



Committee and date

Central Planning Committee

9 April 2015

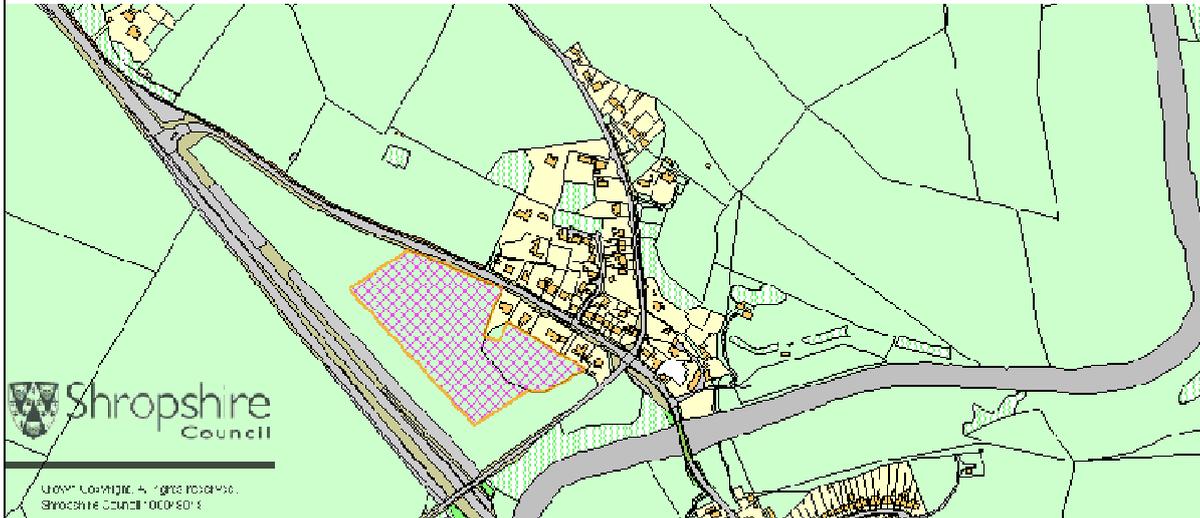
## Development Management Report

Responsible Officer: Tim Rogers

email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b><u>Application Number:</u></b> 14/05742/OUT	<b><u>Parish:</u></b>	Montford
<b><u>Proposal:</u></b> Outline application (access, layout for approval) for mixed residential development; formation of a vehicular access and associated infrastructure (revised scheme)		
<b><u>Site Address:</u></b> Development Land Adj Oaklands Holyhead Road Montford Bridge Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Morris Property		
<b><u>Case Officer:</u></b> Nanette Brown	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	
<b><u>Grid Ref:</u></b> 342879 - 315526		



**Grant Permission subject to a section 106 legal agreement to secure an off-site affordable housing contribution and to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application seeks outline planning application for the residential development of the application site, to include details of the access and layout arrangements. All other matters of appearance, landscaping and scale are to be reserved matters. The amended submitted site layout plan shows a total of 34 houses proposed; containing a mixture of detached and semi-detached houses accessed Holyhead Road, the B4380 that runs through the village.
- 1.2 Outline planning permission (Ref 13/00464/OUT) has previously been granted for part of the area covered by this application site for the erection of 5 detached dwellings with garages. The approved layout for this permission shows the 5 dwellings running along parallel to the Holyhead Road, served by a private shared driveway with its junction situated roughly in the same position than that now proposed for the access onto the current application site.
- 1.3 A planning application for the same development that is now proposed was

previously submitted to this authority and refused planning permission (Ref 14/00518/OUT). The reason for the refusal was as follows:

*“The Local Planning Authority consider that the development would have an adverse impact upon the economic viability of the local area by taking high grade agricultural land out of production (contrary to paragraph 112 of the National Planning Policy Framework); and would severely impact upon the social sustainability of the settlement by systematically and immediately increasing the size of the settlement by an unacceptable amount which would irrevocably and permanently adversely impact upon the small settlement, which has very limited services and which will then become incapable of providing its population without the need to rely on services outside of the area and travel extensively so to do.”*

- 1.4 This refusal decision was appealed by the applicants and the Planning Inspector subsequently dismissed the appeal. In their conclusion the Inspector considered that the proposal would not have an adverse effect upon the economic viability of the local area by taking high grade agricultural land out of production. They also considered that the proposal would also be acceptable with regard to the principle of sustainable development. The appeal was however dismissed as there was no provision made of any mechanism to secure the provision of affordable housing in line with policy CS11 of the Council’s Core Strategy. A copy of the appeal decision letter is attached to the end of this report as Appendix 2.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site is an existing arable field located to the south of Holyhead Road, the B4380 that runs through Montford Bridge. The site consists of open countryside used in connection with farming and lies between the B4380 and the A5 bypass with part of the site located to the south of the existing houses that run along the southern side of Holyhead Road. The site slopes upwards from Holyhead Road in a south westerly direction towards the A5. The current use of the site is agricultural with part of the site subject to historic extraction of sand and gravel.
- 2.2 Montford Bridge has a public house and a regular serviced bus route. Montford Church and village hall are located to the south of the A5 bypass. Bicton is located around 1 mile from Montford Bridge and contains a church, village hall, school and recreation area.

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

- 3.1 Montford Bridge 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 in light of the previous planning application and its dismissal at appeal the application should be determined by committee.

## **4.0 Community Representations**

### **4.1 - Consultee Comments SC Highways DC – No objections**

The Highway Authority makes the following recommendation and observations, to be considered in the determination of this development proposal.

#### Development Principles

The application proposes a new vehicle access for the development from Holyhead Road. The proposed access appears to be adequately located and has good visibility in either direction with appropriate visibility splays and distances for this speed and category of road.

Shropshire Council Highways agrees with the traffic impact statement information provided in the submission. This being that the additional traffic generated by a development of this size and with this number of dwellings in this location would have a minimal impact on the immediate and surrounding road network.

If outline planning application is granted Shropshire Council Highways authority would require the developer to adhere to all reserved conditions and standards set by the Highways Authority along with entering in to a Section 38 agreement (HW80) for the adoption of the estate roads.

Please note our previous comments below on the related refused application 14/00518/OUT.

Highways comments for related refused application 14/00518/OUT:

'SC Highways Development Control ' No objection

The highway authority raises no objection to the granting of consent subject to the attachment of conditions and informative(s).

#### Background:

Early discussions took place with the applicants transport consultant over the location and suitability of the proposed access, to which we have no objection. As the B4380 Holyhead Road was once the A5 trunk road, the construction of this road is of a sufficient standard to accommodate the proposed development.

Note the inclusion of walking route connections with the village, so people will be able to gain convenient access to the nearby bus stops and pub. A continuous footway connection is also available to Shrewsbury for those willing and able to walk the distance of approximately 4km.

As the access roads are to be offered for adoption under s38 of the Highways Act

1980 an agreement will be required with the local highway authority and the proposed works will require technical approval prior to commencing on site."

### **SC Ecologist – No objections**

Note supporting documents including the Extended Phase 1 Habitat Survey by Worsfold and Bowen dated January 2014.

#### Great crested newt

Worsfold (2014) reports that the drainage ditch on the opposite side of the road may be suitable for use by great crested newts (GCN) and requires further surveys to establish whether GCN may be present. A Habitat Suitability Index was not provided.

From what can be seen of the ditch in question, it is likely to have water flowing along it throughout the year and therefore unlikely to support great crested newt breeding. The lack of other ponds in the vicinity and the road between the ditch are also considerations. In this particular situation would not insist on survey of the ditch but recommend an informative to cover the unlikely possibility of GCN turning up on the (arable) application site:

#### Informative

Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

#### Bats

Worsfold (2014) reports that the oak tree adjacent to the existing house at the north east side of the site (probably Oaklands) is suitable for use by bats. Worsfold (2014) recommends further surveys between May and September to establish whether this tree is being used by bats.

The revised Proposed Site Layout Rev E indicates no development close to this tree and unless this changes there is unlikely to be an impact on any bat roosts which could be in the tree.

No information is presented on bat activity along the hedgerows and the former quarry. Considering that the River Severn is only around 100m to the south of the application site, would expect the boundary features to be used for bat foraging and commuting. The following condition and informative are therefore recommended:

#### Condition

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.

#### 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.

#### Nesting birds

Trees bordering the site have potential for nesting birds. The following condition and informative are recommended:

#### Condition

2. A total of 5 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.

#### **SC Drainage – No objections**

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.

1. The FRA states surface water drainage is to be designed in accordance with BRE Digest 365. There are details of the proposed highway drainage however no details and sizing of the proposed soakaways for the house plots have been supplied. Full details, calculations, dimensions and location of the percolation tests

and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

The Proposed Foul and Surface Water Drainage Layout, Dwg. No. CL(19)01 Rev P2 shows the highway soakaway SA02 crossing several residential properties, this is not ideal for maintenance purposes and the applicant should demonstrate that there is not a more suitable soakaway location available.

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

2. Please provide a contoured plan of the finished road level to ensure that the proposed gullies are located correctly. Confirmation is required that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

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.

3. 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.

4. Please provide information on the proposed maintenance agreement and access for the highway soakaway in the gardens of a number of properties.

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

5. Informative: Problems are often encountered with drainage systems due to the ingress of tree roots through poor joints or cracks in the network. This occurs because roots are drawn to the presence of water and hence is a common problem with soakaways where a permeable structure is a design feature and roots can grow through the soakaway walls, reducing the passage of water. Care should be taken to ensure that tree root ingress does not occur as the proposed soakaway's efficiency would be reduced.

6. Informative: Consent is required from the service provider to connect into the foul main sewer.

**SC Learning & Skills - comments**

Shropshire Council Learning and Skills reports that the local primary school is nearing pupil capacity and is forecast to reach capacity in the near future. It is therefore essential that the developers of this and any new housing in the village contribute towards the consequential cost of any additional places/facilities considered necessary at the school.

**SC Trees - No comments received to date in response to this application but the scheme is the same as that previously proposed (14/00518/OUT) and the comments of SC trees at that time were:**

“There is a significant tree present on or adjacent to the site on the boundary with The Oaklands. The development of this land has the potential to impact upon this tree, including the possibility of damaging it to a point that it cannot be safely retained and/or create a situation whereby the tree affects or exerts an influence over the proposed development in the longer term.

Raise no objections to the revised layout. If there are any amendments to the layout that re-instate any housing or development close to this tree then assessment of the potential impacts and implications and the consequences for the landscape and public amenity of the area and the wider environment will be required in the form of an Arboricultural Assessment, prepared in accordance with BS 5837: 2012. “

**SC Conservation (Historic Environment) – No objection**

Background to Recommendation:

We had commented on an earlier proposal that the settlement of Montford Bridge is not a designated Conservation Area. There are no statutorily listed buildings within the site boundary however immediately adjacent to the northerly site boundary our mapping indicates that there is a Grade II listed early 19th Century tooled granite Milestone alongside the Holyhead Road which would need to be protected during any site works and which any proposed new entrances should avoid. Efforts to minimize disruption to the continuous hedge along the highway boundary should also be made.

Principles of Scheme:

The proposal should reflect local vernacular detail in terms of building scale, layout and orientation, design and detail, and materials. In terms of layout and orientation the dwellings shown on parcels 01 to 06 do not reflect the existing built form along the highway which are oriented in a traditional linear form facing the highway. The current layout should be reconsidered to better reflect the surrounding existing residential development.

In terms of historic environment matters no objections raised.

**SC Affordable Houses**

Consulted: 15th January 2015 Reply Received : 16th January 2015

If this site is deemed suitable for residential development, the scheme would be

required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of Reserved Matters application.

The current prevailing target rate for affordable housing in this area is 15% this would mean a provision of 5 Affordable houses on site along with a financial sum for the remaining percentage. The assumed tenure split of the affordable homes would be 4 for affordable rent and 1 for low cost home ownership and these would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. However as this is an outline application the percentage contribution and number of affordable homes will not be set at this time, but will be reviewed at the time of the reserved matters application. The size, type and tenure of the affordable housing needs to be agreed in writing with the Housing Enabling team before any application is submitted

#### **4.2 - Public Comments**

##### **Montford Parish Council - Objection**

MPC strongly objects to this plan on these grounds:

1 The plan is not sustainable because there is insufficient infrastructure in the village to support 34 houses.

2 The local primary school is already overcrowded and an influx of extra pupils would have an adverse effect.

3 34 new houses would create "housing shock" that would have an adverse effect on the present community.

4 The cumulative effect of these 34 houses plus all the other proposed new houses in this half of Montford Bridge village such as the 3 houses already granted permission on Forton Bank plus another 13 new houses awaiting decisions would make a grand total of fifty new houses which would overwhelm this small village.

5 It is contrary to Montford Parish Council's Montford Housing Strategy MHS 127 for just 10 houses in and around Montford Bridge West of the River Severn and with no more than FIVE houses on any one site and this strategy is soundly based on MPC's democratic response to SC's long-running SAMDev consultations.

6 MPC has acted very fairly in supporting the original proposed five houses but 34 houses are far too many.

7 In the interests of sensible planning and natural justice MPC urges SC to refuse this planning application.

4 public objections have been received and are summarised as follows:

##### **Principle**

There has been no change to the submitted plans since the last application that

was refused; proposed number of dwellings proposed far too large, exceeding greatly the numbers set out in the Parish Plan; the village has no facilities such as work, schools, medical facilities post office or shop; where is the housing need coming from?

#### Access

The proposed access to the site should be set well away from any neighbours, will result in excess of 100 vehicle movements; this part of Holyhead Road is currently more heavily used than previously, with many vehicles not keeping to the 30mph speed limit; this development will add pressure/use of the junction with the A5 by-pass which is already dangerous; recent reduction in bus service for village

#### Design

The houses adjacent to Holyhead Road should front the road, matching the existing houses and their layout along Holyhead Road.

#### Drainage

Do not consider that the current mains sewer can accommodate the number of dwellings proposed; the development may raise local ground water levels;

#### Other matters:

Any street lighting will produce light pollution – needs to be addressed; the access to the public open space needs to be pedestrian only.

## 5.0 THE MAIN ISSUES

### Principle of development

### Layout & Open Space

### Access

### Ecology & Environment

### Drainage

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight.

6.1.2 At paragraph 12 the National Planning Policy Framework (NPPF) states that proposed development that accords with an up-to-date Local Plan should be approved, and development that conflicts should be refused unless other material considerations indicate otherwise. There is a presumption in favour of sustainable development and at paragraph 14 the NPPF it explains that for decision taking this means that where the development plan is absent, silent or relevant policies are out

of date, planning permission should be granted for development unless

1) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or

2) specific policies in the NPPF indicate that development should be restricted

6.1.3 With regards to housing development paragraph 49 of the NPPF is relevant and 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.’

6.1.4 Following the submission of the SAMDev Final Plan to the Planning Inspectorate in August 2014, 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.

6.1.5 The application site in this case is located on the edge of Montford Bridge, in open countryside in terms of planning policy, with policy CS5 of the Core Strategy applying. Core Strategy Policy CS4 is also relevant as Montford Bridge is proposed to be a Community Cluster Settlement in Montford Parish where development by infilling, conversions of buildings and groups of dwellings may be acceptable on suitable sites within the village, with a housing guideline of approximately 10 additional dwellings over the period to 2026. The Parish Council has also identified in their housing strategy that applications should contain a maximum of 1-2 dwellings per site. The SAMDev Plan was submitted to the Secretary of State in August 2014 and is currently being examined. No development boundary is proposed for Montford Bridge.

6.1.6 Outline planning permission was granted in 2013 for 5 dwellings on part of this site with Parish Council support. A subsequent application (14/00518/OUT) for 35

dwellings was dismissed at appeal on the 19<sup>th</sup> December 2014 with the Inspector's decision due to the lack of a mechanism put forward to secure the provision of affordable housing and as such considered that the proposal would not make adequate provision for local needs affordable housing in line with policy CS11 of the Council's Core Strategy. However the Inspector found that the proposal would not have an adverse effect upon the economic viability of the local area by taking high grade agricultural land out of production and that the proposal would also be acceptable with regard to the principle of sustainable development.

6.1.7 Other applications also received for Montford Bridge include outline applications Refs 14/01728/OUT, 13/04429/OUT & 14/02964/OUT for approximately 5, 2 & 8 dwellings respectively which are pending decision subject to completion of s106 legal agreements; which together with an approval for one dwelling that was permitted under permission 13/01193/OUT takes the total to 21. It is therefore acknowledged that any further approvals will further exceed the housing guideline of approximately 45 additional dwellings.

6.1.8 Whilst emerging Policy MD3 recognises that settlement housing guidelines are a significant policy consideration, it outlines that where development would result in the number of completions plus outstanding permissions exceeding the guideline, decisions on whether to exceed the guideline will have regard to:

- i. The increase in number of dwellings relative to the guideline; and
- ii. The likelihood of delivery of the outstanding permissions; and
- iii. The benefits arising from the development; and
- iv. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and
- v. The presumption in favour of sustainable development.

6.1.9 In considering these points it is noted that :

- i. Montford's Housing Guideline is for approximately 10 and granting of this consent would represent an increase of 45 dwellings over this figure;
- ii. All of the extant permissions or those pending decision have a minimum of 12 months before the submission of reserved matters are required so there is a reasonable likelihood that these will be delivered.
- iii. The benefits, cumulative impact and presumption in favour of sustainable development will be assessed in the following sections of this report however the points raised by the previous appeal inspector should also be taken into account.

6.1.10 In terms of national policy considerations this application site is located within countryside for planning policy purposes and as such would not accord with Core Strategy Policy CS5. However, notwithstanding the above, weight must also be given to the requirements of the NPPF and the presumption in favour of sustainable development. In terms of the sustainability of the development, the village of Montford Bridge benefits from a range of facilities and services. These include: a public house; two camping and caravanning sites and a regular bus service to nearby Shrewsbury and Oswestry; a church and village hall are located approximately a mile away at Montford. In this respect it is considered that Montford Bridge is a reasonably sustainable location in respect of accessibility and

proximity to essential day to day services without over reliance or long journeys by private motor car.

6.1.11 However '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:

- ② an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- ② a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- ② an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

6.1.12 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 thirty four 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.

6.1.13 Social role – Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in smaller settlements where it will support facilities within the settlement and those nearby, thereby helping to retain services and enhancing the vitality of rural communities. 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 Parish Council has raised concerns regarding the number of 34 dwellings proposed and how this will integrate with the existing community, but additional housing will provide opportunity for increased support and use of existing village services and may even provide an increased demand for further service provision. Utilising the 2011 Census data the proposed 34 dwellings would represent an approximate 15% increase in the number of households in the

Parish. It is not considered that this level of increase could be considered to be detrimental to the existing community of the village and Parish. In consideration of the recent planning appeal the Planning Inspector in their reasoning considered that there was no specific information provided to suggest that the addition of 34 new houses to the village would have any significant adverse effect on the village in terms of increasing its size or the ability of the services within it to provide for existing residents. The inspector also considered that the provision of additional dwellings might well also help to retain services and enhance the vitality of rural communities in the local area.

- 6.1.14 Environmental role – The site forms part of a larger arable field with no official heritage, cultural or ecological designation. Whilst it is currently utilised as pasture land it has little ecological value with the only feature of any ecological value being the hedges, trees and planting located at its periphery and within the area that formed part of the former quarry. These may be retained and enhanced with additional landscaping and on the submitted layout plans the former quarry area is shown to be retained as public open space. 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 Shrewsbury and Oswestry.
- 6.1.15 It is recognised that the site lies outside of the development boundary and would not comply with Development Plan policies which seek to restrict open market dwellings from such locations. Nevertheless it is considered that the proposal is consistent with the aims and objectives of the NPPF in respect of the presumption in favour of sustainable development and the need to boost significantly the supply of housing. It is considered that these are material considerations which can be given significant weight. On balance therefore it is considered that this location can be supported in principle.
- 6.1.16 Policy CS11 of the Core Strategy requires an appropriate contribution to be made towards 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 and have provided a suitably worded draft agreement in advance of the determination of this application. In this respect the application is considered to accord with Policy CS11.

## **6.2 Layout & Open Space**

- 6.2.1 Layout Design – The proposed layout of the site shows the vehicular access to the site located towards the south eastern end of the frontage onto Holyhead Road. The internal proposed roadway branches into three cul-de-sacs with defined

boundaries in between each group of houses. The eastern part of the site consists of the proposed open space, utilising the former quarry remains. This layout ensures that all of the new housing is set away from the rear gardens and elevations of the existing properties along Holyhead road, and although the land levels within the site rise in a south westerly direction this degree of separation is considered not to create any opportunity for any significant loss of privacy for existing residents. The proposed layout also allows for the retention and possible supplementation to the existing roadside hedgerow/boundary to the site. The properties closest to Holyhead Road are not shown fronting Holyhead Road, it is not considered that this needs to be the case, this development will be the last built development on this side of the road to the south of Holyhead Road where it is not considered essential to continue the street fronting orientation of dwellings.

6.2.2 Open Space Provision - Shropshire Core Strategy Policy CS6 requires all development to achieve local standards for the provision and quality of open space, sport and recreational facilities. The local standards are set out in the Open Space Interim Planning Guidance (IPG) as 30sqm per bedroom. Within the overall open space requirement the IPG (para 4.7 – 4.9) outlines that 'recreational spaces' should be provided. Generally these recreational spaces need to be a minimum of 2,000m<sup>2</sup> in order to be functional.

6.2.3 Using the submitted layout plan as a guide this scheme provides 125 bed spaces which equates to a requirement for 3750m<sup>2</sup> of open space. The scheme proposes approximately 7800m<sup>2</sup>, which includes the open area that is shown to be landscaped as open space covering the former quarry site. It is acknowledged that the recreational space provision is therefore above the IPG requirements. This open space is also proposed to provide a pedestrian link through to the Holyhead Road, into the centre of the village.

6.2.4 Paragraph 2.6 of the Open Space IPG states that the equipping of and maintenance of the equipment, of open spaces with formal play equipment will be through use of CIL receipts. The maintenance of the amenity green space will be controlled by condition by requiring a landscape management plan prior to occupation of the houses.

### **6.3 Access**

6.3.1 No objections have been raised to the application from this Council's Highways Officers who consider that the A5, a former trunk road, is of a sufficient standard to accommodate the proposed development. The Highways Officer has noted that as the proposed roadways within the development are to be offered for adoption then a section 38 agreement will be required separate to any planning permission granted.

### **6.4 Ecology & Environment**

6.4.1 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. The Council's Tree Officer previously noted that the plans show any development set sufficiently away from the Oak Tree that is subject to a Tree Preservation Order, and raised no objections.

## **6.5 Drainage**

6.5.1 Shropshire Council Flood and Water Management Team have made no objection to the application and consider that the submitted Flood Risk Assessment information is acceptable subject to conditions requiring confirmation of details relating to soak aways, finished road levels and driveway surfacing.

## **7.0 CONCLUSION**

7.1 It is appreciated that approving this development would be contrary to the Parish Councils site allocations for the village of Montford Bridge and would go against the ideals of 'localism'. 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 within the village. The proposal would have no adverse environmental or ecological implications and would not impact on highway safety. The detailed appearance, landscaping, and scale 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 Montford Bridge is a sustainable location for a limited number of new houses (over and above that put forward by the Parish as part of SAMDev) due to its range of essential services and facilities and its proximity to Shrewsbury and Bicton 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 that members support this application and grant 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 the provision of affordable housing in accordance with the Councils adopted policy, for which a draft agreement has already been submitted for discussion by the applicant agent.

## **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 six weeks after the grounds to make the claim first arose.

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

## **8.2 Human Rights**

Article 8 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)

CS4 : Community Hubs and Community Clusters

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:**

13/00464/OUT Outline application for the erection of 5 no. detached dwellings and garages (to include access, layout and scale) GRANT 6th December 2013

14/00518/OUT Outline application (access, layout for approval) for mixed residential development; formation of a vehicular access and associated infrastructure REFUSE 16th June 2014

**Appeal**

14/02148/REF Outline application (access, layout for approval) for mixed residential development; formation of a vehicular access and associated infrastructure DISMIS 19th December 2014

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

Planning file 14/05742/OUT

**Cabinet Member (Portfolio Holder)**

Cllr M. Price

**Local Member**

Cllr David Roberts

**Appendices**

APPENDIX 1 - Conditions

APPENDIX 2 – Previous appeal decision letter for planning application 14/00518/OUT.

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Approval of the details of the appearance, scale 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. Prior to the commencement of the development on site full engineering details of the new access road, existing highway/road works, traffic calming scheme, structures, foot/cycleways, surface water drainage, street lighting and carriageway markings/signs, shall be submitted to and approved by the planning authority; the works shall be fully implemented in accordance with the approved details prior to the development hereby permitted being first brought into use.

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

5. No development shall take place until a soakaway test(s) has been carried out 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, or such other guidance as may be agreed in writing by the Local Planning Authority and the agreed recommendations shall be implemented in full prior to the first occupation of the development.

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

6. No development shall take place until a contoured plan of the finished road levels should be provided together with confirmation that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site, 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 that any such flows are managed on site and to avoid flooding.

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

7. 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 by the local planning authority prior to the occupation of the first dwelling. The landscape plan shall be carried out as approved and retained thereafter.

Reason: To ensure the long term maintenance of the amenity green space.

8. A total of 5 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

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

9. 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.

#### **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](http://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. As the access roads are to be offered for adoption under s38 of the Highways Act 1980 an agreement will be required with the local highway authority and the proposed works will require technical approval prior to commencing on site.
5. Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended). If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.
6. 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.
7. 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.
8. Consent is required from the service provider to connect into the foul main sewer.

## APPENDIX 2

### Previous Appeal Decision Notice - 14/02148/REF

## Appeal Decision

Site visit made on 18 November 2014  
by Victoria Lucas-Gosnold LLB MCD MRTPI  
an Inspector appointed by the Secretary of State for Communities and Local Government  
Decision date: 19 December 2014

### **Appeal Ref: APP/L3245/A/14/2225192**

### **Oaklands, Holyhead Road, Montford Bridge, Shrewsbury, SY4 1EE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Morris Property against the decision of Shropshire Council.
- The application Ref 14/00518/OUT, dated 3 February 2014, was refused by notice dated 16 June 2014.
- The development proposed is 'Outline application (access, layout for approval) for mixed residential development; formation of a vehicular access and associated infrastructure.

### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. The application was submitted in outline with all other matters except access and layout reserved for determination at a later stage.
3. The description of development set out in the original application referred to the proposed erection of 35 dwellings. However, a revised layout plan was submitted during the Council's consideration of the application which shows 34 proposed dwellings. The Council determined the proposal on that basis and so shall I. Taking account of this, the description of development in the banner heading above is that which both parties have referred to and which the appellants have used in the appeal form.
4. Although the Council officer's report does identify some policies from the Council's Core Strategy (Adopted March 2011), the Council principally determined the application with regard to the National Planning Policy Framework (the 'Framework'). Indeed, the Council's decision notice does not identify any local development plan policies and refers only to the Framework. Therefore, whilst I have had regard to the policies submitted by the Council, I have determined this appeal principally in relation to the Framework.

### **Main Issues**

5. The main issues are:

- The effect of the development proposed on the local economy, with regard to the supply of agricultural land in the area;
- The principle of the development proposed with regard to the principle of sustainable development;
- Whether the proposal would make adequate provision for local needs affordable housing.

## Reasons

### *The local economy and the supply of agricultural land*

6. The appeal site is currently an arable field, approximately 2.99 hectares (ha) in size and is in the settlement of Montford Bridge. It is located between the A5 bypass the Holyhead Road (the B4380). Part of the appeal site has been actively farmed and has been identified as grade 3 agricultural land. In addition, part of the site has been used for the historic extraction of sand and gravel.

7. The Council have referred to concerns as to the adverse impact on the economic viability of the local area by taking high grade agricultural land out of production as a result of the development proposed. In calculating the amount of agricultural land that would be lost as a result of the appeal proposal, I must take account of the existing situation. An outline planning permission (Ref 13/00464/OUT) has previously been granted for the erection of five detached dwellings with garages on part of the appeal site. This area is approximately 0.5 ha. The part of the site which was a former quarry is not in active agricultural use is approximately 0.6 ha.

8. Therefore, taking these factors into account, the actual amount of land on the appeal site which is actively farmed and that would be lost as a result of the appeal proposal would be approximately 1.89 ha.

9. Paragraph 112 of the Framework states, among other things, that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

10. There is little specific information before me as to the supply of agricultural land in the local area. It is therefore uncertain as to whether there is a specific shortfall. However, based on the information before me, I am satisfied that the loss of 1.89 ha would be unlikely to result in the significant development of agricultural land as described in the Framework.

11. Paragraph 112 of the Framework also states that account should be taken of the economic and other benefits of the best and most versatile agricultural land. The appellants have referred to some figures provided by their agricultural land agent which state that the profit margin of the land is approximately £1200 per hectare per annum. Taking into account that 1.89 ha of agricultural land on the appeal site would be lost as a result of the development proposed, this equates to an annual income of approximately £2268 as a result of the site being actively farmed. This amount would therefore be lost to the local economy as a result of the development proposed.

12. However, there are additional economic factors associated with the development proposed which must also be considered. If the appeal were to succeed, this would create approximately 51 construction jobs. Although I acknowledge these jobs would be of limited duration, this is a benefit nonetheless. I also note that the appellants are a local developer and would therefore seek to employ local construction workers from the Shrewsbury area.

13. Were the appeal to succeed, the proposal would also result in a New Homes Bonus being payable (equating to approximately £298,000) and a Community Infrastructure levy (CIL) charge which would be approximately £348,000 of which 15% (approximately £52,2000) would be payable direct to the Parish Council.

14. The appellants have also referred to some general economic data relating to the economic contribution of the average household to the local economy and also average household expenditure. Although future residents of the appeal proposal may not choose to work or do all of their shopping in the local area, future occupants would nevertheless be likely to make a positive contribution overall to the local economy in this regard.

15. Therefore whilst there would be a small loss to the local economy as a result of the appeal site no longer being actively farmed, I consider that this amount would be outweighed by the additional economic benefits associated with the proposal, were the appeal to succeed.

16. Accordingly, I conclude that the proposal would not have an adverse effect upon the economic viability of the local area by taking high grade agricultural land out of production. The proposal would therefore not conflict with paragraph 112 of the Framework in this respect.

#### *The principle of sustainable development*

17. The Parish Council and local residents have raised concerns that there are limited services within the village and that future occupants of the development proposed would need to rely on services outside of the area, traveling extensively to do so.

18. Montford Bridge is a rural settlement. In terms of existing services and facilities, there is a public house. A church and a village hall are also located to the south of the A5 bypass. The village of Bicton is situated approximately one mile away and there is a church, school, village hall and recreation area there.

19. There is also a bus service in the village which provides connections to the towns of Shrewsbury and Oswestry, where a wide range of services and facilities are available. The highway authority provided comments during the Council's determination of the application which noted the inclusion of walking route connections with the village so that future occupants would be able to gain access to the nearby bus stops and public house. They also noted that a continuous footway connection is available to Shrewsbury, which is approximately 4km from the site.

20. Based on the information before me, I am therefore satisfied that there are a range of services and facilities within the local area that future occupants could access via sustainable transport modes should they choose to do so. These considerations amount to sustainable benefits which weigh in favour of the proposal. I acknowledge that future occupants would need to travel to different settlements in order to access some of these. However, the Framework is

clear that in order 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 (paragraph 55).

21. Both parties have referred to a local shop, which I understand has now closed and has been converted to a dwelling. The appellants have stated that they intend to submit a revised application which would include a proposed new local shop adjacent to the site entrance. The provision of a new local shop may be of social and economic benefit to future occupants and residents of the wider village. However, that does not form part of the appeal proposal before me. Given the circumstances I have described above, I am satisfied that the lack of a local shop in close proximity to the appeal site would not in itself result in a lack of access for future occupants to a wide range of services and facilities sufficient to meet their day to day needs.

22. I note the appellant's reference to one of my previous appeal decisions <sup>1</sup>. Whilst I did state that being likely to be reliant on the private car would not be an unusual situation in rural areas; that comment was made in the context of the particular circumstances of that case. That appeal scheme related to the removal of a holiday let occupancy restriction and the subsequent creation of two open market dwellings. Essentially, the appeal turned on Green Belt policy and whether the appeal building was suitable for conversion to open market dwellings. As such, the principle and scale of the development proposed was different to this appeal proposal before me. I have therefore determined this appeal on its own merits and with regard to the particular circumstances of the case before me.

<sup>1</sup> APP/L3245/A/13/2210381 Decision date: 18 September 2014

23. The Council and local residents have also expressed concern as to the number of houses proposed as part of the appeal scheme. Policy CS4 of the Council's Core Strategy (Adopted March 2011) refers to the identification of Community Hubs and Clusters that will be identified in the 'SAMDev DPD'. The purpose of these Hubs and Clusters is essentially to contribute to the sustainability of rural communities through allowing development that helps rebalance rural communities by providing, among other things, housing for local needs.

24. The Council's emerging 'SAMDev DPD' does identify Montford Bridge as a proposed Community Cluster Settlement. It also proposes ten additional dwellings for the village during the plan period (2011-2026). However, the 'SAMDev DPD' has not yet been subject to an independent Examination. Based on the information before me, the level of housing provision proposed is a matter where there are a significant number of outstanding objections. Therefore, in accordance with paragraph 216 of the Framework, I attach limited weight to the 'SAMDev DPD' policy referred to.

25. I note that reference has been made to the Montford Parish Plan which states that the number of houses proposed for the village should be no more than five houses. However, there is nothing in the Framework which suggests that the level of housing provision in a local area should be considered to be a maximum figure. I must therefore attach limited weight to this consideration.

26. I appreciate the concerns expressed by local residents and the Parish Council as to the number of dwellings proposed as part of this appeal scheme. However, given the

circumstances I have described above, there is little specific information before me to suggest that an additional thirty four dwellings would have a significant adverse effect on the village in terms of increasing its size or the ability of the services within it to provide for existing residents. Indeed, the provision of additional dwellings may well help to retain services and enhance the vitality of rural communities in the local area.

27. Additionally, the appellant has referred to the housing land supply situation in the Council area. In my determination of this appeal, I must have regard to paragraph 49 of the Framework, which states that housing applications should be considered in the context of the presumption in favour of sustainable development. The appeal proposal would result in an additional thirty four dwellings. This is therefore a matter which weighs significantly in favour of the appeal proposal.

28. Drawing matters together, there are a number of sustainable development factors which I have identified which weigh in favour of the appeal proposal. Specifically, there are a range of services and facilities available in the village and the wider area which future occupants may choose to access via sustainable transport modes. The appeal proposal would also see the provision of thirty four additional dwellings which would be a social and economic benefit to the local area.

29. In the first part of my decision, I concluded that whilst the proposal would lead to an economic loss in terms of the site no longer being actively farmed, this would not be significant and would be outweighed by the economic benefits associated with the appeal scheme. This matter also weighs in favour of the appeal proposal with regard to the principle of sustainable development.

30. The appeal scheme would result in the loss of some arable land, were the appeal to succeed. However, the submitted layout plans show that the former quarry would be retained as an area of public open space. The existing trees and hedgerows could also be retained and enhanced through additional planting as part of any subsequent reserved matters application. These are environmental benefits which weigh in favour of the appeal proposal.

31. The provision of local needs affordable housing would also be a social benefit. A number of the dwellings proposed are intended to be provided as affordable housing units. I shall consider this issue under the separate heading below.

32. Accordingly, I conclude that the proposal would be acceptable with regard to the principle of sustainable development. The proposal would therefore be consistent with paragraphs 49 and 55 of the Framework.

#### *Affordable housing provision*

33. Policy CS11 of the Council's Core Strategy requires that all new open market housing makes appropriate contributions to the provision of local needs affordable housing. I understand that the target for the local area is currently 15%. The layout plan submitted with the application does identify that seven of the 34 dwellings proposed are intended to be provided as affordable housing units.

34. The Council have not raised any specific concerns as to the number of affordable houses proposed as part of the appeal scheme. Additionally, the size, type and tenure of the affordable

housing proposed is a reserved matter and could therefore be subsequently agreed at a later stage. However there is no mechanism before me, in the form of either a completed s. 106 agreement or Unilateral Undertaking, which would secure the delivery of the affordable housing provision proposed. This is a matter which therefore weighs significantly against the proposal.

35. I have considered whether this is a matter which could be addressed via a negatively worded condition, in line with the provisions set out in the Planning Policy Guidance. However, the Guidance does state that such an approach is unlikely to be appropriate in the majority of cases. Based on the information before me, I am not satisfied that exceptional circumstances exist in order to justify such an approach on this occasion.

36. Accordingly, I must conclude that the appeal proposal would not make sufficient provision for affordable housing provision. The proposal would therefore conflict with policy CS11 of the Council's CS.

### **Other Matters**

37. I appreciate that the application was refused by the Council, contrary to the planning officer's recommendation. However, Councils are not bound to accept the recommendations of their officers.

38. I note that the Council's tree officer raised initial concerns as to the effect of the development proposed on a tree which is considered to be significant. However, following the submission of a revised layout no objections were raised providing that should any subsequent amendments be made to the layout that an Arboricultural Assessment be undertaken.

39. I note the concerns by local residents expressed as to the siting of the proposed access and that it should be located further away from existing dwellings to minimise the impact on local residents. However, there is little specific information before me to suggest that the proposal would be harmful to the living conditions of neighbouring occupants with regard to noise or disturbance.

40. Local residents have also expressed concerns about speeding on Holyhead Road and the increase in traffic which has occurred in the last few years. However, there is little specific information before me to suggest that the development proposed would lead to significant road safety concerns due to an increase in traffic along the road nor put pressure on the junction of the Holyhead Road with the A5. Indeed, the highway authority raised no objection to the appeal proposal in this regard, subject to conditions. They also noted that as the B4380 Holyhead Road was the former A5 trunk road, the road was constructed to a sufficient standard to accommodate the development proposed.

### **Conclusion**

41. Drawing matters together, I have found that the proposal would not have an adverse effect upon the economic viability of the local area by taking high grade agricultural land out of production. The proposal would also be acceptable with regard to the principle of sustainable development. On the other hand, I have found that due to the lack of a mechanism before me to secure the provision of affordable housing, the proposal would not make adequate provision for local needs affordable housing in line with policy CS11 of the Council's CS.

42. I therefore conclude that this is a significant matter which demonstrably outweighs the lack of harm which I have found in other respects.

43. For the reasons given above, I conclude that the appeal should be dismissed.