



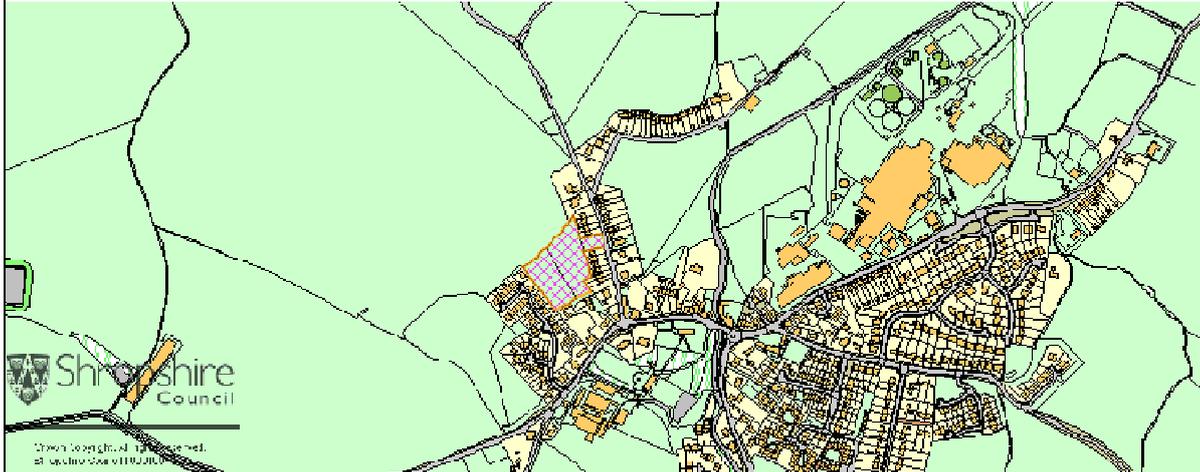
Committee and date
Central Planning Committee
9 April 2015

Development Management Report

Responsible Officer: Tim Rogers
email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 14/03670/OUT	<u>Parish:</u>	Minsterley
<u>Proposal:</u> Outline application for residential development of 15 No dwellings (to include access)		
<u>Site Address:</u> Land Off Horsebridge Road Minsterley Shrewsbury Shropshire		
<u>Applicant:</u> Executors Of Mrs E. Griffiths (deceased)		
<u>Case Officer:</u> Nanette Brown	<u>email:</u> planningdmc@shropshire.gov.uk	
<u>Grid Ref:</u> 337260 - 305198		



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

Recommendation:- That delegated powers be granted to the Planning Manager to grant outline planning permission subject to expiry of the third party consultation period; subject to the conditions listed at appendix 1 and subject to the applicants entering into a S106 agreement to secure the provision of affordable housing.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for the residential development on land at Horsebridge Road, Minsterley. The application includes access to the site with all other matters reserved for later consideration.
- 1.2 The proposed vehicular access to the site will be created to the eastern boundary, onto Horsebridge Road, where residential properties currently lie to either side of the proposed access.
- 1.3 The proposed development is for 15 dwellings. The indicative layout shows the site accommodating 9 detached houses and 3 pairs of semi-detached houses.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is situated on the north western edge of the settlement of Minsterley and will be accessed from the western side of Horsebridge Road that leads northwards out of the village. The site is bounded by three sides by existing residential properties, with the north western boundary adjoining open fields/countryside.
- 2.2 The development site is comprises a parcel of land set to grass, currently used for grazing. The site is roughly square shaped and is bounded by mature hedgerow on the northern western boundary.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 Community Representations

4.1 Consultee Comments

4.1.1 SC Drainage: no objection

The drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.

The application form states that surface water drainage from the proposed development is to be disposed of via a sustainable drainage system (SuDS). No details of the proposed SuDS have been provided. 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 Councils Interim Guidance for Developer, and how SUDs will be incorporated into the scheme. As part of the SuDS, the applicant should consider employing measures such as the following:

Surface water soakaways

Swales

Infiltration basins

Water Butts

Rainwater harvesting system

Permeable surfacing on any new driveway, parking area/ paved area

Attenuation

Greywater recycling system

Green roofs

Soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change.

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

The site is identified as being at risk of groundwater flooding. The applicant should provide details of how groundwater will be managed.

Reason: To minimise the risk of groundwater flooding.

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

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

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

Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

The use of large diameter pipes and crate storage together with a large number of chambers is likely to prove to be an expensive solution in terms of both construction and maintenance. The sites topography lends itself well to the use of true SuDS. Opportunities for permeable paving, attenuation basins and filter strips exist within the development site which could be explored to make the drainage system more sustainable. The Management Train Approach should be central to the surface water drainage strategy of the proposed site. The main objective is treatment and control of runoff as near to the source as possible protecting downstream habitats and further enhancing the amenity value of the site aiming to incrementally reduce pollution, flow rates and volumes of storm water discharging from the site. SuDS should link with the individual plot structure, planting, public open space requirements and amenity areas, gaining multiple benefits from a limited area of land.

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

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

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

Informative Consent is required from the service provider to connect into the foul

main sewer.

4.1.2 **SC Archaeology: no objection subject to conditions**

Although not currently recorded on the Shropshire Historic Environment Record, examination of digital vertical aerial photographs and Environment Agency LiDAR data held on Shropshire Councils corporate GIS system indicates that an area of partially degraded earthwork remains of ridge and furrow are present on the proposed development site. The morphology of these features suggests that they may be of medieval date and are likely to relate to Minsterley's former open fields. Whilst these features are likely to be of local level significance they are of archaeological interest.

RECOMMENDATION:

In view of the above, and in relation to Paragraph 141 of the NPPF, it is recommended that a programme of archaeological work, to comprise a pre-commencement Level 3 survey of the archaeological earthworks that conforms with English Heritages guidance on Understanding the Archaeology of Landscapes: A guide to good recording practice (2009), be made a condition of any planning permission for the proposed development. An appropriate condition of any such consent would be: -

Suggested Conditions:

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

Reason: The development site is known to have archaeological interest

4.1.3 **SC Affordable Housing – No objections**

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.

4.1.4 **SC Ecology: No objection**

Have read the above application and the supporting documents including the Extended Phase 1 Ecological Survey Report conducted by Pearce Environment Ltd (June 2014).

Recommendation:

Include the conditions and informatives below on the decision notice.

Bats

Trees were assessed on site for their potential to support roosting bats. No

evidence of bats were discovered during the extended phase 1 survey. The site does have potential to support foraging and commuting bats. The following condition and informative should be on the decision notice.

A total of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

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.

Landscape

A section of the eastern hedgerow will be removed in order to provide site access. I would recommend planting additional native species hedgerow on site in order to enhance the site for biodiversity. A species rich hedge of local provenance where possible is recommended for example a mix of hawthorn (50%), blackthorn (20%), holly (10%), hazel (5%), field maple (5%), elder (5%) and dog rose (5%).

The first submission of reserved matters shall include a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:

- Planting plans, including wildlife habitat and features (e.g. bird, bat box, hedge planting)

- Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties).

- Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

Nesting Birds

The site has the potential to support nesting birds. The following condition and informative should be on the decision notice.

A total of 2 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

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.

4.1.5 **SC Highways – no objection**

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

Conditions:

A s106 agreement is required to secure the proposed pedestrian route from Leigh Road to serve the occupants of the proposed development site. This is required to provide a safe and convenient access for the development, in order for it to accord with the requirements of the NPPF.

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 or the building(s) occupied.

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

E5. On-site Construction

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

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

E11. Visibility Splays

Visibility Splays of a depth of 2.4 metres and a length of 43m metres from the centre point of the junction of the access road with the public highway shall be provided before the commencement of the development, and these splays shall thereafter be kept free of any obstacles or obstructions.

Reason: To ensure the provision of adequate visibility in the interests of highway safety.

Informatives

We understand that the proposed access road would remain private and therefore a s38 agreement won't be required. We must therefore clarify to the applicant that unless they enter into a s38 agreement with the LHA and the construction works are inspected, we won't consider the road for adoption in future. If the access roads do remain private, the street name plates should state 'PRIVATE ROAD' or 'UNADOPTED ROAD' below the street name. This is to ensure the LHA aren't contacted regarding their upkeep in the future.

A licence will be required with the local highway authority for the proposed access before work can commence on site. Details of the process for obtaining a licence can be found on the following web page: [http://shropshire.gov.uk/street-works/street-works-application-forms/apply-for-vehicle-access-\(dropped-kerb\)/](http://shropshire.gov.uk/street-works/street-works-application-forms/apply-for-vehicle-access-(dropped-kerb)/)

Background

Early concern was raised by the local highway authority over the original site layout proposed as no footway connection was shown to the village centre; Horsebridge Road between the site and the junction with Leigh Road is narrow with no footways. As Horsebridge Road is regularly used by heavy traffic, it is not considered that it would be a sustainable route for additional larger developments without a dedicated footway/alternative walking route provision. However, the applicant has now agreed to provide a private pedestrian access route between Leigh Road and the development across their land so a s106 agreement is required to secure this provision in perpetuity.

Note that the proposed visibility splays appear to cross third party land and may involve the adjustment of the existing boundary features. Understand the applicant is serving notice on the affected land owners and require a condition to secure the provision of visibility splays prior to the development commencing on site.

4.1.6 **Minsterley Parish Council: Objection**

Residents questioned house permitted under SAMDEV, also provision for drainage,)

Parish Council asked :-

What will impact be on already stretched sewage works?

No pavement in area and busy road is it safe to have extra traffic entering Horsebridge rd.? And will there be extra traffic?,

Is there sufficient lighting on Highway?

The parish council ask that this application be considered by planning committee.

The Parish Council object due to dangerous road the site exits onto. There is no parking there is no footpath and it is dangerous or pedestrians. if there are large vehicles on the road the site will exacerbate a pinch point in the road.

And following receipt of amended plans:

The amendment while allowing for access away from Horsebridge road for residents does not address the fundamental issue of traffic issuing onto a busy narrow road with no footpath for pedestrians and if approved then the planning

dept. are willing to accept responsibility for any accidents and danger to life, it is not in SAMDev. In providing this footpath it is tacit agreement by the developer that Horsebridge road is too dangerous for residents.

4.2 Public Comments

11 letters of objection have been received from 7 addresses and have been summarised as follows:

Principle

Loss of countryside and farm land; There are other Brownfield sites located in the village which are more suitable for development; low cost housing has already been built in the area, no more is needed;

Highway Safety/Access

Increase in traffic on a busy road where the speed limit is often not observed; Horsebridge Road in some places cannot accommodate passing vehicles and is used by milk tankers and large farm vehicles; No footpath along Horsebridge Road; existing chapel opposite the development site, causing an increase in parking on the roads; the size of development represents an unacceptable risk to all road users; visibility splays will need to use some of the adjacent properties frontage to gain adequate views; the proposed footpath for residents of the proposed dwellings is not overcoming concerns about the safety of the road;

Services

Local pumping station already at capacity and may not be able to cope with more houses; Sewage system is already at capacity; inadequate services are available in the village for residents and young people

Drainage/flooding

Increased risk of flooding; this is an area at risk from flooding;

5.0 THE MAIN ISSUES

Principle of development

Affordable Housing

Highways/Access

Drainage

Archaeology

Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Council's Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight. Paragraph 12 of the NPPF states that 'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that

conflicts should be refused unless other material considerations indicate otherwise’

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

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

and that:

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

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

6.1.4 The application site in this case is located on the edge of Minsterley, in open countryside in terms of planning policy, with policy CS5 of the Core Strategy applying. Core Strategy Policy CS3 is also relevant as Minsterley is proposed to be a joint key centre with Pontesbury within the Pre-submission Draft SAMDev Plan published on 17th March 2014. A development boundary is proposed for Minsterley and Policy S12 of the Pre-submission Draft SAMDev Plan proposes a guideline of a total of 260 additional dwellings for the two villages for the period 2011-2026 (of which 123 have already been identified as having been built or committed between 2006 and 2013). Policy S12 also identifies 2 preferred sites at Hall Farm, and Callow Drive that would potentially provide a total of 49 houses. New housing development will be delivered through a combination of allocated sites and windfall opportunities on existing brownfield and other infill sites. Outline planning permission has also been granted at Little Minsterley for a further 13 dwellings.

6.1.5 Notwithstanding the above, proposals must be assessed with a presumption in favour of sustainable development as defined throughout the NPPF. As such the key factor in determining this application is the assessment of whether the proposal would represent sustainable development and whether the adverse impacts of granting permission would significantly or demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 6.1.6 Minsterley is a village with existing built development predominantly located either side of the A488 running through the centre of the village. There are a variety of services currently provided within the village in the form of a public house, a bus service providing links to Shrewsbury and Bishops Castle, a grocery store and petrol garage, a post office, takeaway, butchers, florist, vets, primary school, pre-school nursery, church and village hall.
- 6.1.7 Paragraph 55 of the NPPF advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Minsterley is located within close proximity with Pontesbury, linked by the A488 where further services are available. Whilst not necessarily within walking distance, both settlements are within close proximity and Pontesbury is also on the same bus route. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services without over reliance on long journeys by private motor car.
- 6.1.8 ‘Sustainable development’ isn’t solely about accessibility and proximity to essential services but the NPPF states that it is ‘about positive growth – making economic, environmental and social progress for this and future generations’. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:
- 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.
- 6.1.9 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide opportunity for local employment for the construction phase of the development supporting local builders and building suppliers. The provision of 15 additional houses will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also make a financial contribution to the supply of affordable housing in addition to a CIL

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

- 6.1.10 Social role - Providing housing will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. The 15 dwellings proposed would add a small amount to the identified figure in SAMDev of 260 dwellings required to be provided for Minsterley and Pontesbury by 2026. It is not considered that this level of increase could be considered to be detrimental to the existing community of the village and Parish.
- 6.1.11 Environmental role – The site forms land with current use as pasture. The site has no formal/official heritage, cultural or ecological designation, although SC Archaeology Officers have recommended a Written Scheme of Investigation be carried out should planning permission be granted. The land has little ecological value with the only feature of any ecological value being the hedges, trees and planting located at its periphery. The proposal would have no adverse impact on wildlife and the ecological value of the site could potentially be improved by conditions requiring the provision of artificial bird nests. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible to local services and facilities on foot or by cycle and by public transport to the array of services, facilities and employment opportunities in Pontesbury and Shrewsbury.
- 6.1.12 Any adverse impacts of the proposed housing development that might significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole will be discussed in the following paragraphs below.

6.2 Affordable Housing

- 6.2.1 Policy CS11 of the Core Strategy requires an appropriate contribution to made local needs affordable housing, either in the form of on-site provision or a financial contribution towards off site provision. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing housing target rate at the time of Reserved Matters application. The applicants have agreed to make the necessary contribution in accordance with the requirements of the Type and Affordability of housing SPD.

6.3 Highways/Access

- 6.3.1 Many of the objections raised to this application refer to the narrowness of Horsebridge Road and its lack of a full footpath for pedestrians walking along the roadway into the village. Other objections raised refer to concerns relating to the safety of a vehicular access at this point along the road and how the addition traffic created by the development would add to current pressures on a busy roadway that often carries milk tanker and large agricultural vehicles.
- 6.3.2 Amended plans have been submitted as part of the application for this proposal that show a pedestrian footpath link from the application site through a shared driveway that serves existing houses to the south of the site, with the footpath emerging close to the mini roundabout at the southern end of Horsebridge Road. This is intended to provide a pedestrian link for the occupants of the proposed

homes enabling them to access the village facilities without having to walk along Horsebridge Road, which does only have a partial footpath in place.

6.3.3 The SC Highways Officer has raised no objection to these amended plans subject to the provision of the footpath link and suitable visibility splays for the proposed vehicular access onto Horsebridge Road. The Highways Officer has suggested that the provision of the footpath link could be secured by a legal s106 agreement, but it is considered that a condition could be adequately worded in order to secure this prior to the first occupation of the dwellings.

6.3.4 It is noted that the proposed visibility splays for the vehicular access appear to cross third party land and may involve the adjustment of the existing boundary features. The applicant's agent has confirmed that appropriate notice will be served on the adjacent landowners and the red site outline amended to include the visibility splays prior to the committee meeting. The provision of a condition to secure the provision of visibility splays prior to the development commencing on site could be added to any planning permission granted.

6.4 Drainage

6.4.1 The application site falls within flood zone 1 of the Environment Agency identified flood zones and so is within an area of low probability of flooding. SC Drainage Engineers have raised no objections to the application subject to details of surface water drainage being conditioned.

6.4.2 The application details indicate that it is intended that the development be connected to the mains sewer and it is for the developer to seek permission from the service provider for a connection to be made.

6.5 Archaeology

6.5.1 Although not recorded on the Shropshire Historic Environment Record, SC Archaeology Officers have carried out an examination of digital vertical aerial photographs and Environment Agency LiDAR data held on Shropshire Councils corporate GIS system which indicates that an area of partially degraded earthwork remains of ridge and furrow are present on the proposed development site. The morphology of these features suggests that they may be of medieval date and are likely to relate to Minsterley's former open fields.

6.5.2 These features are likely to be of local level significance and they are of archaeological interest and as such SC Archaeology Officers recommend that a written scheme of investigation (WSI) be carried out and submitted prior to any development commencing on site.

6.6 Ecology

6.6.1 The Council's Ecologist has considered the submitted plans and has made no objections to the application subject to the use of conditions to protect existing wildlife.

7.0 CONCLUSION

7.1 It is appreciated that approving this development would be contrary to the SAMDev allocation for the village of Minsterley. However a priority of the NPPF is to boost

housing supply and to approve sustainable development in appropriate locations provided there are no adverse impacts of doing so. It is considered that the site is of a sufficient size to accommodate the proposed number of dwellings and would not result in an unacceptable form of development immediately adjacent to the village. The proposal would have no adverse drainage, flooding or environmental/ecological implications and would not impact on highway safety. The detailed, appearance, landscaping, and scale designs will be considered at the reserved matters stage

- 7.2 The existing infrastructure is sufficient to support the proposed development and the proposal will provide local needs affordable housing and will be liable for the required CIL payment. It is considered that Minsterley is a sustainable location for a limited number of new houses (over and above that put forward as part of SAMDev) due to its range of essential services and facilities with good access to all essential services and facilities without over reliance or long journeys by private motor car. It is considered that the proposal represents sustainable development that will contribute to providing a balance of available housing and would help support facilities and services in this and neighbouring towns and villages and therefore promote '*strong, vibrant and healthy communities*'. It is therefore recommended this application be granted planning permission in line with clear guidance within the NPPF. Permission, if granted, should be subject to the completion of a S106 Agreement to secure payment towards the provision of on-site affordable housing in accordance with the Councils adopted policy.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

Core Strategy and Saved Policies:
SAMDev Plan
Shropshire Council Core Strategy (February 2011)
CS3 : The Market Towns and Other Key Centres
CS5 : Countryside and Green Belt
CS6 : Sustainable Design and Development Principles
CS9 : Developer Contributions
CS11 : Type and Affordability of Housing
CS17 : Environmental Networks
CS18 : Sustainable Water Management
Supplementary Planning Document - Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

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

Planning File 14/03670/OUT

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Tudor Bebb

Appendices

APPENDIX 1 - Conditions

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

1. Approval of the details of the layout, scale, appearance and 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 one year from the date of this permission.

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

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

Reason: The development site is known to have archaeological interest

6. 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 or the building(s) occupied.

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

7. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved

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

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

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

8. Visibility Splays of a depth of 2.4 metres and a length of 43m metres from the centre point of the junction of the access road with the public highway shall be provided before the commencement of the development, and these splays shall thereafter be kept free of any obstacles or obstructions.

Reason: To ensure the provision of adequate visibility in the interests of highway safety.

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

9. A total of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of any of the dwellings hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

10. Prior to the erection of any external street 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.

11. A total of 2 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

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

12. Prior to the first occupation of the residential development hereby approved, the proposed footway link between the development site and Leigh Road through the adjacent shared private driveway as shown on the approved plans shall be established and surfaced in a suitable bound material prior and shall thereafter permanently be retained as such.

Reason: To ensure the development site is served by a satisfactory and safe walking link to the village.

Informatives

1. 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.
2. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

4. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.
5. Consent is required from the service provider to connect into the foul main sewer.
6. 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.
7. If the proposed access road would remain private a s38 agreement won't be required. Please note however that unless a s38 agreement is entered into with the Local Highway Authority (LHA) and the construction works are inspected, the road will not be considered for adoption in future. If the access roads do remain private, the street name plates should state 'PRIVATE ROAD' or 'UNADOPTED ROAD' below the street name. This is to ensure the LHA aren't contacted regarding their upkeep in the future.

8. A licence will be required with the local highway authority for the proposed access before work can commence on site. Details of the process for obtaining a licence can be found on the following web page: [http://shropshire.gov.uk/street-works/street-works-application-forms/apply-for-vehicle-access-\(dropped-kerb\)/](http://shropshire.gov.uk/street-works/street-works-application-forms/apply-for-vehicle-access-(dropped-kerb)/)