



Committee and date  
Central Planning Committee  
16 October 2014

## Development Management Report

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### Summary of Application

<b>Application Number:</b> 14/00335/OUT	<b>Parish:</b> Condover
<b>Proposal:</b> Outline application (access, layout and scale) for the erection of 47 dwellings (7 affordable), school hall, car parking area and enlarged school playing field for existing school, allotments, village green and informal open space (amended description).	
<b>Site Address:</b> Proposed Development Land East Of Station Road Condover Shrewsbury Shropshire	
<b>Applicant:</b> Morris Property	
<b>Case Officer:</b> Andrew Gittins	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 349180 - 306317



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## REPORT

### Recommendation:

**Grant permission subject to conditions attached in Appendix 1 and a Section 106 legal agreement to secure:**

- **Affordable housing**
- **Provision of allotments, school / community hall, playing field and school drop-off / pick-up area in accordance with an agreed timetable.**

### 1.0 THE PROPOSAL

**1.1** The proposal is an outline application to include access, layout and scale for the erection of 47 dwellings to include 7 affordable units, school hall, car parking area and enlarged school playing field for existing school, together with 16 half size allotments (standard size of 5 poles - approximately 125m<sup>2</sup>), village green, semi-natural / informal open space and play area. This is an amended description following the omission of the sports clubhouse and bar; however the land has been retained within the application site boundary for the future provision of these facilities should the community aspiration to develop these facilities arise. The layout of the cluster of dwellings on Station Road has been amended on the 7<sup>th</sup> October 2014 to take into account the results of a geophysical survey which identified the alignment of former pits which are a feature of archaeological interest.

**1.2** The scheme proposes 16 x two-bed, 16 x three-bed, 6 x four-bed, 2 x five-bed, 4 x six-bed houses and 3 x three-bed bungalows. 15% of these dwellings will be affordable which include 5 x socially rented and 2 x shared ownership properties provided in the form of 4 x two-bed and 3 x three-bed properties creating a 47 dwelling development. The plan illustrates that the dwellings would be delivered in two distinctly separate areas with 23 dwellings accessed off Station Road to the west with the remaining 24 accessed off Allfield Lane to the east.

### 2.0 SITE LOCATION/DESCRIPTION

**2.1** The application site is a 3.10 hectare piece of grade 3 (good to moderate quality) agricultural land located immediately adjacent to the village of Condover. The site is separated from the Conservation Area to the south-east by the playing field of Condover Primary School.

**2.2** The whole 5.3 hectare site was submitted by the land owner for consideration under the SAMDev process and progressed to the Stage 2b Assessment but did not progress beyond this stage as the release of land on this scale was not deemed necessary to meet the community aspirations for local development.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

**3.1** Condover Parish Council have submitted a view contrary to officers recommendation for approval based on material planning reasons which cannot

reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman, vice chairman and the Local Member agree that the Parish Council has raised material planning issues and that the application should be determined by committee.

#### **4.0 Community Representations**

#### **4.1 Consultee Comments**

#### **4.1.1 Condover Parish Council (7<sup>th</sup> July 2014) – In response to amended plans.**

At Condover Parish Councils full meeting on 1st July 2014, councillors again agreed to object to this planning application. We refer you to our previous objection which are displayed on the planning website (dated 6/3/14). Additional comments:- **1) Hedging.** We note that the hedge has been reinstated to the east of the proposed development but it has not been reinstated to the west. **2) SC Archaeology (Historic Environment).** We note both the detail and the designation of the site as having “high archaeological potential”. At this stage we do not want to comment until the recommended follow up activities are completed and final reports available. **3) Surface water.** We note that the proposed development includes the addition of 1.45ha of impermeable surface and that more than 5 months after the original application there is still no specific plan on how surface water will be dealt with. At this stage we do not want to comment until a detailed plan is available. **4) Foul water.** We note that it is intended to pump into the village sewerage system. However we also note that there is no detail provided on the capacity of the existing system or any budget identified for required upgrades. **5) Spending of CIL money.** The Parish Council will not support the spending of any CIL money on the proposed school parking area or the proposed school hall or required drainage/sewerage upgrades. **6) Environmental.** A) We note that the required environmental surveys are still not completed. B) We note that Natural England have not made any specific comments reference this proposed development. We trust that they will be invited to do so after the final environmental surveys are available. C) We note that the migration of any potential Great Crested Newt population back to the pond for breeding was made almost impossible by the introduction of sheep on the 10/3/14 and exacerbated by localised feeding next to the pond (see photographs below). D) We note that following the ploughing of the site and subsequent sowing of wheat that we have not seen any Barn Owl’s visiting/hunting on the site this spring/summer. E) At this stage we do not want to comment further until all the environmental reports are available. We trust that Shropshire Council planning will not be making any recommendations on this development until the Parish Council have had the opportunity to comment on pending reports/plans (archaeology, environmental and surface water)

#### **7<sup>th</sup> March 2014:**

The Parish Council wishes to oppose the above application based on the following:  
1) Environmental (reference NPPF 27/3/12 section 11).

The land proposed for development is rough un-grazed grassland, to the North it is sloping and to the South it is flat, waterlogged and has a pond.

The developer’s environmental report points out that the pond on the site is an “excellent” habitat for Great Crested Newts. It would surprise us greatly if their

residence is not proven as we already have GCN populations confirmed at both nearby quarries.

When you put this together with the potential of bats living on the site (also included in the developers environmental report) and local knowledge that the site is hunted by Barn Owl's (which can be seen quartering the field during early morning and late evening during the spring/summer in particular). We consider that it would be far more suitable to have the site declared an SSI rather than build on it.

The NPPF references that land for development should prefer land of lesser environmental value. We would point out that alternative brownfield land is already identified within the village VDS. Also that if the land included in the Village Design Statement (VDS) were to be developed instead, there would no requirement to compensate for lost habitat by creating new equivalent areas nearby (also referenced in the NPPF).

## 2) Neighbourhood Plan

This application breaches Conover Village Design Statement (VDS) which was adopted in 2010.

This VDS was based on local community consultation in the preparation of the 2009 Conover Parish Plan and ratified through two further public consultations between 2010 and the current day.

Specifically the proposed development breaches:-

- a) The Village development boundary.
- b) The proposed 47 homes is double the number included in the VDS.
- c) The VDS calls for housing development to be phased over the next 15 years (not in one big chunk).

Note that the land covered by this application is owned by the same landowner who owns (or until recently owned) two sections of land which are currently supported in the VDS for development.

## 3) Shropshire Council - Local Plan

We formally registered a concern by letter to Keith Barrows (with copy to Clive Wright, Mal Price, Tim Barker and Dave Wallace) dated 06/02/13 that delay in adopting SAMDEV was creating an opportunity for developers to sidestep all of the hard work which had been done in the drafting of the Policy and preparation of neighborhood plans.

At all stages our VDS has been promptly submitted to Shropshire Council as part of the continually ongoing SAMDEV process.

### 4.1.2 SC Highways (8<sup>th</sup> October 2014): No objection subject to conditions and s106.

The local highway authority makes no objection to the granting of consent.

We raised some initial concern regarding a number of aspects to the application including the increased use of Station Road, the position of the proposed footway along Shrewsbury Road, which was originally shown behind the existing hedge so

would have been isolated from the road and the proposed school drop-off parking. These issues have now been addressed by the applicant as we have agreed in principle to a section 106 agreement, or an appropriate planning condition to secure the formalisation of a number of passing places along Station Road and amendments have been made to the scheme along Shrewsbury Road to meet our requirements.

From an infrastructure perspective, the proposed development would appear to be a sensible extension to Condover and the applicant has included details of how the development will connect with existing walking routes into the village. By splitting access between Station Road and Shrewsbury Road this should spread any resulting additional traffic movements in the area, which are not expected to be significant from the number of units proposed. We would comment that whilst it could be considered undesirable to increase vehicle movements along Station Road, the Highways Agency whilst acknowledging the shortcomings of the junction with the A49 have not objected to the development. We expect that any increase in vehicle movements along Station Road will be minimal, but nevertheless we expect some increase and therefore some mitigation works are required to widen localised areas of the road where traffic is currently overrunning the verge to pass one another.

A layby has been proposed by the applicant on Shrewsbury Road near the school to address some of the parking problems that currently occur in this area and we anticipate that this would be adopted as part of the highway.

We understand that the proposed estate roads will be offered up for adoption and therefore a s38 agreement under the Highways Act 1980 will be required with the local highway authority. Due to this a condition is required for the technical approval of the access works:

**4.1.3 SC Ecology (4<sup>th</sup> September 2014): No objection subject to the attachment of conditions and informative(s).**

**Great Crested Newts**

Worsfold (2014) carried out great crested newt (GCN) presence/absence surveys of two ponds between the 31<sup>st</sup> March and 1<sup>st</sup> June 2014. Six visits were carried out on both ponds. The maximum count at Pond 1 was one and at Pond 2 six, indicating a 'small' population. Eggs were found in both ponds so breeding is confirmed.

A licence from Natural England will be necessary before the development can go ahead. Mitigation will entail fencing and trapping GCN from the site. Compensation will be needed in the form of at least one hibernaculum, indicated in the south east corner of the site close to Pond 2. The amended Site Plan indicates retention of Pond 1 with Pond 2 just outside the site boundary.

The Proposed Site Layout indicates an area of semi-natural informal open space to the north of Pond 1. This is welcomed, particular if it can be managed to be suitable for barn owl feeding (see bird section below). However in order to maintain

the favourable conservation of GCN at the site, it will be necessary to manage Pond 1 in a sympathetic manner and also manage the GCN mitigation area where the hibernaculum is proposed as a natural grassland area. It is recommended that the following condition is imposed to require details of a habitat management plan.

I have provided a European Protected Species 3 tests matrix. The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered. The form provides guidance on completing sections 1 and 2 but please get in touch if additional assistance is required.

**4.1.4 SC Drainage (7<sup>th</sup> March 2014): The drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission is granted.**

**4.1.5 Highways Agency: No objection.**

**4.1.6 SC Learning & Skills (5<sup>th</sup> Aug 2014):** Shropshire Council Learning and Skills would emphasise that any enhancements to the school building and site, undertaken as part of this scheme, need to be fully agreed by the LA and the school before its commencement. Those enhancements depicted on the applicants current plan may not necessarily be those ultimately agreed.

**(11<sup>th</sup> Mar 2014):**

: The Local Authority (Shropshire Council Learning and Skills) objects to the proposed development on the following grounds:

' the LA has received no prior consultation on these proposals, which involve land to which it owns the freehold;

' the LA has concerns over the access to proposed car parking and drop-off areas which, positioned on a busy, narrow country road in and out of the village and directly opposite private housing, may become busy and hazardous. The school would, presumably, be expected to take on the management of its daily activity and any problems that would ensue;

' the provision of a school hall is not considered a priority by the LA. Other shortfalls in essential provision are considered to be more pressing;

' should the development ultimately go ahead as proposed, then the school hall would not be desirable as a freestanding unit discrete from the school, as depicted, but would need to be an integral part of the school building;

' overall, the likely increase in traffic activity generated by such a development, being very much in the vicinity of the school, would cause significant concern at peak school times.

**4.1.7 SC Archaeology (7<sup>th</sup> October 2014): No objection subject to attachment of conditions.**

Background to Recommendation: Further to my previous consultation responses, the applicant has now provided a geophysical survey report of the proposed development site by Headland Archaeology. Whilst this does not provided any

further confirmation of the line of the pit alignment currently recorded on the Shropshire Historic Environment Record (HER PRN 04919), it has identified a series of anomalies on the western side of the development site which are likely to represent a previously unrecorded pit alignment. The only other anomalies identified have been interpreted as being of agricultural features of either medieval or more recent origin. As a consequence, the proposed development site is deemed to have low-moderate archaeological potential overall, but with localised areas of high potential relating to the possible pit alignments. The applicant had previously amended the layout of the proposed development to avoid the pit alignment currently recorded on the HER. They have now further amended the site layout so that no buildings would be constructed over the line of the newly identified pit alignment on the western side of the site. RECOMMENDATION: It is advised that together the Heritage Impact Assessment by Richard K Morriss & Associates and the Geophysical Survey report by Headland Archaeology now provide a satisfactory level of information about the archaeological interest of the proposed site, and likely impact of the proposed development on that interest, in relation to Paragraph 128 of the NPPF. It is recognised that the further amendment to the site layout will mean that preservation in situ will be achieved for the possible pit alignment currently recorded on the HER near the centre of the site. Likewise, the impact on the newly identified pit alignment on the western side of the site will be minimised. It is advised that this could be further reduced if permitted development rights were removed for the plots along the length of this feature. Given the archaeological potential of the site as outlined above, and in line with Paragraph 141 of the NPPF, it is advised that that a phased programme of archaeological work be made a condition of any planning permission. This should consist of an initial field evaluation comprising targeted trial trenching to test and assess the possible pit alignments. This should be followed by further mitigation as appropriate but comprising a minimum of a watching brief during the construction of the estate roads.

- 4.1.5 SC Trees (19<sup>th</sup> February 2014):** The proposal does not appear to affect any protected or important amenity trees. A pond and small copse of trees on site are shown as retained. The proposal includes planting of new trees and hedges. **As such there is no objection on the grounds of trees.**
- 4.1.6 Sport England:** No comments received.
- 4.1.7 SC Affordable Housing (19<sup>th</sup> February 2014):** If this site is deemed suitable for residential development, then there would be a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11 of the adopted Core Strategy. As the Outline proposal includes both layout and scale for consideration, we have considered the submission in accordance with the current prevailing target rate of 15%. The affordable housing contribution requires 7 dwellings to be affordable together with a financial contribution for the remaining fraction (.05). Our Policy requires a 70:30% split between rented housing (70%) and low cost home ownership (30%). The proposal identifies the whole of the affordable provision as being social rented. We suggest that the proposal is amended to include 2 of the affordable dwelling as being available for low cost home ownership. Also, further information is requested with regard to the location of the proposed affordable dwellings. The affordable dwellings will be required to be

transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme.

#### **4.1.8 SC Conservation:**

Background to Recommendation:

The subject lands lie immediately outside of, but adjacent to, the northerly most boundary of the Condover Conservation Area. The Conservation Area boundary line here runs behind the 19th Century part of the Condover Primary School building as part of the northerly most arm of the Conservation Area. There are no statutorily listed buildings within the site boundary however the Grade II listed Farriers Cottage, a former smithy, located on the north side of Station Road, is just to the south of the site.

Principles of Scheme:

In terms of the historic environment, the proposal needs to be in accordance with policies CS6 Sustainable Design and Development and CS17 Environmental Networks, and with national policies and guidance, including the Historic Environment Planning Practice Guide published by English Heritage and the National Planning Policy Framework (NPPF).

These lands are sited at an important gateway entrance to the Condover Conservation Area. Given the proximity of the Conservation Area, the proposed buildings would need to be built to a high quality of design with external materials that harmonise well with the built form in the area, and it would need to be demonstrated that the proposal would not have a significant detrimental impact on the character and appearance of the adjacent Conservation Area. One of the features evident along the entrance into the Conservation Area here from the north is the continuous row of hedging running along the easterly boundary of the site adjacent to the roadway. At least six access points appear to be proposed along this easterly boundary which would disrupt the continuity of this continuous feature hedge which is of some concern with respect to its impact on the setting of the Conservation Area.

Detail:

The submission and approval of external materials should be conditioned. The details of any boundary treatments along the Conservation Area boundary line should be reviewed and approved.

**RECOMMENDATION:**

In terms of historic environment matters, given that the lands are adjacent to and at a gateway into the Conservation Area, the submission of full design details including external materials and means of enclosure/boundary fencing should be required and conditioned. I would raise initial concerns over the proposed development layout and access points in terms of the easterly site boundary as described in more detail above.



## 4.2 Public Comments

**4.2.1** The application has been advertised as a Major form of development and as a Departure from the Development Plan in the Shropshire Star on the 18<sup>th</sup> February and 20<sup>th</sup> May 2014 respectively. A Site Notice was also displayed on the 18<sup>th</sup> February 2014. Neighbouring notification letters were sent to 27 properties which a common boundary on the 7<sup>th</sup> July 2014. 27 letters have been received objecting to the proposal. The arguments for opposition can be summarised into the following key points:

- The development is on a greenfield site, there is an owl that hunts there, newts, ancient oak trees and other valuable wildlife. It is a pleasant area, for example, to walk a dog. It is suggested that there are ample brownfield sights in Telford and Shropshire four housing development.
- The land may also be of agricultural value, whilst it hasn't been farmed for several years it may well be fertile and therefore there is potential for agricultural development.
- The traffic into the village would increase dramatically. This would be a concern in the village, for example many existing roads are narrow and struggle to accommodate passing traffic (for example Station Road), many roads do not have street lights, something which is considered desirable by villagers, and many roads do not have proper pavements. Furthermore there is a local school and that increased traffic would be particularly dangerous around school children. Furthermore it would increase traffic coming onto and off the A49. The main junction to Condover off the A49 is already considered dangerous by some, it is already difficult to turn onto the A49 at peak times and the speed limit on this section of the A49 is too high at 60mph. However the school acknowledges that the new parking area may actually increase traffic safety around the school and another individual acknowledges that some of these issues could be addressed with the introduction of a 20mph in Condover.
- The development would spoil the rural feel of Condover. It would represent a 20% increase in size and the removal of an attractive rural field. Many residents moved to Condover precisely for this rural feel and for a rural way of life.
- There is an objection to the inclusion of a public house in the development. There are two licenced premises in the village, although there is not a pub, and it is felt that business would suffer, particularly in the current economic climate. It is suggested (albeit without evidence) that the majority of village residents do not want a new pub at all. It is also suggested that the village does not want a clubhouse and does not need allotments.
- It is acknowledged that there is a need for affordable houses; however of the 47 properties being built, just 7 are affordable. Some of the others are particularly large and will have up to 6 bedrooms. It is felt that this development will not help young people and will not address the existing housing crisis.
- It is suggested that the infrastructure, for example the primary school, of Condover will be unable to cope with the population increase. It should be noted however that the governors of the primary school have written a letter

of support welcoming the development and relishing the opportunity for the school to expand.

- There is a concern as to whether the sewage and water pipe system will be able to cope.
- Some have expressed personal concern that the development will decrease the value of their property.
- There is a worry that there is simply too much development planned around Condover, in addition to this housing development there are planned developments of solar panels and wind turbines locally.

There was also a single letter of support, from the governors of the local primary school, as mentioned previously, and three neutral comments regarding speed limits and rural preservation.

## 5.0 THE MAIN ISSUES

**Principle of development**

**Layout and Scale**

**Access**

**Impact on local residential amenity**

**Other matters**

- **Affordable Housing**
- **Surface Water Drainage**

## 6.0 OFFICER APPRAISAL

### 6.1 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. Paragraph 12 of the NPPF states 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'

**6.1.2** With regards to housing development paragraph 49 of the NPPF states that:

'Housing applications should be considered in the context of the presumption in favour of sustainable development'.

and that:

'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'

Following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council's position is that it has identified sufficient land that will address the NPPF 5 year housing land supply requirements. In the calculation of

the 5 years' supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF para 49 and these provide the starting point for considering planning applications.

- 6.1.3** When assessed against saved SABC Local Plan Policy *H3: Housing in Villages with Development Boundaries* the site is located outside but immediately adjoining the northern boundary of the Condover Village Development Boundary. Therefore under the existing development plan the site would be considered to be located within countryside. Policy CS5 of the Shropshire LDF Core Strategy does not generally support the provision of new open market residential development in the countryside.
- 6.1.4** Shropshire Council has adopted Core Strategy and *CS4: Community Hubs and Community Clusters* which outlines that 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.
- 6.1.5** Within the SAMDev Pre-Submission Draft submitted to the Secretary of State for examination on the 31<sup>st</sup> July 2014 the village of Condover has been included as a Community Cluster under Core Strategy Policy CS4 along with Dorrington and Stapleton. Emerging policy S16.2 (vii) *Community Hub and Cluster Settlements* outlines that development by infilling, groups of houses and conversions may be acceptable on suitable sites within the development boundary identified on the Policies Map, with housing guidelines of around 20-25 in Condover. There are allocated housing sites in Condover which are identified on the Policies Map (insert below) with the Parish Council's Village Design Statement seeking to phase development of the two sites whilst stressing the need for the sites to include an element of affordable housing. The allocated sites are (CON006) Land opposite School and (CON005) Land east of the Shrewsbury Road and both have provision for 5-10 dwellings.
- 6.1.6** Condover is a village comprised of approximately 310 dwellings accommodating 721 residents located with the Condover Parish which has 857 properties accommodating a population of 1,957. The village is accessed off the A49 along Station Road and Allfield Lane. The village benefits from a range of essential services and facilities including Primary School, social club, post office and village shop and butchers. The village also has a church, 18 hole golf course, cricket and football teams and Condover Hall which currently hosts children's residential adventure holidays. The nearest Secondary Schools are at Meole Brace, Shrewsbury or Church Stretton. Minsterley Motors run the 435 bus service through the village between Shrewsbury, Church Stretton and Ludlow, with 10 daily

services approximately every hour on Monday-Friday between 07:15 and 17:40 from Shrewsbury and 07:00 and 17:50 from Ludlow with 6 services on a Saturday. Regional Cycle Route 32/33 which runs from, Betton Strange to Great Ryton passes through the village. There are a number of large agricultural employers including G.H Davies (Farms Ltd and Home Farm, (Cartwright family), which specialises in growing potatoes and rearing Kelly Bronze turkeys and has converted some barns into a Farm Friends Day Nursery. In additional 5.170 of the Explanation to *Area Wide Policies* the SAMDev Pre-Submission Draft outlines that there are a number of well-established existing rural industrial estates and employment sites in the rural area, including the complex of rural buildings at Condover and Dorrington. The SAMDev documents notes how these sites make an important contribution to the overall provision of employment land and buildings, and to the rural economy.

The site is located immediately adjoining the northern boundary of the village development boundary and it is considered that these services that are all within an easy walking distance of the application site. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services without over reliance or long journeys by private motor car.

**6.1.7** However ‘sustainable development’ isn’t solely about accessibility and proximity to essential services but the NPPF states that it is ‘about positive growth – making economic, environmental and social progress for this and future generations’. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

- ② an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- ② a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- ② an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

**6.1.8** Economic role – The proposal will help boost the supply of housing in Shropshire and will provide local employment for the construction phase of the development supporting small local builders and building suppliers. The provision of 47 additional houses will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also make a financial contribution to the supply of affordable housing in addition to a CIL

payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

**6.1.9** Social role – Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in smaller settlements where it will support facilities within the settlement and those nearby, thereby helping to retain services and enhancing the vitality of rural communities. Providing housing will support and maintain existing facilities and will benefit both the existing and future residents and help meet the needs of present and future generations. It is considered that the additional 47 dwellings now proposed would not provide any significant additional pressure on services that would render them unable to sustain services for residents. The proposed allotments, semi-natural / informal recreational space, play area, school car park and hall will actually enhance the service level provision within Condover.

**6.1.10** Environmental role –

#### Grade of Agricultural Land

The application site is classified as a mix of Grade 2 and 3 quality agricultural land which represents very good – moderate. Paragraph 112 of the NPPF advises Local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land and outlines that where significant development of agricultural land is demonstrated to be necessary as in this case, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. This is a single consideration in the balance of whether the any harm significantly and demonstrably outweighs the benefits. Part of this consideration must take into account the benefits of delivering housing, including affordable, contributions to community infrastructure, provision of improved and new community facilities in a highly sustainable location immediately adjacent to a proposed Community Cluster with a range of services and facilities with good transport links to larger settlements. As such officers must advise that proportionate weight should be given to the agricultural land quality.

#### Ecology

The site has no ecological designation and it is currently utilised as a ploughed agricultural field. Whilst the scheme includes the removal of the hedge adjacent to Allfield Lane, this is not considered to be of any significant ecological value and will be replaced with a mixed species hedge providing enhanced ecological value. A Great Crested Newt and Bat survey has been submitted on the 28<sup>th</sup> July 2014 which has been assessed by the Council's Ecologist who has no objection subject to mitigation measures such as the hibernaculum and enhancement measures including bird and bat boxes. Accordingly the proposal is considered to maintain and enhance the ecological value of the site in accordance with CS17.

#### Archaeology

The applicant submitted a Heritage Impact Assessment in May 2014 which was assessed by the Council's Archaeologist and subsequently the requested geophysical survey was undertaken and the result submitted on the 3<sup>rd</sup> October 2014. This survey has led to a minor amendment to the layout of dwellings adjacent

to Station Road in order to avoid a pit alignment which is of archaeological interest. Accordingly there is no objection from an archaeological perspective subject to the attachments of conditions including a requirement for an Archaeological Watching Brief as the development is considered capable of safeguarding these features in accordance with the CS6 and CS17. This response is considered to address the Parish Council's concerns about determination prior to the submission of the reports / surveys.

### Sustainability

In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible on foot or by cycle and to local services and facilities in Condover and Dorrington, and by public transport to the array of services, facilities and employment opportunities in Shrewsbury and Church Stretton.

## **6.2 Layout and scale**

**6.2.1** Development should meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles. This policy states that development should be appropriate in scale, density, pattern and design and should also safeguard residential and local amenity.

**6.2.2** The plan illustrates that the proposed dwellings will be in two distinct areas, separated by an area of semi natural informal open space. The area to the west is accessed from Station Road and the area to the east is accessed from Allfield Lane. The scheme proposes a varied mix of house size, design and tenure across the two areas separated by a large area of recreation which creates an extremely low density development which is considered to enhance the gateway entrances into Condover. Accordingly the layout and scale of the proposal are considered in accordance with the requirements of CS6.

## **6.3 Impact on local residential amenity**

**6.3.1** The site will have boundaries with the rear gardens of properties on Station Road and will be opposite properties on Allfield Lane. The development has been designed to ensure sufficient distance between habitable rooms and private amenity space so as not to result in any unacceptable overlooking or overbearing impact. Conditions will be imposing restricting construction to standard accepted hours and prevent any burning on-site to protect residential amenities during construction.

**6.3.2** The scheme will be beneficial to local amenity as it includes a dedicated off-street car park for the school which will reduce indiscriminate parking on the car outside residential properties; a footpath along Allfield Lane from the centre of the village to the edge of the development, allotments, natural recreational space and children's play area as well as a school hall. Accordingly the proposal is considered to safeguard and enhance residential and local amenity in accordance with CS6.

## **6.3 Access**

**6.3.1** The development will served off Allfield Lane (Shrewsbury Road) and Station Road, with a dedicated access to the school car park. The access arrangements have been subject to an iterative process involving Council Planning, Highways and Conservation Officers. The scheme proposes passing places on Station Road

which will prove a significant benefit to existing residents as well as benefit of removing on-street school parking and the installation of the highway footpath along Allfield Lane. The Highway's Officer has no objection to the latest revision subject to the attachment of conditions and provision within the section 106 legal agreement for the passing places along Station Road.

## **6.4 Other matters**

### **6.4.1 Affordable Housing**

The application has been referred to the Council's Affordable Housing Officer who has noted that there is a requirement for a contribution towards the provision of 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 a Reserved Matters application. The current prevailing target rate for affordable housing in this area is 15%. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and 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. The size and tenure mix of the proposed affordable units is outlined in the introductory section of this report.

### **6.4.2 Surface Water Drainage**

The application has been referred to the Council's Flood and Surface Water Management Team who confirmed on the 7<sup>th</sup> March 2014 that the drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted. The reserved matters will have to explore the use of soakaways for surface water disposal with 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. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate would have to be submitted for approval. The attenuation drainage system will 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 which will address the element of the existing issue of surface water flooding of Station Road as a consequence of runoff from this site although it must be accepted that this scheme cannot rectify runoff from other surrounding land. However, this scheme will meet its requirements in respect of surface water drainage through the submission and approval of appropriate details at the reserved matters stage which will be implemented prior to any occupation of the dwellings and the scheme will accord with CS18. This addresses one of the concerns of the Parish Council who have also raised concern about the use of the existing mains pumping station to dispose of foul sewerage, which is not a material planning consideration as it has no implications on the authority's statutory duty which relates to surface water drainage only.

## **7.0 CONCLUSION**

The planning application relates to the provision of a mixed residential development in open countryside and would be contrary to Development Plan policies CS4 and CS5 and saved Local Plan Policy HS3 restricting such

development. The village of Condover is being promoted as a Community Cluster within an aspiration for 20-25 dwellings on allocated sites in the emerging SAMDev plan. However, the proposed site is located adjacent to the built up area of Condover, which has a number of local facilities and services, and as such the proposal would represent sustainable development for which there is strong support in the NPPF. On balance it is considered that this location can be supported in principle.

It is considered that the site is of a sufficient size to accommodate the proposed number of dwellings and would not result in an unacceptable form of development immediately adjacent to the village. The proposal would have no adverse environmental or ecological implications and would not impact on highway safety. Significant consideration has been given to the layout, scale and access arrangement with only appearance and landscaping reserved for later approval. In addition the developer has confirmed that they are willing to accept a condition requiring the submission of reserved matters within one year as opposed to the normal three, which is a further commitment to the timely delivery of the scheme. It is therefore considered that the developer is committed to implementing a deliverable scheme which will significantly boost housing supply.

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 Condover is a sustainable location for the 47 mixed residential dwellings (over and above the 20-25 put forward by the Parish as part of SAMDev) due to its range of essential services and facilities and its proximity to Dorrington, Shrewsbury and Church Stretton with good access to all public transport reducing reliance on long journeys by private motor car. 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*'. It is therefore recommended that members support this application and grant planning permission in line with clear guidance within the NPPF. Permission, if granted, should be subject to the completion of a S106 Agreement to secure the provision of affordable housing, highway improvement works to Station Road, and community facilities including school car park, hall, allotments, recreation and play facilities in accordance with the Councils adopted policy.

## **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, i.e. written representations, hearing or inquiry.
- The decision may be 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 made 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 gives 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**

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

**EUROPEAN PROTECTED SPECIES – Consideration of the three tests**

Application name and reference number:

14/00335/OUT

Land East of Station Road - Outline application (access, layout and scale) for the erection of 47 dwellings (7 affordable), school hall, car parking area and enlarged school playing field for existing school, allotments, village green and informal open space (amended description).

Date of consideration of three tests:

1<sup>st</sup> September 2014

Consideration of three tests carried out by:

Alison Slade

Planning Ecologist (01743 252578)

[Alison.Slade@Shropshire.gov.uk](mailto:Alison.Slade@Shropshire.gov.uk)**1 Is the development ‘in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?**

The scheme will deliver 47 new dwellings including 7 affordable housing. Together with a new school hall, dedicate off road parking area (drop off, pick up) which will reduce on street parking beneficial to pedestrian safety. The scheme includes a large area of semi natural open space, retention of a pond, allotments and a play area which are beneficial to the social amenities of the village.

The scheme proposes a great crested newt hibernaculum and requires the works to be undertaken in accordance with a European Protected Species licence and the submission of a habitat management plan which will ensure satisfactory protection of protected species.

**2 Is there ‘no satisfactory alternative’?**

The onsite benefits provided by this scheme can only be delivered due to its proximity to the school and village and there are no other sites currently under consideration which would provide all the benefits outlined in the answer to question 1.

**3 Is the proposed activity ‘not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range’?**

Worsfold (2014) carried out great crested newt (GCN) presence/absence surveys of two ponds between the 31<sup>st</sup> March and 1<sup>st</sup> June 2014. Six visits were carried out on both ponds. The maximum count at Pond 1 was one and the count at Pond 2 was six, indicating a ‘small’ population. Eggs were found in both ponds, so breeding is confirmed.

Mitigation will entail fencing and trapping GCN from the site. Compensation will be needed in the form of at least one hibernaculum, indicated in the south east corner of the site close to Pond 2. The amended Site Plan indicates retention of Pond 1 with Pond 2 just outside the site boundary. No built development is proposed between the two ponds.

In order to maintain the favourable conservation of GCN at the site, it will be

necessary to manage Pond 1 in a sympathetic manner and also manage the GCN mitigation area where the hibernaculum is proposed as a natural grassland area. It is recommended that a condition is imposed to require details of a habitat management plan.

The proposed development will not be detrimental to the maintenance of the populations of great crested newts at a favourable conservation status within their natural range, provided that the conditions and informatives detailed in the response from Alison Slade to Andrew Gittins dated 1<sup>st</sup> September are attached to any consent and thereafter implemented.

### Conditions

1. No development, demolition or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

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

2. Work shall be carried out strictly in accordance with the Great Crested Newt and Bat Activity Surveys by Worsfold and Bowen dated June 2014.

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

3. A habitat management plan shall be submitted to and approved by the local planning authority prior to the occupation of the development. The plan shall include:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Monitoring and remedial/contingencies measures triggered by monitoring.

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

**Reason: To protect features of recognised nature conservation importance including great crested newts and barn owls.**

## 10. Background

### Relevant Planning Policies

#### **Central Government Guidance:**

NPPF

#### **Core Strategy and Saved Policies:**

HS3: Housing in Villages with Development Boundaries

CS4 – Community Hubs and Community Clusters

- CS5 – Countryside and Green Belt
- CS6 – Sustainable Design and Development Principles
- CS9 – Infrastructure Contributions
- CS11 – Type and Affordability of Housing
- CS17 – Environmental Networks
- CS18 – Sustainable Water Management

**SUPPLEMENTARY PLANNING DOCUMENTS**

- Type and Affordability of Housing
- Sustainable Design (Part 1)

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) - Cllr M. Price
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Local Member - Cllr Tim Barker
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Appendices- APPENDIX 1 - Conditions
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## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Details of the External Appearance and Landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 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 one year from the date of this permission.

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

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

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

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

The levels of the site  
The drainage of the site  
The finished floor levels

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

5. No construction and/or demolition work shall commence outside of the following hours: Monday to Friday 07:30 - 18:00, Saturday 08:00 - 13:00. No works shall take place on Sundays and bank holidays.

Reason: to protect the health and wellbeing of residents in the area.

6. No burning shall take place on site including during clearance of the site.

Reason: to protect the amenity of the area and protect the health and wellbeing of local residents.

7. Work shall be carried out strictly in accordance with the Great Crested Newt and Bat Activity Surveys by Worsfold and Bowen dated June 2014.

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

## **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

8. Prior to construction and/or demolition activities occurring on site a dust management statement detailing how the developer will reduce dust from spreading off the site shall be submitted to the local planning authority for approval in writing. Any methods contained within any approved statement shall be implemented on site.

Reason: to protect the amenity of the area and the health and wellbeing of local residents.

9. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

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

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

11. No development, demolition or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

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

12. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

13. No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory access to the site.

14. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning

authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

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

15. A habitat management plan shall be submitted to and approved by the local planning authority prior to the occupation of the development. The plan shall include:
- a) Description and evaluation of the features to be managed;
  - b) Ecological trends and constraints on site that may influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions;
  - f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
  - g) Personnel responsible for implementation of the plan;
  - h) Monitoring and remedial/contingencies measures triggered by monitoring.
- The plan shall be carried out as approved and retained for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance including great crested newts and barn owls.

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

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken on the plots surrounded by the blue boundary on plan number 11058-11 Rev E received on the 7th

October 2014 without express planning permission first being obtained from the Local Planning Authority:-

- extension to the dwelling
- free standing building within the curtilage of the dwelling

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building.