

## Development Management Report

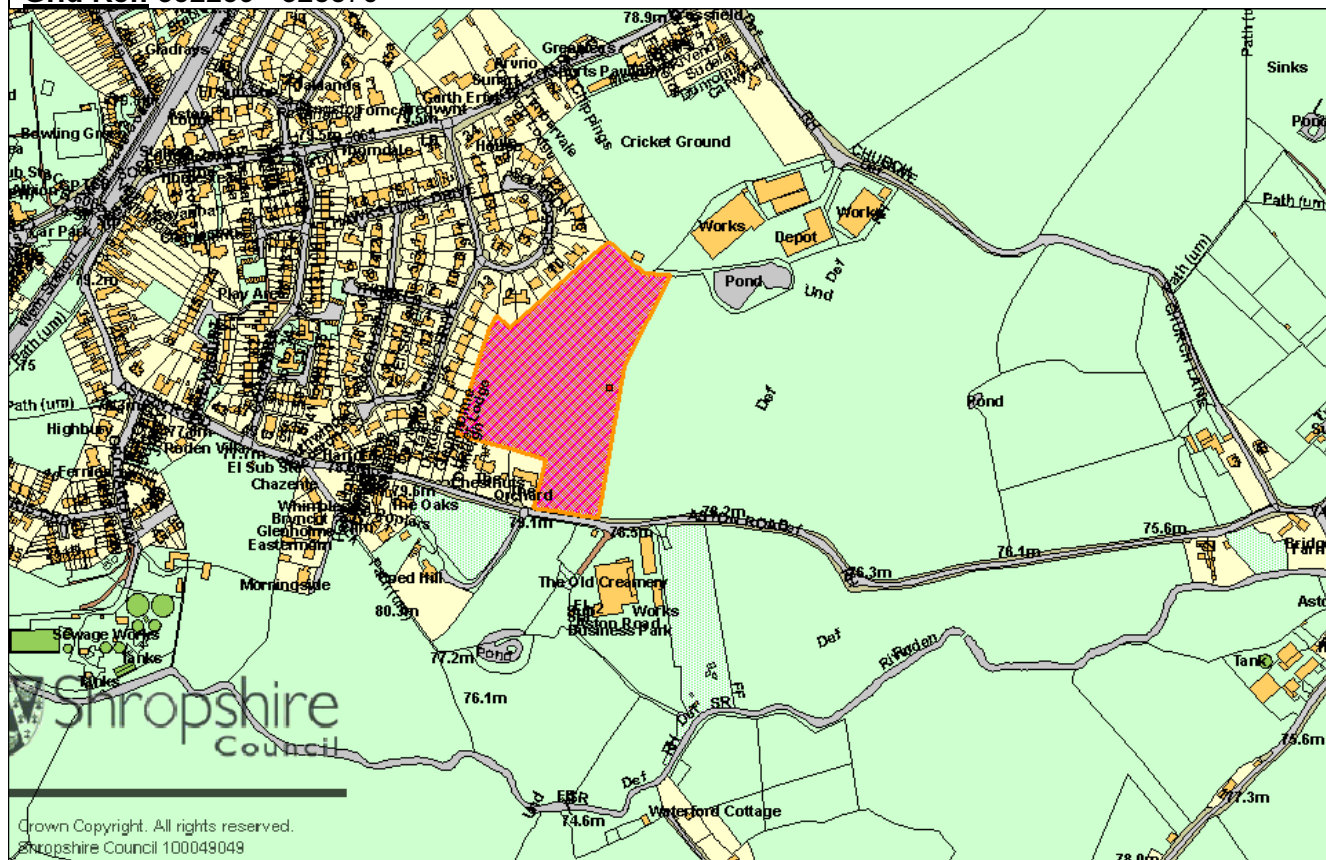
Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 14/03428/OUT	<b>Parish:</b> Wem Urban
<b>Proposal:</b> Outline application for the erection of 50 No dwellings (to include access)	
<b>Site Address:</b> Proposed Residential Development Land Between Aston Road And Church Lane Wem Shropshire	
<b>Applicant:</b> Mr K,J&P Broomhall & Mrs H Beasley	
<b>Case Officer:</b> Karen Townend	<b>email:</b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>

**Grid Ref:** 352259 - 328870



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**Recommendation:- Grant Permission subject to the applicants entering into a S106 agreement to secure affordable housing and a financial contribution towards investigating and implementation of changes to the traffic management in the area of the railway crossing and subject to the conditions set out in Appendix 1.**

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 This application seeks outline planning permission for residential development on 2.67 hectares of agricultural land on the eastern edge of Wem. The application was originally submitted for 75 dwellings on 4.7 hectares of land between Church Lane and Aston Road with a vehicular access off Church Lane. During the consideration of the application the scheme has been reduced and now proposes 50 dwellings off Aston Road, deleting part of the proposed development and the access off Church Lane. Access is the only matter which is for consideration at this outline stage of the application with all other matters of layout, scale, appearance and landscaping reserved for later approval. An indicative layout has been submitted and amended which shows how the site could be developed.
- 1.2 In support of the proposal the application has been submitted with a planning statement, indicative layout, highways and drainage report and ecology survey.

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

- 2.1 Wem is located approximately 10 miles south of Whitchurch and approximately 9 miles north of Shrewsbury. The market town of Wem is a clustered development that has developed on both sides of the B5063 and the railway line. The market town has a retail high street and a good range of services and facilities.
- 2.2 The development site is located on the eastern side of Wem and comprises a parcel of land currently set to grass, surrounded by mature trees and hedgerows on the northern and southern boundaries. The site is relatively flat with a low, wet area. The site meets the residential curtilages of existing properties to the south and west boundaries, a business/industrial park to the north and a field to the east.
- 2.3 Church Lane is a country lane off the B5065 with a small number of houses close to the junction which narrows beyond the housing and with passing places, it serves as access to the Wem Engineering Centre and also leads from this end of Wem to the small village of Aston. Aston Road at the point of the proposed development is also beginning to narrow, prior to this, from the town, the road is two vehicles wide with residential development on both sides, albeit sporadic on the south side. Aston Road also serves as access to Aston Road Business Park and on to the village of Aston where the two roads meet. The application site is outside the 30mph speed limit.

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

- 3.1 Wem Town Council have submitted comments which are contrary to the officer recommendation and both local members, Councillor Chris Mellings and Councillor Pauline Dee, have both confirmed that they consider that the matters raised by the Town Council are material considerations which should be debated by the North Planning Committee.

- 3.2 This request has been discussed by Principal Officers with the Chair and the Vice Chair of the Planning Committee and it was concluded that the application should be a committee decision given the issues raised by the Town Council.

#### 4.0 COMMUNITY REPRESENTATIONS

##### 4.1 Consultee Comments

- 4.1.1 **Wem Town Council** – Wem Town Council has resolved to strongly object to this application and to the amendments (re letter dated 5 December 2014) for the reasons given for the original application.

This proposed development is not considered sustainable in any aspect. The Town Council has consistently objected to any development to the east of the level crossing because of the existing traffic congestion at the crossing and the issue of standing traffic impacting upon traffic flows in the town centre. Also neither Church Lane or Aston Road have the capacity to cope with the additional traffic such a development will generate.

The Town Council has very serious concerns about the capacity of the town to cope with any additional development. Apart from the issues generated at the level crossing by the lengthy delays the road network in the town centre is seriously substandard. Also the local schools and medical centre are struggling to cope with the existing demands placed upon them without the impact of further development.

Reference should be made to the DCLG Select Committee Report entitled Operation of the National Policy Planning Framework - Communities and Local Government Committee which states

'We recommend that the Government issue guidance reminding local authorities and the Planning Inspectorate of the importance of timely infrastructure provision to delivering sustainable development. In setting out the reasons for approving development, decision-makers should fully explain the consideration they have given to its impact on infrastructure and explain how and where they expect the infrastructure to be provided and to what timetable'.

It is hoped these views will be taken into account when this application is considered.

- 4.1.2 **Wem Rural Parish Council** – At the meeting of Wem Rural Parish Council held on 6 January 2015 amendments to the application were considered. As in the meeting of 4 September 2014 when the application was first reviewed, the Parish Council acknowledged that although the amended proposal is within Wem Town Council's boundary, it could still bring an overriding detrimental impact on the wellbeing of residents and local infrastructure of Wem Rural Parish. On this basis it was agreed to review and comment on the amended application. The Council noted that although the number of dwellings had been reduced and access onto Church Lane had been removed, the concerns regarding the use of the designated Quiet Lanes of Aston and Barkers Green had not been addressed. In fact, with the removal of the access onto Church Lane, the possibility of traffic using Aston and Barkers Green to avoid going through Wem Town is increased. The Parish Council concluded the comments made in its response of 8 September

2014 regarding Quiet Lanes and the overriding detrimental impact on the wellbeing of residents and local infrastructure of Wem Rural Parish were still valid. The Parish Council resolved to continue to object to the application.

4.1.3 **Network Rail** – Following submission of mitigation proposals removed their original objection. Confirmed that this also applies to the amended plans.

A meeting was held between Network Rail's Level Crossing Manager and Amy Henson (Agent of the applicant) to discuss the comments raised previously, the details received in an email from Amy Henson are listed below which commits the developer to certain mitigation to overcome Network Rail's objection:-  
*"You confirmed that the signals and sensors at the crossing, plus the signage (and VAS signs) and markings on the road were updated only 13 months ago in October 2013 and are therefore satisfactory for the purpose of highway safety and do not need upgrading. You suggested that additional signage would be beneficial to the proposed development at the end of Church Lane where it meets Soulton Road, in order to remind drivers of potential delays at the crossing and that a narrower access out onto Aston Road would help to encourage vehicles to use Church Lane as a priority route. We intend to do both things and will narrow the route out onto Aston Road, by providing a pedestrian footpath along only one side of the carriageway rather than both sides as is currently shown.*

*You also suggested that we install road markings outside the plantation on Soulton Road in the form of a hatched area to keep it clear for emergency vehicles to enter and exit the site as this was something that was raised at the Town Council meeting and can be impacted upon when traffic is waiting when the barriers are down at the crossing. As a goodwill gesture we would be happy to make a contribution towards the upkeep of the markings as I have recently learnt that some have been installed.*

*The road markings around the level crossing have faded a lot over the past year, and as such we would like to contribute towards having them repainted for the benefit of the whole community.*

*The erection of a footbridge was not deemed to be suitable at this stage due to concerns regarding land ownership around the level crossing and whether sufficient land is available to provide a DDA compliant pedestrian bridge. The conclusion of our meeting was that Network Rail would not raise any objections to the proposed development and its impact upon the level crossing on the condition that we undertake to provide the additional signage at the end of Church Lane and a contribution towards the maintenance of the road markings in and around the crossing.*

*Given all of the above could you please confirm that the mitigation proposed overcomes the comments previously made and that you remove your holding objection against the development?"*

Provided the above commitments are included by the LPA as suitably worded planning conditions in any planning approval, then Network Rail will formally withdraw the holding objection.

We would also suggest should this application go ahead a percentage contribution may be needed to fund a footbridge at Wem station from this and future applications through S.106. It is noted that the responsibility is not solely down to this 75 dwelling development and we would be seeking further percentage contributions from other developers who have planning applications to develop further on the up side of the railway at Wem.

4.1.4 **SC Learning and Skills** – Shropshire Council Learning and Skills report that the local primary school is at capacity and is forecast to remain that way for the foreseeable future. It is therefore essential that developers of any new housing in the town contribute towards the consequential cost of any additional places/facilities considered necessary at the school.

4.1.5 **SC Affordable Housing: 7<sup>th</sup> August 2014**

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 a full application or a Reserved Matters application.

The current prevailing target rate for affordable housing came into force on the 1st September 2013 and in this area is 10%. 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 Councils prevailing Allocation Policy and Scheme. The size, type and tenure of the affordable homes will need to be agreed with the Housing Enabling Team before any further application is submitted.

4.1.6 **SC Conservation** – It is considered unnecessary be commenting in full in this case, however:

- The design of any proposed dwellings should reflect the local vernacular detail in terms of scale, details, materials and layout.
- Developments of this type have the potential to have an adverse impact on the landscape character of the area. However, this is not something which the Historic Environment Team can advise on. We would therefore recommend that Development Management consider obtaining the opinion of an appropriately qualified Landscape professional.

4.1.7 **SC Archaeology** – The proposed development site comprises a 4.2ha area of agricultural land on the western edge of Wem, in northern Shropshire. Whilst the Shropshire Historic Environment Record does not currently contain any records relating to any archaeological sites or features within the proposed development site boundary, it is understood that metal detectorists have found a number of pieces of medieval and post-medieval metalwork within the immediate vicinity. This suggests that the proposed development site therefore has some archaeological potential.

Given the above, and in accordance with Paragraph 128 of the NPPF, it is recommended that an archaeological Desk Based Assessment should be

provided by the applicant prior to the planning application being determined. This will enable an informed planning decision to be made regarding the need for any further archaeological mitigation. There should be no determination of the application until the Desk Based Assessment has been submitted.

**4.1.8 SC Public Protection – Specialist: 14th August 2014**

Having considered the proposed development it is noted that there is the potential for noise from a works to the north east of the development and works to the south on the opposite side of Aston road. It is noted that there is a stand off distance between the works to the north east and the proposed residential dwellings. However, in order to ensure that future residents of the proposed dwellings are not affected by noise I recommend that a noise assessment is carried out and submitted for approval. Any noise assessment should establish if noise levels in residential garden areas is likely to exceed 55dB and where it is predicted noise may be over 50dB mitigation should be proposed. If mitigation is not proposed and external residential areas are likely to have noise levels above 55dB I would recommend refusal of the application until an appropriate layout is considered. Any noise assessment should also ensure that the internally proposed residential properties will not be exposed to noise levels greater than 40dB and bedrooms at night no more than 30dB. It is advised that internal noise levels are no more than 30dB in any room in order to meet the good level stated in BS8233.

**4.1.9 SC Highways –** The highway authority raise no objection to the principle of outline consent being granted subject Section 106 funding towards investigating potential changes to the traffic management of the Level Crossing and implementing those changes.

Initially the development scheme sought to promote 75 dwellings with the principle vehicular access onto Aston Road and a secondary access onto Church Lane. A traffic appraisal was submitted in support of the application as part of a Highways & Drainage Report. The application however has since been amended and seeks 50 dwellings with sole means of access via Aston Road. It is somewhat disappointing therefore that the traffic appraisal was not updated since the rationale behind the linkage to Church Lane was to reduce potential traffic routing to and from the Aston Road/Soulton Road junction when gravitating to and from the A49 or east/northeast direction. In addition no recognition in the traffic appraisal was given to the potential usage of Cordwell Park as part of the initial scheme as a potential 'rat run' since linkage to Church Lane would have provided that link to Soulton Road to then travel to and from the east/northeast direction. The removal of the Church Lane link would however make the 'rat running' of vehicles' from the development through Cordwell Park to be attractive.

In principle the point of access shown to serve the site onto Aston Road is acceptable together with a need to provide a pedestrian facility along Aston Road to link into the existing footway infrastructure. The fundamental issue therefore is the impact of the traffic likely to be generated by the development on the local highway network and how that traffic would be likely to gravitate to the potential routes available to and from the site. In this regard there are constraints and deficiencies in all the routes namely:-

Aston Road/Soulton Road junction adjacent to the Level Crossing (traffic leading

to and from the town centre)  
Cordwell Park (leading to Soulton Road and linking to the A49)  
Barkers Green (leading out to the Shawbury Road to access the A49)  
Aston Road leading to Church Lane to route to Soulton Road and linking to the A49).

Of those 4 routes identified above, the least attractive is the Aston Road leading to Church Lane.

The issues surrounding the Aston Road/Soulton Road junction is well-known as is the traffic management of the Level Crossing. As you will be aware the highway authority have been carrying out traffic surveys around Wem, including those associated with the traffic movements on the approaches to the Level Crossing. This is an issue which has been raised strongly by local residents and the Town Council, who object to further development taking place to the east of the Level Crossing. Network Rail initially raised a holding objection based upon the impact of additional traffic on the Level Crossing, but have since lifted this on the basis of some limited maintenance improvements being promoted in relation to this application scheme together with potential funding towards a footbridge crossing.

In relation to the issues surrounding the increase in traffic movements at the Level Crossing as a result of this particular application the highway authority consider that an objection would be difficult to sustain although clearly this particular development will have the effect of increasing the right turn movement into Aston Road from the town centre direction. Having discussed the traffic issues of the Level Crossing with Network Rail, one of the principle concerns relates to the right turning traffic movements into Aston Road and Station Road. These right turning traffic movements cause issues when the barriers are up when the traffic is in free flowing conditions. The issue however is likely to be compounded further when the barriers have been down and queuing traffic has built up on both main approaches and particularly when drivers within that queue are then released with the barriers then going up, either from Soulton Road or Aston Street, then wishing to make a right turn into Station Road or Aston Road. It is clear therefore that the greater increase in traffic movements as a result of new development have an impact upon the operation of the highway layout associated with the Level Crossing. The issue therefore is to what severity that impact is given the background traffic movements already on the local highway network.

The issues surrounding the Level Crossing are not new ones and attempts have been made to improve its operation but the constraints place limitation on what can be achieved. The highway authority consider however that there is merit in reassessing the current traffic flow arrangements and considering changing of priorities to address the right turn problems. This is however a matter that would need to be taken up with the Town Council and local consultation to assess the potential merits in a scheme coming forward and implementations costs. It is considered that a financial contribution should be sought through a Section 106 towards the assessment and potential implementation of changes to the traffic management associated with the Level Crossing.

The highway authority question potential contribution towards a footbridge

crossing, as has been put forward in association with this application, to be delivered in the future. The issue of pedestrian crossing the Level Crossing is a concern to the highway authority when the barriers are down, as it is understood that pedestrians have been known to cross the railway line which is clearly unauthorised and dangerous. This is more a matter of enforcement but clearly increased development to the east of the Level Crossing will result in an increase in pedestrian movement into the town and the highway authority would wish to encourage that sustainable travel mode. The barriers are an obstacle to that movement when the barriers are down and more so when there are issues on the line which have resulted in the barriers being down for long periods. A footbridge would assist in this regard but the costs associated are likely to be prohibitive.

As stated previously, there is a strong likelihood that residents of the development would route to and from Soulton Road via Cordwell Park when travelling to and from the east/northeast direction. Cordwell Park is designated as a 'Home Zone' where traffic management works have been implemented to reflect its limitations to act as a through route and is essentially suitable to cater for the development which accesses onto it. It is likely however that some traffic is already routing between Soulton Road and Aston Road through Cordwell Park, but it is highly likely that the proposed development would increase the traffic movements through Cordwell Park, which is not desirable.

The highway authority have less concern in respect of traffic potentially routing to Shawbury Road via Barkers Green than traffic routing towards the Level Crossing or using Cordwell Park. Although there are constraints along this route there are long sections where vehicles are able to pass.

As is set out in the NPPF it is necessary to demonstrate that the traffic impacts of a development are severe. As such is necessary also to put the development proposal into context, to look at the potential traffic flows during peak periods and how that traffic would be assigned to the local highway network. Whilst accepting that there are fundamental constraints as set out above, the highway authority consider that a highway objection would be difficult to sustain. Nevertheless the highway authority fully acknowledge the concerns of The Town Council, Wem Rural Parish Council and local residents, in particular any additional impact at the Level crossing. The issues of the Level Crossing are not necessarily linked to the peak AM and PM traffic flows on the highway network but also when the barriers have been down, traffic queuing then builds up and then traffic is then released.

Having regard to the above whilst the highway authority consider that the a highway objection to the principle of development would be difficult to sustain, this should be on the basis of Section 106 funding towards investigating potential changes to the traffic management of the Level Crossing and implementing those changes.

- 4.1.10 **SC Rights of Way** – Footpath 2 Wem runs along the perimeter of the adjacent cricket ground but does not appear to be affected by the proposal.
- 4.1.11 **SC Ecology** – Has read the above application and the supporting documents, including Ecological Survey Report by Turnstone Ecology dated August 2014 and recommends the following conditions and informatives should be attached to any



consent.

Under Regulation 61 of the Conservation of Habitats and Species Regulations (2010), the proposed works will not have a likely significant effect on any internationally designated site. An Appropriate Assessment is not required.

#### Great crested newt

Five water bodies are located within 500m of the application site. Ponds 3 and 4 had good suitability for great crested newts (GCN). Ponds 1 and 2 had poor suitability but due to their proximity to the site, they had presence/absence surveys carried out. Pond 5 had a poor suitability and was not surveyed. All the surveys were negative and as such an informative is recommended.

#### Bats

The field boundaries are considered suitable for commuting and foraging bats. Two mature oak trees along the southern boundary have features suitable for roosting bats. These are shown for retention on the layout plan and a condition is recommended to provide additional artificial roosts. Lighting should be directed away from trees and hedgerows around the site and a condition is recommended.

#### Badger

No badger setts were found in or adjacent to the application site however badger footprints were and therefore informatives are recommended.

#### Reptiles

An informative is recommended to discourage reptiles from using the site during construction.

#### Nesting bird

Turnstone (2014) note that lapwing (a LBAP species) appeared to be attempting to breed on the site. They recommend that the wetter sparsely vegetated areas are retained or recreated on arable fields north of Church Lane (in the same ownership as the application site). A condition is suggested for achieving this and an informative recommended.

#### 4.1.12 **SC Drainage** – No objection, subject to conditions

#### 4.2 **Public Comments**

4.2.1 102 letters of objection have been received on behalf of the residents of Wem. Comments are available in full on the file but have been summarised as follows:-

- No need for further housing
- Impact and additional pressure on schools and doctors
- Loss of agricultural land
- Two storey properties adjacent to bungalows will change the character of the area
- Will overlook existing bungalows and reduce light
- Increase in noise and air pollution
- Potential for impact on future residents from industrial units
- Increase in traffic on surrounding narrow road network and historic bridges
- Narrow country lanes

- Will add to delays at the railway crossing
- Pedestrian access to the town is poor
- No reference to the Public Right of Way
- Danger to walkers, cyclists and horse riders
- Affect on wildlife including newts
- Flood risk from poor ground conditions, existing drainage and clay and sandy soil
- Insufficient capacity in foul sewers

4.2.2 A petition of 78 signatures has also been received on the following grounds:

- The two accesses are on narrow and unsuitable roads
- Traffic need to use the level crossing to access services and facilities
- Crossing causes congestion
- Roads in wider area are quite road and not suitable
- Drainage problems and flooding

4.2.3 Following amendments to the application further letters of representation have been received. Many of the issues raised above have been re-iterated with the following additional issues raised:

- The single access onto Aston Road is unsuitable, places greater pressure on the railway crossing and country roads
- The footbridge proposed will not improve traffic flow over the railway crossing
- New application does not address the problems raised by locals
- The additional signage made by Network Rail will not improve the safety of the level crossing
- The land is not within the SAMDev plan, outside the development boundary
- The development site has potential to expand and link to future development in the adjoining field
- The industrial site adjacent to the development will cause noise pollution to the residents
- Concerns the sewage systems is at its capacity
- Application does not offer any benefits to Wem's present and future residents
- Church Lane has flooded in the past, resulting in the closure of the lane
- Residents/commuters using Wem station is declining
- Empty homes should be filled before new ones are built
- No/very little job opportunities in Wem
- More suitable sites for development within Wem
- Unmanned rail crossing can sometimes cause the barriers to be down for up to an hour
- Increase in traffic could cause damage on three listed Bridges, in the surrounding area
- A one way system should be considered to help alleviate the problems of traffic
- Reducing the number of houses will have little impact on reducing traffic
- Grass verges are being eroded due to increases in traffic
- The removal of the proposed Church Lane access will create significantly more traffic on Aston Road, which is not suitable due to the narrow carriageway
- Loss of greenbelt between Wem and Aston

4.2.4 Wem Civic Society have also written in objecting to the proposal on the grounds of:

- The possible future footbridge for the railway line does not provide immediate assistance and is of no use to wheeled vehicles
- Signage will not resolve the longstanding problem at the railway crossing
- Site will be extended in the future to take in the part removed
- Increase in traffic
- Increase risk of flooding
- Will affect use of adjacent business sites
- Is not sustainable and will adversely affect this side of Wem

## 5.0 THE MAIN ISSUES

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

## 6.0 OFFICER APPRAISAL

### 6.1 Policy & principle of development

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

6.1.2 The NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking (para. 14), so it applies, as a material planning consideration, in any event. The NPPF specifically aims to 'boost significantly the supply of housing', with the requirement for authorities to have a housing land supply of 5 years to achieve this. Therefore, the fact (and degree) that a proposed development helps to boost housing supply is a significant material consideration. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply.

6.1.3 In September 2013 the housing land supply in Shropshire fell below the 5 year requirement. This has now been updated following the submission of the

SAMDev Final Plan to the Planning Inspectorate. The Council is now in a position that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. As such the Council's housing supply policies are not considered to be out of date under paragraph 49 of the NPPF and appropriate weight can be given to them in decision making.

- 6.1.4 The development boundary is currently established in the North Shropshire Local Plan (NSLP) 2005. It is considered that despite the time limitation on the NSLP (2000-2011), the development boundary for Wem continues to reflect the natural settlement form and should be given weight in decision making. There are no proposed changes to the development boundary in the area of the application site. The application site is not being proposed as a residential allocation in the SAMDev and will lie outside, but adjacent to, the current and proposed development boundary for Wem. It is therefore considered the site sits in a countryside location and Core Strategy Policy CS5 should be given consideration.
- 6.1.5 Core Strategy CS3 identifies Wem as a main market town and indicates the town will have development to strengthen its economic role and support and enhance its important community assets and maintain its role as a sustainable place. Submitted SAMDev policy S17 provides greater detail to the strategy for Wem and promotes a housing guideline of around 500 dwellings in the plan period (2006-2026) and allocates two sites for development (to provide 110 houses) north-west and south-west of the town so as to limit the potential for further cross town traffic and to reflect significant safety and congestion concerns regard the railway crossing to the east of the town centre. The explanation of the policy advises that since 2006 housing completion and commitment amounts to 372 dwellings and as such the plan needs to provide for a further 128 houses and the policy recognises the potential for windfall within the development boundary in addition to the allocated sites. The explanation also advises that the scale of development is limited due to the constraints of infrastructure such as traffic congestion, primary school provision, medical practice capacity and waste water treatment. All of these issues are material considerations in the determination of the application and matters which have been raised by objectors.
- 6.1.5 The application site was subject to a technical site assessment through the SAMDev process. This assessment covered many of the issues relevant for considering the site's general sustainability, albeit in the context of selecting suitable site allocations. The site was noted to be adjacent to the development boundary and not within any environmental or historic sensitive sites or within flood zones 2 or 3. It score positively for proximity to a bus stop and play area but negatively for distance from the primary school and for being part grade 2 and part grade 3 agricultural land. It was also considered as not as well related to the town centre facilities and services as some other alternative sites and that this was also undermined by highway and traffic issues associated with the railway crossing.
- 6.1.6 Given it has been established the Council's housing supply policies are considered up-to-date, and that this site is not proposed in the submitted SAMDev, it is considered the Development Plan does not establish the principal for development on this site. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, it is therefore necessary to consider whether other material considerations, such as the NPPF's presumption in favour of

sustainable development and the need to significantly boost housing supply, in this instance warrant a departure from the Local Plan. The fact that the site is not within the development boundary for either the NSLP or the SAMDev is not itself a reason to refuse planning permission on the site.

- 6.1.7 In the intervening period between submission and adoption of the SAMDev, sustainable sites for housing where the adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF. As such it remains officer's advice that it would be difficult to defend a refusal for a site which constitutes sustainable development and that the presumption in favour of sustainable development at paragraph 47 of the NPPF is given greater weight than either the adopted or forthcoming policies. The NPPF does not permit a housing development free-for-all; the principle issue for consideration is whether the development is sustainable or not when considered against the NPPF as a whole. As such a development which is not sustainable can be refused against the NPPF but officers advise that caution should always be taken when considering refusal against the NPPF. Paragraph 14 advises that the adverse impacts of granting consent would need to significantly and demonstrably outweigh the benefits.
- 6.1.8 Policy CS6, amongst a range of considerations, requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Policy CS7 states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services. And policy CS9 states that development that provides additional dwellings or employment premises will help deliver more sustainable communities by making contributions to local infrastructure in proportion to its scale and the sustainability of its location.
- 6.1.9 It is also appropriate to consider the NPPF as a whole in assessing the sustainability of this proposal. Paragraph 14 of the NPPF states that within the context of the 'presumption in favour' development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweighs the benefits.
- 6.2 **Is the site sustainable?**
- 6.2.1 Paragraph 7 of the NPPF sets out the three dimensions to sustainable development and provides an overview of what is considered to be the economic, social and environmental roles of the planning system. For a site to be considered to be sustainable development the three dimensions need to all be provided and the presumption in favour of sustainable development advises that, unless there are material considerations which significantly and demonstrably outweigh the benefits, consent should be granted. It is not a case of having to prove the benefits outweigh the harm but to prove that any harm substantially and demonstrably outweighs the benefits.
- 6.2.2 The site is located on the outer edge of one of the larger settlements in North Shropshire and an identified market town. The planning statement notes that Wem is a large settlement with a range of services and facilities including shops, post

office, schools, play areas, churches, pubs, the train station, doctors and dentist. The application site is considered by the agent to be within a short walk/ cycle distance from the town centre. It notes the distances to the nearest bus stop, the town centre, train station and schools.

- 6.2.3 It is acknowledged that the NPPF advises that local authorities should seek to approve applications for sustainable development and work with applicants to find solutions. However, the presumption in favour of sustainable development is also not a free for all. The cumulative impact of additional new housing is also a material consideration. Recent planning inspectors' decisions have taken into account the adverse impact of increasing the number of dwellings in a settlement, outside of the plan making process, as a material consideration. Substantial increases in residences could result in harm because of the need to allow time for proportionate increases in infrastructure and for the community to adapt, and the possible adverse impact on community cohesion. This is also considered within the forthcoming SAMDev policy MD3 which deals with proposed housing developments beyond the housing guidelines for a settlement. It is acknowledged that the site is not a proposed allocated site, however there is an overall need for additional housing over and above the proposed allocated sites. Officers consider that the scale of the development proposed could not be considered to be significant given the scale of the existing town, including taking into account other applications either consented or proposed, and is not of sufficient scale to tip the balance of community cohesion.
- 6.2.4 When assessing the sustainability of a site its distance from services, facilities and employment is one of a number of factors to be taken into account when undertaking the planning balance. Alongside issues of impact on highway safety, ecology, social impact and development and the loss of agricultural land.
- 6.3 **Economic considerations?**
- 6.3.1 The agent within the planning statement comments that the economic benefits include the overall boost to housing, construction jobs, support for local businesses, services and facilities and the payment of community infrastructure levy (CIL). An increase in the number of people living within the town would provide an increased amount of spending power which would help to support and maintain the wide range of services that the town has to offer and support the overall sustainability of the town.
- 6.3.2 Policy CS9 requires all new housing to financially contribute to the provision of infrastructure. This is done through the Community Infrastructure Levy which is a levy charged on new housing. The contribution is dealt with outside of the planning process and after development commences and is used to pay for infrastructure identified as local priorities. However, it is a material consideration in the determination of the application and the acknowledgement of the requirement to pay the CIL by the applicant ensures that this matter will be dealt with after the consent.
- 6.3.3 The Parish Council have commented that the town centre is substandard but have not given any detail behind this comment. It is true that Wem is the smallest market town in the north of Shropshire and has limited retail and service opportunities within the town centre. Nevertheless it does have a town centre and

primary shopping area in which the Council would support further retail and service development to enhance its viability and vitality. The provision of new housing does not result in detrimental harm to the vitality of a town centre and can increase spending in the town centre. Objectors have raised concerns that there are no or very little job opportunities in Wem, however the provision of new houses also brings the opportunities of new business and new income and to refuse an application for housing in one of the key settlements due to lack of jobs would run contrary to the housing allocations policy. There are no economic harms resulting from developing the site and as such the economic benefits of new housing needs to be part of the balance of determining the application.

#### 6.4 **Social considerations?**

- 6.4.1 The only social benefit noted by the agent is the provision of a mix of housing. However, social benefit of development can also be gained from the provision of affordable housing, CIL and through the support which new dwellings and occupants provide to existing services and facilities. Policy CS11 of the Shropshire Core Strategy requires all housing developments to contribute to affordable housing in accordance with the Supplementary Planning Document (SPD) on Type and Affordability of Housing. Therefore, 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. The level of contribution would need to accord with the requirements of the Housing SPD and at the prevailing housing target rate at the time of reserved matters application.
- 6.4.2 It is recognised that increasing the number of residences in a settlement without a proportionate increases in the provision of local services risks impacting upon the social integrity the settlement. Concerns have been expressed by the Parish Council and local residents about the schools and medical centre struggling with the current population of Wem and the surrounding area.
- 6.4.3 With regard to school places, it is acknowledged that the local primary school is full, as noted by the Learning and Skills officer under section 4. The officer has advised that it is essential that developers contribute to the cost of additional places and facilities. This contribution would be through the payment of CIL, as noted above, the comment from the officer implies that further places and facilities can be provided at the primary school. This is not a case where the primary school can not develop further and it is a case of funding availability which will be dealt with through CIL and other Council funding.
- 6.4.4 It is acknowledged that the proposed development is a significant number of dwellings and would exceed the guidelines set within the SAMDev. However Wem is a large settlement and one that is expected to accommodate new development over the plan period, along with the other Shropshire Market Towns. It is considered by Officers that whilst the proposed development is large it is not considered to be so excessively large to overwhelm Wem or significantly impact upon the existing local community.
- 6.4.5 Officers acknowledge the DCLG quote referred to by the Parish Council but note that this is only a suggestion for further guidance and in the case of housing developments in Shropshire new infrastructure is funded, in part, through CIL

payments and that the delivery of infrastructure is timetabled and guided by the Place Plan for which the Town Council has substantial influence. Overall it is considered that the proposed addition of 50 dwellings on the site would not result in a level of pressure on local infrastructure which would justify refusing the application, where necessary identified improvements could be carried out by CIL which is generated by new development. The site is within walking distance of significant range of services, facilities, shopping and employment opportunities as well as primary and senior schools and the train station. The scheme would also provide new housing, including affordable housing.

## 6.5 **Environmental considerations?**

- 6.5.1 Within the planning statement the agent comments that there are no heritage, cultural or ecological designations and that visual impact can be mitigated by landscaping; that the development will protect amenity and is accessible by foot and cycle. As part of the application, and in accordance with the requirements of adopted policy, the proposal includes an area of open space which is an environmental benefit resulting from the development of the site.
- 6.5.2 The application site is in part grade 2 and part grade 3 agricultural land which is of 'good to moderate' quality and considered to be best or most versatile agricultural land. The National Planning Policy guides local authorities to consider the economic and other benefits of agricultural land and, where significant development is necessary, to use lower quality land in preference to higher quality land. Although the development of this site will result in the loss of an area of good to moderate quality land it is considered by officers that the economic benefits of the proposed development outweigh the economic benefits of retaining the land in agricultural use. The need for retaining agricultural land for food production does not outweigh the presumption in favour of sustainable development. Overall, although the loss of agricultural land is a harm resulting from the development this harm is not considered to outweigh the benefits.
- 6.5.3 Objectors have raised concern about the loss of the agricultural land, which is dealt with above, and also raised concerns about the potential impact on the character of the area, the amenities of existing and future residents, affect on wildlife and the impact of traffic. The main consideration of environmental impact is dependent on the layout, scale and design and the impacts on highways, trees, ecology and drainage. These matters are considered in detail in the following sections.
- ## 6.6 **Layout, scale and design**
- 6.6.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.
- 6.6.2 As an outline planning application the current application is seeking consent for the principle of developing the site for housing. An indicative plan has been submitted but is not for consideration at this stage of the application process. The final layout, scale and appearance will need to be submitted as applications for



approval of reserved matters at a later date. The indicative layout shows the 50 dwellings on the 2.67 hectare reduced site area with a single vehicular access off Aston Road with an area of open space on the roadside retaining the existing two large trees within the open space and a group of semi detached houses behind the open space. Behind the road fronting houses the site is proposed to be laid out with adoptable roads, open space, retaining existing landscaping and with detached and semi detached houses. Each dwelling is proposed to have parking and garden space, in the main adjacent to the house. The Council Conservation Officer has advised that the design of any proposed dwellings should reflect the local vernacular detail in terms of scale, details, materials and layout.

6.6.3 It is accepted that the indicative layout shows two storey dwellings on the site which is backed onto by existing single storey properties, however there are two storey properties in the immediate area and this part of the town is not dominated by single storey development and, although the concerns of the residents are noted, officers do not consider that the development of the site for two storey houses would be out of keeping with the wider area. Whether the proposal results in an impact on amenity is considered below. Neither the layout or scale, as noted previously, are for consideration at the outline stage, both are reserved for later approval. Officers advice at this stage would be that the small semi detached houses on Aston Road are out of keeping with the context of this part of Aston Road and this part of the site should be developed with a couple of larger detached houses. Furthermore officers would caution the use of parking courtyards and private driveways which are too long as these are not easily provided with natural surveillance and can cause issues with waste collection. However, these matters could be dealt with at reserved matters if consent for outline permission were to be granted.

## 6.7 **Impact on residential amenity**

6.7.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. As already noted within this report the site lies on the edge of the existing settlement. Neighbouring residents have raised concern about overlooking, loss of light, increase in noise and air pollution and the potential impact on the future residents from the adjacent businesses and visa versa. The proposed housing will back onto, and lies adjacent to, existing housing on Aston Road, Churchill Drive and Soulton Crescent. The houses on Aston Road are large detached properties with good sized gardens, the closest being a single storey property set back from the road. The indicative layout shows these houses over 14m from the nearest proposed dwelling. The properties on Churchill Drive and Soulton Crescent are single storey dwellings as such there is a potential risk that two storey development backing onto these properties could feel oppressive and excessive in scale. However, this will depend on the final layout. The indicative plan shows the nearest proposed dwelling as being 17m from the closest existing property though this appears to be between an existing rear elevation and a gable end of a proposed dwelling. The distance between facing elevations is shown at least 21m and therefore would reduce the potential impact so that it would not be considered to be unacceptable.

6.7.2 It is acknowledged that there are proposed garages closer to the existing dwellings however these would be single storey structures without any habitable

space and without windows overlooking existing properties. It is also accepted that the development of the site will significantly alter the outlook for the existing properties. However, a private view is not protected in planning considerations and providing the development of the site does not result in loss of light or unacceptable overlooking it would not be reasonable or defensible to refuse the application on loss of amenities. Officers consider that the size of the site is sufficient to enable housing development to be appropriately laid out so as not to result in unacceptable overlooking or loss of light and that the indicative layout shows the housing facing outwards onto Aston Road and backing onto existing housing and as such, in principle would be acceptable in amenity terms.

6.7.3 Given the proximity of the site to the existing employment sites both north and south of the application site the Council Public Protection Officer has advised that there is a potential for noise to affect the amenities of the future residents of the application site. A noise survey is recommended along with recommended noise levels for internal and external spaces. Officers advise that it is not essential to undertake the noise survey at this outline stage in the process and that the survey would need to be done prior to the final layout being established as the layout would be affected by the noise levels on the site. This is especially true given the change of the nature of the use of the employment site noted by objectors.

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

6.8.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced.

6.8.2 Following the submission of amended plans only one single vehicular access is now proposed, off Aston Road. The existing road is 5m wide with footways and street lighting which the agent considers can be extended up to the site boundary. The proposed junction onto Aston Road has visibility splays which the agent notes comply with Manual for Streets. The submitted highways and drainage statement acknowledges that the development will have some effect on the highway network but the consultant does not consider that the impact will be significant.

6.8.3 The planning statement advises that the intention would be to extend the 30mph limit to include the site access; however this is not a matter for planning and would need to be considered under separate legislation. It needs to be confirmed that the access is acceptable without extending the speed limit and should the limit be reduced then this would be additional benefit.

6.8.4 Within the site the estate roads are to be designed to discourage speed and the highway and drainage statement estimates 42 traffic movements in the morning peak hour and 47 in the afternoon peak hour. However, this was submitted with the initial proposal for 75 dwellings and therefore the traffic movements of the reduced scheme would be less but would also be all onto one access point on Aston Road.

- 6.8.5 Wem Town Council have objected to the development, their first point of objection relates to the existing, and potential increase, of traffic congestion at the railway crossing and the knock on impact of this congestion on traffic in the town centre and also on the capacity of Aston Road to accommodate the traffic. Wem Rural Parish Council have also raised concerns about the potential impact on the rural roads through Barkers Green and Aston. Local residents have raised similar concerns about the potential increase in traffic, the impact on the local road network, narrow lanes and bridges and that the removal of the proposed access off Church Lane adds pressure onto Aston Road and the railway crossing. The matter of impact on the railway is dealt with in the following section. This section deals with the issues of access and traffic on the road network, although officers acknowledge that there is some overlap between the subjects.
- 6.8.6 The Council Highway Officer has taken all of the concerns into consideration, reviewed the information submitted by the applicant and also undertaken a site visit and meeting with Network Rail in Wem and looked at the local issues. The issue of the traffic on the level crossing is dealt with below. However, as noted in section 4.1.9 of this report the Council Highway Officer has advised that, in principle, the point of access shown to serve the site off Aston Road is acceptable and that there would not be sufficient grounds to refuse the application on traffic levels on the local highway network.
- 6.8.7 Residents have also raised concern about the impact on public rights of way, cyclists and horse riders however the Council Rights of Way Officer has confirmed that Footpath 2 Wem runs along the perimeter of the adjacent cricket ground but does not appear to be affected by the proposal. The impact on cyclists and horse riders will also be impact from additional traffic on the local highway network to which officers do not consider is a significant impact which would outweigh the benefits of the development.
- 6.9 **Impact on railway line and crossing**
- 6.9.1 One of the main areas of concern raised by the local community and town council is the impact of the traffic, both vehicular and pedestrian, on the railway line and crossing. The concerns raised are similar to those raised during the consideration of potential sites for the SAMDev in that sites to the west of the town have been carried forward to reduce the impact on the railway crossing. The concerns relate to the additional increase of traffic which would cross the level crossing and therefore add to the existing congestion when the crossing gates are closed.
- 6.9.2 Within the planning statement the agent comments that the development of the site on the eastern side of Wem will provide residents with a route out of town, along the B5056, which will not involve using the level crossing. Furthermore the highways and drainage report suggest that the development will only result in a small increase in traffic using the level crossing in comparison to the existing flows. The report does acknowledge that delays at the crossing have extended since the automation of the gates but the consultant does not consider the delays to be unacceptable and has recommended additional signage and lines to provide minor improvements.
- 6.9.3 In seeking to overcome Network Rail's initial holding objection the agent has agreed to the provision of signage at the end of Church Lane to make residents

aware of potential delays through the town centre via the level crossing and road markings outside The Plantation on Soulton Road in the form of a hatched area to keep it clear for emergency vehicles to enter and exit the site. They have also agreed to repaint the road markings around the level crossing, which have faded significantly over the last 12 months since the crossing was upgraded or provide a contribution towards the upkeep of the markings, and provision of a financial contribution towards a potential footbridge, which all developments on this side of the town would be expected to contribute towards.

6.9.4 Local residents have commented that a footbridge will not improve traffic flow over the railway crossing and that additional signage will not improve safety. However, this is not consistent with the advice from Network Rail who originally objected but removed their objection following a meeting with the agent at which the potential for new signage, updated road markings and a financial contribution to be paid towards the future provision of a footbridge. This would need to be dealt with through a S106 and the precise amount of funding discussed with Network Rail to establish the cost of the footbridge.

6.9.5 The Council Highway Officer's advice is provided in full at 4.1.9 above. With regard to the traffic on the railway crossing junction the officer has advised that an objection would be difficult to sustain but accept that the development will increase the right turn movement into Aston Road from the town centre. It is accepted that the greater increase in traffic movements, as a result of new development, will have an impact upon the operation of the highway layout associated with the Level Crossing and the Highway Officer and Network Rail Officer at their site meeting agreed that there is potential merits in reassessing the traffic flows around the crossing. As a direct impact from the development the Highway Officer has advised that a financial contribution towards investigating the options, the consultation with the community, and potential implementation of the changes to the traffic management should be sought from the development.

6.9.6 In requesting this contribution the Highway Officer has advised that the financial contribution suggested towards the footbridge would be beneficial in promoting access to the town on foot and reducing the risk of pedestrians attempting to cross when the barriers are down but also considers that the provision of such a footbridge would be cost prohibitive. It is also worth re-noting the comments of the residents that the footbridge would not improve traffic flow. However, the financial contribution requested by the Highway Officer has the opportunity to improve traffic flow. This would not be possible without funding and as such the proposed residential development will help to provide the funding. It is therefore recommended that a financial contribution be sought from the developer of the site towards investigating potential changes to the traffic management of the Level Crossing and implementing those changes and not a contribution to a footbridge or improved and replacement signage.

## 6.10 **Ecology and trees**

6.10.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. A protected species survey has been undertaken and submitted with the application and this has been

considered by the Council Ecologist.

- 6.10.2 The ecology report provides details of the recorded information and surveys of the site and surrounding area. The site is agricultural with a roadside hedge to the north, trees on the south both of which have gaps and sections of poor quality and garden fences and scattered trees on the western boundary. Within the report the consultant acknowledges that the field has wide field margins on the north and west sides which provide good habitat and that there is a small area of standing water due to a depression in the ground level in the western part of the field, a well established fishing pool and pond to the north and that the river Roden is within 250m of the site.
- 6.10.3 There are no designated sites within 2km of the application site. However the field margins and the existing trees, including 2 mature oaks on the south boundary, do provide potential habitats. The report considers that there is limited potential for bat foraging and no roosting potential; no badger setts but evidence of badgers crossing the site to access other areas; that the site is suitable for ground nesting birds and that the trees and hedges would be suitable for birds nesting. With regard to great crested newts (GCN) the report notes that there are records of GCN in Wem but that these are on the opposite side of the town and separated by roads and the railway line. Surveys were undertaken of 4 ponds in the area which were considered to be suitable for GCN, 1 other pond was not considered to be suitable and all others are disconnected from the site. Of the 4 ponds only 1 had evidence of newts but these were Palmate and Smooth newt not GCN.
- 6.10.4 The report recommends work outside the root protection area of trees; native species planting within the site and to infill the gaps in the boundaries; lighting, bat boxes and bricks; construction methods to prevent impact on badgers and site clearance outside of nesting season.
- 6.10.5 The Council Ecologist's comments are provided in full in section 4 of the report. In conclusion the ecologist has confirmed that they have no objection to the development of the site and recommends conditions and informatives which will enhance the habitat for ecology and ensure no protected species are adversely affected. As such ecology is not a barrier to development of the site and can result in enhancements and therefore complies with the requirements of policy CS17 in that regard.
- 6.11 **Drainage**
- 6.11.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. The site is within flood zone 1 and is therefore not recognised by the Environment Agency as an area at risk of flooding. Surface water is proposed to be discharged to soakaways via attenuation and foul drainage is to be connected to the existing mains drainage system.
- 6.11.2 Within the drainage section of the highways and drainage report the agent provides details of the surface water drainage for the houses as being discharged to soakaways within domestic gardens and the surface water from the roads being dealt with through soakaways via an attenuation system.

- 6.11.3 The report also includes a flood risk assessment due to the size of the site. This report notes the site levels as ranging from 79m AOD to 80m AOD and therefore shows that the ground level of the site is fairly level. The report recommends finished floor levels at 150mm above existing ground level although it does advise that there is no evidence of flooding on the site and therefore the development will not increase flood risk and can be designed to deal with its own surface water without increasing flood risk elsewhere.
- 6.11.4 Local objectors have raised concerns about the potential for flooding and the pressure on the mains foul drainage system. The Council Drainage Engineer has considered the submitted information and has raised no objection recommending that additional information is provided through conditions. As an outline planning application this is standard practice unless there is known flooding issues. The concerns raised locally relate to ponding within the site, however this will be a matter for the developer to resolve to ensure that the either the future occupiers or existing occupiers are at risk of flooding.
- 6.11.5 With regard to foul drainage mains drainage is available in Wem and for foul drainage disposal the development would be expected to connect to the existing mains sewer. It will be the applicants/developers responsibility to pursue consent from the service provider to connect into the foul main sewer. Whilst objectors have questioned the capacity of the sewer and mentioned blockage problems this issue is a matter for the service provider and is not a reason to refuse planning permission.
- 6.12 **Other matters**
- 6.12.1 The Council Archaeologist has advised that a desk based assessment of archaeology should be carried out prior to the determination of the current application as, although the site is not recorded as containing any archaeological features, metal detectorists have found a number of pieces of medieval and post-medieval metalwork within the immediate vicinity and this suggests that the proposed development site therefore has some archaeological potential.
- 6.12.2 The agent has confirmed that this work is underway and will be submitted to the Council shortly. It is therefore recommended that in principle members could resolve to grant planning permission subject to satisfactory resolution of this matter and any additional conditions requested by the Council Archaeologist.

## **7.0 CONCLUSION**

- 7.1 The site is located outside the current development boundary for Wem and is therefore classed as a departure from the development plan. However, it is accepted that the site is in a sustainable location, on the edge of the existing built development, where it benefits from the facilities, services and infrastructure offered by the market town and will provide additional housing supply in accordance with national planning policy priorities. Furthermore, the development will provide for affordable housing in accordance with Policy CS11 and infrastructure provision in accordance with policy CS9 and will not result in significant loss of agricultural land.
- 7.2 In principle the site can be developed for housing without adversely affecting the

amenities of the existing properties, in context with the surrounding built form and with an appropriate access. Furthermore, the site can be provided with satisfactory foul and surface water drainage arrangements, will not be harmful to local habitats or biodiversity and public open space will be provided which also improves the accessibility and the landscaping of the area.

- 7.3 Accordingly, subject to conditions and the applicant entering into a S106 legal agreement to secure affordable housing, it is considered that the proposal meets with the housing policies and general requirements of the NPPF and otherwise complies with Shropshire Core Strategies CS6, CS9, CS11, CS17 and CS18 of the Shropshire Core Strategy. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

## **8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### **8.1 Risk Management**

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

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.

The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

### **8.2 Human Rights**

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

**8.3 Equalities**

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

**9.0 FINANCIAL IMPLICATIONS**

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

**10. BACKGROUND**Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Core Strategy and Saved Policies:  
CS1 - Strategic Approach  
CS3 - The Market Towns and Other Key Centres  
CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
CS9 - Infrastructure Contributions  
CS11 - Type and Affordability of housing  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management

**11. ADDITIONAL INFORMATION**

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



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

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

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

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of 12 months from the date of this permission.

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

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

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

4. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:
  - The number of units
  - The means of enclosure of the site
  - The levels of the site
  - The drainage of the site
  - The finished floor levels

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

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

5. No development shall take place until full scheme engineering details of the means of access, visibility splays, internal road layout together with footpath linkage along Aston Road have been submitted to and approved in writing by the Local Planning Authority; the development hereby permitted shall not be first occupied until the scheme has been implemented fully in accordance with the approved details.

Reason: To ensure a satisfactory means of access to the development site and in the interests of highway safety.

6. As part of the reserved matters details of the location and design of bat boxes or bat bricks suitable for nursery or summer roosting for small crevice dwelling bat species

shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/building.

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

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

7. 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.

8. Prior to occupation, a 'lighting design strategy for biodiversity' shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) Identify those area/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

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

9. During the demolition and construction of the site no burning shall occur on site at any time. This includes the burning of vegetation from clearance work.

Reason: to protect the amenity of the area

10. Construction work, including the arrival of deliveries and unloading of deliveries, shall only be carried out between the following hours: Monday to Friday 07:30-18:00, Saturday 08:00-13:00. No work shall be permitted on Sundays or Bank Holidays without written consent from the Local Planning Authority.

Reason: to protect nearby residential amenity and the health and wellbeing of residents living in close proximity to the development.