to submission of a reserved matters consent when it is clearer which trees are likely to be affected by the development.

6.10.4 The Council Tree Officer has advised that the submitted arboriculture assessment

is appropriate and that the tree removal proposal is justified on the grounds of condition. A condition is recommended to require submission of further details with the reserved matters application should outline permission be granted which would update the assessment of existing trees, proposed protection methods and new planting to mitigate the loss of existing trees.

6.10.5 It is officers opinion, taking into account all of the concerns raised and the professional advice from the Council Ecologist and Tree Officer that the site can be developed for housing without significant harm to protected species, their habitats or important trees. The development will alter the habitat from its existing condition but will also provide some opportunities for enhancements and as such complies with the requirements of policy CS17 and also the relevant sections of the NPPF.

## 6.11 **Drainage**

6.11.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. The highways and drainage report advises that the foul drainage from the development is proposed to be connected to the existing mains sewerage system and that there are a number of different connection options, either pump fed or gravity fed depending on which existing pipework is use for the connection. This would be a matter for the sewerage provider in dealing with the developers right to a connection. As no objection has been raised by the sewerage provider there is no evidence that a connection could not be made. The surface water from the development is suggested to be dealt with by soakaways or connection to the local surface water drain in Twyford Lane subject to attenuation.

6.11.2 Local representations have commented that connection to existing foul sewer will disrupt access to properties; that the existing storm drain regularly floods, is not maintained and inadequate for any additional use and; existing foul drainage on a reed bed system and would not cope. Although these concerns are noted the Council Drainage Engineer has confirmed that the drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission is granted. The scheme for drainage of the site for both foul drainage and surface water drainage would need to ensure that there is no greater adverse impact on the existing system. Surface water is not permitted to exceed existing greenfield run off rates and the foul drainage is dealt with by the sewerage provider.

6.11.3 The applicant's report has also considered the potential for flood risk and has concluded that this land will have no risk of flooding or pose any risk to areas outside of the site. As such there is no reason to consider, and no evidence to show, that the site could not be developed with an appropriate drainage system and would following development not result in any greater risk of flooding either to the application site or the wider area. As such the development of the site is compliant with the requirements of CS18.

## 7.0 **CONCLUSION**

7.1 The site is located outside the current development boundary for West Felton as

shown in the Oswestry Borough Local Plan and is therefore classed as a departure from the development plan. Although the Council has recently submitted the SAMDev Final Plan and therefore has identified a 5 year housing land supply limited weight can be attributed to the SAMDev as there are outstanding unresolved objections. Furthermore limited weight can be given to the saved Oswestry Borough Local Plan due to its age and greater weight given to the NPPF and the presumption in favour of sustainable development.

- 7.2 It is accepted that the site is on the edge of West Felton which is a sustainable settlement with a range of services and facilities and benefits from transport links. Furthermore the development will provide additional housing supply in accordance with national planning policy priorities and economic benefits to the village and surrounding area. The development will also provide affordable housing in accordance with Policy CS11 and infrastructure provision in accordance with policy CS9 and will not result in significant loss of agricultural land.
- 7.3 The amended layout reducing the number of dwellings, and the proposed financial contribution towards resolving the existing issue with the width of the footpath has overcome the concerns previously raised by officers regarding development beyond the natural boundary of the village, the cumulative impact of the current applications for new housing in the village and pedestrian safety. Although there are harms identified from developing agricultural land beyond the village and the potential impact on protected species and trees these harms are either not significant or could be overcome with appropriate details and survey work. As such it is officers recommendation that the harm does not outweigh the benefits of new housing and that, in considering the development against the NPPF as a whole, the proposal will be sustainable development and in accordance with the requirements 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. **BACKGROUND**

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Core Strategy and Saved Policies:  
CS4 - Community Hubs and Community Clusters  
CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
CS9 - Infrastructure Contributions  
CS11 - Type and Affordability of housing  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management

## 11. **ADDITIONAL INFORMATION**

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

Cabinet Member (Portfolio Holder)  
Cllr M. Price

Local Member  
Cllr Steve Charmley

Appendices  
APPENDIX 1 - Conditions



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

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

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

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of 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. This permission does not purport to grant consent for the layout shown on the deposited plan submitted with this application.

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

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

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

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

The number of units

The means of enclosure of the site

The levels of the site

The means of access for disabled people

The foul and surface water drainage of the site

The finished floor levels

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

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

7. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

Reason: To minimise disturbance to bats, a European Protected Species.

8. A total of 5 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species, which shall be erected on the site prior to first occupation of the dwellings hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

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

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