

## **Shropshire Local Plan Review: Site reference – CES005 Cressage (A0041/B-A224) on behalf of Muller Property Group.**

### **Residential development for around 60 dwellings on Land adjoining The Vicarage on A458.**

#### **1. What is the background to the site allocation? How was it identified and which options were considered?**

The proposed housing for Cressage (2016-2038) is set out in draft policy SP13.2 of the emerging local plan. This confirms Cressage has been identified as a Community Hub with a residential guideline figure of 80 dwellings.

The settlement of Cressage is in a highly sustainable location, lying on the A458, which is identified in the Local Plan as a strategic corridor. The village's identification as a Community Hub is entirely consistent with the Local Plan's overall strategy. Cressage is sustainably located with good road links to the strategic centre of Shrewsbury and key centre of Much Wenlock, with Telford and Bridgnorth beyond.

New residential development will be delivered through new residential allocations identified in the Local Plan for Cressage on this site CES005 (for 60no. dwellings) and CES006 (for around 4no. dwellings). We fully support the allocation of this site in the plan.

We appreciate that this Plan is being considered against the July 2021 National Planning Policy Framework and that the revised housing requirement shows a further significant increase in the homes needed in Shropshire. The loss therefore of this allocation in the plan would be a significant blow to the overall housing numbers proposed in the plan, and a loss of housing needed in this eastern area of the county, which serves a large rural area.

#### **2. What is the scale and type/mix of uses proposed?**

The site is a greenfield site of approximately 2.43ha and is currently in agricultural

use. There are no buildings on site. An outline application has been previously submitted for 60no. dwellings of mixed scale and tenure, including 20% affordable housing provision reference 21/01022/OUT.

### **3. What is the basis for this and is it justified?**

Cressage is a large village with a broad range of services and facilities serving the wider rural community. The site is large enough to accommodate a range of house types and sizes to meet a mixture of tenures. Development on this site and at this scale would incorporate public open space and play facilities to be enjoyed by occupants of the development and the wider community.

### **4. What is the current planning status of the site in terms of planning applications, planning permissions and completions/construction?**

The land is currently used for agriculture. It is an arable field adjacent/adjoining existing residential development on an infill plot. An outline planning application has been previously submitted in March 2021 and refused in June 2023 for the following 4no. reasons (officer report attached Appendix 1):

- 1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The application is for residential development on a site that is situated outside of any development boundary. The proposal is contrary to the adopted development plan as it conflicts with Core Strategy Policies CS1, CS2, and CS5 and SAMDev Policies S16, MD1, and MD7a. It is considered that the proposal would not provide any overriding benefits which would represent a material consideration that would justify a departure from the Local Development Plan. The presumption in favour of sustainable development outlined in paragraph 11 of the NPPF is not engaged as Shropshire Council can demonstrate a robust 5-year land supply for housing and local plan policies relevant to the determination of the application are therefore up to date. Whilst the site is identified as an allocation within the eLP, as set out in paragraph 48b) of the NPPF, little weight can be given to the emerging*

*development plan as there remains a number of unresolved objections within the plan.*

- 2. The speed limit along Harley Road, Cressage is 30mph. The applicant has carried out speed surveys which indicate that the measured 85th percentile speeds are 41.0mph northbound and 38.9mph southbound. Based on vehicle speeds within the region of 40mph, the Local Highway Authority would expect a minimum visibility splay of 2.4m x 79m in both directions. In order to ensure vehicular access to the site is acceptable, it is considered appropriate that visibility splays are suitable for existing vehicle approach speeds and not relied upon for additional measures to reduce vehicle speeds on the approach. The visibility splays shown on Drawing PL01- Rev F, are 2.4 metres by 47.5 to the north and 2.4m x 48.3 metres to the south and are below the minimum standard and any relaxation considered appropriate from a highway perspective cannot be supported. There are concerns as to whether there is sufficient width within the curtilage of the site and existing highway boundary to adequately provide the 2.4m x 79m visibility splays. Analysis by the Local Highway Authority based on the topographical surveys provided by the application indicate that 79m visibility splays cannot be achieved. In addition, insufficient information has been submitted, including a Stage 1 RSA, to demonstrate that the pedestrian crossing point is acceptable to ensure pedestrian safety is not compromised. The applicant has failed to demonstrate that a safe and satisfactory access can be provided, and concerns remain with regard to the impact of the development on highway safety. The proposed development fails to accord with Policy CS6 of the Core Strategy and paragraph 110 of the NPPF.*
- 3. No Landscape and Visual Impact Assessment has been submitted with the application. No assessment of landscape and visual effects has been undertaken by the applicant. The development cannot therefore be demonstrated to comply with the Council's local plan policies on landscape and visual amenity. The proposed development fails to accord with Policy CS6 of the Core Strategy and Policy MD12 of the SAM(Dev)Plan.*

4. *An ecology appraisal (Camlad Ecology, January 2020) has been submitted to support the application however, the applicant has not demonstrated a biodiversity net gain on site. The proposed development would fail to accord with Policy CS6 of the Core Strategy and Policy MD12 of the SAM(Dev)Plan.*

We would confirm the reasons for refusal can be addressed by the following measures:

1. We acknowledge the application was submitted too early in the progress of the emerging local plan and therefore the status of Cressage as a Community Hub was not afforded enough weight (at the time of submission the village was classed as open countryside). This would be overcome by submitting a planning application following the adoption of the Local Plan that retains the inclusion of this site as an allocated site for residential development.
2. Highway safety concerns regarding speeding traffic through the village - a traffic calming scheme is proposed to reduce the prevailing speeds as observed at the site, provision of a new access will inherently change the street scene and perception by drivers. In addition to this, a commitment to monitoring traffic speeds via a S106 agreement and a fund set aside to enable further traffic calming features such as a flashing 30mph sign to be implemented (or similar) is reasonable and proportionate. This would deal with the uncertainty of how much of a speed reduction is achievable and deal with what is an existing issue with speeding - that today is a current hazard in the local environment and should be dealt with by the Highways Authority.
3. Assessment of landscape and visual effects can be addressed by the provision of a landscape visual impact assessment with the forthcoming planning application.
4. Further ecology and BNG work undertaken to ensure a Biodiversity Net Gain of minimum 10% can be provided on site.

We consider all of these reasons can be overcome. The issue of prematurity of the plan, will be resolved in the forthcoming hearing sessions. We have provided a Highway Safety Technical Note from Transport Planning Associates (attached to this

statement Appendix 2) that confirms there is a current speeding issue through the village, which isn't being enforced by the Highways Authority, leading to vehicles travelling in excess of the 30mph limit. In line with the draft policy S13.2 we propose various traffic calming measures as part of the access design, to help to alleviate the existing speeding pressure through the village. Multiple meetings have been held with the Planning Officer and Highways Officer to decide on the appropriate form of traffic calming for this location and the amount of visibility splay required by the Highways Authority was **50m in each direction** as an acknowledgement and compromise (Site access and visibility splay plan ref PL01 Appendix 3).

## 5. What are the benefits that the proposed development would bring?

The development would bring housing and policy compliant affordable housing to the community as well as significant additional traffic calming measures that will help to alleviate current issues of traffic speeds exceeding 30pmh through the village, which the Highways Authority appears not be enforcing. The site offers community benefits in the form of a suitable mix of housing, quality public open space, traffic calming and good vehicular and pedestrian connections.

The indicative layout plan of allocation CES005 shows a proposed 5.5 metre access road with a 2 metre footway at the site entrance.



Pedestrians would cross between plot 01 on the allocated site and 21 Harley Road, where there is an existing footway as shown below. It will connect to the existing footway network, providing easy access to the village shop 280 metres from the site and all other village facilities.



The allocation of this site would provide a residential development on an infill plot within the village, which will bring benefits to the village by reducing speeding traffic along the A458. Traffic speeds through Cressage appear to be an **existing** problem and we are offering, at our cost, to fund necessary traffic calming works, that can only be made if the allocation of this site remains in the plan and a planning application is approved.

Draft Policy S13.2 identifies the site as providing a gateway feature for village and providing a footway along the frontage to crossing over A458 to existing footway network east linking into village. A secondary pedestrian and cycling access would be possible on short frontage to Wood Lane. Speed restrictions positioned south of site with traffic calming measures supporting gateway feature at highway access. All of this can be achieved by the proposed site allocation through the traffic calming measures we have proposed on site and as part of s106 monitoring, and

could be reduced and if the speed restrictions throughout the village are enforced via the appropriate channels.

## **6. What are the potential adverse impacts of developing the site? How could they be mitigated?**

The council, in the refusal of application ref 21/01022/OUT listed 4 reasons of refusal. Reasons 1, 3 and 4 can be overcome immediately with the adoption of the local plan, a Landscape Visual Impact Assessment produced, and a Biodiversity Net Gain assessment undertaken to provide a minimum 10% gain onsite.

Refusal reason no 2 regards highway safety with the council requiring a splay of 79m to meet a 40mph speeding encroachment above the authorised 30mph speed limit throughout the village. The development can provide in excess of 43m in both directions and almost 50m in both directions, which was the subject of considerable debate during the assessment of the planning application.

Our meetings at the time centred around achieving a splay of 50m in both directions as a suitable compromise to meet the unauthorised traffic speeding along the highway. Given that we fell short by 1.7m in an uphill direction heading south out of the village (48.3m south) and 2.5m heading downhill into the village heading north (47.5m north) – we would ask how marginal does the difference have to be to reach a compromise to bring this site forward? We note however, that the refusal reason states a splay of 79m which is an increase on the compromised distance agreed during the assessment of the planning application (50m), and which can't be achieved along the highway due to third party land.

The reason for speeding traffic through the village is a matter of bad driver behaviour, which is clearly not being enforced by the Highways Authority. We have proposed various traffic calming measures as set out in the attached technical note and updated Road Safety Audit (RSA) - The RSA was received on 9 June 2023 (post refusal) and highlighted a 30mph sign as being covered, which is likely to have contributed to some local speeding at the time of the speed surveys undertaken in 2021.

**7. How is the site affected by flood risk? How has this been taken into account in allocating the site? How have the sequential and, if necessary, exception tests been applied?**

The proposed allocation is within Flood Zone 1 and is therefore at the lowest risk of flooding and sequentially the site is therefore acceptable for development.

**8. What are the infrastructure requirements/costs and are there physical or other constraints to development? How would these be addressed?**

The development will require a new vehicular access to the A458. The design of this access has yet to be finalised with the Local Highway Authority and the associated traffic calming measures, which could include a signalised pedestrian crossing that links the site to the pedestrian footpath services within the village beyond. It is likely that a s106 agreement will be required that will put a fund aside to allow monitoring of the development post construction and further traffic calming works if deemed necessary once the changes to driver behaviour have been observed.

In addition to the above, existing trees, hedgerows and priority habitats will be retained and enhanced. The development of this site would respect heritage assets within the wider area. The site will incorporate appropriate sustainable drainage, informed by a sustainable drainage strategy.

**9. Is the site realistically viable and deliverable?**

Yes, the site is a greenfield site with minimal constraints. There is a developer on board who is extremely keen to deliver the site and has shown their commitment by submitting an application in March 2021. We can confirm that the site will be delivered within the early part of the plan period should the allocation of the site progress. The site offers community benefits in the form of a suitable mix of housing, quality public open space, traffic calming and good vehicular and pedestrian connections.

**10. What is the expected timescale and rate of development and is this realistic?**



The site is immediately available and in a sustainable location located close to the market town of Shrewsbury. As before, the site has a developer on board and extremely keen to obtain planning permission for up to 60 dwellings on the site. It is anticipated that delivery of the site would be early within the plan period.

**11. Is the boundary of the site appropriate? Is there any justification for amending the boundary?**

The boundary of the site is appropriate.

**12. Are the detailed policy requirements effective, justified and consistent with national policy?**

Yes.



## Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

### Summary of Application

<b>Application Number:</b> 21/01022/OUT	<b>Parish:</b>	Cressage
<b>Proposal:</b> Outline application for residential development of up to 60 dwellings, vehicular access from Harley Road and accompanying footway improvements to Harley Road and public open space. All matters reserved save for Access.		
<b>Site Address:</b> Land Adjacent The Vicarage Harley Road Cressage Shrewsbury Shropshire		
<b>Applicant:</b> Muller Property Group		
<b>Case Officer:</b> Rachael Evans	<b>email</b>	: rachael.evans.planning@shropshire.gov.uk

**Recommendation:- Refuse**

### Recommended Reason for refusal

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The application is for residential development on a site that is situated outside of any development boundary. The proposal is contrary to the adopted development plan as it conflicts with Core Strategy Policies CS1, CS2, and CS5 and SAMDev Policies S16, MD1, and MD7a. It is considered that the proposal would not provide any overriding benefits which would represent a material consideration that would justify a departure from the Local Development Plan. The presumption in favour of sustainable development outlined in paragraph 11 of the NPPF is not engaged as Shropshire Council can demonstrate a robust 5-year land supply for housing and local plan policies relevant to the determination of the application are therefore up to date. Whilst the site is identified as an allocation within the eLP, as set out in paragraph 48b) of the NPPF, little weight can be given to the emerging development plan as there remains a number of unresolved objections within the plan.

2. The speed limit along Harley Road, Cressage is 30mph. The applicant has carried out speed surveys which indicate that the measured 85th percentile speeds are 41.0mph northbound and 38.9mph southbound. Based on vehicle speeds within the region of 40mph, the Local Highway Authority would expect a minimum visibility splay of 2.4m x 79m in both directions. In order to ensure vehicular access to the site is acceptable, it is considered appropriate that visibility splays are suitable for existing vehicle approach speeds and do not rely upon additional measures to reduce vehicle speeds on the approach.

The visibility splays shown on Drawing PL01- Rev F, are 2.4 metres by 47.5 to the north and 2.4m x 48.3 metres to the south are below the minimum standard and any relaxation considered appropriate from a highway perspective cannot be supported. There are concerns as to whether there is sufficient width within the curtilage of the site and existing highway boundary to adequately provide the 2.4m x 79m visibility splays. Analysis by the Local Highway Authority based on the topographical surveys provided by the application indicate that 79m visibility splays cannot be achieved.

In addition, insufficient information has been submitted, including a Stage 1 RSA, to demonstrate that the pedestrian crossing point is acceptable to ensure pedestrian safety is not compromised.

The applicant has failed to demonstrate that a safe and satisfactory access can be provided and concerns remain with regard to the impact of the development on highway safety. The proposed development fails to accord with Policy CS6 of the Core Strategy and paragraph 110 of the NPPF.

3. No Landscape and Visual Impact Assessment has been submitted with the application. No assessment of landscape and visual effects has been undertaken by the applicant. The development cannot therefore be demonstrated to comply with the Council's local plan policies on landscape and visual amenity. The proposed development fails to accord with Policy CS6 of the Core Strategy and Policy MD12 of the SAM(Dev)Plan.

4. An ecology appraisal( Camlad Ecology, January 2020) has been submitted to support the application however, the applicant has not demonstrated a biodiversity net gain on site. The proposed development would fail to accord with Policy CS6 of the Core Strategy and Policy MD12 of the SAM(Dev)Plan.

## **REPORT**

### **1.0 THE PROPOSAL**

1.1 This application is an outline application for a residential development of up to 60 dwellings including 20% affordable housing with vehicular access to Harley Road, to include accompanying footway improvements to Harley Road and public open space. Save for access, all matters are reserved.

1.2 An illustrative site layout plan ( SA35388\_02 Rev G) has been formally submitted to support the application to demonstrate how the site could be developed out. A number of documents have been submitted to support the application which include:

- Application form
- Affordable housing contribution form
- Site location Plan (ref: SA35388\_01 Rev A)
- Indicative Site Layout Plan / Illustrative Plan ( ref: SA35388\_02\_Rev G)
- Proposed Site Access and Visibility Ref PL01 Rev - F
- Transport Assessment ( TPA, March 2022)
- Technical Note (TPA, June 2022)
- Draft Residential Travel Plan ( TPA, February 2022)

Other supporting documents:

- Arboricultural Impact Assessment (Sylvan Resources LTD Ref: AIA-HRC-01-20 Rev A, , 29<sup>th</sup> January 2020)
- Design and Access Statement ( Berrys, February 2021)
- Ecological Assessment ( Camlad Ecology, January 2020)
- FRA and Drainage Management Strategy ( Betts Hydro Consulting Engineers, January 2020)
- Historic Desk Based Assessment (, Nexus Report No: 3473.R01, Jan 2020)
- Phase 1 SI ( ref: 19297/1, Georisk Management, November 2019)

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is a greenfield site of approximately 2.43ha and is currently in agricultural use. There are no buildings on site. The site is located to the south of no.5 dwellings ( no.16 Harley Road, no.14 and no.14a Harley Road, Woodlands and Bradgate). A tree belt and Wood Lane is located to the west of the site whilst Harley Road is located to the east. A dwelling known as The Vicarage is located adjacent to part of the southern boundary (approximately 69m) whilst the remaining boundary is absent of any built form adjacent to an agricultural field. The boundaries of the site comprise of a mix of trees/hedgerows and domestic boundary treatments. Vehicular access to the site is proposed as a priority junction off Harley Road.
- 2.2 The land level across the site vary. Levels at the edge of the site at Harley Road range from approximately 63.6 aod to 68.6aod. The land rises towards the centre of the site, with levels around 65aod. The land drops from the centre of the site towards the north and north west of the site to between 60 aod and 63aod whilst levels from the centre of the site towards the southern boundary and south east corner adjacent to the vicarage range between 65aod to 73.4aod.
- 2.3 The Council's adopted policy maps show that the site is not located in a Market Town, Key Centre, Community Hub or Community Cluster. The site is therefore located within the Countryside. No other constraints are identified on the site. The site is not located within the Green Belt, or within a Conservation Area. The site is not located within the AONB. The site is located within Flood Zone 1, the lowest risk of flooding. Whilst there are no listed buildings on site, there is a Grade II listed building (residential dwelling) to the south west of the site.

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

- 3.1 Cressage, Harley & Sheinton Parish Council and Lorna Pardoe Parish Council have raised objections to the scheme. The ward member has confirmed that the application can be considered under delegated powers. Under the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution, the application can be determined under delegated powers.

## **4.0 REPRESENTATIONS**

### **4.1 Community Representations**

- 4.1.1 Full details of the comments made can be found on the Council's public access

website. No.44 objections were received from members of the public and from Mode Transport Planning and WSP on behalf of Raby Estate and no.1 representation of support has been received. A summation of the responses objecting to the scheme are as follows:

#### Highways

- Concerns over access onto a very busy trunk road where there are already speeding drivers. A safe access cannot be provided to the site.
- Drawing PL01D shows zig zag lines outside residential dwellings which would prevent occupiers of those properties parking, loading and unloading outside their properties.
- Reduction in carriageway width is dangerous and the measurements are being taken from a boundary wall within private ownership of no. 25 Harley Road.
- Reduction in width of the carriageway will bring vehicles closer to a pedestrian access gate of no. 25 Harley Road. Concerns regarding highway and pedestrian safety.
- The development is on the opposite side of the A458 to the rest of the village and amenities. There needs to be a safe way across the road to the centre of the village. The school is also on the other side of the road.
- The proposed development seeks an option of providing a footpath link to Wood Lane however, will the owner ( Jasmin Cottage) be asked.
- Data from West Mercia Police highlights that between September 2017 to date, a total of 1058 notice of prosecutions have been issued to speeding vehicles from the enforcement vehicle that sits in Cressage and the A458.
- Speed of traffic is a concern. Speed surveys carried out by the applicant are too short and were only carried out during off peak times and for a total of four hours.
- Visibility splays encroach onto third party land and cannot be achieved within the adopted highway boundary or applicant's land ownership
- A 0.7m off set from the edge of the carriageway contrary to MfS would create safety implications for cyclists and motorcyclists
- Visibility splays to the north of the proposed access should be increased
- The development cannot deliver a safe and suitable access

#### Heritage

- The proposed development would directly impact on the Grade II residential dwelling, Jasmin Cottage which is located on Wood Lane
- Impact on the intervisibility from the site to Jasmine Cottage

#### Trees / Ecology

- Flaws in the ecology report -otters and watervoles have been observed by residents in the brook and GCNs have been observed near the brook. Slow-worms have been recorded on the site
- The area is ecologically important to Cressage
- Development will impact on mature trees
- No mention of the Yew Tree within the garden of Jasmin Cottage positioned between T10 & W11
- Tree T10 is a prominent landmark and could impact on proposed Plot 34
- Woodland Bank on the opposite side Wood Lane by brook /directly opposite & parallel to the Site's NW boundary towards south end, where the housing

is proposed -it is a part of and a continuation of the same belt and area slightly north (with the formal WildiLife & Geo certifications).

- No information on BNG has been provided.

#### Landscape

- The development may be screened from Wood Lane but not from Jasmine Cottage owing to the elevation of the site.
- Whilst the site is not within the AONB, there are views from the site to the AONB
- Open character of the site is severely impacted

#### Flood Risk/ Drainage

- Development will contribute to flooding incidents. There are already problems with flooding at the River Severn of which Plocks Brook drains into
- No evidence submitted that the site will not have any adverse impact on water flows
- How will sewage be piped through the village

#### Design

- Scheme is too dense and there is little provision for car parking
- Scheme is a cramped housing estate
- Public Open Space within the site is limited to one area
- The foundations (build base) of the development would be sited approximately 10m above Wood Lane.
- No.16 Harley Road is at a considerably lower level than the site and the dwellings would be imposing and overbearing

#### Other Matters

- Cressage is classed as countryside. The application is premature in light of the emerging Local Plan of which no weight should be given.
- The scheme would both overpower and undermine Cressage's existing and emerging vitality
- Affordable housing provision is only at the minimum level of 20%
- The pollution generated from 60 properties is unacceptable. The development will impact on climate change and air quality
- Services (doctors and schools ) already strained.
- Cressage has limited services to support any large-scale development. There is no pub, post office, library or church despite being included in a scoring assessment. The library is a mobile library van and the pharmacy is a GP dispensary. The bus service is skeletal.
- The land is green belt and should not be built on.

#### Non-Material Planning Comments

- Loss of a view
- Impact on house values

4.1.2 One representation of support of the scheme has been received. No further details have been provided other than confirmation of support.

## **4.2 Consultee Comments**

- 4.2.1 The consultee responses are summarised below however, full copies of the full responses can be viewed on the Council's website.

### **Highway Officer – Objection**

- 4.2.2 I can confirm that from a highway perspective we cannot support this application based on the information submitted. It is considered that the applicant has failed to adequately demonstrate that a safe and satisfactory access can be provided.

### **Landscape Consultant – Objection**

- 4.2.3 This development has the potential to lead to significant landscape and visual effects, however no assessment of landscape and visual effects has been undertaken. The development cannot therefore be demonstrated to comply with the Council's local plan policies on landscape and visual amenity.

- 4.2.4 We recommend that prior to determination of the application an appropriately scoped and proportionately executed assessment of landscape and visual effects be carried out in accordance with GLVIA3 and supporting technical guidance notes by an experienced chartered landscape architect. A landscape mitigation/enhancement strategy will need to be submitted which addresses any adverse effects predicted.

### **Conservation Officer – No objection subject to conditions.**

- 4.2.5 Further to the earlier comments provided by SC Archaeology, we also note the submission and conclusions of the Historic Environment Desk-Based Assessment dated January 2020 by Nexus Heritage, which includes an assessment of built heritage assets relevant to the development proposed. While we do not raise objection to this Outline application on heritage grounds we would highlight the location of these lands on the south edge of the settlement and the traditional building forms shown in the photographs included in the HIA. We would highlight the comments provided by the Council's Landscape Consultant also in this regard.

- 4.2.6 Should this outline application be approved, the scale, layout, appearance, design and detailing, and external materials and finishes of the proposed dwellings as well as boundary treatments are all relevant considerations with respect to historic environment matters, where we would highlight Local Shropshire Council Core Strategy policies CS6 and CS17, SC SAMDEV policies MD2 and MD13, national policies and guidance including the National Planning Policy Framework (NPPF) and relevant Historic England Guidance including GPA3 'The Setting of Heritage Assets'.

### **Archaeology – No objection**

- 4.2.7 We note the findings of the Historic Environment Desk-Based Assessment by Nexus Heritage that have been submitted with the application, which we confirm satisfies the requirements of Policy MD13 of the Local Plan and Paragraph 189 of the NPPF.

4.2.8 With regard to the archaeological interest of the proposed development site, it is noted that Nexus Heritage conclude that there are no known archaeological feature within it. Further, that 'The potential for as yet unknown archaeological remains to be present at the Site has been estimated as low/negligible for all periods.' (Section 8). We concur with these findings and, as a consequence, we consider that in this instance no further archaeological mitigation is required. We therefore have no further comments to make on this application with respect to archaeological matters.

4.2.9 **LLFA** - No objection subject to conditions. Informatives have been made by the LLFA which can be viewed on the Council's public access website.

#### **Ecology** - Objection

4.2.10 Revisions to the indicative layout to more successfully integrate and buffer existing important habitats into the scheme (i.e. woodland) are required. POS also does not appear sufficient.

4.2.11 Information to demonstrate indicatively, how the development can deliver a 10% net gain for biodiversity is required.

4.2.12 In the absence of this further information, I would object as it is not possible to confirm that the proposal is compliant with national and local policy with regards to biodiversity.

#### **Tree Officer** – No objection in principal.

4.2.13 I would like to see revisions to the indicative layout to avoid future conflict with trees including the loss of T1 and T2 which are "B" category trees (usually retained) and proximity of plots 15 – 21 and 34 – 40 to trees including the significant Yew tree close to plot 34.

4.2.14 The site is an agricultural field with trees and hedgerows on the boundaries of the site and within garden areas of adjacent dwellings and a strip of native woodland shown as W11. I accept the findings of the tree report that the site is an open one and it should be possible to "develop in a meaningful way without impacting on significant trees". However, the report goes on to point out that:

- An Oak (T1) and a Birch tree (T2) at the entrance to the site on plot 6 could be retained with a change to the layout.
- The reserved matters application will address the position of the dwellings and gardens relative to the trees – proximity issues should be addressed.
- A landscape plan should provide new tree planting on the development and additional native hedgerow is recommended in the Ecology report

4.2.15 The large mature trees in the garden of the Vicarage notably a Weymouth Pine (T6) a Redwood (T7) and an Atlantic Cedar (T8) are in fairly close proximity to plots 17 – 21 and whilst shown as retained the properties are built adjacent to and just



within the root protection areas (RPA's). It is likely that these trees will have an over-bearing presence on these properties with associated nuisance factors.

- 4.2.16 The proximity of the woodland strip (W11) to plots 34 – 40 has the potential for conflict and nuisance issues to the gardens including shading in the evenings. The garages are shown within the RPA of the woodland and the house itself of plot 40 with potential for damage to the trees.
- 4.2.17 Ideally in a reserved matters application the proposed POS could be moved to be adjacent to the woodland strip to provide a buffer to this landscape feature and a redesign of the layout to move plots 34 – 40 further away from the woodland edge. Also, consideration should be given to move 17 – 21 further away from the boundary of the vicarage to ensure that the recommendations in section 7.10 of the submitted tree report are adhered to.
- 4.2.18 One of the public objections to the proposal has pointed out that a notable and significant Yew tree situated within the boundary of Jasmine Cottage should be given special consideration in relation to its RPA and plot 34 to avoid damage or conflict and this should be checked and addressed in any further layout.

**Regulatory Services – No objection subject to conditions**

- 4.2.19 A report by georisk management; Phase I desk Study, Wood Lane, Cressage; Report No. 19297/1, November 2019, FINAL has been submitted in support of this outline planning application.
- 4.2.20 Based on information derived from the Phase I Desk Study, no potential significant on-site sources of contamination have been identified that could affect the proposed development of the site; however, as the site is developed for a sensitive end-use, contamination testing of the near-surface soil should form part of a Phase II investigation.
- 4.2.21 In addition, while no potential significant sources of soil-gas have been identified that could affect the proposed development; it is recommended that a basic programme of soil-gas monitoring of 3 No. visit over a 4-week programme is included within a future Phase II investigation to confirm this very low risk classification.

**Shropshire Council – Learning & Skills (Education) - No objection**

- 4.2.22 Shropshire Council Learning and Skills reports that the local primary school is currently close to capacity. It is forecast that the effect of this and of other developments in the area will require additional school place capacity. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered necessary to meet pupil requirements with the area. Based on the scale of 60 dwellings it is currently recommended that contributions, to address future capacity needs, are secured by means of a s106 agreement.

- 4.2.23 **SC Affordable Housing** – No comments received at the time of writing.
- 4.2.24 **SC Climate Change**– No comments received at the time of writing
- 4.2.25 **SC Leisure** - No comments received at the time of writing
- 4.2.26 **SC Parks and Recreation** – No comments received at the time of writing

## **5.0 PLANNING HISTORY**

- 5.1 Council records indicate that there is no available planning history for the site.

## **6.0 POLICY CONSIDERATION**

- 6.1 The adopted Development Plan comprises of the following of documents:

- Shropshire Local Development Framework: Adopted Core Strategy – March 2011
- Shropshire Council Site Allocations and Management of Development (SAMDev)Plan – December 2015

- 6.2 Whilst the development plan is to be read as a whole, the most pertinent Policies are as follows:

CS1 – Strategic Approach  
CS3 – The Market Towns and Other Key Centres  
CS4 – Community Hubs and Community Clusters  
CS5 – Countryside and Green Belt  
CS6 – Sustainable Design & Development Principles  
CS7 - Communications and Transport  
CS8 – Facilities, Services and Infrastructure Provision  
CS9 – Infrastructure Contributions  
CS11 – Type and Affordability of Housing  
CS17 – Environmental Networks  
CS18 – Sustainable Water Management  
MD1 – Scale and Distribution of Development  
MD2 – Sustainable Design  
MD3 – Delivery of Housing Development  
MD7a – Managing Housing Development in the Countryside  
MD7b – General Management of Development in the Countryside  
MD12 – Natural Environment  
MD13 – Historic Environment

### 6.3

There are also other material considerations that are pertinent to the assessment of this application which are:

- The NPPF (2021)
- Type and Affordability of Housing SPD – September 2012
- Sustainable Design SPD – July 2011
- Developer Contributions SPD – July 2011

- 6.4 During the assessment of this application, the Inspectors Interim findings of the emerging Shropshire Local Plan 2016-2038 was published. The Draft Local Plan is, however, unsound and could not at this time be considered for adoption. The effect of the Interim Findings is that only limited weight may be applied to the Draft Local Plan as set out in paragraph 48b) of the NPPF.

## **7.0 THE MAIN ISSUES**

Principle of development  
Highway Impacts  
Layout, Scale and Appearance  
Landscaping  
Ecology  
Trees  
Heritage Impact  
Surface Water Drainage  
Contaminated Land  
Noise  
Archaeology  
Planning Obligations

### **8.1 Principle of development**

- 8.1.1 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. The National Planning Policy Framework (NPPF) also advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF is a material consideration that constitutes guidance for local planning authorities as a material consideration to be given weight in determining applications.
- 8.1.2 A key objective of both national and local planning policies is to concentrate new residential development in 'sustainable' locations which are easily accessible, and which offer a range of services and community facilities.
- 8.1.3 Policy CS1 of the Shropshire Council Core Strategy (CS) 2011 sets a target of delivering a minimum of 27,500 dwellings over the plan period of 2006-2026 with 35% of these being within the rural area, provided through a sustainable "rural rebalance" approach. Development in rural areas will be predominantly in Community Hubs and Community Clusters.
- 8.1.4 Policy CS3 Shropshire Council Adopted Core Strategy (CS) 2011 states that the Market Towns and other Key Centres will maintain and enhance their roles in providing facilities and services to their rural hinterlands and that balanced housing and employment will take place within the towns' development boundaries
- 8.1.5 Policy CS4 of the CS sets out how new housing will be delivered in the rural areas by focusing it in Community Hubs and Community Clusters, which are identified in

Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015. Policy MD1 of the SAMDev identifies those settlements that fall within a Community Hub or Community Cluster. Policy CS11 of the CS seeks to ensure that development creates mixed, balanced and inclusive communities.

- 8.1.6 Cressage is not identified as a development settlements within a Community Hub or Community Cluster identified in Policy CS3 or Policy MD1 and for the purposes of the local plan, is located within the Countryside.
- 8.1.7 Core Strategy Policy CS5 and also SAMDev policy MD7a strictly controls development in the countryside whilst providing a number of exceptions for new dwellings. Policy MD7a states that:
- 8.1.8 *'...New market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs and other relevant policy requirements. In the case of market residential conversions, requiring planning permission, the conversion of buildings to open market use will only be acceptable where the building is of a design and form which is of merit for its heritage/ landscape value, minimal alteration or rebuilding is required to achieve the development and the conversion scheme would respect the significance of the heritage asset, its setting and the local landscape character. In order to protect the long-term affordability of single plot exception dwellings, they will be subject to size restrictions and the removal of permitted development...'*
- 8.1.9 As the proposal is for an open market dwelling the proposal would fail to accord with Policies CS5 and MD7a.
- 8.1.10 Policy MD3 of the SAM(Dev) also supports other sustainable housing development. Paragraph 3 of Policy MD3 of the SAM (Dev) Plan states that where settlement housing guidelines appear unlikely to be met, additional sites outside settlement development boundaries may be acceptable. However, as set out in the first paragraph to the policy, it should not be read in isolation from other policies, including Policies CS2, CS3, CS4, CS5, MD1 and MD7a.
- 8.1.11 Shropshire Council annually prepares Five Year Housing Land Supply Statements to summarise the Shropshire five-year land supply and Shropshire housing delivery test position. The current Five-Year Housing Land Supply Statement has a base date of the 31st March 2021.
- 8.1.12 Within this statement, the assessment concludes that:
- Shropshire currently has 5.60 years supply of deliverable housing land against the housing requirement identified within the adopted Core Strategy (2011) and 7.44 years supply of deliverable housing land against the local housing need, calculated using Governments standard methodology.
  - Shropshire has exceeded the housing needed over the last 3 years as calculated within the national housing delivery test (158% delivery) and as calculated locally against the housing requirement identified within the adopted Core Strategy (2011) (120% delivery).

- 8.1.13 As such, there is a five-year supply of housing land across Shropshire and the national housing delivery test has been met. Therefore, relevant policies remain up to date.
- 8.1.14 Whilst the proposed development of up to 60 dwellings including 20% affordable housing would contribute to the Council's deliverable Housing Land Supply and affordable housing provision, the proposed development would not accord with the Council's housing strategy as set out within the adopted Development Plan and would fail to accord with Policies CS3,CS4, CS5 of the Core Strategy and policies MD1, MD3 and MD7a of the SAM (Dev)Plan.

## **8.2 Access, Highway Safety and Highway Impacts**

8.2.1 This application is made in outline with all matters reserved save for vehicular access into the site. Vehicular access into the site is proposed in the form of simple priority junction from Harley Road.

8.2.2 Discussions have taken place during the determination of the application between the applicant, their agent, the Local Highway Authority and Local Planning Authority in regard to concerns raised by the Council and the proposed vehicular access.

8.2.3 In order to resolve the highway concerns previously raised, the applicant and their consultant have put forward proposals for additional traffic calming measures along the A458 to reduce vehicle speeds on the approach to the access, these are outlined on TPA Drawing 2111-028-028 PL02 (A). In view of the gradient of the A458 and the surrounding highway conditions it is not considered that physical traffic calming measures, such as priority build outs, are suitable for the surrounding highway conditions and background traffic flows.

8.2.4 Alternative proposals have also been put forward to reduce the overall carriageway width and again these proposals are not considered acceptable and cannot be supported by Shropshire Council as Highway Authority in view of the uphill/downhill gradient and the percentage of HGV'S and large vehicles using the A458. The carriageway width would be reduced to an unacceptable width for the prevailing road conditions.

8.2.5 The applicants consultant has submitted a further drawing, most recently submitted drawing PL01-Rev F. These proposed traffic calming measures include additional road marking and signing on the approach to further enhance the village gateway treatment and an introduction of a formal pedestrian crossing. Whilst the proposed road marking and signing are supported, it is not considered that these additional measures will significantly reduce vehicle approach speeds.

8.2.6 With regard to the proposed pedestrian crossing, it is also considered that there is insufficient land within the highway boundary to safely accommodate a formal signalised crossing point. The Local Highway Authority would also be concerned with regard to the visual and noise intrusion the signal heads would create to neighbouring properties and the frequency that the crossing would be used.

8.2.7 Whilst a formal crossing point would provide an opportunity for pedestrians to cross

the A458, if the pedestrian crossing is not used on a frequent basis, drivers regularly using the route can become complacent and this can on occasion create a hazard. Moreover, a Stage 1 RSA has not been carried out to assess the safety implications of introducing a pedestrian crossing at this location and which would be fundamental to ensuring that any initial safety concerns are considered at an early stage that are capable of being resolved through subsequent audits during detailed design.

#### 8.2.8

With regard to access to the site and proposed visibility splays, the applicant's consultant has undertaken speed surveys which indicated that whilst the speed limit along Harley Road is 30mph the measured 85th percentile speeds are 41.0 mph northbound and 38.9 mph southbound. The applicants highways consultant have stated that they expect the vehicle approach speeds to be reduced as a result of the proposed traffic calming measures and site frontage created as a result of the development. Whilst the Local Highway Authority considers that the proposed traffic calming measures outlined on drawing PL01-Rev F would potentially provide overall benefit, it is not considered that vehicle approach speeds will significantly reduce as a result of the development, the proposed access frontage and traffic calming measures.

#### 8.2.9

Throughout the consultation process, the Local Highway Authority have tried to work with the applicant and their consultants to reach a suitable agreement with regard to acceptable visibility splays for the site access, based on current vehicle approach speeds and any potential reduction in speeds as a result of the development and proposed traffic calming measures.

#### 8.2.10

It was initially agreed during a meeting between officers of the Local Highway Authority, the applicant and their consultant that a visibility splay of 2.4m x 60m (to the north) and 2.4m x 52m (to the south) would be acceptable from a highway perspective . These visibility splays were a relaxation of the minimum standards as set out in Department for Transport, Manual for Streets 2. Based on vehicle speeds within the region of 40mph the Local Highway Authority would expect a minimum visibility splay of 2.4 metres by 79 metres in both directions.

#### 8.2.11

In order to ensure access to the site is acceptable, it would be appropriate that visibility splays are suitable for existing vehicle approach speeds and do not rely upon additional measures to reduce vehicle speeds on the approach. The Local Highway Authority note that visibility splays shown on Drawing PL01- Rev F, are 2.4 metres by 47.5 to the north and 2.4m x 48.3 metres to the south is below the minimum standard and any relaxation considered appropriate from a highway perspective cannot be supported.

#### 8.2.12

Concerns have been raised with regard to whether there is sufficient width within the curtilage of the site and existing highway boundary to adequately provide proposed visibility splays of 2.4 metres by 47.5 & 48.3 metres, the relaxation of 2.4m x 60m (to the north) and 2.4m x 52m (to the south) and the desirable 2.4 metres by 79 metres. On this basis, further analysis has been undertaken by the Local Highway Authority based on topographical surveys provided by the applicant and their consultant. Based upon the Local Highway Authorities assessment, a visibility splay of 2.4 metres by 60 metres and 52 metres cannot be achieved nor the 79 metre splays .

### 8.2.13

In view of the above, the Local Highway Authority cannot support the submitted application, on the basis that the applicant has failed to demonstrate that a safe and satisfactory access can be provided. In addition, highways have concerns regarding the provision of a formal pedestrian crossing, where insufficient information has been submitted, including a Stage 1 RSA, to demonstrate that the pedestrian crossing point is acceptable to ensure pedestrian safety is not compromised.

### 8.2.14

The proposed development fails to accord with Policy CS6 of the Core Strategy and paragraph 110 of the NPPF.

## 8.3 Layout, Scale and Appearance

8.3.1 Policy CS6 of the Core Strategy sets out the Council's strategic approach with regard to sustainable design and development principles whilst Policy MD2 of the Sam(Dev)Plan sets out in more detail, how development is considered in the context of sustainable design.

8.3.2 The proposed development is made in outline for up to 60 dwellings including 20% affordable housing provision. Matters relating to appearance, landscaping, layout and scale ( the 'Reserved Matters') are to be considered at a later date. However, the application is supported by an illustrative masterplan (SA35388\_02 Rev G) which illustrates how the site could be developed in the future.

8.3.3 Policy MD2 (2) of the SAM(Dev)Plan states that for a development to be considered acceptable, it is required to:

*Contribute to and respect locally distinctive or valued character and existing amenity value by:*

*i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and*

*ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and*

*iii. Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13; and*

*iv. Enhancing, incorporating or recreating natural assets in accordance with MD12'.*

### Layout

8.3.4 The site is approximately 2.4 ha and it is considered by the applicant that the development of up to 60 dwellings based on the entire site area would have a density of 25 dwellings per hectare. However, if the density is calculated on the net developable area, that is, excluding areas of POS, then the density is more akin to 33 dwellings per hectare. It is common practice for the density to be calculated on the net developable area of the site, rather than the site area as whole. Therefore, it is considered that the density of the development site is more akin to 33 dwellings per hectare.

8.3.5 Representations have been received in regard to the density of the site and that

the proposed scheme is too dense compared to residential schemes on a similar site area in Community Hubs around the Borough. Cressage is not a Community Hub. Furthermore, there are no specific limitations on 'density' set out within the adopted local plan.

- 8.3.6 Whilst layout is a reserved matter, as an illustrative layout has been submitted with the application, it would appear reasonable to provide some commentary on the layout as submitted as the proposed layout would have an impact on the suitability and acceptability of the proposed density of the development.
- 8.3.7 Policy MD2 of the SAM(Dev)Plan states that further to Policy CS6, for a development proposal to be considered acceptable, it is required to meet a number of criteria, including providing open space of at least 30sq.m per person that meets local needs in terms of function and quality and contributes to wider policy objectives such as surface water drainage and the provision of semi-natural landscape features. Furthermore, on developments of 20 dwellings or more, this open space should comprise an area of functional recreational space for play, recreation, formal or informal use including semi-natural open space.
- 8.3.8 Based on the number of dwellings and mix, the scheme would generate a POS requirement of 6000m<sup>2</sup>. The applicants most current illustrative layout ( Rev G) would not meet the minimum POS standards and two of the spaces are considered unusable. As such, the Rev G illustrative layout would fail to accord with Policy MD2 of the SAM(Dev) Plan, in particular criterion 5. However, a draft plan, not formally submitted has been issued to officers (Rev J) for discussion purposes only. Based on the number of dwellings and accommodation mix of the draft plan, the development would generate a requirement of 6030m<sup>2</sup> of open space. The draft illustrative layout (Rev J) identifies 2 separate areas of open space as follows:  
Area 1 – 1290m<sup>2</sup>  
Area 2 – 5100m<sup>2</sup>
- 8.3.9 The development plan has no requirement for formal play equipment to be provided on the site in the form of a LAP or LEAP and none is proposed by the applicant. It is acknowledged that a footpath is proposed within each area of POS and this is welcomed. It is noted from the annotations on the site layout plan (illustrative) that Area 2 would contain the drainage attenuation for the site. The FRA submitted with the application ( Betts Hydro Consulting Engineers ) at paragraph 3.13 states that the attenuation is likely to be a large basin / pond. No details have been provided on the size of the basin/pond at this stage however, Public Open Space must be usable and as such, the basin size once known, will need to be deducted from any public open space calculations. To comply with Policy MD2 of the SAM(Dev)Plan the POS provided must meet the minimum requirement, be functional and usable open space. The illustrate layout of Rev G fails to accord with the Policy.
- 8.3.10 There are concerns with regards to the siting of some of the plots and their relationship to other plots within the proposed site. No house type drawings have been provided as part of this application and as such, a reasonable assumption is taken that the dwellings as proposed on the illustrative layout would contain windows which would serve habitable rooms on the front and rear elevations. It is acknowledged that the Council does not have any specific Policy relating to



interface distances between elevations containing habitable room windows directly facing one another and elevations containing habitable room windows facing blank gables / gables containing non-habitable windows, it is considered industry practice that a benchmark of distance of circa 21m for the former and 12m for the latter be taken into account.

#### 8.3.11

Based on the current Rev G layout, there are concerns regarding a number of plots and the interface distance between one another. Having reviewed the draft illustrative layout of Rev J, the layout would appear more acceptable however, owing to the siting of the dwelling of Plot 18, the dwelling has the potential to impact on the occupiers of the outlook of plot no.19 however, this is an assumption based on the illustrative layout provided can only be assessed on receipt of detailed plans.

#### 8.3.12 **Scale**

No details have been provided with the applicant's D&A Statement ( February 2021) regarding the scale of the dwellings; however, this is a matter determined at the reserved matters stage.

#### 8.3.13 **Appearance**

The D&A Statement ( February 2021) at paragraph 4.14 states that dwellings in Cressage are largely comprised of brick, with front gardens and on-plot parking. The materials used in the development will re-enforce local character and will be addressed through the reserved matter applications.

### 8.4

#### 8.4.1 **Landscape**

No LVIA has been submitted by the applicant to support their application. Core Strategy policies CS6 and CS17 also seek to protect and enhance Shropshire' natural environment, which includes trees and the wider landscape considerations.

8.4.2 Policy MD12 deals with the natural environment.

The Council's landscape consultee considers that this development has the potential to lead to significant landscape and visual effects, however no assessment of landscape and visual effects has been undertaken. The development cannot therefore be demonstrated to comply with the Council's local plan policies on landscape and visual amenity. The proposed development would fail to accord with Policy CS6 of the Core Strategy and Policy MD12 of the SAM(Dev)Plan.

### 8.5

#### 8.5.1 **Ecology**

Policy CS6 of the Core Strategy and Policies MD2 and MD12 of the SAM(Dev)Plan set out the Council's policies regarding ecology. The applicant has submitted an Ecology Assessment (dated January 2020). The Council's ecologist has been consulted on the application. Concern has been raised in regard to the public open space as shown on the illustrative layout plan ( SA35388\_02\_Rev G).

#### 8.5.2

The ecology consultee response states '*comments regarding the positioning of the*

8.5.3 *POS have not been taken into account. In previous comments it was stated that the POS would better be positioned adjacent to the block of woodland on the western boundary of the site to provide a buffer between the woodland and residential plots. This would provide a more pleasant setting for the POS, avoid future conflicts between householders and trees, and avoid degradation of the woodland by issues such as tipping of garden waste’.*

Matters of layout are to be determined as part of the reserved matters. Notwithstanding this, the applicant has taken the officers comments into consideration and officers have had sight of a draft illustrative layout to address this concern ( ref: SA35388\_02 Rev J). Whilst Rev J has not been formally submitted, it is evident that the issue raised by the ecologist in regard to usable POS could be overcome.

#### 8.5.4 **Biodiversity Net Gain**

8.5.5 Comments have been raised by the Council’s ecologist regarding biodiversity net gain. The mandatory 10% net gain as set out in The Environment Act 2021 has not yet been brought in and as such, the adopted development plan only requires the development to demonstrate a net gain on site.

8.6 Whilst an ecological assessment has been submitted, the Council’s ecologist has advised that the report / development does not demonstrate a net gain on site. The proposed development would fail to accord with Policy CS6 of the Core Strategy and Policy MD12 of the SAM(Dev)Plan.

#### 8.6.1 **Trees**

8.6.2 Policy CS6 of the Core Strategy and Policies MD2 & MD12 of the SAM(Dev)Plan set out the Council’s polices regarding Trees. The Councils tree officer has been consulted on the application. Initial comments have been received and are set out above.

8.7 A revised illustrative layout plan has been submitted ( ref:SA35388\_02 Rev G). No further comments have been received from the Council’s tree officer in response to the amended illustrative layout however, the revised illustrative layout plan appears to address the comments raised in the consultees response.

#### 8.7.1 **Heritage Impact**

Section 16 of the NPPF, sets out the overarching framework with regard to Conserving and Enhancing the Historic Environment. Paragraph 197 of the NPPF states that ‘ *In determining applications, local planning authorities should take account of:*

- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.*
  - b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality ; and*
  - c) *the desirability of new development making a positive contribution to local character and distinctiveness’.*
- 8.7.2

Policy CS17 – Environmental Networks, sets the Council’s strategic approach with regard to the natural and historic environment whilst Policy MD13, sets out the Council’s detailed policy in regard to the Historic Environment. Policy MD13 (4) states that :

8.7.3

*‘In accordance with Policies CS6 and CS17 and through applying the guidance in the Historic Environment SPD, Shropshire’s Heritage Assets will be protected, conserved, sympathetically enhanced and restored by....*

8.7.4

*Encouraging development which delivers positive benefits to heritage assets, as identified within the Place Plans. Support will be given in particular, to proposals which appropriately conserve, manage or enhance the significance of a heritage asset including its setting, especially where these improve the condition of those assets which are recognised as being at risk or in poor condition’.*

The applicant has submitted a Historic Environment Desk-Based Assessment dated January 2020 by Nexus Heritage. The Council’s conservation officer has advised that based on the submitted illustrative layout, there would be no heritage objection, subject to suitably worded conditions.

8.7.5

No concerns have been raised from the Council’s conservation officer in regard to the impact of the proposed development ( as shown on the illustrative site layout plan ref: SA35388\_02 Rev G) on the residential dwelling, Jasmin Cottage; a Grade II listed building.

8.7

#### 8.7.1 **Surface Water Drainage**

Policy CS18 of the Core Strategy sets out the Council’s policy with regard to Surface Water Management. A flood risk assessment and drainage strategy ( Betts Hydro Consulting Engineers, January 2020) has been submitted as part of the application and the LLFA have been consulted.

8.7.2

It is noted that local residents have raised concerns with regard to the development proposals and the impact on the adjacent water course and the potential impact for increased flooding in the area. The LLFA raise no objection to the scheme. with Policy CS18 of the Core Strategy, a surface water drainage strategy will be

8.7.3

The submitted FRA states that foul water is likely to be pumped off site and into a foul water sewer within Harley Road. The disposal of foul water lies with the statutory undertaker and as such, the applicant and/or their agent are encouraged to carry out early engagement with the Severn Trent Water in this regard.

8.8

#### 8.8.1 **Contaminated Land**

A phase 1 site investigation report has been submitted by the applicant to support their application. Regulatory services have reviewed the report and raise no objection to the development proposals.

8.9

#### 8.9.1 **Noise Impact**

No noise impact assessment has been submitted with the application and regulatory services have made no request for a noise impact assessment to be

8.9.2 submitted by the applicant.

Whilst the proposed residential development be located off the A458 with no.2 dwellings ( plots no.01 and 02 fronting Harley Road, it is considered unreasonable to required a noise impact assessment to be submitted when the character of Harley Road within Cressage is characterised by residential dwellings either side of the road. However, to ensure that occupiers of any dwelling directly facing Harley Road is afforded adequate amenity, details of acoustic measures of those dwellings should be secured by condition in the event that planning permission is granted.

**8.10**

#### 8.10.1 **Archaeology**

No objections have been raised in regard to the Council's archaeologist in respect of the proposed development.

**8.11**

#### 8.11.1 **Planning Obligations**

Policy CS6 of the Core Strategy sets out the Council's policy with regard to infrastructure contributions. Shropshire Council adopted CIL on the 1<sup>st</sup> January 2012 and as such, the development would be CIL Liable. In addition, monies may be secured by S106, if appropriate.

## **9.0 CONCLUSION**

9.1 The proposed development seeks outline planning permission for up to 60 dwellings including 20% affordable housing, all matters reserved save for access. The proposed development would be located on land in the countryside and an such, would not accord with the objectives of the adopted Development Plan when read as a whole and would fail to accord with policies CS3,CS4, CS5 of the Core Strategy and policies MD1, MD3 and MD7a of the SAM (Dev)Plan.

9.2 It is acknowledged that Cressage is identified as a Community Hub within the Much Wenlock Place Plan Area of the emerging Local Plan ( Policy S13.2) however, given the Interim findings from the Inspector and the unresolved issues, limited weight can be given to the emerging Policy.

9.3 The Local Highway Authority have concerns regarding the proposed access and this is echoed in concerns have been raised by residents, as well as Independent Transport Consultants ( Mode Transport Planning on behalf of Raby Estates). Despite the Local Highway Authorities efforts to work with the applicants transport consultants, the access as proposed is unacceptable and concerns remain with regard to the impact of the development on highway safety. The proposal therefore fails to accord with Policy CS6 of the Core Strategy and provisions of the NPPF, in particular, paragraph 110 of the NPPF.

9.4 The proposed development fails to demonstrate a net gain in biodiversity on site and to that end, the proposed development fails to accord with Policy CS6 of the Core Strategy and Policy MD12 of the SAM(Dev)Plan as well as provisions of the NPPF, in particular, paragraph 180 of the NPPF.

9.5 In the absence of an LVIA, the landscape impacts and visual context of the proposed development cannot be assessed. The proposed development would fail to accord with Policy CS 6 of the Core Strategy and Policy MD2 of the SAM(Dev)Plan.

9.6 In toto, it is recommended that this application is refused.

## **10.0 Risk Assessment and Opportunities Appraisal**

### **10.1 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.

### **10.2 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.

### **10.3 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.

## **11.0 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 Site Allocations and Management of Development (SAMDev) Plan:**

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport

CS8 - Facilities, Services and Infrastructure Provision

CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the Countryside

MD7B - General Management of Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

#### **RELEVANT PLANNING HISTORY:**

**16/00098/SCR** Screening opinion for approximately 18 dwellings including a new replacement Vicarage accessed via a new access road EAN 1st February 2016

**21/01022/OUT** Outline application for residential development of up to 60 dwellings, vehicular access from Harley Road and accompanying footway improvements to Harley Road and public open space. All matters reserved save for Access. REFUSE 5th June 2023

11. Additional Information

**List of Background Papers**

21/01022/OUT - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QP5GU2TDL3300>

Cabinet Member (Portfolio Holder) - Councillor Richard Marshall

Local Member - Cllr Claire Wild

Muller Property Group

Harley Road,  
Cressage

Project Reference: 2111-028/TN/02

Technical Note



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## 1 Executive Summary

- 1.1 Transport Planning Associates (TPA) has proposed a robust and comprehensive traffic calming scheme, designed by a highly qualified professional<sup>1</sup>, which not only supports the proposed residential development but also addresses the existing speeding issues in the village. Our detailed analysis, including a new Transport Assessment (TA) and speed surveys, has previously identified that speeding on Harley Road is a well-known problem, with 85th percentile speeds exceeding the 30mph limit. Despite this, the local Highways Authority has not yet fully resolved the issue.
- 1.2 At this preliminary design stage it has been clearly demonstrated that a solution exists applying current design standards. Our proposals, as shown in various submitted designs, include traffic calming measures such as narrowing the carriageway, enhanced road markings, and the potential for a signalised pedestrian crossing. These elements, fully funded by Muller Property Group, will reduce speeds and improve safety, aligning with the concerns raised by the Highways Authority and local residents. Our proposed solutions were favourably received by the Highways Authority during multiple consultations, but have faced objections regarding road width and vehicle movements.
- 1.3 We have consistently engaged with the Highways Authority to modify and refine the designs, ensuring compliance with safety standards while addressing the local speeding problem. The traffic calming features included in our latest design, such as visible road markings, gateway features, and potential additional measures like Vehicle Activated Signs (VAS), provide the necessary framework to reduce speeding.
- 1.4 Crucially, our client is offering to fund and implement these traffic calming works as part of the development proposal. These improvements are not only beneficial to the proposed development but will also help to alleviate the current speeding problem, which would otherwise remain unresolved. Through a commitment

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<sup>1</sup> The project team included Daniel Ekstrand, a Chartered Transport Planning Professional and Fellow of the Chartered Institution of Highways & Transportation



to monitoring speeds post-implementation, we propose further interventions if necessary, to ensure that the speed reduction goals are achieved. This is consistent with the latest Road Safety Audit recommendations.

- 1.5 In conclusion, the proposed scheme offers a pragmatic and effective solution to an existing problem, while supporting the wider development objectives. Without this development, the opportunity to implement these vital traffic calming measures at no cost to the community will be lost.

## 2 Background

- 2.1 The planning submission was made on 1 March 2021. We were subsequently approached by Muller Property Group in November 2021 following consultee comments received on 22 August 2021 and the SCP Technical Note submitted in September 2021, after which a further response was provided by the Highway's Officer on 3 December 2021. To overcome the apparent concerns by the officer, we prepared a new Transport Assessment (TA) and a new preliminary design of the access arrangements, incorporating traffic calming features as per our drawings 2111-028/PL01 (site access) and 2111-028/PL02 (traffic calming measures).

### Speed Survey

- 2.2 To inform the visibility splays and considering the previous feedback in the consultation response received, a new speed survey was undertaken utilising an Automatic Traffic Counter (ATC) just north of the site access to assess existing traffic speeds. This was undertaken over a 7-day period from 14 to 20 December 2021. The results showed that 85th percentile speeds for the five weekdays excluding weekends and peak hours, in accordance with DMRB CA185, were 41.0mph in the northbound direction and 38.9mph in the southbound direction. These are above the 30mph speed limit in operation along Harley Road fronting the site.

### First Safety Audit

- 2.3 The preliminary design was subject to a Stage 1 Road Safety Audit (RSA1) which is dated 10 February 2022. The RSA1 raised several problems, some of which was agreed with, and others that was rebutted including the proposed traffic islands resulting in shuttle working operation. Updated drawings were provided in revisions 2111-028/PL01A and 2111-028/PL02A, which were appended to the submitted TA, with the accompanying Travel Plan (TP) that we issued 10 March 2022.

## Iterative design process

- 2.4 A meeting was held on 13 April 2022 with Shropshire Council's Highways Team, during which they expressed concerns over the traffic calming measures. It was agreed alternative access proposals should be pursued to address them.
- 2.5 A narrowing of the carriageway was then considered, initially to 5.5m. TPA Drawing 2111-028/PL01B demonstrates visibility splays of 2.4m x 43m, in line with the posted speed limit are achievable. In addition, the achievable visibility splays are also shown in TPA Drawing 2111-028/PL01B.
- 2.6 The drawing shows that visibility splays of 2.4m x 60m (to the north) and 2.4m x 52m (to the south) are achievable. The practical achievable visibility splays are likely to be longer, given the presence of telegraph poles and road signs within the verge, which indicates that the verge is likely to form part of the public highway.
- 2.7 A further meeting was held with the highways officer at Shropshire Council's Highways Team on 25 May 2022. During this meeting, the revised access option was presented, with Shropshire Council's Highways Team welcoming the new proposals. During the meeting, it was confirmed that the revised visibility splays of 2.4m x 60m (to the north) and 2.4m x 52m (to the south) were considered appropriate at this location, in context of the proposed arrangements.
- 2.8 During the meeting, several minor changes were requested for a final issue. These included the provision of additional lining, the installation of new signage, and the addition of dimensions along the section of the road proposed to be narrowed to 5.5m. The resultant revised proposals are presented in TPA Drawing 2111-028/PL01C. The revised layout shows the introduction of 'SLOW' markings (diagram 1024) on the approaches to the site access and a new gateway feature.
- 2.9 A Technical Note 2111-028/TN01 was issued on 1 June 2022 summarising this process.

## Objections

- 2.10 A third-party objection was received on 8 August 2022 from the Raby Estate, generally pointing to the quantity of heavy vehicle movements, speeds and safety concerns in the context of the proposed narrowing of the carriageway. The Planning Authority confirmed the third-party concern stating 9 September 2022 that *"we are in agreement that the proposed narrowing to 5.5 metres may create conflict with large vehicles due to the downhill/uphill gradient and high percentage of HGV's on the A458."* We had previously advised that the proposal to narrow down the carriageway in such a road environment would rely on the view of the Highways Authority and if they withdraw their support, it would be difficult to defend it for the very reasons

highlighted by the objectors. Having confirmed the objectors concerns with a swept path analysis, we advised that further consultation was undertaken with the Highways Authority to consider a revised strategy.

### Further consultation with the Highways Authority

- 2.11 A meeting was consequently held with the Highways Authority on 7 October 2022, during which the officer confirmed that they would now not be able to support any road narrowing to less than 6.0m (current being around 6.2-6.3m) and/or any physical traffic calming features (such as raised tables, humps, cushions or similar) at this location. The officer confirmed that markings / coloured surfacing and VAS (Vehicle Activated Signs) should instead be acceptable and wanted us to see if we can achieve 43m splays with a 6.0m carriageway to make a judgement.
- 2.12 A revised drawing, 2111-028/PL01D was prepared and included:
- Physical narrowing to 6.0m in a couple of sections only (at the gateway and at the access junction)
  - Enhanced traffic calming package of road markings, with repeated SLOW markings, 30 roundels, dragon teeth, colour surfacing and new central hatching (to reduce the width of the running lanes without any physical narrowing, so that large vehicles are not affected)
  - The principle of a signalised pedestrian crossing
  - 43m visibility splays (30mph roads)
  - Existing and proposed measurements
- 2.13 A further meeting was held on 2 November, during which a longer splay was requested. The Highways Authority was going to confirm the extent of the highway verge adjacent to the site, to enable us to increase the visibility splay to **50m** if possible. It was agreed that the crossing will be an informal crossing and further details can be agreed at reserved matters stage. This was later shown on screen and illustrated in revision 2111-028/PL01E, but with 43m visibility splays.
- 2.14 Additional land was to be considered on 3 November 2022. The access was moved slightly north and a new revision drawing 2111-028/PL01F was presented demonstrating achievable visibility splays of 48.3m south and 47.5m to the north. A "*practical splay*" was presented to the south of 67.7m indicating a wall as a constraint. There remained an uncertainty around where the highway boundary definition lay to the south and the Highways Authority was meant to confirm during a future site visit as stated in the meeting the day before. On 16 November 2022 it was confirmed this was the preferred design and should be submitted to the Council.
- 2.15 On 18 November 2022 a further representation and objection from Raby Estate was issued and received by us on 28 November. Subsequently, on 5 December 2022 Berry's advised that the Local Plan review "*had*

*stalled*" till late January, at which point we were advised they had requested an update on the highways verge and boundary on seven occasions but are yet to receive it.

## Refusal and second RSA1

- 2.16 On 11 May 2023 we reiterated our advice, ie to instruct an independent RSA1 of 2111-028/PL01F together with a commitment to a monitor and manage contribution requiring further interventions should speeds not be reduced to the extent that is required by the achievable splays. This were all to be summarised and included in a new Technical Note with a Designers Response. I also asked for the 50m request to be provided in writing, to include in a rebuttal. This was instructed on 24 May 2023 and on 31 May 2023 we were advised that the Council was in the process of refusing the application and in the email correspondence referred Berry's back to a 79m visibility splays requirement and to revision D of our design, rather than F submitted in November 2022.
- 2.17 On 5 June the Decision Notice was issued together with the officer's report detailing the reasons for refusal. The RSA1 was received on 9 June 2023<sup>2</sup> and highlighted a 30mph sign to have been covered, which I therefore advised could lead to some local speeding at the time of the speed surveys undertaken in 2021. In addition, a future revision of the proposed scheme should include splays for the pedestrian crossing addressing Problem 2.4 in the Designers Response yet to be prepared.

## 3 Summary of Visibility Splay Calculations

- 3.1 The Highways Authority kept referring to "current traffic speeds" but said it "is noted that the designer has therefore proposed a number of traffic calming/speed reducing measures, as prescribed in the MfS for such instances". Manual for Streets (MfS) states in paragraph 7.4.9 that:

*"Difficulties may be encountered where a new development connects to an existing road. If the junction geometry cannot be made to conform to the requirements for prevailing traffic speeds, the installation of traffic-calming measures on the approach will allow the use of a lower design speed to be used for the new junction."*

- 3.2 The splays for the existing speeds 41.0mph and 38.9mph would be even more than what the Highways Authority have requested. MfS only lists speeds up to 37mph which would equate to a 59m visibility splay. At speeds above this, the recommended SSDs in the Design Manual for Roads and Bridges may be more appropriate.

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<sup>2</sup> Reference AC/TPA/0906231

3.3 Notwithstanding this, the basic formula for calculating Stopping Sight Distances (SSD) in MfS (in metres) is:

$$SSD = vt + v^2/2d \text{ where:}$$

$$v = \text{speed (m/s)}$$

$$t = \text{driver perception–reaction time (seconds)}$$

$$d = \text{deceleration (m/s}^2\text{)}.$$

3.4 Applying that to the current speeds we are looking at but using MfS , t=1.5s and d=4.41 m/s<sup>2</sup>

3.5 Due to the gradient we need to look at a d=3.4335m/s<sup>2</sup> to take into account of 10% slope to be robust.

3.6 This results in 41mph (18.3m/s) is an SSD of  $(18.3 * 1.5 + 18.3^2 / (2 * 3.4335)) = 76\text{m}$ . +3m bonnet length , so **79m** splay which is what they have been asking for. (northbound speed, so splay to the south).

3.7 For 38.9mph uphill therefore applying a higher d=5.3955m/s<sup>2</sup> results in a splay of  $17.38986 * 1.5 + 17.38986^2 / (2 * 5.3955) = 54$ , +3m=**57m** splay. (southbound speed, so splay to the north).

3.8 Applying the same assumptions for 30mph results in a **49m** splay to the south, which we can easily achieve by marginally adjusting the design in 2111-028/PL01F which currently shows 48.3m. It is considered that 0.7m cannot be deemed to have a severe impact on safety.

## 4 Conclusion

4.1 We have illustrated the optimum splays that are achievable within the land we understand being available and as confirmed to us on several occasions.

4.2 A traffic calming scheme is proposed to reduce the prevailing speeds as observed at the site, and in the context of a new access being provided which inherently also will change the street scene and perception by drivers. The question is what the speeds will be after the traffic calming has been implemented, in combination with a new access, so a commitment to monitoring in a S106 agreement and a fund set aside to enable further traffic calming features such as a flashing 30mph sign to be implemented (or similar) seems reasonable and proportionate. This would deal with the uncertainty of what speed reduction is achievable and in dealing with what is an existing issue with speeding that today would be a hazard in the local environment and should be dealt with by the Highways Authority.

- 4.3 The ATC survey undertaken provides the only evidence of the prevailing speeds. There is clearly an existing issue regarding vehicles speeding, which the Highways Authority has not dealt with to date, however, until the proposed access is implemented together with proposed gateway and traffic calming features, it is impossible for the Highways Authority to conclude what speeds will be thereafter. Therefore, they must make a judgement on the likely speed following the implementation of the traffic calming measures identified and we believe it is reasonable to assume that the scheme would reduce the 85<sup>th</sup> percentile speed to more closely match the speed limit. Notwithstanding this, the Highways Authority identified a visibility splay of 50m which confirms they acknowledge the measures will result in a reduction in speed, warranting this reduced visibility splay that we can achieve by slightly moving the access. However, they later referred back to the 79m in the RfR which is the splay required due to the prevailing speeds.
- 4.4 We have demonstrated to be pragmatic in engaging with the Highways Authority to try and identify a suitable traffic calming solution that will aim to achieve the desired speed reduction, and in effect would help to deal with an existing problem on the network. With a commitment to a monitoring strategy in a S106 agreement to further reduce the speed if needed, by extending the 30mph or implementing further traffic calming features, it should provide the Highways Authority with enough confidence to be able to deal with any uncertainty. This coincidentally also address the last RSA1 Problem 2.1, given the below recommendation was provided to address the problem identified:

*"It is recommended that, following completion of the development and associated highway works, a further speed survey is undertaken in order to ensure that the intended reduction in speeds has been achieved, or whether further measures are necessary."*

- 4.5 This is consistent with the proposed amendments to the National Planning Policy Framework in relation to assessing potential transport impacts and adopting a vision lead approach, that generally is underpinned by monitoring commitments to ensure the objectives are met. The consultation document sets out that *"any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision led approach."*<sup>3</sup>. It continues to state that:

*"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, in all tested scenarios."*<sup>4</sup>

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<sup>3</sup> Policy 112a of the July 2024 draft consultation version of the NPPF

<sup>4</sup> Paragraph 113 of the draft NPPF dated July 2024

## Document Management

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### Document Review

	Status	Author	Checker	Approver	Date
01	Draft	DE	JM	DE	18   09   24
02	Draft	DE	JM	DE	19   09   24
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