



Committee and date

South Planning Committee

10 March 2015

Development Management Report

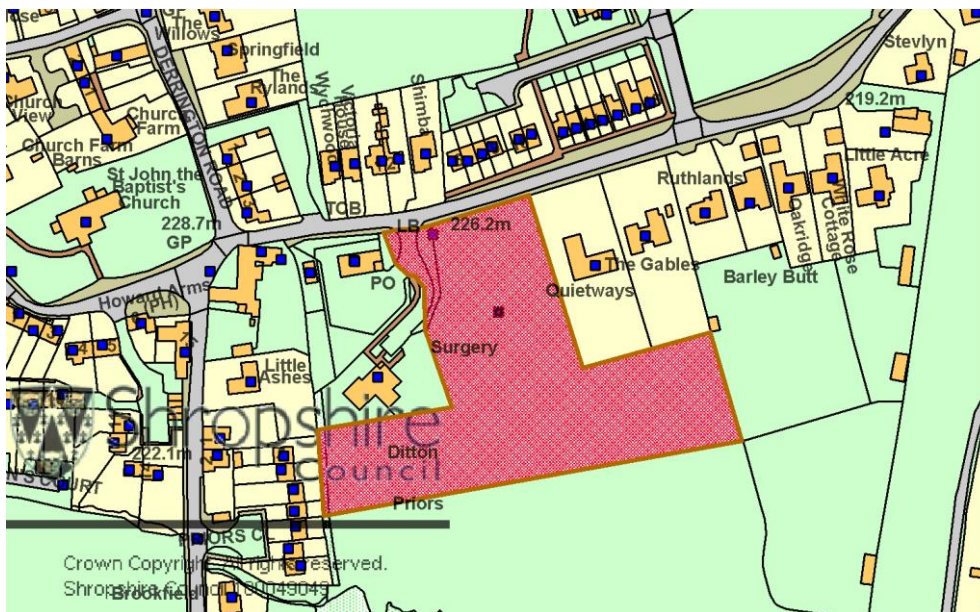
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 14/02943/OUT	Parish:	Ditton Priors
Proposal: Outline application for residential development (up to 16 dwellings) to include access		
Site Address: Residential Development Land To The South Of Station Road Ditton Priors Shropshire		
Applicant: Mr D Lowe		
Case Officer: Richard Fortune	email: planningdmse@shropshire.gov.uk	

Grid Ref: 360998 - 289130



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Recommendation:- Grant Permission as a departure, subject to the completion of a Section 106 Agreement relating to affordable housing provision and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This application is in outline with all matters except for access (Appearance, Layout, Scale and Landscaping) reserved for later approval. The description of the proposal on the application form sought consent for the erection of up to 20 dwellings. An indicative site layout plan with the original submission showed the following number and mix of proposed dwellings:

- 4 No. 4 bedroom bungalows with separate garages
- 2 No. 3 bedroom bungalows with separate garages
- 5 No. 3 bedroom detached dwellings with separate garages
- 2 No. 3 bedroom terraced dwellings with parking
- 2 No. 2 bedroom detached dwellings with garages attached
- 1 No. 2 bedroom terraced dwellings with parking

The layout showed 11 parking spaces to enlarge the car park of the adjacent GP surgery.

1.2. There were aspects of the illustrative site layout in terms of impact upon the character of the area and neighbour amenity which was judged not to be acceptable and called into question whether 20 dwellings could be accommodated on the land in a satisfactory manner. It is necessary to establish the principle of whether the site could accommodate 20 dwellings at the outline stage, based on the applicant's aspirations as indicated by the illustrative site layout. Following discussions, a revised illustrative site layout has been submitted reducing the number of proposed dwellings to 16 and to the following mix:

- 2No. 4 bedroom bungalows with attached garages
- 4No. 3 bedroom bungalows with attached garages
- 3No. 4 bedroomed houses with attached garages
- 1No. 3 bedroomed house with attached garage
- 3No. 2 bedroomed houses with attached garages
- 2No. 3 bedroomed terraced houses with parking
- 1No. 2 bedroomed terraced house with parking

The additional 9 parking spaces for the GP surgery are still shown. Areas of public open space are shown at the northern end of the site around an existing mature tree and at the southern end of the site where an attenuation pond associated with a sustainable urban drainage (SUDS) system could be provided.

1.3 Vehicular access onto Station Road would be from the existing access which

currently serves the Post Office/Store and the GP Surgery. Alterations to this access would include amending the junction bellmouth and the provision of a footpath on its western side extending to the public house (Howard Arms).

- 1.4 A screening opinion has been issued to the effect that an Environmental Impact Assessment is not required for this development proposal, as it is considered the proposal would be unlikely to have significant effects on the environment by virtue of factors such as its nature, size or location.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site covers an area of some 1.08 ha and is located on Grade 3 agricultural land off Station Road in the village of Ditton Priors, approximately 9 miles south-west of Bridgnorth.
- 2.2 The site is bounded by a row of bungalows on Prior's Close to the south-west, a post office and doctor's surgery to the north-west, 'Quietways' a large detached dwelling to the north-east, a number of semi-detached and detached properties on the opposite side of Station Road to the north and agricultural land to the south and south-east.
- 2.3 The site lies within the Shropshire Hills Area of Outstanding Natural Beauty (AONB), at the foot of Brown Clee Hill, adjacent to the Ditton Priors Conservation Area. There is an ash tree at the entrance to the site to the north which is the subject of a Tree Preservation Order (TPO). A public footpath crosses the site and the land falls generally in a southerly direction.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council has submitted a view contrary to the Officer recommendation and the Area Planning Manager in consultation with the Chairman agree that the Parish Council has raised material planning issues and that the application should be determined by Committee.

4.0 COMMUNITY REPRESENTATIONS

-Consultee Comments

- 4.1 Ditton Priors Parish Council (21-01-15) – Object:
Reiterates its existing comments. Emphasising local concerns about drainage and flooding of the site and neighbouring residents and the fact the highways survey still does not reflect the facts on the ground even with the addendum received on the 15th. It must not only reflect the access to the site shop and doctors surgery it must reflect on what effect the extra traffic the site will generate at the existing premises using the exit and also the junction just a few yards away ie Station Road, South Road, Derrington Road and the one way system past the church. Ie the very centre of the village. It is felt the survey should be site specific. Surveys should be taken at the busy times between 8-9, 3-4 and 5-6 and then after 6.30 all rush hours.

The Parish Council would also like to ask for the application to be considered at committee.

Finally if approved the Parish Council would ask for conditions to be added to address the flooding concerns and highway and pedestrian safety in the area of the access junction onto Station Road and the area between there and the junction with South Road etc.

Ditton Priors Parish Council (30-07-14) – Object:

-Proposal exceeds previously agreed numbers given in the SAMDev document as well as being what is proposed in the document, i.e. small developments of 5 to 6 properties with green space.

-Independent highways assessment must be carried out to take account of use of Station Road by HGVs (going to and from industrial estate); school buses; school drop-offs; traffic in and out of shop, post office and doctors surgery.

-Dangerous junction with South Road close to proposed access.

-With existing new development and permissions, both commercial and single plot affordable homes in the parish there has already been an increase in traffic using the highways.

4.2 SC Highways Development Control – No Objection in principle:

Submitted Assess Arrangement Plan (Drawing no. DP-AA-300-Rev B) provides details of the proposed access to the development site and demonstrates that a visibility splay of 2.4 metres by 43 metres can be provide in both directions, in accordance with Manual for Streets. It is recommended that details of the proposed construction of the access and proposed footway along Station Road are submitted for approval prior to the commencement of works.

Policy Considerations

The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and whether:

“- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic 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 reduced. It seeks to achieve safe development and saved Bridgnorth District Local Plan policy D6 states that development will only be permitted where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated. This proposal must be assessed in the context of the above national guidance and Development Plan policies.

Pedestrian and Cycle Facilities

Although Planning Policy Guidance 13: Transport (PPG13: Transport) is now superseded by the National Policy Planning Framework, the distance criteria contained therein still provides good guidance, not least that:

“walking is the most common mode of travel at the local level and offers the greatest potential to replace short car trips, particularly under 2km.”

The proposed development is immediately next to the village shop and post office, and the doctor's surgery. There is also a public house, church, garage and recreation ground with hall within 150 - 300 metres of the site. The village primary school is some 80 metres to the north and the industrial estate and village hall some 300 metres to the east/north east. These distances are within those recognised as being acceptable for walking (2km) and cycling (5km).

It is considered therefore that the site can be considered as being accessible to local services in accordance with planning policy guidance for a rural location of this nature.

Impact on Highway Safety

The inclusion of part of the site as a housing allocation through the preparation of the SAMDev Plan has established that the location is suitable for a development of 12 units without resulting in conditions that would be detrimental to highway safety.

The key assessment from a highways perspective is to determine whether the provision of up to four more dwellings accessing onto Station Road at this location would lead to conditions detrimental to highway safety which cannot be addressed through planning conditions. Shropshire Council as Highway Authority would consider in view of the proposed location of the development within Ditton Priors and access to local amenities, there is no reason to raise a highway objection to the proposed development. Shropshire Council as Highway Authority are satisfied that the local highway network has sufficient capacity to accommodate the traffic likely to be generated by the proposed development.

Reserve Matters Application.

Shropshire Council as Highway Authority raise no objection in principle to the indicative layout provided (Proposed Site Plan – C222.426.01), however would raise concerns with regard to proposed parking for specific plots; it is recommended that any reserve matters application considers the relocation of the parking area at the entrance to the site to reduce the risk of vehicles reversing on to the highway. In addition, the current layout is not designed to adoptable standard however it is considered that minor amendments can be made to ensure that the road is suitable for adoption if put forward for adoption as public highway.

In view of the above Shropshire Council raise no objection to the proposed development, but would recommend that the following condition is imposed on any permission granted;

E1. New Access

No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced.

Reason: To ensure a satisfactory means of access to the highway.

NS01.

Prior to the commencement of the development full engineering details of the proposed footway along Station Road shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before any of the dwellings it would serve are first occupied.

Reason: To ensure a satisfactory means of access to the highway.

4.3 SC Conservation (29/07/14) - The site lies outside but adjacent to the Conservation Area. It is appropriate that any new development proposals should aim to protect and enhance the Conservation Area and should look to reflect local context and vernacular details.

4.4 SC Archaeology (07-01-15) – No comments.
SC Archaeology (21/07/14) – No comments.

4.5 SC Flood and Water Management (14/07/14)
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.

4.6 SC Rights of Way (06-01-15) – Comment:
Footpath 27A Ditton Priors runs across the development site and is affected by the proposal. It appears the path is accommodated within the plans and the developer must apply to this department to legally divert the path.

SC Rights of Way (14/07/14) - Comment:
Public Footpath Ditton Priors 27A crosses the development site. The path does not have a legally recorded outlet but the existence of the path must be acknowledged. The developer should contact this department to discuss the matter.

4.7 SC Affordable Housing (09/07/14) – Comment:
Core Strategy Policy CS11 requires all open market residential development to

contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application.

- 4.8 SC Ecology (05-02-15) – No additional ecology comments on this application.
SC Ecology (24-09-14) – No Objection:
The main impact from the development appears to be on trees and hedgerows. From the Indicative Site Plan I am concerned about the close proximity of development to these features. Churton Ecology (2014) recommend that as much existing hedgerow is retained as possible as potential bat flyways. To do this a suitable root protection area should be established around the hedgerows as well as trees. The conditions recommended by SC Trees will ensure this. Furthermore it is recommended that the landscape scheme includes locally sourced native species and bird boxes are erected.

Churton Ecology (2014) also recommends that lighting is minimised therefore the following condition is recommended:

Conditions

1. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet *Bats and Lighting in the UK*
Reason: To minimise disturbance to bats, a European Protected Species.
2. Prior to the first occupation of the dwellings ten artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be shall be erected on the site.
Reason: To ensure the provision of nesting opportunities for wild birds

Informative

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's

nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

Informative

All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

4.9 SC Trees – No Objection:

I do not object to the proposed development on arboricultural grounds, providing due care and attention is given to the protection of retained trees and hedgerows during construction, should permission be granted. Notable in this regard is the mature ash tree to the north of the site, which is subject to a Tree Preservation Order. Suitable tree and hedgerow planting should also be included to enhance the scheme and to compensate for any trees and hedges removed to enable the development.

I would therefore recommend attaching the following conditions to any permission granted for this application.

Prior to commencement of development, a Tree Protection Plan shall be submitted to the written satisfaction of the LPA. The Plan shall show the trees and hedgerows to be removed and those to be retained, with their Root Protection Areas as described in British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction. The Plan shall also show the specification and location of measures to be taken to protect retained trees and hedges from damage during implementation of the development.

Reason: to protect retained trees and hedgerows which make a contribution to the character and appearance of the site.

The tree protection measures described in the approved Tree Protection Plan shall be installed prior to commencement of development, to the written satisfaction of the LPA. Thereafter they shall be maintained in a satisfactory condition throughout the duration of the development. There shall be no storage or construction activities within the areas defined by tree protection barriers and the barriers shall not be moved or removed, even temporarily, without the prior written consent of the LPA.

Reason: to protect retained trees and hedgerows which make a contribution to the character and appearance of the site.

Prior to completion of development, a Planting Plan shall be submitted to the written satisfaction of the LPA. The Plan shall provide details of the species, numbers, sizes, locations, means of protection and support and 3 years post-planting maintenance for those trees, shrubs and hedges to be planted in association with the development.

Reason: to enhance the appearance of the development and contribute towards long-term continuity of tree and hedgerow cover in the area.

The approved Planting Plan shall be implemented in full within the first planting season (November February inclusive) following completion of the development. Any tree, shrub or hedgerow transplant, or replacement tree, shrub or hedgerow transplant that within a period of 3 years from planting becomes diseased, dies or is otherwise lost, shall be replaced with another of similar type and specification, to the written satisfaction of the LPA.

Reason: to ensure the success and viability of the approved landscape planting for the development.

4.10 -Public Comments

3 Objections to re-consultation on revised illustrative site layout:

- 16 properties still excessive for site and not in keeping with local needs.
- Transport Report and addendum of 14-01-15 do not allay fears fro road safety in Station Road; desk top exercise not taking into account the specific road conditions and dangerous junction with Derrington Road/Station Road.
- Visibility poor from their drive and increased traffic will add to dangers.
- Details of traffic count carried out Thursday 15th January 0815 to 0915, totalling 162 traffic movements, 37 pedestrians and 4 horse riders.
- Reduction in house numbers will not lessen impact of a possible extra 30-40 cars in and out of development.
- If concerns disregarded, would wish to see flexibility in final build development to not impact on view, light and privacy; would not want block of social housing right outside his kitchen window.
- Concerns about flooding.
- Harm appearance of Ditton Priors as a rural Clee village.
- Parish identified a small area for development in the building line down from the shop, but is being used by applicant as a base for a much greater expansion into an area not so identified.

I comment on revised illustrative site layout:

- Have no objection to some housing development on this site, but before making a decision there should be a site specific highways study.
- Highway report with application factually inaccurate and fundamentally flawed. There are more doctors operating from the surgery than stated in the highways report; dispensary with many people collecting regular prescriptions; opening of surgery in Stottesdon will not lead to a reduction in numbers attending Ditton Priors.
- Problem is not the exit from the development itself, it is the extra load placed on the adjacent junction, which is tight and poorly sited with no pedestrian pavement..

11 Objections to original consultation:

- Existing village infrastructure in terms of road access requirements, utilities, foul and surface water disposal
- No bus service other than school services to the village.

- Put further stresses on doctors and education facilities.

- Detrimental to highway safety.
- Local road network not suitable for additional traffic, which already carries industrial estate and schools traffic.
- Access point onto Station Road hazardous.
- Roads very narrow with tight corners and additional traffic will add to congestion.
- If permitted existing driveway entrance must be re-designed with much improved visibility onto Station Road and constructed substantially to take extra traffic.
- Construction traffic must not hinder access to surgery, P.O and shop premises.
- Practically every house in village has two cars and this should be taken into account.
- NPPF paragraph 32 requires all proposals to provide a safe and suitable access for all people, and paragraph 36 that all developments which generate significant amounts of traffic should be required to provide a Travel Plan.
- Need a site specific traffic survey and not one based on generalised extrapolations from previous similar developments.
- Footpath extension westwards would push informal pedestrian crossing point closer to junction with Derrington Road/South Road.
- Few footpaths in village and increased traffic will add to danger for pedestrians, which include school children and older residents attending the health centre.

- Not enhance visitors perception of village within Area of Outstanding Natural Beauty.
- Near Conservation Area boundary.
- Village being over-developed and urbanised.
- Infill housing better absorbed by village.
- Layout extremely dated, owing more to 1970's suburban housing estates than the sense of place appropriate to a rural community.
- Would be clearly visible from the Brown Clee.
- Would be a 10% housing increase on a green field site at heart of a picturesque village.
- Developments of this scale should be reserved for towns or edge of towns locations that have infrastructure to support new development.

- Too large for size and needs of village.
- No need for extra 'social housing' in Ditton Priors, which would be an element of this scheme; last 5 social house in village have been leased to people from other areas.

- Harm residents happiness and well being.
- Overlooking; loss of privacy.
- Harm security and views from Priors Close bungalows.
- Disturbance and safety concerns from construction work and traffic.
- Change the social and environmental structure of a settled village.

- Immoral to build on green belt farmland with food a priority in the world and alternative brown field sites available.

- Very similar to application made in 2005 for 25 houses and was rejected by the

Planning Inspector.

-Acceptance of application would mean a total of 40 houses, well over the potential sites for 20+ houses identified in the preparation of SAMDev.

-Application details very imprecise.

-Would add to flooding risk at Priors Close as the bungalows are lower than the development.

5.0 THE MAIN ISSUES

Principle of development
Affordable Housing
Visual impact and character
Drainage
Highway Safety and Accessibility
Residential Amenity
Ecology
Open Space

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The application site falls partly within the Ditton Priors village development boundary shown in the adopted Bridgnorth District Local Plan. The same part of the site that is within the current development boundary is also a housing allocation within the emerging SAMDev Plan (site ref DITT005) with an indicative capacity of 12 dwelling units. The erection of open market housing on any part of the site would be contrary to current adopted Development Plan housing policies (Affordable housing only being allowed within the village development boundary). 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. The National Planning Policy Framework, published in March 2012, must be taken into account and is a material consideration of significant weight in determining planning applications.

6.1.2 Paragraph 14 of the NPPF states that

“ at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.”

and that for decision making this means:

‘approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the

policies in this Framework taken as a whole'

NPPF Paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The council published a revised 5 year land supply statement in August 2014 which demonstrates that the Council now has a 5 year land supply.

- 6.1.3 However policies may be considered out of date and of limited weight for other reasons (e.g. age of a saved local plan policy and consequent inconsistency with NPPF policies) therefore simply having a 5 year land supply does not mean full weight can be given to saved housing policies or emerging SAMDev policies (the weight to these policies also being dependent on the extent of unresolved objections and degree of consistency with the NPPF).
- 6.1.4 The SAMDev Plan has been submitted to the Secretary of State for its examination and it is considered to be at an advanced stage of preparation. However, the Inspector's report on the Plan has not been received at the time of writing this report and there are unresolved objections to elements of it (e.g. sites contributing to the housing supply), so the weight that can be attached has to be considered with care alongside the other material considerations and having regard to the specific circumstances of a particular planning application. The age of the Bridgnorth District Local plan needs to be taken into account in terms of the restriction to affordable housing only within the current development boundary.
- 6.1.5 There is also a strong likelihood of continuing under delivery against the county-wide Core Strategy target for another few years, meaning that the overall requirement at each update would be higher, even though the number of sites available will be increasing. Consequently, in the balance of considerations the more acceptable sustainable and suitable sites that are permitted the impact of under-delivery is offset to a greater degree.
- 6.1.6 The NPPF aim of boosting significantly the supply of housing is therefore a significant material consideration and "*housing applications should be considered in the context of the presumption in favour of sustainable development*" (NPPF paragraph 49). The fact of having a five year land supply can never be a reason in itself for refusing a planning application; it simply affects what other policy considerations are applied. The NPPF 'presumption in favour of sustainable development' still prevails and the need to boost the housing supply (a government priority) is still the most significant material consideration when determining planning applications for housing. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether there would be any significant impact or harm as a result of the proposed development area being larger than the SAMDev Plan allocation that would outweigh the benefits.
- 6.1.7 The NPPF states that sustainability is 'about positive growth – making economic, environmental and social progress for this and future generations'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

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

- 6.1.8 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The provision of additional houses will also support local businesses as future occupiers will access and use local services and facilities within Ditton Priors. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable to a CIL payment which will help provide financial contributions towards infrastructure and opportunities identified in the Place Plan.
- 6.1.9 Social role – The proposal will help boost the supply of open market housing and will provide affordable housing at the prevailing rate at the time of the reserved matters application. The provision of additional housing will help support and maintain existing facilities and services and will benefit both the existing and future residents and help meet the needs of present and future generations
- 6.1.10 Environmental role – The site is agricultural land within the AONB but with no specific heritage, cultural or ecological designation. The application site has been assessed for its heritage, cultural and ecological value by the Council's Historic Environment, Ecology and Tree officers and these matters are considered in greater detail below. In principle it has been determined that the proposal would have no significant adverse impacts on these values. In addition the proposal is accessible on foot or by cycle to the services, facilities and employment opportunities in the village and any journeys by private car to access these facilities would be short.
- 6.1.11 It is considered that the proposed development is therefore sustainable having regard to the three dimensions of sustainable development, and that the development of this site partly outside the proposed development boundary identified within the Draft SAMDev is acceptable in principle to help boost housing supply numbers, subject to a satisfactory scale and design, and should be supported provided there are no adverse impacts that would outweigh the benefits. This balance is considered under the matters set out below. The application has

been advertised as a departure from the Development Plan.

6.2 Affordable Housing

6.2.1 Core Strategy policy CS9 (Infrastructure Contributions) highlights the importance of affordable housing as 'infrastructure' and indicates the priority to be attached to contributions towards provision from all residential development. With regard to provision linked to open market housing development, Core Strategy policy CS11 (Type and Affordability of Housing) sets out an approach that is realistic, with regard to economic viability, but flexible to variations between sites and changes in market conditions over the plan period. The agent has advised that the proposal will deliver affordable housing at the prevailing rate to comply with Core Strategy policy CS11 and the associated Type and Affordability of Housing SPD. The delivery of the affordable housing contribution would be secured through a section 106 Agreement, with the amount being determined at the reserved matters stage in the event of outline planning permission being granted.

6.3 Visual impact and character

6.3.1 Core Strategy policy CS6 seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. All matters other than the access onto Station Road are reserved for later approval in this case and it would be in these submissions, in the event of outline planning permission being given, that detailed design issues would be assessed. However, in terms of landscape impact it is considered that development of the form indicated in the supporting documents and revised illustrative site plan for up to 16 dwellings would not detract from the landscape setting of the village.

The allocated site in the SAMDev Final Plan submitted for examination (ref DITT005) has an area of some 0.45ha in comparison to the current site of some 1.08ha. A provision of 12 units is indicated, with the Development Guidelines stating "Development to be small scale and in keeping with the surrounding village character." The provision of a sensitive development of 12 units on the allocation, along with an access road, parking and turning facilities, and providing space around the protected tree, in a manner in keeping with the surrounding village character would be challenging to achieve. The immediate site surroundings comprise of detached dwellings in spacious plots to the east, dwellings set back from the road to the north, the surgery building and shop to the north west set within their parking areas with The Howard Arms public house beyond them, and the small bungalows of Priory Close to the west along with older, roadside properties. The heights of the immediately surrounding buildings are also relatively low, with the land form falling away in a southerly direction. It is considered that the larger site proposed in this application for a development containing up to four more units, which would equate to a site density of some 17 dwellings per hectare, would achieve a spaciousness in built form and allow for the inclusion of bungalows which have a larger foot print, to keep ridge heights on some units low whilst still maintaining traditional forms of building in keeping with the AONB and Conservation Area setting, allow for the provision of open space and sustainable drainage works within the site and avoiding overbearing impacts on neighbouring properties.

6.3.2 It should be noted that the Council's Historic Environment Team have raised no objections to the principle of development on this site as no heritage assets would be harmed. On balance it is considered that the benefits of the larger site, outlined in paragraph 6.3.1 above, are sufficient in this case to justify an approval as a Departure from the Development Plan.

6.4 Drainage

6.4.1 The site is situated within Environment Agency Flood Zone 1, which is the least flood prone area to which the objective of the NPPF and the associated Technical Guidance sequential test is to direct new development. Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in existing runoff rate and not to result in an increase in runoff. A Flood Risk Assessment, which includes a drainage strategy, accompanies the planning application. In summary, it advises new drainage would be to separate systems with foul sewage being connected to the existing foul water sewer located in the applicant's land to the south of the development. Surface water would be limited in terms of flow rate to the existing greenfield rate, and would incorporate an attenuation pond, and oversized pipes or tanks within the highway areas, discharging to a watercourse to the south of the site. The Council's Flood and Water Management Team have advised that details of the proposed drainage can be conditioned and submitted for approval at the reserved matters stage in the event of outline planning permission being given. They do not envisage any unresolvable technical issues to achieving satisfactory drainage here for the number of residential units proposed. The possibilities for installing sustainable urban drainage measures would be explored through the details submitted to meet the drainage condition.

6.5 Highway Safety and Accessibility

6.5.1 The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and whether:

“- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic 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 reduced. It seeks to achieve safe development and saved Bridgnorth District Local Plan policy D6 states that development will only be permitted where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated. This proposal must be assessed in the context of the above national guidance and Development Plan policies.

6.5.2 The inclusion of part of the site as a housing allocation through the preparation of the SAMDev Plan has established that the location is suitable for a development of

12 units without resulting in conditions that would be detrimental to highway safety (The site would not have been included within the Final Plan were it to result in highway safety concerns which could not be addressed through planning conditions). The key highway issue with the current proposal is whether the provision of up to four more dwellings accessing onto Station Road at this location would lead to conditions detrimental to highway safety which cannot be addressed through planning conditions. The Council's Highways Development Control Team is content that the local highway network has sufficient capacity to accommodate the traffic likely to be generated. They have taken into account the times when the traffic survey was carried out in coming to this conclusion. They consider also that the form and layout of the proposed access into the site would be acceptable. Their assessment, set out at 4.2 above, has taken into account the school, industrial estate and other facilities/services accessed off Station Road. The provision of the access improvements, footpath and visibility splays would be secured through conditions on any approval issued.

6.5.3 With regard to the accessibility of the site for other modes of travel, the site is immediately next to the village shop and post office, and the doctors surgery. There is also a public house, church, garage and recreation ground with hall within 150 - 300 metres of the site. The village primary school is some 80 metres to the north and the industrial estate and village hall some 300 metres to the east/north east. These distances are within those recognised as being acceptable for walking (2km) and cycling (5km) in experience from good practice in Travel Planning. It is considered therefore that the site can be considered as being accessible to local services in accordance with planning policy guidance for a rural location of this nature.

6.6 Residential Amenity

6.6.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. It would be at the reserved matters stage following any grant of outline planning permission, when details of the layout, scale and appearance of the development are available, that the impact of the proposed development upon the residential amenities of existing properties in the vicinity can be fully considered and to ensure that no undue harm would arise. The positioning of the existing dwellings along Station Road and Priors Close, close to the western and eastern site boundaries respectively, are factors that would be taken into account at the detailed planning stage and would not be a reason to refuse the principle of residential development.

6.6.2 It is almost inevitable that building works anywhere will cause some disturbance to adjoining residents. This issue has been addressed elsewhere through SC Public Protection recommending hours of working (07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Bank or Public Holidays); to mitigate the temporary impact. This matter could be conditioned on any approval issued, along with the requirement for a construction traffic management plan. The noise from vehicle movements and other activities associated with the dwellings after completion would not impact upon the amenity of the area to an extent that would justify a refusal of planning permission.

6.7 Ecology

6.7.1 Core Strategy policies CS6 and CS17 seek to ensure that developments do not

have an adverse impact upon ecology. An Ecological Assessment has been submitted with the application. This assessment concludes that there are no statutory sites within 1km of the site, although there is one County Wildlife site some 500m to the west designated for its 'wet grassland and adjacent hay meadow.' The current ecological interest on or near the site is the linear features (hedgerows and trees) that may be used by commuting and foraging bats and scrubland birds. The recommendations are to keep hedgerow removal to a minimum; any hedgerow or scrub clearance to be carried out outside the bird nesting season; measures to avoid root damage to hedgerows and trees and that peripheral lighting should be minimised. The provision of additional habitat in the landscaping scheme and bird and bat roost features is recommended. The Council's Planning Ecologist has raised no objections to the proposal and is content that ecological interests can be safeguarded on any planning permission issued by conditions requiring the approval of any external lighting. The precise details of the landscaping and the protection of Environmental Networks would be assessed at the reserved matters stage to address both biodiversity and visual amenity issues. The informatives relating to bats, badgers and nesting birds would be attached to any permission issued.

6.8 Open Space

6.8.1 The precise form of the open space would be a matter for consideration at the reserved matters stage, should outline planning permission be given, and regard would be paid to the Council's Open Space Interim Planning Guidance adopted in January 2012. The equipping of open spaces with formal play equipment would have to be through the use of Community Infrastructure (CIL) receipts.

7.0 CONCLUSION

7.1 At the heart of the NPPF is a presumption in favour of sustainable development. The proposal would involve the development of up to 16 dwellings close to the centre of Ditton Priors. Open market residential development on the site, part of which falls outside the development boundary is not in accordance with the current Development Plan (Core Strategy and Bridgnorth District Local Plan), but part of the site is an allocated housing site with an indicative capacity of 12 dwellings in the emerging SAMDev Plan. Although the SAMDev Plan has reached the Examination stage it has to be treated with caution as there are unresolved objections and the five year supply of housing land is disputed. In line with the presumption in favour of sustainable development set out in the NPPF, SAMDev policy MD3 acknowledges that subject to meeting specific criteria, sustainable housing development should be granted permission in addition to sites allocated in SAMDev.

7.2 The test to apply is whether there are benefits to outweigh any adverse impacts of the proposal. These issues should be considered in the context of the three dimensions of sustainable development set out in the NPPF.

7.3 The site is in a sustainable location in relation to Ditton Priors village where a range of services are available. The principle of residential development would accord with the environmental, social and economic dimensions of sustainable development set out in the NPPF. The balance is considered to weigh heavily in favour of granting planning permission, due to the lower density of development

which the proposal could achieve in comparison to the SAMDev Plan allocation, that would better respect the character and setting of the Conservation Area in this AONB location. The details of the access arrangements, drainage, safeguarding ecological interests, neighbour amenity during construction and tree protection would be subject to appropriate conditions and the legal agreement would ensure the scheme delivers the appropriate amount of affordable housing. Other matters would be fully assessed in relation to the development scheme submitted at the reserved matters stage.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 FINANCIAL IMPLICATIONS

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy and saved Local Plan policies:
CS4 Community Hubs and Clusters
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
H4 Residential Development in Smaller Settlements
D6 Access and Car Parking

SPD on the Type and Affordability of Housing.
Open Space IPG

11. Additional Information

View details online:

<http://planningpa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Design and Access Statement

Highways Statement

Ecological Appraisal

Flood Risk Assessment and Drainage Report

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Robert Tindall

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

5. Prior to the first occupation of the dwellings ten artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site.

Reason: To ensure the provision of nesting opportunities for wild birds

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

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

7. Prior to commencement of development, a Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall show the trees

and hedgerows to be removed and those to be retained, with their Root Protection Areas as described in British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction. The Plan shall also show the specification and location of measures to be taken to protect retained trees and hedges from damage during implementation of the development.

Reason: to protect retained trees and hedgerows which make a contribution to the character and appearance of the site.

8. The tree protection measures described in the approved Tree Protection Plan shall be installed prior to commencement of development. Thereafter the measures shall be maintained in place throughout the duration of the development. There shall be no storage or construction activities within the areas defined by tree protection barriers and the barriers shall not be moved or removed, even temporarily, without the prior written consent of the Local Planning Authority.

Reason: to protect retained trees and hedgerows which make a contribution to the character and appearance of the site.

9. 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
 - viii. the routing of construction traffic on the local highway network

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

10. Demolition or construction works shall not take place outside the hours of 07.30 to 18.00 Monday to Friday; 08.00 to 13.00 Saturdays and at no time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the residential area and locality.

11. The application(s) for reserved matters relating to the layout of the development shall specify the location of the proposed affordable housing units (Provision being made in accordance with the associated Section 106 Agreement). No works shall commence

until the location of affordable housing has been approved in writing by the Local Planning Authority.

Reason: To ensure the provision of affordable housing, in accordance with Development Plan housing policy.

12. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of the visual amenities of the area and to ensure the maintenance of open space areas in perpetuity.

13. Prior to the commencement of development, full engineering details of the layout, construction and sight lines of the altered access onto the public highway shall be submitted to and approved in writing by the local planning authority. The works shall be fully implemented in accordance with the approved details before any dwelling is first occupied.

Reason: In the interests of highway safety.

14. Prior to the commencement of the development full engineering details of the proposed footway along Station Road shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before any of the dwellings it would serve are first occupied.

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

Informatives

1. 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.
2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
3. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

4. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

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