

Development Management Report

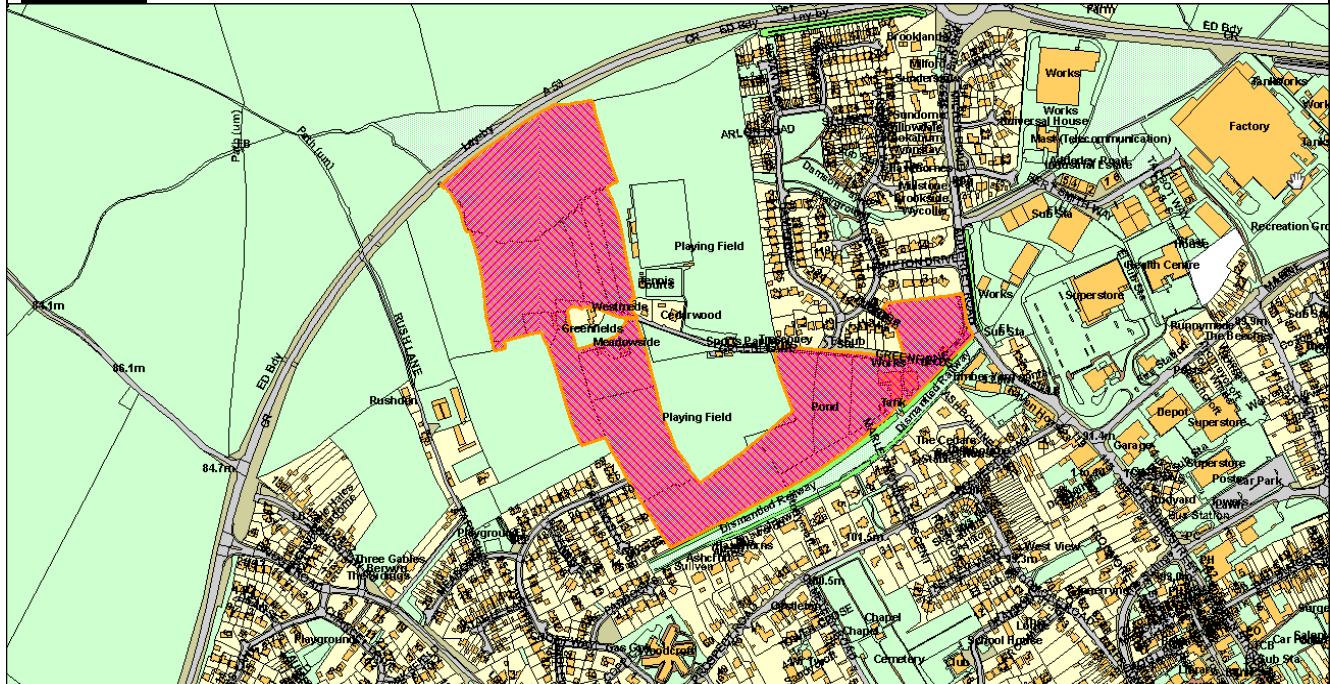
Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 14/03782/OUT	Parish:	Market Drayton Town
Proposal: Outline application (access for approval) for the residential development of up to 250 dwellings; to include demolition of existing structures on site; formation of vehicular accesses from the A53 and Hampton Drive		
Site Address: Land Off Greenfields Lane Market Drayton Shropshire		
Applicant: Danbank Developments Ltd		
Case Officer: Karen Townend	email: planningdmne@shropshire.gov.uk	

Grid Ref: 366726 - 334685



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2011 For reference purposes only. No further copies may be made.

Recommendation:- Subject to the deletion of the access of the A53 GRANT planning permission subject to the applicants entering into a S106 agreement to secure

affordable housing and a contribution towards public transport and also subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This report is an addendum to the report presented to members in November 2014 which detailed the proposal for outline planning permission for residential development of 250 dwellings on a 11 hectare site on the northern side of Market Drayton, on the inside of the A53. It was one of two sites which members resolved to approve at the November meeting.
- 1.2 Members resolved to approve the application subject to an additional condition restricting the number of houses off Hampton Drive, the existing housing estate to the northeast.
- 1.3 However, it was not clear from the minutes of the meeting whether this condition was intended to restrict the number of houses which could use Hampton Drive as an access route or the number of houses which could be constructed using Hampton Drive. It is therefore essential that clarity is sought as the two different options have significantly different consequences for the future of housing development in Market Drayton.

2.0 Matters for Consideration

- Restriction of use of Hampton Drive
- Other matters

2.1 Use of Hampton Drive

- 2.1.1 To restrict the use of Hampton Drive to no more than 50 dwellings to be served off this existing road would firstly severely restrict the development of the application site and therefore the land allocated in the SAMDev and secondly is not justified in highway safety terms. To restrict the development in this way would mean that only 50 dwellings could be built and occupied using the existing estate road, Hampton Drive, and the remainder of the 250 dwellings could not be built until the land to the west and associated new access off the A53 had been developed up to the edge of this application site.
- 2.1.2 This would therefore place the applicant and developer of this site at the mercy of the applicant and developer of the adjacent site. Who would be able to, in theory, prevent any development beyond the 50 off Hampton Drive by not completing the development of their site to where the two sites meet. This would also place the applicant and developer of the application site at risk of being financially ransomed for the provision of access to the new roundabout off the A53. It is not appropriate for planning permission to result ransoms where it can be avoided and this form of restriction could also place the delivery of housing in Market Drayton, and potentially the 5 year land supply, at risk.
- 2.1.3 It is acknowledged by officers that members were concerned about the potential impact of the development on the existing residents of Hampton Drive. The

restriction of the number of houses off Hampton Drive would reduce the impact on these properties, however there are only approximately 20 properties which would be directly affected by additional passing traffic.

- 2.1.4 Furthermore, members should be aware of the SAMDev allocation for this site which, in addition to the adjacent land, sought a new access off the A53 but in doing so was intended to link this new access through to existing estate roads, including Hampton Drive. The restriction of the number of houses off Hampton Drive would result in a dead end and cul-de-sac being created off Hampton Drive and also result in a large housing development being created off the new roundabout off the A53 but with no other means of access or link to the town. It was never intended that all the traffic from the new development would access and leave via the new roundabout as this would not encourage connectivity with the town services and facilities. In addition the Council are seeking to enable the town bus service to be routed through the development.
- 2.1.5 The agent has also referred to the information provided with the planning application which shows that Hampton Drive is technically capable in terms of width, visibility and traffic capacity, to accommodate all 250 dwellings being proposed. Hampton Drive was constructed to accommodate a much greater level of traffic than it currently does to allow for the future extension of the estate. Once both parts of the SAMDev allocation are developed the recommended conditions will ensure that access is available direct off the A53 or through Hampton Drive and this would likely reduce the number of residents using Hampton Drive as their main route. However, the evidence provided by the agent, which the Council Highway Officer previously accepted, shows that there is no evidence against which officers could justify imposing a condition that limited the number of houses off Hampton Drive.
- 2.1.6 The alternative would be to limit the amount of construction traffic which could use Hampton Drive and officers consider that this would be appropriate. Although the agent has commented that the number of construction vehicles would be low officers consider that, due to the size of the development, the time taken to complete the development would mean that the construction vehicles would be spread over a number of years. Officers consider that the size of the vehicles and the length of the construction period would be detrimental to the amenities of the residents of Hampton Drive.
- 2.1.7 A restriction on the use of Hampton Drive for construction traffic will require an alternative access for these vehicles. There are currently two options which may resolve the situation, enable a limit to be placed on construction traffic use of Hampton Drive whilst not limiting the number of houses which could be constructed in the long term. The options are either the use of Greenfields Lane for construction traffic, though this may conflict with sports facility traffic and the use of the bridleway, or the creation of a temporary construction traffic access off the A53.
- 2.1.8 The agent has advised that if the development was to be built from a temporary access off the A53 a temporary road would need to be created through the fields and as such they would prefer to be able to use Greenfields Lane which is used by the sports clubs and PD Stevens business. However, the Council Rights of Way Officer has advised that there would be issues with using Greenfields Lane as this

is a bridleway and as such there are no public rights to use it with vehicles. The developer would need to obtain the consent of all of the landowners of Greenfields Lane. At this time the decision as to the alternative access has not been made and the two options would need further consideration.

- 2.1.9 Officers advise that this is a matter which could be controlled by condition and recommend the following wording:

Prior to the commencement of the development, including any works of demolition, a Construction Traffic Statement shall have been submitted to, and approved in writing by, the local planning authority. The Statement shall restrict the use of Hampton Drive for construction traffic to the construction of the first 50 dwellings only and shall show alternative means of construction traffic access for development beyond the first 50 dwellings. The approved Statement shall be adhered to throughout the construction period.

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

- 2.1.10 The above condition will ensure that the existing residents of Hampton Drive are not adversely affected to a significant level and also enable the development to continue beyond 50 houses whilst only allowing Hampton Drive to be used by existing and new residents and visitors. Officers consider that the condition detailed above would comply with paragraph 206 of the NPPF in that the condition would be necessary to make the development acceptable, relevant to planning and the development proposed, enforceable, precise and reasonable. Whereas officers advice would be that a condition that goes beyond the above condition and restricts residential use of Hampton Drive by future properties on the application site would not meet the tests of paragraph 206.
- 2.1.11 It is therefore requested that members reconsider their resolution and amend the wording of the condition added regarding the use of Hampton Drive to the condition detailed at 2.1.9 above.

2.2 Other Matters

- 2.2.1 The November committee meeting was also recommended for approval subject to the satisfactory resolution of an objection from the Environment Agency (EA) in relation to flood risk. The additional information requested by the EA had been provided by the agent prior to the November meeting but had not been commented on by the EA. Officers can now advise that the EA have withdrawn their objection and recommended conditions.
- 2.2.2 The EA have confirmed that the updated Flood Risk Assessment (FRA) has confirmed that the houses would all be within flood zone 1, that the assessment has included a worst case scenario and that the crossing over Sych Brook would be a clear span and therefore would not impede flood flows. Conditions are recommended regarding contaminated land and piling.
- 2.2.2 An update from the Council Ecologist was also outstanding at the time of the November meeting and this has now been received and confirmed that if the layout is not for approval at this stage then a condition requiring a 30m buffer zone to any active badger sett, with this securely fenced off prior to work starting and no ground works in the buffer could be acceptable. These conditions are shown added to the

list of conditions proposed in November.

3.0 CONCLUSION

3.1 The site is located outside the current development boundary for Market Drayton and is therefore classed as a departure from the development plan. However, the site is part of the three sites being promoted for future housing development in the SAMDev and 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 accord with national planning policy priorities. Furthermore, the development will provide for affordable housing in accordance with Policy CS11 and infrastructure provision in accordance with policy CS9 and will not result in significant loss of agricultural land.

3.2 Officers acknowledge the concerns of members, which reflected the concerns of local residents, and consider that the recommendations of the above report will ensure that the impact on existing residents is not unacceptable whilst not preventing development or placing the delivery of housing in Market Drayton at risk. The matters of flood risk and ecology which were outstanding when members previously considered the application have also been resolved and as such officers recommend that the planning permission is granted subject to all other matters which members resolved to approve it on in November 2014.

3.3 It is therefore recommended that planning permission be granted subject to:

- The deletion of the junction from the A53;
- The applicants entering into a S106 agreement to secure affordable housing and a contribution towards public transport;
- The conditions set out in Appendix 1; and
- Submission of Reserved Matters Application to be considered by the North Planning Committee.

3.4 It is therefore considered that, in principle, 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.

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the siting, design and external appearance of the development, 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 three 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.

4. Work shall be carried out strictly in accordance with the Bat Mitigation Strategy to be submitted.

Reason: To ensure the protection of bats, a European Protected Species

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. No development shall commence until a Master Plan showing how the permitted development will integrate with the remainder of the land identified for allocation under policy S11.1a of the Site Allocations and Management of Development (SAMDev) Plan Pre-Submission Draft (Final Plan) dated 17th March 2014 ("the S11.1a Land") has been submitted to and approved in writing by the Local Planning Authority.

The Master Plan shall address the following:

- Pedestrian and cycle links with the S11.1a Land to the east and west of the site and to the existing public right of way
- Vehicular links, including for public transport, from the approved access roundabout to the remainder of the S11.1a Land to the east and west of the site
- The provision of public open space.

Reason: To ensure that the development of the site does not prevent the development of the wider SAMDev allocation and enables comprehensive development of the SAMDev allocation.

6. Applications for approval of reserved matters shall thereafter be in accordance with the approved Master Plan.

Reason: To ensure that the development of the site does not prevent the development of the wider SAMDev allocation and enables comprehensive development of the SAMDev allocation.

7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

8. *Prior to the commencement of the development, including any works of demolition, a Construction Traffic Statement shall have been submitted to, and approved in writing by, the local planning authority. The Statement shall restrict the use of Hampton Drive for construction traffic to the construction of the first 50 dwellings only and shall show alternative means of construction traffic access for development beyond the first 50 dwellings. The approved Statement shall be adhered to throughout the construction period.*

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

9. a) No development shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

10. *No site clearance works within 30 metres of the badger sett on site shall commence until the sett on site has been closed under licence accordance with details given in the Ecological Assessment by FPCR submitted on 22nd April 2014. The provision of herras fencing shall be provided to create a 30m buffer to the badger sett prior to works commencing and no ground works or material storage shall be permitted within the 30m buffer fencing.*

Reason: To ensure the protection of badgers, under the Badgers Act (1992)

11. No development approved by this permission shall commence until the applicant, or their agent or successors in title, have secured the implementation of a phased programme of archaeological work that makes provision for an initial field evaluation, comprising a sample geophysical survey and targeted trial trenching of any anomalies thus identified (up to a 2% sample of the study area), followed by further mitigation as appropriate. Each phase of work should be in accordance with a written scheme of investigation (WSI). These written schemes shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site holds archaeological interest

12. No ground clearance, demolition, or construction work shall commence until an Arboricultural Method Statement and Tree Protection Plan has been submitted to and approved in writing by the local planning authority to ensure no damage to any existing trees or hedgerows within or adjoining the site. The approved scheme shall be retained on site for the duration of the construction works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

13. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For

the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding

14. Demolition of Building 4 as identified in Figure 1 of the Ecology Survey Report by Penny Anderson Associates dated August 2014 shall not in any circumstances commence unless the local planning authority has been provided with either:
- a) A licence by Natural England pursuant to regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or
 - b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specific activity/development will require a license.

Reason: To ensure the protection of bats, a European Protected Species

15. *Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.*

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

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

16. 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

17. Buildings 9 to 12 shall only be demolished between the months of September to April unless otherwise agreed with 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

18. 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 bats 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.

19. 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

20. 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.

17th NOVEMBER REPORT

1.0 THE PROPOSAL

- 1.1 The application is for outline planning permission with only access submitted at this time for consideration. All other matters of layout, scale, appearance and landscaping are reserved for later approval. The application proposes up to 250 houses, vehicular access off Hampton Drive and the A53, areas of open space, landscaping and associated works. Two means of access are proposed, an extension of the existing estate road in Hampton Drive and a new junction off the A53 in the form of a priority, ghost island, junction. An indicative layout and artists impressions have been sent with the application to show how the site could be developed and also how the development of this site will connect to the adjacent site which is being considered under a separate application.
- 1.2 To support the proposal the application has been submitted with the following documents: Planning Statement, Design and Access Statement, Heritage Assessment, Transport Assessment, Travel Plan, Geo-environmental reports, Ecology Appraisal and Flood Risk Assessment.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 This application site is 11 hectares in area and predominately farm land but also includes the site of PD Stephens and an area of previously developed land in the south east of the site. It is L shaped around the existing sports pitches off Greenfields Lane and lies to the south of the A53. Greenfields Lane, which is a bridleway, runs through the site and is currently used by the existing businesses, sports facilities and a small number of houses. The sports facilities include rugby and football pitches and tennis courts and their associated buildings and structures. The disused Market Drayton railway line sits to the south of the site on an embankment with residential development to the south and the modern housing estate of Hampton Drive lies to the east.
- 2.2 The land is generally level with only a small change in fall but is lower than the A53 and also has Sych Brook, an existing watercourse, running across the site which itself is at a lower level than the surrounding land. The existing buildings at PD Stephens would be demolished and the land redeveloped and one dwelling at the end of Greenfields Lane would be retained as it is outside the applicants ownership. The site will be highly visible from the A53 and also from the surrounding housing development.
- 2.3 The site lies on the northern edge of Market Drayton, within the bypass formed by the A53. The town centre is south of the site and approximately 2km away. Market Drayton is identified in both the North Shropshire Local Plan and the Shropshire Core Strategy as a Market Town and as such a key focus for new development.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application is considered by the Planning Services Manager to be a complex major application with relevant material considerations which would benefit from debate by the North Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

- 4.1 **Consultee Comments**

- 4.1.1 **Market Drayton Town Council – Objection** To recommend refusal of the application on the grounds that a roundabout is needed on the junction with the A53 and the proposed 'T' junction would be inadequate and unsafe. It was suggested that a risk assessment of the traffic in the area would be needed.
- 4.1.2 **Moreton Say Parish Council** – No comments received at time of writing report
- 4.1.3 **Affordable Housing – 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 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 Council's prevailing Allocation Policy and Scheme.

- 4.1.4 **Recreation and open space – No objection** As the outline planning application has no bed numbers and it is difficult to measure the open space allocation from the maps provided assumptions have been made. On the basis of 250 houses providing 750 bed spaces with a requirement of 30sqm per bed space the open space requirement for this development would be 22,250sqm. There appears to be slightly more than the required amount in this design if the attenuation pond, central greenspace, southern fringe of woodland and wildlife corridor are included. The allocation of greenspace will need to be checked in more detail when more detail is available.

The design of the open space is good with a large recreational space with points of interest, access and footpaths along with potential for this to be expanded along the valley as neighbouring developments arise. Perhaps seating and other infrastructure provision, including natural and formal play equipment, will be part of the final plan. There is also additional open space with access, ecological and landscape benefit on the site.

- 4.1.5 **Sport England – No objection.** The application relates to an outline proposal for the construction of up to 250 dwellings on land adjacent to existing playing fields. The site is not considered to form part of, or constitute a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184), therefore Sport England has considered this a non-statutory consultation.

Sport England has assessed the application in the light of Sport England's Land Use Planning Policy Statement 'Planning for Sport Aims and Objectives'. A copy of which can be found at:

http://www.sportengland.org/media/162412/planning-for-sport_aims-objectives-june-2013.pdf

The statement details Sport England's three objectives in its involvement in planning matters;

- 1) To prevent the loss of sports facilities and land along with access to natural resources used for sport.
- 2) To ensure that the best use is made of existing facilities in order to maintain and provide greater opportunities for participation and to ensure that facilities are sustainable.
- 3) To ensure that new sports facilities are planned for and provided in a positive and integrated way and that opportunities for new facilities are identified to meet current and future demands for sporting participation.

It is considered that the proposal would be consistent with Policy Objective 1 subject to access to the current sports facilities being maintained during and after implementation of the development, should the Council be minded to approve the application, which appears to be the position based on the details provided as part of the application.

This being the case, Sport England does not wish to raise an objection to this application

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grants funding.

We would be grateful if you would advise us of the outcome of the application by sending a copy of the decision notice. If you would like any further information or advice please contact the undersigned at the address below.

4.1.6 **Learning and Skills** – No comments received at time of writing report

4.1.7 **Archaeology – No objection.** The proposed development site is located on the north-western edge of Market Drayton and is understood to comprise an overall area of approximately 11ha. Located within the former town fields, an Archaeological Desk Based Assessment submitted as part of the planning application confirms that earthwork remains of medieval/ post-medieval ridge and furrow survive within a limited area near the south-east corner of the site (between the playing fields and the industrial units at the eastern end of the site). No other heritage assets with archaeological interest are currently recorded on the Shropshire Historic Environment Record or identified within the Desk Based Assessment. Beyond the area containing earthwork remains of ridge and furrow, the Assessment concludes there is nil-low potential for remains of prehistoric, Roman and medieval date. However, there have been no previous archaeological field evaluations within the area of the proposed development site and its potential therefore remains untested. In this respect, it is noted that the site overlies Devensian fluvio-glacial drift deposits which in Shropshire have been settled and exploited from the later prehistoric period onwards.

It is advised that the archaeological Desk Based Assessment by CGMS Consulting which has been submitted with the application provides a satisfactory level of baseline information about the archaeological interest of the site in relation to Paragraph 128 of the NPPF. Given the assessed level of archaeological interest of the proposed development site, and the caveats cited above relating to this, it is advised that a phased programme of archaeological work be made a

condition of any planning permission for the proposed development. This should comprise a pre-commencement Level 2 survey of the archaeological earthworks that conforms with English Heritage's guidance on 'Understanding the Archaeology of Landscapes: A guide to good recording practice' (2009), together with a field evaluation of the remainder of the site comprising a sample geophysical survey and targeted trial trenching (up to a 2% sample of the survey areas). Thereafter, further archaeological mitigation may be required as appropriate, but to include as a minimum an archaeological watching brief during the groundworks phase of the development within the area containing the earthwork remains of ridge and furrow.

- 4.1.8 **Conservation** – Within the site it is noted that the farm buildings at Greenfields still exist, however, there would appear to be no plans to reuse them as part of the scheme (they appear to be on the general site of the square in the centre of the site).

The information regarding the buildings provided within the Heritage Statement is not sufficient when judged against the requirements of para 128 of the NPPF, they comment on the buildings and note the Farmstead Characterisation work undertaken by Charlotte Baxter (which was a rapid desk based assessment of the 1902 historic maps with no field assessment having been carried out) and therefore dismiss the buildings with no actual assessment of their significance being described, including any contribution made by their setting. As the buildings are intended to be demolished they should be appropriately assessed to ensure that the Local Authority is satisfied that it is appropriate to demolish them and not incorporate them within the proposal.

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.

- 4.1.9 **Highway – No objection.** This application, submitted by Danbank, seeks to promote part of the land within the SAMDev land allocation which is currently under examination. The land therefore forms part of the 2 residential development sites being promoted, the other which is the subject of applications 14/01982/OUT (subject of appeal) and 14/04701/OUT both submitted by Gladman.

In addition to the above Danbank submitted an initial application Ref 14/02630/FUL for the construction of an access only proposal onto the A53, showing a ghost island junction layout or otherwise known as a right turning lane junction arrangement. However at that time it was clear that a further outline application was to be submitted by Danbank to promote residential development of the site. In essence therefore the submission of the outline residential application 14/03782/OUT would to all intents and purposes supersede the stand alone access application 14/02630/FUL. However, in terms of the consideration of the later application the highway authority consider that the submitted information in both applications pertaining to highways is relevant.

This application therefore proposes up to 250 houses, with principal access onto the A53 as set out above, with access also via Hampton Drive which thereafter links to Adderley Road. The Masterplan drawing provides an indicative layout and alignment of a spine road through the land linking the A53 and Hampton Drive. The site therefore provides the ability to link the A53 to the town centre via Hampton Drive. Such a link however would need to be carefully designed to ensure that it would have the potential to become a 'rat run'. In essence therefore the infrastructure road layout would be to allow development traffic to gravitate to and from the A53 and town centre direction. In addition the Masterplan drawing shows potential linkage to the Gladman site to the west although both site abut one another and therefore there are a number of options in how the 2 parcels of land being promoted by Danbank and Gladman could link. The highway authority is aware also that Danbank have land ownership adjacent to Longslow Road which would allow access into the Gladman development land.

As in the case of the Gladman's application and to make the highway authority's position clear on the issue of access, only one access point onto the A53 will be permitted. The A53 forms an important route with strategic principal county highway network which was built to by-pass Market Drayton. Its core function therefore is to allow the movement of traffic and to minimise its disruption. Nevertheless as part of the SAMDev site coming forward to deliver housing in Market Drayton, as part of Shropshire Council's requirements to meet housing needs in the County, the highway authority recognise the importance of delivering this site with a requirement to construct a new access onto the A53.

Having regard to ongoing discussions between the principle land owners/developers promoting the SAMDev site, access off the A53 is key as clearly its position will fall in a particular land ownership. The interested parties therefore acknowledge access to developing the various parcels of land within the SAMDev site as key and pivotal in terms of costs and the ability to develop land without delay caused by other parties own development interests and timescales. On the basis that only a single point of access will be permitted onto the A53 the positioning on an agreed access point should not be used which would otherwise fetter the delivery of the SAMDev site as a comprehensive and coordinated development which provides alternative vehicular, pedestrian and cycling linkages to the town centre. In short, in agreeing to a new access onto the A53 the highway authority's stance is that any permission consent issued should only be granted so as to deliver the fundamental aims of a 'Masterplan' approach of the SAMDev site which provide connectivity as set out above.

As set out above, in terms of the development principle access onto the A53, the application shows the provision of a ghost island junction. This would allow the flow of traffic to be maintained along the A53 with right turning traffic waiting within a central stacking lane. This is the same arrangement as at the Bridge Road junction onto the A53.

The proposed junction type therefore fundamentally differs to the access solution in respect of the Gladman application, where a roundabout arrangement is shown. Whilst this meets the criteria in terms capacity it is not the preferred option of the Town Council who favour a roundabout junction arrangement. The highway authority's preference is a roundabout although it is recognised that this impacts

upon the movement of traffic along the A53 but is considered a safer junction option. Any design however would ultimately be subject to the usual Safety Audit checks to address any safety issues.

As in the case of the Gladman application, the highway authority have concerns regarding the delivery of the SAMDev site with difficulties with both Danbank and Gladman seemingly not able to coordinate or demonstrate the development of the SAMDev site in full and how this would be achieved.

On the basis however that the aspirations for the delivery of the SAMDev site can be conditioned via a suitable worded Grampian Style condition, the highway authority would raise no objection to the granting of outline consent in respect of the application currently before us.

In addition to the above the highway authority consider that the junction onto the A53 should be used as the principle construction access to the site and therefore the junction arrangement onto the A53 should be in place prior to dwellings being first occupied.

In respect of the delivery of public transport penetrating into and out of this site and the SAMDev site as a whole, it is difficult at this stage to estimate the level of funding required and over what period as this would be dependent upon the timescale for introducing a service into the site but also the time period where a bus were able to traffic through the site. As part of a Section 106 therefore this aspect would, at this stage, need to be suitably worded as a 'Heads of Terms' item.

4.1.10 Public Transport – No comments received at time of writing report

4.1.11 Rights of Way – Public Bridleway 9, Market Drayton runs through the site identified and will be affected by the proposed development. The route leaves Adderley Road at its eastern end and runs generally westerly through the site along Greenfields Lane to exit onto the A53 just beyond the western boundary of the site. The legally recorded line of the bridleway is shown on the plan attached. The route will need to be taken into consideration when processing this application as it will be directly affected where it is proposed to site a public square and may need diverting at this point onto an alternative line if it is not safe for walkers, cyclists and horse riders to use the route through the centre of the proposed square. It is also proposed to widen part of the bridleway where it enters the site off Hampton Drive and also to place bollards at this point. The applicants will need to seek agreement with the mapping and enforcement team for any changes to the surface of the bridleway and for the specification of the bollards which should be designed to reduce any possibility of injury to horses and riders.

In general the applicants should be mindful of the following criteria in respect of the Bridleway:-

' The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.

' Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.

- ' Building materials, debris, etc must not be stored or deposited on the right of way.
- ' There must be no reduction of the width of the right of way.
- ' The alignment of the right of way must not be altered.
- ' The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
- ' No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

4.1.12 **Waste Management** – It is vital new homes have adequate storage space to contain waste for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material).

Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes.

Would recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice. This can be viewed here: <http://new.shropshire.gov.uk/media/102056/Supplementary-Planning-Guidance-domestic-waste-storage-and-collection.pdf>

4.1.13 **Ecology** – A bat mitigation strategy for loss of the bat roost and impact on foraging and commuting areas must be submitted in order to carry out the EPS 3 tests.

Further details of the water vole survey in the vicinity of the proposed access road crossing the brook are required.

Further information on reptiles is requested.

It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision (Government Circular 06/2005).

In the absence of this additional information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

Some initial conditions and informatives have been recommended.

Bats

Penny Anderson Associates (PAA) carried out inspections of all buildings within the application site boundary. A common pipistrelle and brown long-eared bat feeding roost was confirmed within building B4 constructed of brick and corrugated metal sheeting at the far eastern end of the site. PAA (2014) advise that an European Protected Species licence would be required before B4 could be demolished. Replacement bat roost features would need to be provided and

details should be provided now of the strategy for this.

In addition, roosting potential was identified in Buildings 9, 10, 11 and 12, however the 3 bat activity surveys undertaken found no bat emergence and therefore no confirmed roost is present. However as a precaution it is recommended that buildings 9 – 12 are demolished outside of the summer roosting period.

Three common lime trees on the southern section of the site were subject to emergence/re-entry surveys in 2013. These confirmed common pipistrelle bat roosts in Trees 1 and 2. These trees are outside of the current application boundary and therefore will not be affected by the proposals.

Bat activity surveys recorded key areas of bat activity along the railway cutting to the south and the tree-lined brook to the north. The Masterplan shows the brook course retained as open space with road access across it. Provided lighting is controlled this feature will remain as a bat flight corridor.

PAA (2014) recommend that an undeveloped buffer 10 – 30 m to the railway cutting is retained (partly for badger reasons). This would also protect the bat flight lines along the edge of the railway cutting. However the plans are unclear whether this buffer is allowed for in the layout plans. The Bat Mitigation Plan requested above should also provide details of the open space areas to be enhanced for bats.

Once an acceptable Bat Mitigation Plan has been submitted I will be able to carry out the EPS 3 tests under the Habitats Regulations. Also recommends conditions.

Great Crested Newts

The pond within the proposed site no longer holds standing water and is almost completely vegetated (PAA 2014), recommends an informative should be on the decision notice.

Reptiles

No information is provided in the Ecology Survey Report on the potential or evidence of reptiles on the site. Please can PAA confirm that there is no potential habitat across the site and no requirement for further survey or mitigation?

Water vole

PAA (2014) state that the brook was found to be unsuitable for water vole and no evidence was found. This brook links to the Shropshire Union Canal, where numerous water vole records exist. A road is intended to cross the brook therefore further details of the survey undertaken and the brook characteristics in this area are necessary in order to give confidence that no water voles could be affected or mitigation is required.

Nesting birds

Trees and hedgerows on the site have potential to support nesting birds and as such recommends an informative.

Badgers

PAA report the presence of a probable main badger sett, probable annex sett and

five outlier setts. The proposed development would result in a loss of grassland and hedgerow habitats likely to be used by the badger social group and the potential to isolate the setts from foraging areas.

To mitigate for the impact on badgers PAA (2014) state that a buffer zone is proposed with a minimum width of 30m where adjacent to a sett. Some planting and fencing works would be required within 30m of the setts. In addition a habitat corridor would be created. This will allow areas for the badgers to continue foraging. With these measures it not anticipated to be necessary for a licence from Natural England for the development.

The Masterplan indicates roads and houses within this buffer zone. As the layout plans stand I would interpret them as requiring a licence from Natural England. The habitat link to the stream is partly outside of the red line boundary. Please can a plan be provided of the proposed buffer areas and habitat corridor (which will need to be fenced off during construction and thereafter) which can be conditioned?

- 4.1.14 **Trees – No objection** in principle on the grounds of trees. Agrees with the findings of the submitted Tree Survey Report. The three A category groups are shown as retained (two are not within the development boundary - G42 and G28). A veteran Ash tree (T39) is described as requiring some structural work and would not appear to be suitable to be within a back garden and should be left in an undisturbed area based on its RPA (root protection area).

A full application will require a Method Statement with fencing specification and a Tree Protection Plan.

- 4.1.14 **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.

Whilst the FRA identifies Flood Zones 2 and 3 and demonstrates that proposed housing is outside of these zones, The FRA should be extended to include:

- ' Surface water flooding (from overland flows originating from both inside and outside the development site)
- ' Groundwater flooding
- ' Flooding from artificial drainage systems (from a public sewerage system, for example)
- ' Flooding due to infrastructure failure (from a blocked culvert, for example)

The outline parameters for the surface water run-off are acceptable, though calculations should be provided to verify the assumptions to ensure that all potential flood risk to the development has been addressed.

Full details, plan and calculations of the proposed SuDS should be submitted for approval. This should illustrate how the development will comply with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework for the particular flood zone / site area and Shropshire Council's Interim Guidance for Developer, and how SUDs will be incorporated into the scheme. As part of the SuDS, the applicant should consider employing measures

to reduce surface water. Furthermore information will be required on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility.

The site is identified as being at risk of groundwater flooding. The applicant should provide details of how groundwater will be managed. The level of water table should be determined if the use of infiltration techniques are being proposed.

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

If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway

- 4.1.15 **Severn Trent Water** – No comments received at time of writing report
- 4.1.16 **United Utilities** – No comments received at time of writing report
- 4.1.17 **Environment Agency** – Currently **object** to the proposed development as insufficient information has been submitted to allow an assessment of flood risk to be made.

Based on our 'indicative' Flood Map for Planning (Rivers and Sea), the proposed development site is partially located within Flood Zone 3 of the Sych Brook, which is classified as 'Main River' in this location.

In accordance with Table 1: Flood Zones within the Flood Risk Section of the National Planning Practice Guidance (NPPG), Flood Zone 3 is considered 'high' probability of fluvial flooding and comprises of land assessed as having a 1 in 100 year or greater annual probability of river flooding (>1%).

Whilst the northern area of the site is located within Flood Zones 2 and 3, the remainder of the site is located within Flood Zone 1; 'low probability' of fluvial flooding.

We have no modelled flood level data available for the Sych Brook in this location. The Flood Risk Assessment (FRA) by Integra Consulting Environmental (dated July 2014, ref. 2744) has undertaken a mapping exercise, using our 'indicative' Flood Map for Planning and a topographical survey of the site, to locate the proposed dwellings on land outside of the floodplain i.e. within Flood Zone 1. The proposed access to the north crosses the Sych Brook and Flood Zone 3 and 2 extents.

Development Proposals and the National Planning Policy Framework (NPPF):

The proposed development would be considered as 'more vulnerable' development; buildings used for dwelling houses, based on Table 2 of the NPPG. Development of this nature within this Flood Zone will be required to pass both the Sequential and Exception Test (in accordance with Table 3 of the NPPG).

Sequential Test (ST):

Paragraph 101 of the NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'. It states that "*Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding*". Further detail is provided in the NPPG. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the ET if required (see Paragraph 102 of the NPPF).

Based on the scale and nature of the proposals which are affected by Flood Zone 3 (i.e. access road from A53), we would not make any bespoke comments on the ST, in this instance. Providing you are satisfied that the ST has been passed, then we can provide the following comments on the FRA.

FRA:

As noted above, the FRA has undertaken a mapping exercise to attempt to further define our Flood Map for Planning, in locating development within Flood Zone 1. However, insufficient information has been submitted to assess the level of flood risk to the proposed access road that crosses the floodplain, the access crossing and any potential impacts on the floodplain as a result of the proposals. In addition, the Sych Brook flows under the A53 on the northern boundary of the site. Therefore an assessment of blockage scenarios for the culvert structure under the A53 should also be undertaken in establishing the flood risk and considering safe development requirements, particularly for the dwellings proposed within the north-west corner of the site. Some local flood modelling of the watercourse outlines for Flood Zone 3b (1 in 25 Year), Zone 3a (1 in 100 year) plus climate change and Zone 2 (1 in 1000 year flood level) would assist in obtaining the above information and clarifying the flood risk.

Notwithstanding the above, in considering safe development requirements it is noted that the proposed dwellings to the south are located within Flood Zone 1 and that a safe pedestrian access route is available to the east via Greenfields Lane onto Adderley Road. The NPPG (ID 7, Paragraph 039) states that vehicular access should be designed "*...to allow the emergency services to safely reach the development during design flood conditions*". It is unclear whether the route along Greenfields Lane is suitable for vehicular access, in considering the availability of an emergency access for the site during a flood event. You may seek further clarification on this access route in consultation with your Emergency Planners/the Emergency Services.

Flood Defence Consent Informative – The Sych Brook is designated as "Main River" in this location. In accordance with the Water Resources Act 1991 and the

Land Drainage Byelaws, our prior written consent is required for any proposed works or structures in, under, over or within 8 metres of the top of the banks of the brook. The proposed access road crossing over the Sych Brook will require such consent. The proposed crossing should preferably be a clear span bridge, as this would have least impact on the Sych Brook. The bridge would need to be of sufficient size so that river flood levels are not affected for up to the 1% annual probability (1 in 100 year) event, including allowances for climate change and freeboard. Therefore local flood modelling would also be required to inform the design and suitability of the access crossing as part of a Flood Defence Consent application.

Surface Water Drainage – Given the low risk of fluvial flooding to the majority of the site (as outlined above), and the scale and nature of the proposed development, we would expect your Council's Flood and Water Management Team, as the Lead Local Flood Authority (LLFA), to lead on and approve the detailed surface water drainage design. We would also refer you to our local area 'Planning – FRA Guidance Note 3' for further information.

Contaminated Land

The NPPF supports the protection and enhancement of natural and local environments with planning decisions to ensure that new development is appropriate for its location (paragraphs 109 and 120).

A Phase 1 Geo-environmental Site Investigation report undertaken by Integra Consulting Environmental (dated July 2014, ref. 2744) has been submitted as part of the planning application. The site is located on a secondary (mudstone) and principal aquifer (sandstone and conglomerate). Based on the information submitted there are a number of potentially contaminating activities including spraying, vehicle manufacture, storage, repair, light engineering, etc, that may have resulted in ground contamination, particularly within the south-eastern area of the site. There may also be structures such as underground storage tanks, interceptors, etc, that are yet to be identified. We have previously commented (planning application 13/02273/OUT) on the need for a detailed site investigation scheme to better define the ground conditions/contamination on site to inform remediation and validation requirements. The scope of site investigation proposes a detailed scheme which could then be secured through conditions as part of any permission granted. Subject to receipt of an updated FRA that addresses our flood risk comments (above), we would wish to comment further on the scope of SI proposed within the Phase 1 report and recommend conditions where appropriate. We would request that the scope of SI detailed within section 7 of the report is illustrated on a plan of the site.

Our comments relate to controlled waters (ground and surface waters). We would recommend that you seek the views of your Public Protection team in relation to human health matters.

Summary

At this time, insufficient information has been submitted to assess the flood risk to the proposed development, specifically for the proposed access crossing and proposed dwellings to the north of the site. The application may therefore be considered contrary to the NPPF and Policy CS18 (Sustainable Water

Management) of your Council's Core Strategy and may be refused on this basis. The applicant should submit a more detailed assessment of flood risk to inform the site layout and safe development requirements. Upon receipt of this information we will be able to comment further on the proposed development.

- 4.1.18 **Public Protection – No objection** Having considered the proposed location of dwellings it is noted that a small number of residential dwellings are proposed within close proximity of the ring road (A53). As a result the impact from noise should be considered at these locations. As a result would recommend a condition is placed should this application be granted permission to require noise assessment to be undertaken and submitted prior to the final layout of the site being designed.

After considering the air quality assessment report has no further comments on this application. Air Quality modelled and not expected to be any issues as a result.

4.2 **Public Comments**

- 4.2.1 14 letters of representation have been received raising the following concerns:

- Lack of site notice
- Sufficient infill and brownfield sites available
- Peaceful and safe neighbourhood would be spoilt
- Loss of green space and recreational land referred to as sports field
- No commitment to relocate sports facilities
- Loss of agricultural land
- Lack of allotments
- Schools, medical centre and dentist are at capacity
- Lack of job opportunities
- Connecting to Croft Way would make it a free for all
- Use of Hampton Drive would encroach on private land
- Use of Hampton Drive and Tudor Close is dangerous, would damage the surface and are not wide enough
- Increase in traffic and associated noise
- Fields naturally pond and no flood risk assessment for this area
- Insufficient capacity in foul sewers

- 4.2.2 1 letter of support has been received on the basis that the application will bring benefits to the town to make the town and services more sustainable.

5.0 **THE MAIN ISSUES**

- Policy & principle of development
- Is the site sustainable?
- Economic considerations
- Environmental considerations
- Social considerations
- Layout principles and impact on neighbours amenity
- Highways, access, parking and rights of way
- Ecology and trees
- Flood risk

- Drainage
- Other matters

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 development plan for consideration of this application is the Shropshire Core Strategy which sets Market Drayton as one of the market towns in the north east of Shropshire and as therefore providing foci for balanced housing and employment development. The saved North Shropshire Local Plan (NSLP) is also relevant and provides a development boundary for Market Drayton and a positive policy for housing development within the boundary. The forthcoming SAMDev is also a material consideration, however given that it has yet to be tested at examination officers advise that it can only be given limited weight. What weight can be given to the Core Strategy and the NSLP depends on whether the Council has a 5 year supply of housing land, as required by the NPPF.
- 6.1.3 It is acknowledged that the housing land supply is constantly changing. 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 and the Council considers it can now demonstrate a 5 years supply. As such the Core Strategy can be given weight in the determination of the application and it is a matter of balancing the benefits and the harm of the development. If the Council were not able to identify a 5 year supply then the harm of the development would have to be significant and demonstrable to outweigh the benefits of new housing, however with a 5 year supply the Council is still required to undertake a planning balance and given that we have only just over 5 years supply the fact that a development is providing new housing is still a significant material consideration.
- 6.1.4 It is also accepted that the site is outside the development boundary previously set within the North Shropshire Local Plan and as such the application has been advertised as a departure from the adopted local plan. However, firstly, this policy can not now be given weight due to its age and furthermore the site is being promoted as part of the preferred option site within the Site Allocations and Management of Development (SAMDev). The site has progressed through all the stages of the SAMDev; and remains in the pre-submission draft sent to the Planning Inspector. Although the SAMDev has limited weight, as it has not yet been through the public examination stage and is not adopted, to refuse an application on a site which is being promoted in the SAMDev would be

unreasonable as the site would be likely to gain consent following adoption of the SAMDev. The key consideration for this application is determining whether it is sustainable development against the criteria in the NPPF.

- 6.1.5 As previously noted Market Drayton is identified in the Core Strategy and the SAMDev as a market town and a key focus for development. Policy CS3 of the Core Strategy notes that Market Drayton is proposed to have “substantial development that balances business development with housing development and enhances the town’s infrastructure and facilities and its role as a centre for food production.” The fact that the application aims to deliver this policy should also be given weight in the consideration of the application. Officers advice is currently that SAMDev should be given limited weight due to outstanding unresolved objections which have not yet been tested and will not be tested until the examination in public. However, the proposed site does form part of an allocation which has been through all stages of the SAMDev assessment and against which there are no outstanding objections. The issue in Market Drayton is not whether this site should be allocated but whether additional sites, including this one, should be provided so as to closer meet the housing requirements for the town. As such it could be argued that more than limited weight could be given to the SAMDev with regards to Market Drayton.
- 6.1.6 The submitted SAMDev promotes Market Drayton as proving a focus for development in the north eastern part of the county with a housing guideline of around 1200 dwellings and 16 hectares of employment land. New housing development will be delivered through the allocation of greenfield sites together with a windfall allowance. The current application forms part of the greenfield allocation and the policy acknowledges that whilst the sites may be developed independently, they must demonstrate how they work together to deliver a coordinated residential scheme for the town. The infrastructure required to support this includes, appropriate access, which may include a new access off the A53, financial contributions towards the expansion of existing primary school provision and enhancement of the Greenfields sports facility, including potential relocation of the existing site.
- 6.1.7 The whole of the allocation is formed from three sites, two identified as ‘MD030’ and one identified as ‘MD010 and MD028’. All three have guidelines of the development being part of a coordinated scheme including access improvements, cycle and pedestrian links, provision of open space and a landscaped buffer along the A53. Overall the three sites together will provide an allocation of 400 houses, it is therefore acknowledged by officers that there is a shortfall between the housing within the allocation and the housing target for the town. As such, subject to an appropriate layout and no unacceptable adverse impacts it would be appropriate to consider an increase in the overall housing numbers across the SAMDev allocation. As such the proposal for approximately 250 houses would not be objected to in principle.
- 6.1.8 However the key issue is how this planning application, separate to the rest of the SAMDev allocation, will work with the surrounding sites to deliver the coordinated scheme. The coordination of highways matters including access, accessibility through the site for vehicles, pedestrians and cyclists and access for public transport; surface water drainage matters in providing the ability for the whole of

the SAMDev allocation to be served by a comprehensive surface water drainage system; and to ensure that public open space is provided in a useable format and doesn't result in small pockets of space scattered across the area and to ensure that the mitigation for ecology provides connectivity and corridors to enhance the existing environmental network. These issues will all be considered in greater detail in the report, however it is an area of concern as officers would not wish to see the site developed in isolation.

- 6.1.9 Shropshire Core Strategy 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.
- 6.1.10 Policies MD2, MD3 and MD8 of the SAMDev have also been submitted for consideration by the planning inspector and as such can be given some, but limited, weight. Policy MD3 seeks to ensure sustainable design through seeking to promote community led plans, town or village design statements, neighbourhood plans and place plans with regard to design, appearance and how a place functions. The policy also seeks to ensure that development reflects local form and function, design and materials, historic and natural assets; incorporates sustainable drainage, landscaping and open space; considers the existing infrastructure of the settlement and any need for new or improved infrastructure. Policy MD3 provides additional support for MD2 and for the development guidelines set out for each allocation. Policy MD8 requires development to ensure sufficient existing infrastructure capacity is available and also promotes the development of new infrastructure.
- 6.1.11 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. The planning balance which needs to be considered is balancing the benefit of the provision of new housing in close proximity to the sustainable market town against any harm.
- 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 outweigh the benefits, consent should be granted.
- 6.2.2 Within the planning statement submitted in support of the application the agent

considers the issue of sustainability and has considered the proposal against all three parts of sustainability in the NPPF.

6.2.3 Local objectors have questioned the need for the development proposed based on infill and brownfield land being available; the loss of green space and recreation land; the lack of job opportunities, leisure or entertainment facilities and the lack of allotments. These concerns are noted, however the application forms part of the wider allocation in the SAMDev for approximately 400 houses which is expected over the lifetime of the SAMDev. In response to the brownfield question officers are not aware of sufficient brownfield land available around Market Drayton which could accommodate a similar scale of development. The majority of developed land in the town remains in active use. Furthermore the housing target in Market Drayton is greater than the proposed allocation and relies on windfall development which is most likely to come from brownfield sites should they become available.

6.3 **Economic considerations?**

6.3.1 The planning statement notes that the development would boost housing supply, local economy, new homes bonus, CIL, construction jobs and increase local spending. It is acknowledged by officers that the construction of new housing in, or on the edge of, Market Drayton would support the businesses, facilities and services within the town and residential areas and also acknowledge the other benefits noted by the agent.

6.3.2 Concerns have been raised about the lack of jobs available in the town however this is not a site specific objection to the development. Officers do not have any evidence that there are not job opportunities in the town and new opportunities being made available. The town has one of the County's largest employers in Muller's which has recently gained consent for a new production facility which once built will create additional employment. In addition there is consent for a new food store in the town, recent consents for other new businesses including the relocation of Hales Sawmills and employment land available and allocated within the SAMDev. Officers do not consider that this matter is one which results in significant and demonstrable harm which would outweigh the benefits of new housing.

6.3.3 The Planning Statement accepts that the proposed housing development of the application site will result in the loss of existing employment buildings but the agent has confirmed that this business intends to move to larger and more modern premises and that the economic benefits of construction jobs far outweigh the loss of the employment land. The removal of this employer from an area close to existing residential properties and the sports facilities is also considered to be positive.

6.3.4 The development will also be liable for payment of the Community Infrastructure Levy (CIL) which for this site would be at the £40 per square metre rate and be used in accordance with policy CS9 to support local infrastructure requirements. This money can be used to assist in resolving the issues raised within the local place plan. The CIL fund would also be used to fund the improvements required at the primary school to accommodate the predicted additional pupil numbers noted by the Council Learning and Skills team. It is not considered necessary or reasonable to request an additional contribution beyond the CIL payment for

education given that the place plan identifies education as a priority which CIL will be used for.

6.4 **Social considerations?**

- 6.4.1 The agent has suggested that the development will provide social benefits in providing a mix of housing, open space, cycle routes and high design quality. However the development also has social impacts. The scale of the proposed development would increase pressure on local facilities and services such as the school and doctors as noted by the objectors. However, it also provides the opportunity for social benefits such the contribution towards community infrastructure levy (CIL). For the adjacent site the Council Learning and Skills Team has commented that they would expect the development of 162 dwellings to yield 30 primary school pupils (rounded) as such the development on this site of 250 houses could be around 37. Longlands Primary School, one of the two primary school catchments in the town, has a small amount of unfilled places at present. However, overall development in the plan period will take numbers significantly over capacity. Therefore, to keep things simple, and as this is one of the more significant housing investment sites in the town, to treat this application in isolation, fractionally over 30 pupils at a DfE cost of £11,767 translates into £355,412 to provide the places.
- 6.4.2 In addition the residential development of the land will also enable the provision of new public open spaces and improved access to Greenfields recreation facilities. These are all social benefits. The details of the size of the open space and the footpaths would need to form part of the reserved matters applications and would need to show how the open space is coordinated across the whole of the proposed sites allocated in the SAMDev; would need to comply with the interim planning guidance on open space and confirmation would also be required of who is to be responsible for maintaining these facilities. In order to achieve coordinated open space provision rather than small pockets of open space which is neither manageable or of significant use to the community, officers advice is that a condition is imposed on the outline to require further details to be submitted.
- 6.4.3 As advised by the Council Affordable Housing Officer 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%, which would provide 16 affordable homes on site; however this will be reviewed in line with the target rate at the time when full applications or reserved matters are submitted. It is acknowledged that the reserved matters may come in a number of different applications and therefore each would need to provide the level of affordable housing required at the time of submission. The assumed tenure split of the affordable homes is currently 70% for affordable rent and 30% for low cost home ownership. At this outline stage the principle of affordable housing as part of the wider development of the site is acceptable. The means to secure affordable housing would need to be via a section 106 legal agreement to ensure affordability in perpetuity and also to ensure the occupation is in accordance with the Council's adopted policy.

6.5 **Environmental considerations?**

6.5.1 This application has not given a detailed assessment of the quality of the agricultural land. However, given the adjacent site is predominately grade 2 it is considered most likely that this site is grade 2 or below. As such it is considered to be best and most versatile agricultural land and the development of this is an acknowledged harm. 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 some higher quality land the site has been considered as the most appropriate land to provide the scale of housing required in Market Drayton, without extending beyond the A53, for the forthcoming plan period. As noted on other recent applications the development of higher grade agricultural land can not be avoided as there is insufficient brownfield or lower grade land available for the scale of development required for the County as a whole. Furthermore, it is officers opinion 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.

6.5.2 However, as noted previously in the report, part of the site is previously developed land, with part of that land still being in active commercial use. This commercial use is one which is not ideal within a residential environment given the potential for noise, dust and fumes, the existing buildings are large and visually intrusive and the other part of the previously developed land is currently an area of hard standing. The proposed housing development provides an opportunity for betterment by removing these two uses and the potential impact on amenities and traffic and reducing the amount of hard standing on these two parts of the wider site. This benefit also needs to be taken into account in the planning balance.

6.5.3 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. Policy CS17 seeks to identify, protect, enhance and expand Shropshire's environmental assets, aiming to prevent development which adversely affects visual values or which does not contribute to local distinctiveness. Part 7 of the NPPF 'Requiring Good Design' indicates that great importance is given to design of the built environment and paragraph 58 sets out expectations for new development including ensuring that development adds to the overall quality of an area, establishes a strong sense of place and ensuring developments are visually attractive and respond to local character.

6.6.2 A master plan has been submitted with the application which shows an indicative

layout for the site showing a potential layout for the estate road running from the proposed access off the A53, through the site to Hampton Drive with cul-de-sacs and link roads to the adjacent land leading off this main estate road. Although the plan shows an indicative layout of housing and roads the precise layout would be a matter for consideration under an application for approval of reserved matters. In principle the construction of housing on this site is supported as it is being promoted within the SAMDev the layout is not for approval at this time and officers consider could be improved to provide greater variety in the streets, reduce the 'over engineered' feel of all of some of the cul-de-sacs and provide areas of different character or layout. Furthermore it is officers opinion that the proposed "square" is not wholly necessary, appropriately designed or, given its location on the main estate road question whether it would function as a square or as a large traffic junction and furthermore that the housing proposed along the A53 may be too close to this major road.

- 6.6.3 However, the indicative layout does show that the site can be developed with respect to the character and layout of the existing housing, protect the area around the watercourse and railway line but that further work is required on the layout to take into account the ecology issues raised by the Council Ecologist and also the view of the development from the A53 and the amenities of the future residents along this road. In terms of showing coordinated development the master plan shows a single road connecting to the adjacent land to the west and a single road to the land to the east. As with the other application currently under consideration it is officers opinion that further work is required to ensure that the two sites work together, it is noted that at the time of writing this report the SAMDev allocation has been submitted as two separate planning applications. There is a potential for two independently, isolated, sites to be developed without any form of connection or coordination which would be contrary to the forthcoming SAMDev and would be harmful to the overall development of Market Drayton, would be counter to community cohesion and would not amount to good planning. A condition is therefore recommended to ensure that the two sites work together.
- 6.6.4 In addition to the plan the application has been submitted with a design and access statement (D&A) and a planning statement. The D&A suggests that the indicative layout will provide attractive frontages, overlook open spaces, have tree lined roads, defensible private spaces and parking and that the dwellings will be built of red brick and render. It also advises that the proposal is to retain existing landscape features and expand them. The planning statement comments that the development will provide a mix of houses, detached, semi-detached and mews from single storey up to two and a half storey at a density of approximately 22 per hectare with 2.8 hectares of open space. Although it is acknowledged that once outline consent is granted the land will be sold to developer(s) it is also possible to condition that the future development of the site is done in accordance with the D&A.
- 6.6.5 The information provided in both the D&A and the planning statement is of some, but limited, use. However, as noted previously the application site is both a site being promoted in the SAMDev and is also the only remaining site which can accommodate the level of housing required for the town within the constraints of the Tern Valley to the south of the town and the A53 to the north. The final layout of the site will be considered at the reserved matters stage and, in principle, the

site is considered capable of accommodating new housing and is part of the wider site for accommodating the housing requirements of the town.

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 an outline application with all matters reserved for later approval it is not possible to fully consider the impact on the amenities of neighbouring residents in terms of overlooking or loss of light as the layout of the proposed housing is not yet known. Objections have raised concern about the impact on the existing peaceful and safe neighbourhood and the increase in traffic. This latter matter is considered later in the report.

6.7.2 It is acknowledged that there are existing residential properties around the application site. There are a few properties on Greenfields Lane which currently have the outlook of sports facilities and agricultural land; houses on Hampton Drive and Tudor Close back onto Greenfields Lane and as such would back onto the site; to the west Croft Way and Ridings Close properties lie side on and rear facing towards the site and on the opposite side of the disused railway there are properties off Prospect Road, Mount Crescent and Ashbourne Drive. These properties on the opposite side of the railway would be a sufficient distance from any proposed housing to not be affected to an unacceptable extent. The other properties noted off Greenfields Lane and the estates to the east and west would need to be carefully considered at the time of submission of the reserved matters to ensure that appropriate separation distances were provided as several of these properties have first floor windows overlooking the site and therefore the potential to be overlooked. The main impact will be on the existing properties on Greenfields Lane and officers consider that the development of the site could be laid out with sufficient distance between new and existing properties to ensure that the impact is not unacceptable. It is accepted that the development of the site will alter the outlook from these properties and will also alter the noise levels and light levels. However as a proposed residential development adjacent to residential development the impact would not be beyond what could reasonably be expected in similar situations. The land is not protected and the town needs to grow and provide new housing. As noted previously within the report this is part of a wider site which provides the only land capable of providing the scale of additional new housing required in the town without extending beyond the bypass. Officers consider that the development of the site could be achieved without substantial adverse impact on the amenities of the existing properties and would not result in overlooking or loss of light.

6.7.3 An air quality assessment has also been submitted during the consideration of the application which has considered the existing air quality; an assessment of suitability for residential use in relation to transport related emissions and takes into account recorded background emissions, including those produced by the Council, and traffic levels. The report provides an analysis of the existing conditions and the potential conditions at 2019 both with and without the development and considers the potential impact on existing sensitive receptors in the area and the proposed new housing. The report concludes that, from the assessment undertaken by the consultant, that the emissions predicted would not exceed air quality objectives and that traffic emissions would be negligible.

- 6.7.4 The Council Public Protection Officer has commented on the close proximity of some of the dwellings as shown on the indicative plan advising that there are close to the A53 and may therefore be affected by noise. It is advised that a noise survey be undertaken and submitted for consideration by the Council prior to the confirmation of the final layout of the scheme. However at this time this would not affect the outline application currently under consideration. The layout is for indicative purposes only and as such the area closest to the A53 may not be developed as part of the reserved matters application, following consideration of the noise assessment and the visual impact of these houses.
- 6.7.5 One objection has been received commenting that the use of Hampton Drive would encroach on private land, however this has not been supported by any evidence of ownership. The application proposes using the existing width of Hampton Drive, including retaining the narrow section where it currently joins Greenfields Lane, but that the new estate road beyond this narrow section would widen back out to 6m wide. As such there is no proposed widening of the existing Hampton Drive and none of the section to be used is a private road or driveway.
- 6.7.6 As such it is considered by officers that the information provided to date, in the form of an outline planning application, master plan and the technical reports have shown that it would be possible to develop the application site without adversely affecting the amenities of the existing residents that are within and around the site in accordance with policy CS6 and the requirements of the Type and Affordability of Housing SPD.
- 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 promote 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 A new access is proposed off the A53 in the form of a new ghost island priority junction. A separate application has been submitted to consider this access separate from the current outline application, but it also forms part of the current application. In addition the proposal is to extend Hampton Drive into the site and amend Greenfields Lane by widening the section to the sports pitches and closing off the eastern section with raising bollards. This would prevent Greenfields Lane from being used by any vehicle other than those with existing rights. The two proposed vehicular access points are intended to serve the application development, the surrounding land being put forward for allocation in the SAMDev and the sports facilities off Greenfields Lane, either as a sports facility or following redevelopment.
- 6.8.3 Both a Transport Assessment and Travel Plan have been submitted with the application. The TA notes that the A53 is 7.4m wide, de-restricted and therefore 60mph with no footway and mainly unlit, except at junctions. The existing roundabouts at the Gingerbread Man and Mullers are 2.8km apart and there are

three existing junctions between the roundabouts. The existing junctions which serve Bridge Road and New Street Lane are both ghost priority junctions and the junction of Bridge Road, which previously served a small number of dwellings was re-aligned for the recent housing development. Rush Lane also joins the A53 but is a restricted bridleway, single width and gated part way down.

- 6.8.4 The TA considers the impact of the proposed development on the access proposed; the junction of Adderley Road and Hampton Drive; the junction of the A53 and Bridge Road and the junction of the A529 and Prospect Road. It also predicts traffic flows and shows evidence of speed recordings undertaken and details accident data as only showing a small number of accidents in the immediate area. The A53 and A529 were shown to be operating significantly below capacity during the consideration of the proposed Sainsbury food store and would continue to do so following the development of the food store. The TA notes that Hampton Drive provides access off the A529 to the existing housing estate of 193 dwellings, is 6m wide and also connects to Greenfields Lane, which itself joins the A529, is single a carriageway serving a small number of dwellings and sports facilities with no footway or lighting.
- 6.8.5 The applicant's highway consultant considers that all routes are operating well within capacity with no significant delay and only minimal queuing at junctions. With regard to Hampton Drive, which residents have raised concerns about, the consultant notes that there was no queuing observed to enter Hampton Drive and a small number of vehicles queuing to exit during weekday morning peak hour but that this cleared quickly. With regard to the A53 the consultant notes the high proportion of HGV traffic and therefore considers that the primary function for this road is to accommodate through traffic with as little disruption as possible and that traffic speeds are not an issue. It is therefore the applicant's consultant's opinion that there is no justification for a roundabout on the A53 and that a ghost priority junction, with a right turn lane, is the most appropriate junction in this location. The new road would be 6m wide with at least 190m visibility in both directions, and designed to Design Manual for Roads and Bridges standard.
- 6.8.6 Pedestrian and cycle access to the town is also noted in the report and confirms that there are existing footways from Hampton Drive to the town centre and existing on-road based advisory cycle routes. The report also notes the distance from the site to the infant school and nursery school is 1.2km, the primary school is 1.5km and the high school is 1.5km, the large food store is 800m, health facilities 800m and the town centre 900m from the site. The closest bus stop is 550m and the bus station is 800m away with regular bus services around the town and to other local towns. The consultant therefore concludes that, in their opinion, the site is within walking and cycling distance of the services and facilities and that these, and the bus facilities, represent a reasonable alternative to the use of the car.
- 6.8.7 The TA has also considered the potential impact on existing and future residents from the proposal to close the end of Greenfields Lane from the use of Hampton Drive to access the sports facilities. Although the sports facilities could also, in the long term, be accessed from the new access off the A53, the closing of the end of Greenfields Lane will divert traffic through Hampton Drive. The report details the times at which the facilities are used and notes that they are not currently used

week day morning or evening peak hours. As such the consultant considers that Hampton Drive can accommodate this traffic in addition to the proposed housing without any conflict at the peak times and that weekend traffic would be no worse than peak hour traffic.

- 6.8.8 In considering the application and the submitted information the Council Highway Officer has advised that the principle of developing the site is acceptable and so is the principle of a point of access, in the form of a ghost propriety junction, off the A53. However, as with the other application off Rush Lane the Highway Officer is clear in that only one access point onto the A53 should be permitted as more than one access off the A53 would be harmful to highway safety and traffic flows given that the A53 is primarily a bypass around the outside of Market Drayton. Whichever access is granted consent will need to deliver the aims of the SAMDev and provide connectivity to the town.
- 6.8.9 The Highway Officer has advised that the ghost priority junction, the same as Bridge Road, with a central stacking land for right turning traffic is technically acceptable but notes that this is not the preferred junction form of either the Town Council or the Highway Authority. The preference is for a roundabout, although it is recognised that this impacts upon the movement of traffic on the A53 a roundabout is considered to be a safer junction option. The roundabout is being promoted as the preferred option for the SAMDev allocation given the size of the development and its links to the town and sports facilities. As such it is a matter for members, on advice from officers, to consider which of the two accesses is the most appropriate. Officers advise that the proposal within the application to which this report relates is a ghost priority junction and, although it will provide a safe means of access, the alternative being proposed in application 14/04701/OUT provides a safer form of access and therefore the least level of risk to highway safety and free flow of traffic.
- 6.8.10 However, as with the alternative proposal (14/04701/OUT) the key issue is the matter of linking the proposed access from the A53, through the application site, to the surrounding allocated land, which if the roundabout is approved therefore includes the land associated with this planning application. The proposed SAMDev allocation advises that the sites may be developed independently, however they must demonstrate how they work together to deliver a coordinated residential scheme for the town including appropriate access and access improvements, cycle and pedestrian links towards the town centre. This application can be approved without an access off the A53 as some housing can be developed from Hampton Drive, however it is essential to ensure that, for long term accessibility and safe traffic movements that this site is linked to the roundabout being proposed by Gladman.
- 6.8.11 On the converse, if the ghost priority junction being proposed as part of this application is considered to be more suitable by members, the roundabout being proposed by Gladman should be refused and this site will need to provide access to the Gladman site. To ensure these works and connectivity is provided a condition is being proposed by officers which has been worked up following legal advice and investigation of similar worded conditions on Planning Inspector's decisions.

- 6.8.12 Although concerns have been raised locally about the use of Hampton Drive the Highway Officer has noted the necessity for a secondary access off Hampton Drive to ensure that the development is not served purely from one single point of access off the A52. It will be necessary to ensure that the design of the estate road through the site does not have the potential to become a 'rat run' and also that there is long term potential for future access to Longslow Road through the site being promoted by Gladman developments.
- 6.8.13 In respect of the delivery of public transport penetrating into and out of this site and the SAMDev site as a whole, it is difficult at this stage to estimate the level of funding required and over what period as this would be dependent upon the timescale for introducing a service into the site but also the time period where a bus were able to travel through the site. At this stage, without further detail on the layout of the site in relation to the adjacent land it is not possible to fully understand the cost of bus enhancements. As part of a Section 106 therefore this aspect would, at this stage, need to be suitably worded.
- 6.8.14 In conclusion the principle of a ghost priority junction onto the A53 is acceptable, however only one new access should be permitted off the A53 and the Council preference for highway safety reasons is a roundabout. Notwithstanding this the roundabout being promoted by the adjacent site can not be the only means of access to the housing developed on the wider SAMDev site and a secondary access off Hampton Drive is promoted by the Council Highway Officer as a safe means of access. A condition is recommended to ensure that, amongst other things, the development of this site works with the development of the surrounding land to provide a coordinated and comprehensive development. The level of traffic movements from the development is not considered to result in a severe impact and the design specifications of the roundabout and internal estate roads can be controlled by condition. As such, the principle of the development is acceptable.
- 6.9 **Ecology and trees**
- 6.9.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. An ecology assessment and survey have been undertaken and submitted with the current application and this was considered by the Council's Ecologist and Tree Officer.
- 6.9.2 The assessment notes the position of the site, that the nearest County wildlife site is approximately 2km from the site at the River Tern and the different areas within the site including the watercourse, employment uses, yard, agricultural buildings and farm land. The desk based survey results show records of great crested newts, snakes, invertebrates and water vole the survey results found no evidence of these species. Furthermore records show evidence of bird species in the area including barn owl. The on site survey work recorded the presence of bat roosts in two of the lime trees and one building, the presence of a defunct pond and varying quality of grassland and hedges.
- 6.9.3 The applicant's ecologist has advised that, in their opinion, Sych Brook is not suitable for water vole, no sign of the species were observed and the nearest

recorded sighting is 1.5km to the east, on the canal. No potential for reptiles (including great crested newts) was identified and that there is no suitable habitat present. With regard to birds the report notes the species which have been recorded and also that the site provides suitable nesting habitat. Overall the report notes that the site functions for a range of protected species and wildlife generally, supports foraging and commuting for bats, that the majority of the buildings within the site do not support bat roosts but buildings and trees outside of the site do. As such the report recommends controlling lighting; demolition of buildings outside of bat roosting times as a precautionary measure; works to the hedges and trees outside of bird nesting season; the provision of a wildlife buffer along the railway cutting and Sych Brook; planting of native or fruit trees; the provision of bat boxes; and a European Protected Species Licence for the demolition of the building containing the bat roost.

- 6.9.4 A separate, confidential, badger report has also been submitted which identifies the potential presence of badgers near to the site, survey work undertaken, the potential impact of the development on badgers and their setts and the need for a pre-commencement site check and mitigation. Due to their protected nature no further information can be provided, however members should be assured that the Council Ecologist has had sight of this confidential report and is aware of the presence of the species.
- 6.9.5 In considering the information the Council Ecologist has requested additional information in respect to bat mitigation due to the need for the site to have a European Protected Species Licence and further information on water voles and reptiles. The Council Ecologist has also advised that several of the existing buildings should only be demolished outside of bat summer roosting period, control of lighting to protect flight corridors, provision of a 10-30m buffer along the railway cutting and the provision of an ecology corridor though also notes that the indicative layout plan shows development within the buffer and as such should be amended.
- 6.9.6 The applicant has submitted an updated ecology report aims to overcome the concerns raised by the Council Ecologist and this has been sent to the Council Ecologist for comment. At the time of writing the report the Ecologist response had not been received and it is hoped that an update can be provided to members at the meeting.
- 6.9.7 An Arboricultural Assessment has been submitted with the application which advises that of 13 individual and 44 groups of trees 1 tree and 3 groups are category A, 5 trees and 4 groups are category B and the remaining are category C. The majority are Hawthorn groups which individually are considered by the applicant's consultant as low or average quality but form part of a wider landscape value. There is 1 large Ash near the southern boundary of the site which has high value but also has structural defects and the consultant has recommended crown pruning. The most significant trees are along the railway embankment a line of lime trees within the playing field and a line of lime trees within an existing garden and as such are all outside of the application site. The report concludes advising the retention of the category A and B trees, that some of the C category trees could be removed and replaced with new planting subject to a detailed scheme and that protective fencing should be used around retained trees.

- 6.9.8 The Council Tree Officer has advised that they agree with the findings of the submitted Tree Survey Report but that the single veteran Ash tree (T39) would not appear to be suitable to be within a back garden and should be left in an undisturbed area based on its RPA (root protection area) and that a Method Statement with fencing specification and a Tree Protection Plan will be required with the reserved matters application.
- 6.9.9 In conclusion, at the time of writing the report there are outstanding issues regarding ecology, however, as noted above the updated report has been submitted. As such officers are requesting delegated powers be granted to officers to resolve the ecology issue prior to granting consent but that in principle the site is capable of being developed without significant adverse impact on statutorily protected species or on important trees and hedges.
- 6.10 **Drainage**
- 6.10.1 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. Given the size of the site and that part of the site is identified within the Environment Agency flood zones a Flood Risk Assessment has been submitted which has undertaken a detailed mapping exercise to establish flood zone boundaries in the site. The majority of the site is within flood zone 1 but the northern section around Sych Brook is zones 2 and 3. The D&A advises that the foul drainage connection is to be agreed, but is to be connected to the existing mains drainage system and that surface water is to be discharged via a sustainable drainage system. The FRA notes the presence of existing foul and surface water drains in Hampton Drive, Croft Way and Ridings Close providing options for the sewerage provider to enable a connection.
- 6.10.2 The FRA concludes that soakaways are not considered feasible for the site and as such proposes discharge of the surface water to Sych Brook with restricted flow rates controlled through on-site attenuation. The report considers that the development will not result in any loss of flood plain, that safe emergency access can be maintained and proposes all of the new dwellings be constructed in flood zone 1, the area with the lowest probability of flooding.
- 6.10.3 The FRA has been considered by both the Council Drainage Engineer and by the Environment Agency. The Council Drainage Engineer has confirmed that they have no objection to the proposal subject to detailed information and further information to support the FRA being provided by condition. However the Environment Agency (EA) have submitted an objection to the proposal based on lack of information in the FRA assessing the proposed access road which will cross the flood plain. The road will have the potential to impact on the flood plain and the flood plain may also affect the road. The EA have also noted that Sych Brook flows under the A53 close to the site and that the FRA should consider potential blockage scenarios.
- 6.10.3 The EA have also commented on the need for a sequential test as part of the site is within flood zone 2 and 3. Whether a site passes the sequential test is a matter for the Council to determine. In the case of the application site, as part of a wider

site being promoted for allocation in the SAMDev, the Council has undertaken the sequential test for the site. Although it is accepted that there are other sites available for housing development in Market Drayton none of the sites are capable of providing the scale of development that is required for the town or the scale of development that the proposed site can deliver. Given the sequential test has been undertaken for the SAMDev it is not considered necessary or reasonable to re-assess the test or to consider sites in other towns as potential alternative sites. In this situation there is a requirement for new housing to be allocated and provided in Market Drayton and the application site has been assessed as the preferred option.

- 6.10.4 Further information has been received from the agent in response to the EA objection. However, at the time of writing the report, there remains an outstanding objection from the Environment Agency and as such officers are requesting delegated powers to approve the proposal subject to the resolution of the EA objection.

6.10 **Other matters**

- 6.10.1 The report submitted on behalf of the applicant advises that the site is sufficient distance from the conservation areas and nearest listed buildings, that there is a possible area of post medieval ridge and furrow and that the farmhouse in the centre of the site, Greenfields, is a 19th century farmhouse which has suffered serious losses to its fabric and is therefore considered to be of limited historic interest. The report concludes that there is no impact on designated heritage assets and low to nil potential for archaeological evidence. However, noting the Devensian fluvio-glacial drift deposits and that there is evidence of earthwork remains of medieval/ post-medieval ridge and furrow in a limited area near the south-east corner of the site the Council Archaeologist therefore recommends a condition requiring a phased programme of archaeological work.
- 6.10.2 A geo-environmental ground condition survey has also been undertaken which notes the potential for made ground, petroleum, ground gas, asbestos and pesticides and records the history of each part of the site. The report advises that the north west and southern parts are undeveloped except for agricultural use and therefore pose a low risk. The south east has undergone development in the form of the railway cutting, bund and light industrial uses and as such the consultant considers that this is low to moderate risk of contamination. The report makes recommendations for further chemical testing of site materials and waters, addition ground testing and a further assessment be undertaken of the water tank and shaft on the railway bund. The Council Public Protection Officer has not provided any specific advice in this regard however the Environment Agency have requested a detailed site investigation scheme which could then be secured through conditions as part of any permission granted.
- 6.10.3 One objector has also noted the requirement for Market Drayton Town Council to provide sufficient supply of allotments. This is a matter for the Town Council. However the legislation does not require the Town Council to provide an allotment for every resident who requests one, it is for the Town Council to manage supply and provide further allotments if there is a demand and it is recognised by The National Allotment Society that contacting the Council can, in most cases, be getting your name on a waiting list. As such this issue is not a material planning

consideration in the determination of the application.

7.0 CONCLUSION

7.1 The site is located outside the current development boundary for Market Drayton and is therefore classed as a departure from the development plan. However, the site is part of the three sites being promoted for future housing development in the SAMDev and 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 accord with national planning policy priorities. Furthermore, the development will provide for affordable housing in accordance with Policy CS11 and infrastructure provision in accordance with policy CS9 and will not result in significant loss of agricultural land.

7.2 The proposed access off Hampton Drive is acceptable in principle as one means of access to the site, the development of the site would not result in severe traffic impacts, increase flood risk or adversely affect statutorily protected species and can be developed in a way that would not significantly affect the amenities of existing or future residents. However the development of this site will have to coordinate with the surrounding land in regards to access, internal layout, vehicular connectivity to the surrounding sites, public transport routes, surface water drainage, ecology mitigation and open space. It is accepted by the Council that the application site can be developed independently of the surrounding land but that a condition is required to show how the application site will form part of the wider allocation and comprehensive development of the wider allocation.

7.3 Accordingly, it is considered that, in principle, 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 three months after the grounds to make the claim first arose first arose.

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

8.2 **Human Rights**

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

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

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

8.3 **Equalities**

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

9.0 **Financial Implications**

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

10. **BACKGROUND**

10.1 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**10.2 Relevant planning history:**

NS/06/02755/OUT Outline proposed recreational and residential development
WITHDRAWN 12th March 2007

NS/08/00268/OUT Outline proposed residential development to include formation of new
access WITHDRAWN 28th February 2011

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 Roger Hughes Cllr David Minnery
Appendices APPENDIX 1 - Conditions