

Committee and date

Central Planning Committee

11 December 2014

Development Management Report

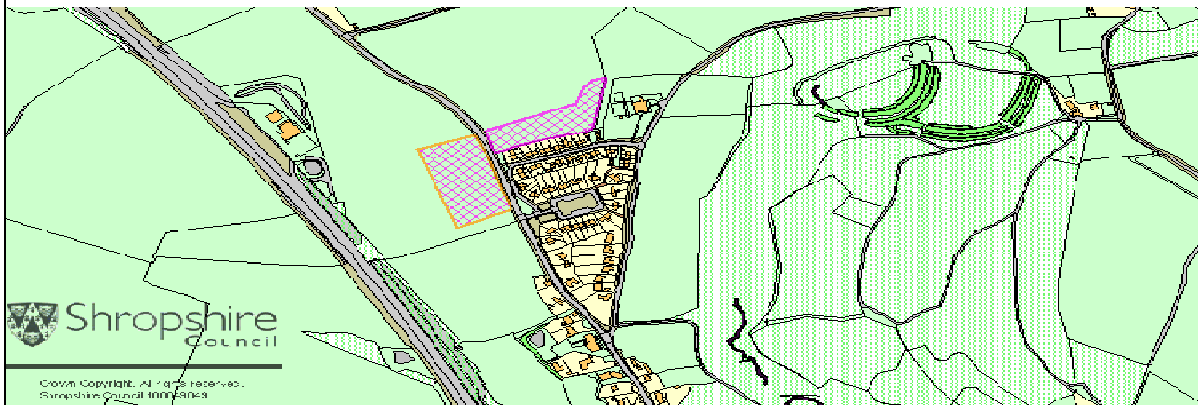
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Summary of Application

Application Number: 14/03357/OUT	Parish:	Great Ness
Proposal: Outline application for the erection of up to 39 residential dwellings; change of use of land for Community development serviced site; School drop-off / pick-up facility; with open space landscaping buffer (to include access)		
Site Address: Proposed Residential Development Opposite The Crescent Nesscliffe Shrewsbury Shropshire		
Applicant: JC & MW Suckley		
Case Officer: Nanette Brown	email: planningdmc@shropshire.gov.uk	

Grid Ref: 338127 - 319532



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a Section 106 Agreement to secure affordable housing in accordance with the prevailing rate current at the time of submission of Reserved Matters.

REPORT

1.0 THE PROPOSAL

1.1 This application seeks outline planning permission for the erection of up to 39 houses the details of which are to include access with all other matters (layout, appearance, landscaping and scale) reserved for later consideration. The application site is split into two areas, with both being accessed separately off the main, Holyhead Road, that leads in and out of the village from the A5.

The application also seeks permission for change of use of land for Community development (0.687hectares) to the west of Holyhead Road and the submitted plans also show a school drop-off / pick-up facility accessed from the end of the proposed housing estate road as well as an open space landscaping buffer.

1.2 An illustrative master plan has been submitted with the application that shows how it is envisaged the development will be set out. Plans submitted also show how the accesses to both parts of the site will be provided.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is located to the north side of Nesscliffe and is split either side of the main road, Holyhead Road, that runs through the village. To the east of the road the application site forms part of an agricultural field that is set to the north of the existing properties at The Crescent. These properties on The Crescent are orientated so that their rear elevations face northwards. The greater and remaining part of the application site is located to the west of the existing road extending out into another agricultural field. This part of the site is set to the north of a site that has been identified as a preferred site for housing under the SAMDev DPD and has received a resolution for approval subject to a s106 under planning reference 13/04757/OUT. The SAMDev DPD is currently under Planning Inspectors Examination.

2.2 Services and facilities already existing in Nesscliffe include a primary school, a village hall, petrol station with shop and post office, a pub and a restaurant at the former hotel. The Nesscliffe by-pass links the village with Shrewsbury and Oswestry, opening up more extensive services, facilities and employment opportunities for the village.

The number 70 bus service runs Monday to Saturday from Shrewsbury to Oswestry. There are 3 stops within the village, 2 of these are directly opposite and immediately in front of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Great Ness and Little Ness Parish Council have submitted a view contrary to officers recommendation for approval based on material planning reasons that cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman or vice chairman and the Local Member agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 SC Affordable Houses: No objection

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

The current target rate for this area is 15% and providing 8 affordable homes on site would be an over provision. The size, type and tenure of the affordable homes will need to be agreed in writing with the Housing Enabling Team and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Councils prevailing Allocation Policy and Scheme.

4.1.2 SC Parks and Recreation: Comments

Under Shropshire Councils current planning policy regulations, the Open Space Interim Planning Guidance adopted 11th January 2012, all development should provide 30sqm of public open space per bed space. The proposed development should therefore provide a minimum 6300 m² of useable public open space as part of the site design.

It is not clear what the area marked 'Site for Future Community Use' is for and whether this is to include additional public open space. The public open recreational space is currently all allocated on the northern side of the main road at St Andrews Fields. Also in this locality, close to the school grounds is the village's main play and recreational area. This means that young children and families on the proposed sites of Crossley's Croft & Nesscliffe Green will have to cross the main road to access the play and recreational facilities, which is not an acceptable situation.

The inclusion of public open space is critical to the continuing health and wellbeing of the local residents. Public open space meets all the requirements of Public Health to provide space and facilities for adults and children to be both active physically and mentally and to enable residents to meet as part of the community.

4.1.3 SC Public Protection – Specialist: No objections

In order to make the properties ready for electric vehicles, charging point installation isolation switches must be connected so that a vehicle may be charged where off road parking is provided.

The following condition is therefore proposed should this application be granted approval:

An independent 32 amp radial circuit isolation switch must be supplied at each property for the purpose of future proofing the installation of an electric vehicle charging point. The charging point must comply with BS7671. A standard 3 pin, 13 amp external sockets will be required. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles."

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.

4.1.4 SC Drainage: No objection

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 FRA is acceptable therefore a drainage strategy should be developed using the parameters stated in the FRA.

1. The use of soakaways should be investigated in the first instance for surface water disposal. The SuDs applicability for the area is Infiltration PLUS treatment as the development lies within a groundwater Source Protection Zone. Surface water run-off must be treated through a filtration unit prior to entering the soakaway and also pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted for approval.

As identified in the FRA the site is identified as being at risk of groundwater flooding. The level of water table should be determined if the use of infiltration techniques are being proposed.

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

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

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

Reason: To ensure that any such flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.

Reason: To ensure that any such flows are managed on site.

3. The 'Management Train Approach' should be central to the surface water drainage strategy of the proposed site. The main objective is treatment and control of runoff as near to the source as possible protecting downstream habitats and further enhancing the amenity value of the site aiming to incrementally reduce pollution, flow rates and volumes of storm water discharging from the site. SuDS should link with the individuals plot structure, planting, public open space requirements and amenity areas, gaining multiple benefits from a limited area of land.

The use of large diameter pipes and crate storage together with a large number of chambers is likely to prove to be an expensive solution in terms of both construction and maintenance. The site's topography lends itself well to the use of true SuDS. Opportunities for permeable paving, attenuation basins and filter strips exist within the development site which could be explored to make the drainage system more sustainable

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

4. Please provide information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility.

Reason: To ensure that the drainage system remains in good working order throughout its lifetime.

Informative: The applicant should consider employing measures such as the following:

- ' Water Butts
- ' Rainwater harvesting system
- ' Permeable surfacing on any new driveway, parking area/ paved area
- ' Greywater recycling system

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

Informative ' Consent is required from the service provider to connect into the foul main sewer. If the service provider is Welsh Water, Section 104 Agreement has to be in place before any physical work on the drainage system can start on site.

4.1.5 **SC Highways DC – No objections**

The highway authority raises no objection to the granting of consent to the development.

Conditions:

Prior to the commencement of the development full engineering details of the new access roads, existing highway/road works, structures, foot/cycle ways, surface water drainage, street lighting and carriageway markings/signs, shall be submitted to and approved by the planning authority; the works shall be fully implemented in accordance with the approved details prior to the development hereby permitted being first brought into use/open to trading.

Reason: To ensure the construction is to an adequate standard in the interests of road safety.

Informatives:

The proposed site access and highway improvement works will require a s278 agreement with the local highway authority prior to these works commencing on site.

Background:

Note that this application effectively forms an extension to the existing adjacent permission with an additional site to the east of the old A5. The applicant has provided a thorough transport statement which details the proposed access arrangements for the development, which includes the required visibility splays on to the local road and good provision for pedestrians.

Consider that as a by-passed village the local highway network has sufficient capacity to safely accommodate the development.

4.1.6 Great Ness and Little Ness Parish Council - Objection

Great Ness and Little Ness Parish Council object to this planning application on the grounds that numbers are way over what is stipulated in the Parish Plan and the number of houses on each plot should be no more than 10.

4.2 Public Comments

4.2.1 Thirteen objections have been received from 9 addresses and are summarised as follows:

Community

It will spoil the existing rural character of Nesscliffe; Nesscliffe is increasing in size at too fast a rate; too many houses proposed for the site; will lead to the area becoming overcrowded and new residents will not be able to enjoy the `space` that should come with rural living; Nesscliffe does not have the infrastructure to cope with the development; locals will not be able to afford the new houses; any increase in traffic will lead to both noise and air pollution, exacerbated by the fact that many new residents will have to commute to work; The application is a cynical attempt from the developers to actually develop over 90 houses by distributing the entire development over a number of applications; The applicant claims to have public support for their application but this claim is false; this scheme does not comply with the Parish Plan

Landscape

The proposed development site is partly prime agricultural land; high density housing is not in keeping with the village; open character of the area will be lost

Residential Amenity

It infringes on the privacy of neighbouring residents, particularly those living on The Crescent who currently overlook the proposed development site; there are a number of trees and a hedgerow that offer residents of The Crescent `a buffer` from the main road, if these must be removed then reassurance of an equivalent replacement is needed.

Archaeological

The proposed development site is potentially of archaeological significance and the development would mean that the site will never be excavated or investigated.

Highway Safety

The main village road, from where access to the development is proposed, would become considerably more dangerous as a result of an increase in vehicular usage; Furthermore, schoolchildren have to cross the aforementioned road to access a local school, placing themselves in danger; the proposed access point to the new development is on a blind bend and close to the brow of a hill. This will create a traffic safety hazard; there are lots of horse riders in the area; Horse riding will become increasingly difficult as a result of the increase in traffic; if the development goes ahead there needs to be greater provision for traffic safety on the main road, the 30mph speed limit that is currently in place is commonly ignored and this needs to be tackled through a number of methods, such as speed cameras

and speed bumps; there should also be a provision for street lighting on The Crescent.

Drainage

Concerns raised over adequacy of drainage proposed.

5.0 THE MAIN ISSUES

Principle of Development

Sustainability

Affordable Housing

Other Proposed Uses/Community Benefits

Access

Open Space

Drainage

Landscape/Visual impact

Other Matters

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.'

6.1.3 Shropshire Council has an adopted Core Strategy. Policy CS4 replaces the former Shrewsbury & Atcham Borough Local Plan policy HS4 that identified Nesscliffe as a village that could accommodate small scale development). Policy 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. The SAMDev DPD is at the 'Submission' stage and is currently being publicly examined and paragraph 216 of the NPPF states

that decision-takers should give weight to the relevant policies in emerging plans according to:

-the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
-the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
-the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Council's view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone substantial public consultation and having reached the point of being examined by independent Examiners/Inspectors, where some degree of weight can be attached to its contents.

- 6.1.4 Further to Core Strategy Policy CS4, Nesscliffe is proposed to be identified as a Community Hub, with no proposed boundary under Policy MD1 of the emerging SAMDev Plan. The adjacent site to the south of the application site on the western side of the main road, opposite The Crescent has been identified as a preferred housing allocation in SAMDev named 'Land west of Holyhead Road'. This site was identified for approximately 15 dwellings but currently has a Central Planning Committee resolution to approve (decision taken at the Central Planning Committee meeting on 16th October 2014 reference 13/04757/OUT) an outline planning application for up to 26 dwellings on the site subject to completion of a s106 legal agreement to secure the appropriate level of affordable housing provision under policy requirements. SAMDev also identifies a housing guideline for the village of Nesscliffe of around 30 new dwellings over the period to 2026 (which will include the numbers that have already been resolved to approve). Reference is made in the guidelines for development in the village to the Nesses Parish Plan (2004) and subsequent Housing Needs and Development Survey (2011), and the Parish Council's view that developments in the village should be of a maximum of 10 houses on any one site and include predominantly 2 and 3 bedrooms. The SAMDev Plan is currently under examination by the Inspectors to the Secretary of State and Shropshire Council has confirmed that it considers that a 5 year land supply has been identified. Paragraph 216 of the National Planning Policy Framework explains that weight can be given to relevant policies in emerging plans, with the weight according to the stage of preparation, the extent that there are unresolved objections, and the degree of consistency with the NPPF policies and so it is considered that some weight can be given to the requirements and details set out in the SAMDev DPD. However, whilst Shropshire Council considers that a five year land supply is in place and that the details contained within SAMDev can be given weight the key factor remains 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 of Nesscliffe.

6.2 Sustainability

6.2.1 Nesscliffe is a relatively large village situated within the Great Ness & Little Ness Parish located 9 miles from both Oswestry and Shrewsbury with a half hourly bus service running six days a week. The settlement has a primary school, village hall, public house, and restaurant and petrol garage with shop and post office. Secondary school aged children are likely to attend The Corbet School at Baschurch approximately 4 miles away. The Parish Church is located in Little Ness. Recreational facilities are available on Nesscliffe Hill Country Park and on a village playing field located adjacent to the school. The proposed application site is located adjacent to existing housing and the primary school and playing field as well as the identified preferred housing site in SAMDev and is therefore considered to be situated in a sustainable location with regard to accessibility and proximity to essential day to day services without over reliance on the private motor car.

6.2.2 However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it as '*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.*

6.2.3 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development potentially supporting local builders and building suppliers. The provision of more 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 be liable for a CIL payment and this will provide financial contributions towards community needs and priorities identified in the Parish Plan which include:

- Childcare facilities
- Adult classes

- A youth club
- Additional use of the village hall for events and services
- Traffic on unsuitable roads
- Public transport
- Need for small family homes
- Conversion of redundant villages for housing
- Wildlife conservation in Nesscliffe Country Park

- 6.2.4 Social role – Nesscliffe is a village with a good range of services. Rural 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 villages. The NPPF positively encourages the siting of housing in smaller settlements where it will support facilities in other settlements, thereby retaining services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. The residential development would provide affordable housing at the rate prevailing at the time of the submission of the reserved matters. The current prevailing rate for this area is 15%. However the information provided on the application form states that the scheme would provide 8 affordable units which equates to 20%. The application form has also noted that the scheme would deliver a mixture of three-bed and a small number of four-bed open market units which will help maintain the balance of housing stock within Nesscliffe resulting in a more balanced community. However, house type and design would be considered at reserved matters.
- 6.2.5 Environmental role – The application site forms part of a large arable field. The Council's Ecologist has noted that the Ecology Survey by JW Ecological (2013) covered a wider area than just the application site. It concluded that the mature hedgerows and the plantation woodland adjacent to the Nesscliffe Bypass have value as habitats and wildlife corridors. This current application does not affect these features and proposes new planting around the site boundaries. The Ecologist has no objection to the scheme subject to the attachment of conditions and informative(s) in respect of badgers, bats and nesting birds. As the application site is arable land no Risk Avoidance Measures are deemed necessary for Great Crested Newts and Reptiles.
- 6.2.6 Accordingly it is considered that the proposal would have no adverse impact on wildlife and the ecological value of the site. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible on foot and by cycle to the services in Nesscliffe and by public transport and by a short car journey to the array of services, facilities and employment opportunities just over 9 a miles away in Shrewsbury and Oswestry.
- 6.2.7 It is therefore considered that Nesscliffe is a sustainable location having regard to the three dimensions of sustainable development.
- 6.2.8 Policy MD3 of SAMDev addresses the issue of matching and exceeding the settlement guideline figure that has been identified in conjunction with Parish Council's. This policy has been discussed at the current examination hearing and

has unresolved objections, with a new draft wording now being considered by the inspector. The new draft wording gives a presumption in favour of sustainable development and notes that the settlement housing guidelines are not a maximum. Whilst SAMDev identified a guidance figure of 30 new dwellings in Nesscliffe over the development plan period, a proportion of this will be taken up by the already identified/allocated site (whose final numbers of houses have not yet been determined and will not be until the reserved matters stage) and by those other smaller sites that have also been recently resolved/granted for approval in the village, totalling 12 dwellings (refs: 13/02901/REM and 14/00412/FUL). Whilst this application, stating up to 39 dwellings when added to those above will clearly exceed the guidance figure identified by the parish, the village is a sustainable settlement and is in a position where additional housing development could be accommodated. This application also offers community benefits including improved access to the school and a new site for community.

6.2.9 Although Great Ness and Little Ness Parish Council have not supported the application on the basis that the total number for the site exceeds their wish to see no more than 10 dwellings on any one site it is considered that the site can accommodate a number of additional dwellings and subject to a satisfactory scale and design, a development appropriate and proportionate to the size and character of the village could be produced.

6.2.10 In this respect 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.

6.3 Affordable Housing

6.3.2 The residential development would provide affordable housing at the rate prevailing at the time of the submission of the reserved matters. The current prevailing rate for this area is 15%. However the information provided on the application form states that the scheme would provide 8 affordable units which equates to 20% and the supporting planning statement submitted with the planning application confirms that the applicants are happy to provide this level of over provision in order to benefit the local community.

6.4 Other Proposed Uses/Community Benefits

6.4.1 The application details include an area of approximately 0.687 hectares that is shown to be allocated for community use/development. The supporting documentation with the application sets out that this area could be utilised for a serviced community facility, for example a medical clinic. The scheme also provides for a vehicle and pedestrian access route along the access road to the houses to the east of the main road, with a turning/drop off area, set to the rear of the school site. New pedestrian crossings and connections are also shown crossing Holyhead Road.

6.5 Access

6.5.1 The illustrative site plan shows the access to the western part of the site shared with the adjacent preferred housing site in SAMDev. A new vehicular access would

be created on the eastern side of Holyhead Road to provide access to the new housing as well as access to a turning/drop off area to be used by the school and parents that would be sited close to the western school boundary. Highway Officers have raised no objections to this arrangement and consider that the required visibility splays for each access could be provided. Highway Officers have also confirmed that as a by-passed village the local highway network has sufficient capacity to safely accommodate the development.

6.6 Open Space

6.6.1 Under Shropshire Councils current planning policy regulations, the Open Space Interim Planning Guidance adopted 11th January 2012, all development should provide 30sqm of public open space per bed space. The agent has confirmed that the illustrative scheme would provide 125 bed spaces which would equate to a requirement for a minimum of 3,750sqm of useable public open space as part of the site design. The agent for the application has confirmed that 4,690sqm of open space can be provided and is shown in the submitted illustrated drawings in order to demonstrate that this is possible, although it is acknowledged that if the land to be gifted to the community where to be developed for community uses the area of open space would be reduced. However, given the inclusion of a play area on the eastern application site and the proximity of the existing play area to the north of the school on-site provision on the western application site is not essential. Furthermore, open space provision would be considered in more detail at the reserved matters stage where the layout of the site would be addressed and considered.

6.6.2 No specific details of the area marked 'Site for Future Community Use' have been supplied as this application and it is understood that the applicants wish for the local community to have some input and choice as to how this land is utilised. Again this issue would be addressed in more detail at reserved matters stages.

6.6.3 Concern has been raised by Parks & Recreation Officers that the open space and potential play provision areas for the site in the illustrative plans are shown located on the eastern side of the main road close to the existing school grounds and the village's main play and recreational area. This means that young children and families on the proposed sites to the west of the main road will have to cross the main road to access the play and recreational facilities, which Parks and Recreation Officers consider is not an acceptable situation. However, the application does take this into account and proposes two pedestrian crossings to aid safe pedestrian access.

6.7 Drainage

6.7.1 A Flood Risk Assessment has been submitted with the application. Shropshire Council Drainage Officers are satisfied that the FRA is acceptable and that drainage details, plans and calculations could be conditioned for approval at reserved matters stage.

6.8 Landscape/Visual impact

6.8.1 The proposed site extends out into existing open fields, which to the west of Holyhead Road provide an open area and visual buffer between the village and the nearby A5 dual carriageway. However, it is noted that the housing proposed to the west of Holyhead Road would be set adjacent to the preferred housing site identified in SAMDev, which already introduces built development to this end of the field, at the northern end of the existing houses within the village. This appears to be the area/side of Nesscliffe that has been identified as the side of Nesscliffe to accommodate new development and it is considered that on balance the extension of this development would not have any significant detrimental impact in terms of landscape value in this area. To the east of Holyhead Road the illustrative plans show a row of housing that would back onto the existing houses at The Crescent with an additional open area adjacent to the internal access road on site that could be used to provide additional and improved landscaping for this part of the approach to the village.

6.9 Other Matters

6.9.1 On sites that are not identified in the SAMDev plan but are considered to be sustainable the local planning authority are currently restricting the granting of outline planning permission to one year for the submission of reserved matters details. The agent for this application has requested that as a result of the due process involved in marketing the development (which can take up to 15 months) it is not feasible to require submission of reserved matters within 12 months and is therefore requesting 2 years. Members have already considered and agreed to an identical request for the adjacent site at their meeting of 16th October 2014, which involves the same agent and applicant (planning ref 13/04757/OUT). In light of this previous resolution it is proposed that the time limit for submitting the reserved matters application is extended to 2 years in this instance.

7.0 CONCLUSION

7.1 The application site is currently 'countryside' in planning policy terms. However Nesscliffe is proposed to be identified as a Community Hub under the provisions of the emerging SAMDev Plan and adopted Core Strategy Policy CS4. Paragraph 216 of the National Planning Policy Framework explains that weight can be given to relevant policies in emerging plans, with the weight according to the stage of preparation, the extent that there are unresolved objections, and the degree of consistency with the NPPF policies. Whilst it is acknowledged that the application form and indicative site plan illustrate a scheme of up to 39 dwellings, which when considered with other housing applications that are resolved for approval within Nesscliffe clearly exceeds the indicative figure included in SAMDev and the Parish Council's aspirations, Nesscliffe is considered to be a sustainable settlement which could accommodate this level of additional housing. 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.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ② 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.
- ② 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 1990.

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.

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS4,CS5,CS6,CS9,CS11,CS17
SAMDev
Housing Types and Affordability SPD

RELEVANT PLANNING HISTORY:

13/04757/OUT Application for Outline Planning Permission (access for approval) for residential development and associated works PDE

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) Planning File 14/03357/OUT
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr David Roberts
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of two years 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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development shall take place until a scheme of 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.

5. No building and construction work shall be commenced unless evidence has been provided to the Local Planning Authority that no badger setts are present within 30 metres of the development site to which this consent applies immediately prior to work commencing. The site should be inspected within 3 months prior to the commencement of works by an experienced ecologist and a report submitted to the Local Planning Authority.

Reason: To ensure the protection of badgers

6. Prior to the commencement of the development full engineering details of the new access roads, existing highway/road works, structures, foot/cycleways, surface water drainage, street lighting and carriageway markings/signs, shall be submitted to and approved by the planning authority; the works shall be fully implemented in accordance

with the approved details prior to the development hereby permitted being first brought into use.

Reason: To ensure the construction is to an adequate standard in the interests of road safety.

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

7. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with Appendix 7 of the Ecological Survey Report by JW Ecological Ltd dated June 2013.

Reason: To ensure the protection of reptiles. The adder, common lizard, grass snake and slow worm are protected against intentional killing or injury under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

8. 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

9. Prior to the erection of any external lighting above 150W on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

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