



<u>Committee and Date</u>
North Planning Committee
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<u>Item</u>
16
Public

Development Management Report to Consider Planning Applications subject to S106 resolution having regard to the Council's published 5 years housing supply Land Supply Statement of 12th August 2014

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Summary

This report seeks Members support in respect of planning applications to North Planning Committee has previously resolved to approve where a decision has not yet been issued pending conclusion of a S106 agreement and where there may have been a change in the balance of considerations arising from the publication of the revised 5yr Housing land Supply Statement on 12th August.

Recommendation:-

Grant Permission for the applications set out in Appendix A subject to the recommendations for each item, Section 106 Legal Agreement and conditions as set out in the original reports to North Planning Committee and as recorded in the minutes of these meetings

1.0 BACKGROUND

- 1.1 It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point decision is taken. The Council published a revised 5 year housing land supply statement on 12th August to demonstrate that, based on data up to 31st March 2014, it has a 5.5 year housing land supply.
- 1.2 A number of planning applications for residential development have been referred to this Planning Committee for consideration in recent months where the committee were advised that the Council did not at that time have a five year supply of housing land, this being the position since September 2013. The absence of a five year housing land supply was therefore one of the factors taken into consideration and affecting the weight given to Development Plan policies.
- 1.3 In cases for residential development Planning Committee has resolved to permit the application subject to a S106 legal agreement to provide for affordable housing contributions and any other measures required to make the development acceptable that could not be subject to a planning condition, these applications remain

undetermined until the agreements are signed. This report seeks members views on how the published 5year land supply affects the overall balance of considerations to ensure that at the point the S106 is completed and the decision is issued all relevant material considerations have been taken into account.

- 1.4 The planning applications for housing development where the 5year land supply issue was a material consideration and where there is a resolution to permit the application subject to a S106 agreement that has not been completed are included in Appendix A. In each case these are applications that the Committee will have applied the presumption in favour of sustainable development and therefore will have been considered to be sustainable having regard to the social, environmental and economic considerations set described in the NPPF.
- 1.5 Paragraph 14 of the NPPF states that “*At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*” For decision taking the NPPF confirms that “**For decision-taking this means:**
- **approving development proposals that accord with the development plan without delay; and**
 - **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 this Framework taken as a whole; or**
 - **specific policies in this Framework indicate development should be restricted.”**

2.0 OFFICER APPRAISAL

- 2.1 NPPF Paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. This had been the position in Shropshire since September 2013 when the last 5 years’ supply statement was published and this meant that on the housing supply point, Shropshire Councils *relevant* policies were then out of date, and so had less weight as part of the overall consideration.
- 2.2 For decision taking, the applications where there is a resolution to permit but the S106 agreement has not been signed are presented in Appendix A having regard to the following considerations:
- The presumption in favour of sustainable development described in paragraph 14 of the NPPF applies in any event – all the schemes presented to committee will have been assessed first on this point having regard to the social, environmental and economic considerations;
 - The NPPF aim of boosting significantly the supply of housing is a material consideration and “*housing applications should be considered in the context of the presumption in favour of sustainable development*” (NPPF paragraph 49) and this needs to be considered in relation to the positive and negative impacts of the scheme;

- Policies may be considered out of date and of limited weight for other reasons (e.g. age of a saved local plan policy and consequent inconsistency with NPPF policies) therefore simply having a 5year land supply does not mean full weight can be given to saved housing policies or emerging SAMDev policies (the weight to these policies also being dependent on the extent of unresolved objections and degree of consistency with the NPPF);
- There is a strong likelihood of continuing under delivery against the county-wide Core Strategy target for another few years, meaning that the overall requirement at each update would be higher, even though the number of sites available will be increasing. Consequently, in the balance of considerations if more acceptable sustainable and suitable sites that are permitted impact of under-delivery is offset to a greater degree;
- Now that the SAMDev Plan has been submitted to the Secretary of State for its examination, the Plan is at an advanced stage of preparation. However, the Plan has not been through the examination stage and there are unresolved objections to elements of it (e.g. sites contributing to the housing supply), so the weight that can be attached has to be considered with care alongside the other material considerations and having regard to specific circumstances of particular planning applications.

2.2 In relation to determining planning applications outlined in Appendix A, the main issues to consider are

- whether a particular proposal is in accordance with the Development Plan,
- how it sits in relation to the emerging SAMDev Plan, and
- whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.

The fact of having a five year land supply can never be a reason in itself for refusing a planning application; it simply affects what other policy considerations are applied as set out above.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

The applications included in Appendix A were referred to committee for consideration accordance with the Council's scheme of delegation. There is no provision in the scheme of delegation in cases where the balance of material planning considerations may have changed for these "minded to approve" decisions to then be delegated to officers.

4.0. RELEVANT PLANNING POLICIES

Central Government Guidance:
National Planning Policy Framework 27th March 2012
National Planning Practice Guidance 6th March 2014

Shropshire Council Core Strategy and Saved Policies

SAMDev Plan (submitted for examination)

Appendix A – An assessment of how the balance of considerations is affected in each case in the context of a 5yr supply of housing land. The original reports to committee and minutes of those meetings are available to view via the online planning register following the link below:

<http://planningpa.shropshire.gov.uk/online-applications/>

1. 13/02994/OUT Outline application for the erection of a detached dwelling to include means of access Land Adjacent to Woodbury Hengoed Oswestry SY10 7EU

Considered by Planning Committee on 15th October 2013

- Although the site is classed as 'open countryside' according to current and emerging policy and lacks local support, material considerations are considered sufficient to justify a departure in this case. The proposed development could reasonably be considered to be sustainable in a way consistent with NPPF and it seems unlikely that a single additional infill dwelling could be construed as significantly exceeding the agreed development strategy.

- **Development Plan Considerations**

This is a site in the countryside under both current and emerging policy, where new open market housing development would not accord with policies H16 or H19 of the Oswestry Plan (as there is no development boundary for Hengoed) and the emerging development strategy for Hengoed identified in the SAMDev 'Revised Preferred Options'.

- **How the proposal sits in relation to the emerging SAMDev Plan**

It is significant that, in approving 15 additional dwellings in Hengoed, the Council have already started to apply the emerging SAMDev policy, since such development would have been contrary to the Oswestry Plan. However, in these circumstances, it is a question of whether other material considerations change the view, with the circumstances being sufficiently exceptional to justify a departure. Material considerations include the fact that the site would effectively be infill and could represent sustainable development consistent with the NPPF definition, but that it lacks Parish Council support. The key test is that within draft Policy MD3 (given that we have already started to apply the emerging SAMDev to development in this area). MD3 provides that:

The identified housing requirements for settlements are a significant material consideration. Where development would result in the number of completions plus outstanding permissions exceeding the identified requirement, regard will be had to:

- i. The degree by which the requirement is exceeded;
- ii. The likelihood of delivery of the outstanding permissions;
- iii. Evidence of community support;
- iv. The benefits arising from the development.

In light of this test, notwithstanding the PC view, the proposed development could reasonably be considered to be sustainable in a way consistent with NPPF and it seems

unlikely that a single additional infill dwelling could be construed as significantly exceeding the development strategy

- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**

The layout and design of the proposed dwelling is acceptable in principle and the development would have no significant impact on neighbours' amenities, drainage, protected species or highway safety. An affordable housing contribution would be secured through a S106 agreement. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects. Having regard to the Council's 5yr housing land supply there are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme. In order to promote delivery of the scheme an additional condition limiting the outline planning permission to a 12month period is recommended.

Recommendation:- Grant Permission subject to the conditions set out in the report to Committee of 15th October 2013, an additional condition limiting the outline permission to a period of 12 months.

2. **13/02698/OUT Outline application for the erection of ten dwellings (Amended Description) Land West of London Road Irelands Cross Woore Shropshire/04483/FUL Considered by Planning Committee on 14th January 2014**

- This is considered to be a site where sustainable development can be accommodated.
- **Development Plan Considerations**
- The proposed site is located along a the B5415 on the edge of Irelands Cross settlement which is situated between Woore and Pipegate settlements in an area considered as countryside when assessed against the saved and forthcoming policies. Government guidance contained in policy 6 'Delivering a Wide Choice of High Quality Homes' of the National Planning Policy Framework indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development. Advice is given that local planning authorities should avoid new isolated homes in the countryside. It is accepted that the application would be a departure from the current saved North Shropshire Local Plan policies but the NPPF now has greater weight in the overall consideration.
- **How it sits in relation to the emerging SAMDev Plan**
- Woore Parish Council has indicated that it wishes to see Woore as a Community Hub with Irelands Cross and Pipe Gate. Woore is the largest of the 3 areas and most of the local facilities are based here. However, all three settlements have close social and physical links. The Parish Council wants the Site Allocation Management Development Plan (SAMDev) to recognise these links whilst retaining the existing development separation between Woore, Irelands Cross and Pipe Gate. It is proposed that whilst

some infilling development on suitable sites within the settlements may be appropriate, the open land between the three areas should remain undeveloped. In the latest SAMDev Revised Preferred Options document (July 2013) the Parish Council are in support of an additional 50 dwellings over the remainder of the plan period (2013 to 2026). However, correspondence has been received from the Parish Council in August 2013 indicating that they are now only requesting a further 15 dwellings built on infill plots. However, the formal allocation of the community hubs and community clusters will be provided within the Site Allocations & Management of Development document which although submitted to the Planning Inspectorate has yet to be subject to formal examination

- The emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain unresolved objections to the plan. This site is not allocated for development in the emerging SAMDev plan but has been considered to be sustainable having regard to the social, environmental and economic impacts.
 - **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**
 - The proposed development is within walking distance of Woore which is only 0.7km along a pavement where a number of essential day to day services are available. The development site can be developed to provide a safe means of access, suitable drainage and a layout which could be designed to prevent any detrimental impact on neighbouring properties. The use of the land would not result in the impact on any protected species and wildlife, whilst no important trees will be lost. The development would be positioned between existing residential properties and would have a roadside frontage which is characteristic to the majority of properties in Irelands Cross
 - Having regard to the Council's 5yr housing land supply, the agent has confirmed a willingness to bring forward the reserved matters application expeditiously and so there is an expressed intention to develop the site. To encourage this an additional planning condition limiting the grant of outline planning permission to a period of 12 months is recommended. There are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme.
 - **Recommendation: Grant Permission subject to the conditions set out in the report to Committee of 15th October 2013, an additional condition limiting the outline permission to a period of 12 months.**
3. **13/03481/OUT Outline application (all matters reserved) for residential development; vehicular access and estate roads; diversion of Public Right of Way; associated highway and landscape works Storage Land And Premises (former Dairy) Mile Bank Road Whitchurch
Considered by Planning Committee 14th January 2014**
- This is a brownfield site where sustainable development can be accommodated.
 - **Development Plan Considerations**

The site is outside the development boundary previously set within the North Shropshire Local Plan and also has not been carried forward as a preferred option site within the emerging Site Allocations and Management of Development (SAMDev) document as it was considered to be not well related to Whitchurch and that there were other sites which are adjacent to the town which could meet the housing need for the area. As such the application has been advertised as a departure from the adopted local plan and would not normally be supported for development.

- **How the proposal sits in relation to the emerging SAMDev Plan,**

The site has not been allocated for development but as a brownfield development site there is a presumption in favour of bringing these sites forward and it has been included in the councils calculation for 5yr housing land supply.

- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**

- The site is located outside of the current Whitchurch development boundary and is therefore classed as a departure from the development plan. Although it is accepted that the site is not in a highly sustainable location it does benefit from being close to the market town and the proposed development provides for redevelopment of a brownfield site and provides additional housing supply. The indicative plans indicate that the layout will be sympathetic to levels of the existing site and that there will be no adverse impact upon local or residential amenity. The development can be provided with an appropriate vehicular access and improvements to the public footpaths crossing the site. Furthermore it can be provided without risk of flooding and surface water and foul drainage can be addressed at the reserved matters stage. The development includes suitable measures to safeguard existing trees, hedgerows and local landscape character and will not be harmful to local habitats or biodiversity. The development includes the satisfactory provision of affordable housing in accordance with Policy CS11, infrastructure provision in accordance with policy CS9 and open space within the site in accordance with the Interim Planning Guidance. Accordingly, it is considered that the proposal complies with existing and emerging development plan policies together with Policies CS6, CS9, CS11, CS17 and CS18 of the Shropshire Core Strategy and the requirements of the National Allocations and Management of Development (SAMDev) Plan. The proposal is considered to address the concerns of respondents in respect of impact on the local road network, congestion and safety, the loss of wildlife habitat and green space whilst complying with saved and emerging development plan policies and the NPPF.

Having regard to the Council's 5yr housing land supply position, given that the site has been considered to be sustainable, the balance of considerations rests with the objective of significantly boosting the supply of housing. Consequently, there are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme. In order to promote delivery of the scheme an additional condition limiting the outline planning permission to a 12month period is recommended.

Recommendation: That, subject to an additional condition limiting the outline to 12 months and the conditions recommended previously in the minutes of the meeting of 14th January 2014

4. 13/01912/OUT Outline application for residential development comprising 25 dwellings (all matters reserved) The Vicarage Tilstock Whitchurch SY13 3JL Considered by Planning Committee on 11th February 2014

- The site is being put forward for allocation within the forthcoming Shropshire Site Allocations and Management of Development document; it is considered to be a sustainable location on the edge of a large village and policy 47 of the National Planning Policy Framework sets a presumption in favour of sustainable development.

- **Development Plan Considerations**

The proposed site is located on the edge of Tilstock settlement as defined by the development boundary within the North Shropshire Local Plan. It is positioned between existing residential properties on Tilstock Lane and Church Close. Policy H5 'Infilling, groups of houses and conversions in market towns and main service villages' of the North Shropshire Local Plan is still a saved policy and indicates that within villages such as Tilstock infilling and groups of houses within the development boundary will be acceptable providing they contribute to affordable housing. The application site in part lies outside the development boundary and as such the proposed development would not be in accordance with policy H5 and the principle of residential development on this site would be a departure from adopted policy.

- **How the proposal sits in relation to the emerging SAMDev Plan,**
- Tilstock is being promoted in the Site Allocations and Management of Development document (SAMDev) as part of a community cluster with Ash Magna/ Ash Parva, Prees Heath, Ightfield and Calverhall. The village is being promoted with a development boundary and a preferred housing site, which is the site to which this application relates. The supporting text in the first draft of the preferred options SAMDev suggests a maximum of 25 dwellings on the site with additional infilling to provide a total for the village of 30 houses. The revised preferred option document retains this allocated site and also allocates two further sites for 12 and 13 dwellings as the document advises that all three sites have community support.
- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**
- The indicative density of the development is considered to be an appropriate scale sympathetic to the locality and the proposal would have no highway safety implications or adversely affect statutorily protected species. As such the proposal therefore accords with policies CS6, CS17 and CS18 of the Shropshire Council Core Strategy and the National Planning Policy Framework

Five year land supply considerations

Having regard to the position regarding land supply, the key points to consider are that the land supply calculation includes a number of sites in SAMDev and brownfield locations yet to be developed. Under delivery on the ground will continue to erode the 5 year land supply figure until such a time as development activity on the ground increases. In principle the site is considered to be sustainable and as a SAMDev allocation this has also been taken into consideration as part of the Council's five year housing land supply calculations. To encourage the early delivery of the site it is recommended that the permission is reduced to 12 months and a planning condition will be included to this effect. The officer recommendation, having regard to these factors and the changing balance of considerations in the context of a 5 year housing land supply is to therefore to maintain a recommendation for approval.

Recommendation

Recommendation:- That Planning Permission be granted in accordance with the Committee decision taken on 11th February 2014 subject to an additional condition limiting the grant of outline permission to a period of 12 months.

**5. 13/04606/OUT Outline application for the erection of a detached bungalow with integral garage (all matters reserved) Proposed Dwelling Adjacent Cemetery Daisy Lane Whittington Shropshire
Considered by Planning Committee on 11th February 2014**

- This is considered to be a site where sustainable development can be accommodated adjacent to the built up area of Whittington

- **Development Plan Considerations**

Whittington is classed as a 'larger settlement' under 'saved' policy H5 of the Oswestry Local Plan and has a clear development boundary; wherein development is permitted on allocated sites, on sites with planning permission and on other suitable windfall sites within the development boundary. The proposed site to which this application relates is located outside this development boundary and as such is considered to be in 'open countryside'. While the saved policies of the local plan have some weight this needs to be considered in light of its consistency with the NPPF. Policy CS4 (Community Hubs and Clusters) of the Core Strategy allows for sensitively designed development that reflects the needs of the local community, and contributes towards much needed infrastructure and affordable homes for local people.

- **How the proposal sits in relation to the emerging SAMDev Plan,**

The settlement of Whittington has been identified as a Community Hub and the Parish Council have given their agreement to the designation of a boundary around the main built up area of the village which excludes this site. The emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain unresolved objections to the plan.

- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**

- The proposal is considered to represent a sustainable form of development and the adverse impacts of granting permission for higher housing numbers would not significantly or demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. A single dwelling cannot said to be significantly boosting the housing supply but then the impacts of such a development are less overall.

In order to promote delivery of the scheme it is proposed that the grant of outline planning permission is restricted to one year and a planning condition will be included to this effect. The officer recommendation, having regard to these factors is to therefore to maintain a recommendation for approval.

Recommendation

Recommendation:- Grant Permission subject to an additional condition to limit the permission to a period of 12 months and the conditions recommended previously at the meeting of 11th February 2014

- 6. 13/03821/OUT Outline application (all matters reserved) for the erection of 9 dwellings (including 3 affordable) Land East Of The Old Rectory Selattyn Shropshire SY10 7EZ
Considered by Planning Committee on 11th March 2014**

- This is considered to be a site where sustainable development can be accommodated.
- **Development Plan Considerations**
- The site is located outside of the Selattyn development boundary as defined by the Proposals Map of the Oswestry Borough Local Plan.
- **How it sits in relation to the emerging SAMDev Plan**
- Selattyn and Gobowen Parish Council has decided that they want to be part of a Community Cluster as set out under Policy CS4 of the Core Strategy. The settlements included within the cluster are Upper/ Middle/ Lower Hengoed and Pant Glas. The Parish Council did not support any of the sites that were originally identified for development in Selattyn. The Parish Council now want a housing target of 5 dwellings over the plan period which would be infill development only and within the existing development boundary of Selattyn. Now SAMDev is on deposit this should not be significant weight at this stage due to the fact there remain unresolved objections to the plan.
- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**
- Although the Council has a five year land supply the 'presumption in favour of sustainable development' and the need to boost the housing supply (a government priority) is a significant material consideration when determining planning applications for Housing. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether it is an acceptable scale and design appropriate for the village. It is considered that the benefits of the

scheme of providing three affordable units and being located in a sustainable settlement outweigh the harm of being outside of the existing development boundary. It is considered that the site can be developed for 9 dwellings without there being any detrimental impact on amenities of neighbouring occupiers or the safety of highway users, therefore complying with relevant local policy and the requirements of the NPPF.

In order to promote delivery of the scheme it is proposed that the grant of outline planning permission is restricted to one year and a planning condition will be included to this effect. The officer recommendation, having regard to these factors is to therefore to maintain a recommendation for approval.

- **Recommendation: That planning permission be granted in accordance with the Committee decision of 11th March 2014 and an additional condition limiting the grant of outline planning permission to a period of 12 months**
- 7 **13/05016/OUT Outline application for the erection of 2 no. detached dwellings (all matters reserved) Land Adjoining 8A St. Martins Moor St. Martins Oswestry SY10 Considered by Planning Committee 11th April 2014**
- This is considered to be a site where sustainable development can be accommodated within an established residential area.
 - **Development Plan Considerations**
 - In this instance the principle of the proposed development is judged in the light of the National Planning Policy Framework (2012) and the Council's adopted Core Strategy and in particular policies CS4, CS5, CS6, CS11 and CS17. The "saved" policies of the Oswestry Borough Local Plan (OBLP) include a development boundary for St. Martins Moor, within which appropriate new housing development would normally be permitted. The application site lies outside of this boundary but immediately adjoins it.
 - **How it sits in relation to the emerging SAMDev Plan**
 - This site is not allocated for development in the emerging SAMDev plan but has been considered to be sustainable having regard to the social, environmental and economic impacts.
 - **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**
 - Although two dwellings cannot be said to significantly boost the supply of housing the impacts arising from this scale of development are not significant. The NPPF sets out that the priority is therefore to boost housing supply and to approve sustainable development in appropriate locations provided there are no adverse impacts of doing so. It is considered that the site is an appropriate location for two additional dwellings as it is situated adjacent to existing houses within the settlement.
 - Having regard to the Council's 5yr housing land supply position, given that the site has been considered to be sustainable, the balance of considerations rests with the objective

of boosting the supply of housing against the impacts of the development in this location as a site not included in the SAMDev plan. The impacts of the development have been considered acceptable although in order to promote delivery of the scheme it is proposed that the grant of outline planning permission is restricted to one year and a planning condition will be included to this effect. The officer recommendation, having regard to these factors is to therefore to maintain a recommendation for approval.

- **Recommendation: That planning permission be granted in accordance with the Planning Committee decision of 11th March 2014, subject to an additional condition limiting the outline permission to a period of 12 months**
- 8 13/04682/OUT Erection of 6no detached dwellings (including 1no affordable unit) with means of access and layout Land north of Jubilee Cottage Harmer Hill Shrewsbury SY4 Considered by Planning Committee on 8th April 2014**
- This is considered to be a site where sustainable development can be accommodated within an established residential area.
 - **Development Plan Considerations**
 - The application has been advertised as a departure as it lies outside the development boundary previously set within the North Shropshire Local Plan and would also be outside the proposed development boundary for Harmer Hill within the emerging Site Allocations and Management of Development (SAMDev) document in which Harmer Hill forms part of a Community Cluster with Myddle. Shropshire Council has an adopted Core Strategy and CS4 outlines that housing development that is of a scale that is appropriate to the settlement will be allowed in villages in rural areas that are identified as Community Hubs and Clusters within the SAMDev DPD.
 - **How it sits in relation to the emerging SAMDev Plan**
 - Harmer Hill is being promoted to fall within the Community Cluster of Myddle and Harmer Hill where new residential development would be acceptable under the SAMDev plan. The latest proposed figures for infill residential development requested by Myddle and Broughton Parish Council indicate the provision of 50 dwellings during the plan period. Although this application has indicated the provision of 6 dwellings and would fall within this figure the Parish Council has requested that any additional dwellings are provided as individual or small groups of housing as infill development. The emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain unresolved objections to the plan.
 - **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**
 - The proposed development is adjoining the existing development boundary for Harmer Hill and provides a number of local services including two public houses; a bus service to Wem, Ellesmere and Shrewsbury; a village hall; church; and employment opportunities in a hotel, together with Lea Hall business park (0.9km away). The

development site can be developed to provide a safe means of access, suitable drainage and a layout which could be designed to prevent any detrimental impact on neighbouring properties. The use of the land would not result in the impact on any protected species and wildlife, whilst no important trees will be lost. The development would be positioned between existing residential properties and would be considered as infill development within Harmer Hill. It is therefore considered that this application will assist in contributing to the five year land supply and that having regard that the development site is adjoining a key sustainable settlement where future residents could access a number of services resulting in a sustainable form of development this application should be considered acceptable in principle against the NPPF.

- Having regard to the Council's 5yr housing land supply position, given that the site has been considered to be sustainable, the balance of considerations rests with the objective of boosting the supply of housing against the impacts of the development in this location as a site not included in the SAMDev plan. The impacts of the development have been considered acceptable although in order to promote delivery of the scheme it is proposed that the grant of outline planning permission is restricted to one year and a planning condition will be included to this effect. In addition the agent has confirmed that they have signed the S106 legal agreement which will be held until the decision is made. In addition the agents have received an offer on this land and the prospective purchaser is looking to develop the site as soon as practicable. It is considered therefore that the site will come forward for early delivery. The officer recommendation, having regard to these factors is to therefore to maintain a recommendation for approval.
- **Recommendation: That planning permission be granted in accordance with the Planning Committee decision of 8th April 2014, subject to an additional condition limiting the outline permission to a period of 12 months.**

9 13/03846/OUT Outline application (access & scale) for the erection of ten single-storey dwellings; formation of parking area and vehicular access Residential Development South Of Old Mopsis Way Morda Considered by Planning Committee on 6th May 2014

- This is considered to be a site where sustainable development can be accommodated within an established residential area.
- **Development Plan Considerations**
- The proposal is a departure to the development plan in that the site is situated within open countryside and is contrary to CS5 of the core strategy
- **How it sits in relation to the emerging SAMDev Plan**
- Morda has expressed a wish to be considered as countryside and not to provide for any new residential development. However, this designation as countryside would only come into effect following the adoption of the SAMDev. The emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain unresolved objections to the plan. Having regard also to the recent appeal decision it is suggested that the SAMDev plan is not sufficiently advanced.

- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**
- The site is considered to be a sustainable location on the edge of a village and policy 47 of the National Planning Policy Framework sets a presumption in favour of sustainable development. It is considered that the proposal for 10 bungalows is considered to be an appropriate scale that would relate positively to existing neighbouring development and the proposal would not have any highway safety implications. As such the proposal therefore accords with policies CS6, CS17 and CS18 of the Shropshire Council Core Strategy and the National Planning Policy Framework. A recent planning appeal was dismissed solely because the applicant had not produced a signed S106 agreement. The Inspector considered that limiting the development to bungalows would be “in character with adjacent properties and a satisfactory scale of development” and “the development of this site would provide a suitable form of rounding-off between existing residential estates and the open fields beyond”. The Inspector carefully considered all of the representations he received, including traffic, disturbance and access onto Trefonen Road. The Inspector found that, “none of them carried sufficient weight or substance to justify the refusal of planning permission”.
- Having regard to the Council's 5yr housing land supply, there are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme. The impacts of the development have been considered acceptable although in order to promote delivery of the scheme it is proposed that the grant of outline planning permission is restricted to one year and a planning condition will be included to this effect. The officer recommendation, having regard to these factors is to therefore to maintain a recommendation for approval.
- **Recommendation: That planning permission be granted in accordance with the Planning Committee decision of 6th May subject to an additional condition restricting the outline permission to a period of 12 months**

**10. 13/01393/OUT Outline application (to include access) for Use of land for residential development Proposed Residential Development Land East Of Kingfisher Way Morda
Considered by Planning Committee on 3rd June 2014**

- This is considered to be a site where sustainable development can be accommodated and the issues considered in some detail in the original report to Committee.

Development Plan Considerations

- The site is located outside of the Morda development boundary as defined by Proposals Map of the Oswestry Borough Local Plan, which remains in effect as a saved policy.
- **How it sits in relation to the emerging SAMDev Plan**

Morda has not been put forward as either a hub or a cluster and as such the Parish wishes to be considered as countryside for the purposes of SAMDev. In such locations

there would typically be a presumption against new residential development. The SAMDev Plan has been submitted for consideration it has yet to go through the process of examination in public and there remain unresolved objections; as such only limited weight can be awarded to the document at this stage.

- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**

Further to the sites consideration at the meeting of 3rd June the applicant has reviewed the position regarding access to the site and requests now that consideration be given to the site being accessed solely via Weston Road and that Kingfisher Way will be removed from the application. This change will require additional consultation with Highways Officers and it is therefore recommended that the application be considered subject to no additional highway issues being raised as a result of the revised access proposals. The removal of Kingfisher Way would also avoid the “rat run”, a concern raised by residents. Officers confirmed that in response to a comment made by the Chairman at the meeting of 3rd June, both accesses could be used and noted that, on its own, the Weston Road access was suitable. Members were therefore happy with either/or access but requested any reserved matters application to be referred to committee for consideration. The applicant’s agent has confirmed that this site is entirely deliverable and a sale is under negotiation

Having regard to the Council’s 5yr housing land supply, there are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme. This scheme would provide 69 dwellings, the location has been considered by Committee to be sustainable and the agent is willing to accept a permission limited to 12 months to promote early delivery.

That planning permission be granted subject to the decision of Planning Committee of 3rd June 2014, no additional objections received to the revised access proposals deleting the Kingfisher Way access and an additional condition limiting the grant of outline planning permission to a period of 12 months

- 11 14/00462/FUL Erection of 40 dwellings; formation of vehicular access, site landscaping including central open space and infrastructure Land Opposite Sunnyside Off Wrexham Road Whitchurch Considered by Planning Committee on 3rd June 2014**

- The site has been considered to be in a sustainable location, on the edge of the existing built development, where it benefits from transport links and the facilities, services and infrastructure offered by the market town and will provide additional housing supply in accord with national planning policy priorities. Furthermore, the development will provide for 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.
- **Development Plan Considerations**

The site lies outside the development boundary as set in the North Shropshire Local Plan and as such it has been advertised as a departure and would not normally be supported for development.

- **How the proposal sits in relation to the emerging SAMDev Plan**

The application site is not a preferred allocation in the SAMDev Plan. The proposal needs to be considered in the light of the presumption in favour of sustainable development and against all other policies within the Shropshire Core Strategy. Officers consider that the proposed development of this site for 40 dwellings, on its own or counted with the other sites put forward before SAMDev adoption, would not prejudice the SAMDev or future development of allocated housing sites. The size of the development is not significant when considered against the housing allocation for Shropshire as a whole or even taken against the proposed 1,200 new dwellings for Whitchurch. The emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain unresolved objections to the plan.

- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**

The development can be provided with appropriate vehicular accesses, internal layout and pedestrian access and will provide connections to the existing public transport and a new bus stop. Furthermore, the site can be provided with satisfactory foul and surface water drainage arrangements, will not be harmful to local habitats or biodiversity and public open space will be provided which also improves the accessibility and the landscaping of the space around the watercourse. Accordingly, it is considered that the proposal meets with the housing policies and general requirements of the NPPF and otherwise complies with Shropshire Core Strategies CS6, CS9, CS11, CS17 and CS18 of the Shropshire Core Strategy.

Having regard to the Council's 5yr housing land supply, there are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme.

Recommendation:- That planning permission be granted subject to the decision of Planning Committee of 3rd June

**12 13/04868/OUT Outline application for the erection of five dwellings and formation of vehicular access (all matters reserved) Development Land East Of Shrewsbury Road Cockshutt Shropshire
Considered by Planning Committee on 1st July 2014**

- This is considered to be a site where sustainable development can be accommodated and has been considered in some detail in the original report to committee.

- **Development Plan Considerations**

The application site is currently 'countryside' in planning policy terms and is not identified for development in the North Shropshire Local Plan although its policies are now out of date and can be given little weight.

- **How the proposal sits in relation to the emerging SAMDev Plan,**

Cockshutt is identified in SAMDev as a community hub where a potential 50 dwellings have been identified throughout the plan period

- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**

The proposal is considered to represent a sustainable form of development and the adverse impacts of granting permission for housing would not significantly or demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. The proposal would have no adverse environmental or ecological implications and would not impact on highway safety. The existing infrastructure is sufficient to support the proposed development and the proposal will provide local needs affordable housing and will be liable for the required CIL payment. It is considered that the proposal represents sustainable development that will contribute to providing a balance of available housing and would help support facilities and services in this and neighbouring towns and villages and therefore promote 'strong, vibrant and healthy communities'.

Having regard to the Council's 5yr housing land supply position, given that the site has been considered to be sustainable, the balance of considerations rests with the objective of significantly boosting the supply of housing against the impacts of the development in this location. In order to promote delivery of the scheme it is proposed that the grant of outline planning permission is restricted to one year and a planning condition will be included to this effect. The officer recommendation, having regard to these factors is to therefore to maintain a recommendation for approval.

Recommendation

Recommendation:- Grant Permission subject to the decision of 1st July and an additional condition to limit the permission to a period of 12 months

13 14/00459/OUT Outline application (access only for approval) for mixed residential development; formation of vehicular access and estate roads; associated infrastructure works; Development Land East Of 163 Wrexham Road Whitchurch Considered by Planning Committee on 1st July 2014

- The site has been considered to be in a sustainable location, on the edge of the existing built development, where it benefits from transport links and the facilities, services and infrastructure offered by the market town and will provide additional housing supply in accord with national planning policy priorities.

- **Development Plan Considerations**

The site lies outside the development boundary as set in the North Shropshire Local Plan and as such it has been advertised as a departure and would not normally be supported for development.

- **How the proposal sits in relation to the emerging SAMDev Plan**

The application site is not a preferred allocation in the SAMDev Plan. The proposal needs to be considered in the light of the presumption in favour of sustainable development and against all other policies within the Shropshire Core Strategy. Officers consider that the proposed development of this site for 31 dwellings, on its own or counted with the other sites put forward before SAMDev adoption, would not prejudice the SAMDev or future development of allocated housing sites. The emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain unresolved objections to the plan.

- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**

The development can be provided with appropriate vehicular accesses, internal layout and pedestrian access and will provide connections to the existing public transport. Furthermore, the site can be provided with satisfactory foul and surface water drainage arrangements, will not be harmful to local habitats or biodiversity. Accordingly, it is considered that the proposal meets with the housing policies and general requirements of the NPPF and otherwise complies with Shropshire Core Strategies CS6, CS9, CS11, CS17 and CS18 of the Shropshire Core Strategy.

Having regard to the Council's 5yr housing land supply, there are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme. The impacts of the development have been considered acceptable although in order to promote delivery of the scheme it is proposed that the grant of outline planning permission is restricted to one year and a planning condition will be included to this effect. The officer recommendation, having regard to these factors is to therefore to maintain a recommendation for approval.

Recommendation:- That planning permission be granted subject to the decision of Planning Committee of 1st July 2014 and an additional condition restricting the permission to a period of 12 months

14 13/02217/OUT Outline application for mixed residential development; formation of open space; alterations to existing vehicular access Land On North Side Of Whittington Road Gobowen Oswestry Considered by Planning Committee on 1st July 2014

- The site has been considered to be in a sustainable location, on the edge of the existing built development, where it benefits from transport links and the facilities, services and Infrastructure.

- **Development Plan Considerations**

The site is located outside of the Gobowen development boundary as defined by the Proposals Map of the Oswestry Borough Local Plan.

- **How the proposal sits in relation to the emerging SAMDev Plan**

The application site is not a preferred allocation in the SAMDev Plan. The SAMDev Plan has identified Gobowen as a 'Community Hub' as set out under Policy CS4 of the Core Strategy. Gobowen would have future housing growth of about 200 dwellings over the plan period. This includes 110 dwellings being provided on two allocated sites with the remainder provided as infill, groups of houses and conversions. The emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain unresolved objections to the plan.

- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**

It is considered that the benefits of the scheme of providing affordable dwellings and being located in a sustainable settlement outweigh the harm of being outside of the existing development boundary. A similar stance was taken by the planning inspector for the appeal on the neighbouring site (The Tilings). It is considered that the site can be developed for around 50 dwellings without there being any detrimental impact on amenities of neighbouring occupiers or the safety of highway users, therefore complying with relevant local policy and the requirements of the NPPF.

The applicants agent has confirmed that the S106 agreement has been signed by the applicant. Furthermore a marketing scheme has been prepared for this site in association with the adjoining site at The Tilings (which was approved at Appeal).

Having regard to the Council's 5yr housing land supply, there are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme. The impacts of the development have been considered acceptable although in order to promote delivery of the scheme it is proposed that the grant of outline planning permission is restricted to one year and a planning condition will be included to this effect. The officer recommendation, having regard to these factors is to therefore to maintain a recommendation for approval.

Recommendation:- That planning permission be granted subject to the decision of Planning Committee of 29th July 2014 and an additional condition restricting the permission to a period of 12 months

- 15 13/04845/FUL Full planning application for mixed residential development of 65 dwellings; formation of new vehicular access and estate roads; associated infrastructure; landscaping and formation of public open spaces at Land West Of Morda Bank, Morda
Considered by Planning Committee on 1st July 2014**

- The site is being put forward for allocation within the forthcoming Shropshire Site Allocations and Management of Development document; it is considered to be a sustainable location on the edge of the market town of Oswestry and policy 47 of the National Planning Policy Framework sets a presumption in favour of sustainable development.

- **Development Plan Considerations**

The proposed site is located on the edge of Oswestry, as defined by the development boundary within the Oswestry Borough Local Plan, although it is acknowledged that it is within the Oswestry Rural Parish of Morda. It is positioned between existing residential properties to the north and east, on the opposite side of Morda Road and an area to be retained as open space to the south between the site and the main village of Morda. Policy H5 'Larger Settlements' of the Oswestry Borough Local Plan is still a saved policy and indicates that within the larger settlements, including Oswestry Town and Morda, housing development will be permitted on allocated sites, sites with planning permission and on other suitable windfall sites within the development boundaries. The application site lies outside the development boundary and as such the proposed development would not be in accordance with policy H5 and the principle of residential development on this site would be a departure from adopted policy.

- **How the proposal sits in relation to the emerging SAMDev Plan,**

- Oswestry is being promoted in the Site Allocations and Management of Development document (SAMDev) as a Market Town and Key Centre with a development boundary which includes the application site as one of the preferred housing sites for the town. The supporting text in the first draft of the preferred options SAMDev suggests approximately 65 dwellings on the site. The SAMDev submitted to the Planning Inspector retains this allocated site.

- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**

- The application, as a fully detailed scheme includes details of the layout, scale and appearance and is considered to be appropriate, respecting the existing road frontage, Love Lane and retaining a gap between the development and Morda. Furthermore the development will contribute to affordable housing, infrastructure, not result in harm to the amenities of neighbouring residents, be provided with an appropriate access.
- At the time of the July committee meeting there was one outstanding issue, that being the potential for Great Crested Newts in the pond at the adjacent property, The Cottams. Since the July meeting the applicant's ecologist has been able to assess the pond and take water samples to establish the likelihood of GCN. However, the results of the survey work of the pond within the garden of the neighbouring property were inconclusive and as such it can not be clarified whether GCN use this pond or not. The applicant's consultant considers that as there is no direct impact or loss of the pond there is no direct impact on the habitat of GCN. The Council Ecologist has therefore recommended a method statement be produced to check the hedge and areas suitable for GCN prior to site clearance; to undertake work outside of the hibernation period for GCN; to ensure that contractors are aware of the potential for GCN and be given an

identification sheet; and for contractors to cease work of a GCN or unidentified amphibian is found. The method statement of reasonable avoidance measures and has now been submitted and the Council Ecologist has confirmed that the statement is appropriate and will ensure that, even if GCN use the pond in the adjacent garden, that they are not adversely affected by the development. As such the proposal therefore accords with policies CS6, CS9, CS17 and CS18 of the Shropshire Council Core Strategy and the National Planning Policy Framework

Five year land supply considerations

Having regard to the position regarding land supply, the key points to consider are that the land supply calculation includes a number of sites in SAMDev and brownfield locations yet to be developed. Under delivery on the ground will continue to erode the 5 year land supply figure until such a time as development activity on the ground increases. In principle the site is considered to be sustainable and as a SAMDev allocation this has also been taken into consideration as part of the Council's five year housing land supply calculations. As a full application submitted by a housing developer weight can also be attributed to the deliverability of the site. The officer recommendation, having regard to these factors and the changing balance of considerations in the context of a 5 year housing land supply is to therefore to maintain a recommendation for approval.

Recommendation

Recommendation:- That Planning Permission be granted in accordance with the Committee decision taken on 1st July 2014 with an additional condition relating to ecology as follows:

Work shall be carried out strictly in accordance with the Great Crested Newt Method Statement by FPCR dated September 2014

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