



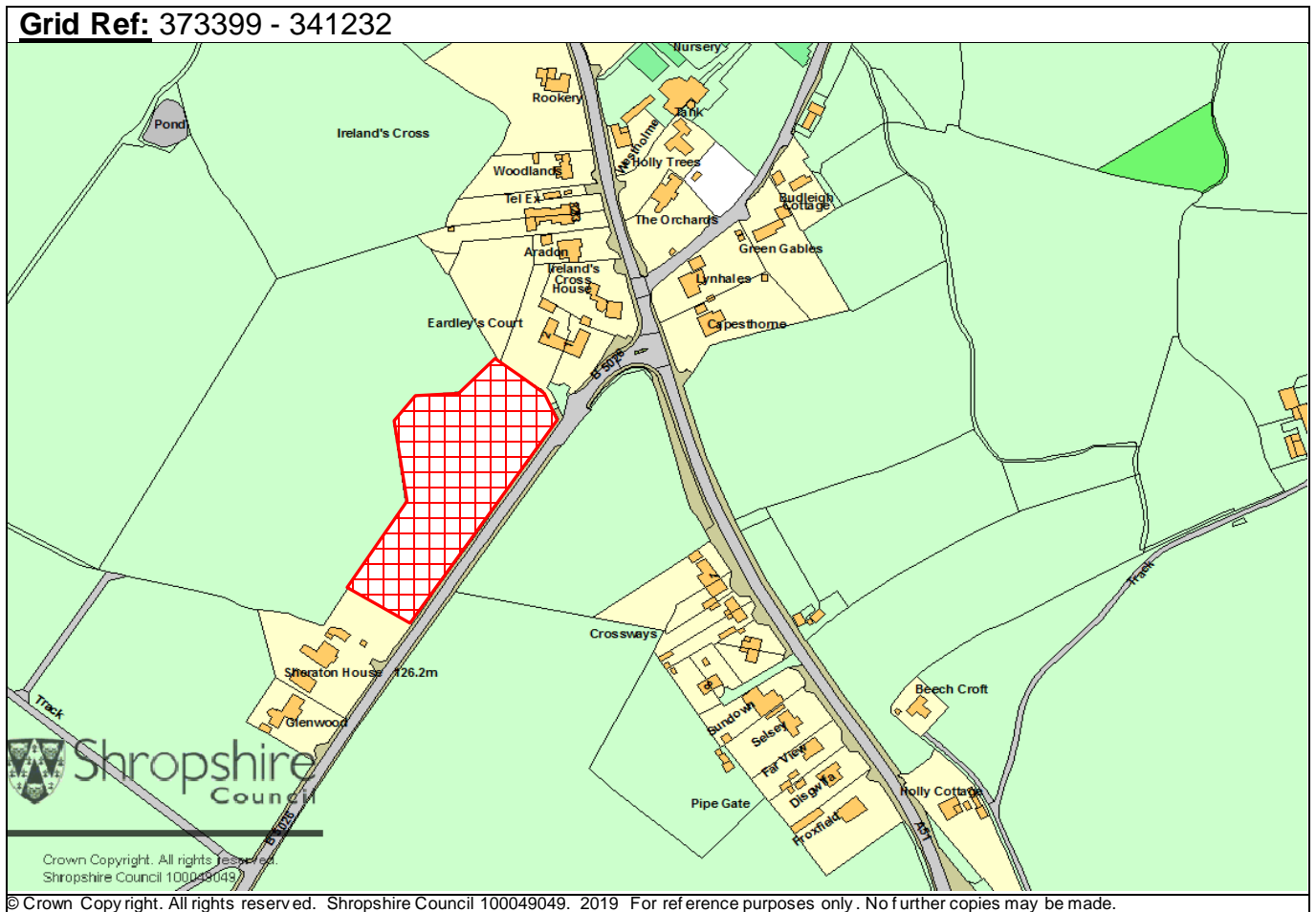
Committee and date  
 North Planning Committee  
 2<sup>nd</sup> May 2023

## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 22/03559/FUL	<b>Parish:</b>	Woore
<b>Proposal:</b> Mixed residential development of ten dwelling (to include one self build), creation of four vehicular accesses (onto London Road), all ancillary works		
<b>Site Address:</b> Land West London Road, Woore, Shropshire, CW3 9RG		
<b>Applicant:</b> Geolane Company Limited		
<b>Case Officer:</b> Richard Denison	<b>Email:</b> richard.denison@shropshire.gov.uk	



**Recommendation: Grant subject to the satisfactory completion of a Section 106 agreement for affordable housing consisting of one affordable dwelling on site and an affordable housing contribution, a reduction in the speed limit to 40mph along the road frontage of the site, and the conditions as set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application is for a residential development for the erection of ten dwellings on an enclosed area of land within Irelands Cross settlement near Woore. The scheme proposes a mixture of dwellings styles and sizes as set out in the table below.

**Table 1. Proposed Dwelling Size and Tenure**

	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>5 bed</b>	<b>Total</b>
<b>Open-Market House</b>	1	2	3	2	<b>8</b>
<b>Self-Build Bungalow</b>	0	0	1	0	<b>1</b>
<b>Affordable House</b>	1	0	0	0	<b>1</b>
<b>Total</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>10</b>

A new access road will be provided directly from London Road and will serve four of the dwellings, whilst three additional vehicular accesses will serve the remaining plots. Each of the properties has a large driveway for parking vehicles, together with a single garage for the 2 and 3 bedroom dwellings and a double garage for the 4 and 5 bedroom dwellings. A new footpath will be constructed along the roadside to provide pedestrian access to Woore village. A tree and hedgerow planting scheme is provided throughout the site.

- 1.2 This application has been submitted following a long planning history to this site dating back to 2014 when outline planning permission was first approved and more recently to an outline application 20/02060/OUT approved in 2021. Both outline applications were for ten dwellings, although the more recent outline application was submitted purely to secure permission for the principle of a residential scheme for ten dwellings and was located wholly within the development boundary of the Woore Neighbourhood Plan. This current application slightly differs and extends a small proportion outside of the adopted development boundary, but retains part of the land within the development boundary as countryside. This is explained in detail in Sections 6.1 and 6.2 of this report. Although in summary this application compared to the outline permission granted in 2021 will protect and enhance the habitat for Great Crested Newts by retaining the established native boundary hedgerow which was planted under a European Protected Species Mitigation Licence; the existing foul mains which has been constructed in association with the current layout will maintain the sustainable gravity fed system; the site develops an enclosed area of landscaped land which is located between existing residential development within Irelands Cross; and that this current development results in a reduction in the loss of open countryside compared to the more recent outline permission.
- 1.3 Informal pre-application discussions have taken place between officers and the agent regarding the submission of this application.

### Amendments

- 1.4 Amended plans have been received during the consideration of the application to address officer concerns regarding the proposed layout, design and appearance of the dwellings. These alterations have been made to provide a scheme which better reflects the overall general character and appearance of the settlement by introducing more simplified roof designs, repositioning detached garages from the frontages and improved landscaping.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The proposed site is located directly along the B5415 with the settlement of Irelands Cross close to the junction with the A51. The site was formerly part of large paddock with open fields to the north and west. However, a new hedgerow has been planted to separate the development site from the paddock. Two semi-detached properties (Nos. 1 & 2 Eardley's Court) are located along the northern boundary, whilst a tennis court associated with Sheraton House is located along the southern boundary of the site. The main road runs along the south eastern boundary and is separated by a mature native hedgerow. An open agricultural field is located on the opposite side of the road to the east.

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

- 3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Planning Manager in consultation with the committee chairman agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

## **4.0 COMMUNITY REPRESENTATIONS**

### **4.1 Consultee Comments**

- 4.1.1 **Shropshire Council, Highways** - No objection is raised subject to safeguarding conditions.
- 4.1.2 **Shropshire Council, Trees** - Significant new trees are to be planted to the road frontage to create an attractive street scene which have been negotiated and supported. No objection is raised subject to the protection of new tree planting.
- 4.1.3 **Shropshire Council, Housing** - The applicant has provided the correct number of affordable dwellings on site. No objection is raised.
- 4.1.4 **Shropshire Council, Ecology** - No objection is raised subject to safeguarding conditions and informatives to ensure the protection of wildlife and to provide ecological enhancements. A European Protected Species 3 tests matrix must be completed.
- 4.1.5 **Shropshire Council, Drainage** - The proposed scheme will be connected to an existing foul drainage system. No objection is raised.

4.1.6 **Shropshire Council, West Mercia Constabulary** - The developer should aim to achieve the Police Crime Prevention initiative award of Secured By Design. No objection is raised.

4.1.7 **Woore Parish Council (13/09/22)** - *Woore Parish Council objects to this planning application as follows:*

- *This Planning Application now comes under the hierarchy of the Woore Neighbourhood Plan 2016/2036 (WNP) as the most recent Adopted Plan (May 2019), although the Applicant refers to in the Planning Statement to the SAMDEV Plan on housing numbers. The SAMDev Plan is superseded by the Woore Neighbourhood Plan, and is updated as follows:*
- *The Woore Neighbourhood Plan 2016-2036 "envisages that around 30 additional dwellings from 2016-2036 will be delivered". Since the Plan was adopted in May 2019 there have been 21 dwellings either built, or in the process or received planning permission. In total since 2016 there have been a total of 51 dwellings built in Woore Parish which is well more than the requirements in the WNP.*
- *When Outline Planning Permission was Granted for 20/02060/OUT the proposed development was within the WNP Development Boundary (6.5 Figure B), this application now shows development beyond the Development Boundary. This now encroaches on to land that is designated open countryside. (Policy HOU1 Scale and Location of New Housing.) During the development of the WNP, Woore Parish Council had no alternative but to include this land within the Development Boundary because at the time, it had a valid planning approval for ten dwellings. It was not done by choice. If the green space had not been approved in the face of wide objection, the land would have continued to be designated green protected space marking the boundaries of the separate communities within the Parish of Woore.*
- *This application is a re-submission of Planning Application 13/02698/OUT which was Granted on the 20<sup>th</sup> of October 2014, prior the Adoption of the WNP, but now requires to meet the Policies of the WNP Plan. This application does not meet Policies HOU2 - Housing Development a) do not adversely affect local landscape character and visual amenity b) maintains the gaps between settlements. g) does not adversely affect heritage assets or their settings.*
- *A requirement of the WNP in Policy HOU3- Design is that New housing developments will be supported where they have regard to the following requirements, this application in the opinion of Woore Parish Council does not take into consideration the following from the Policies A) Where adjoining open countryside they should provide a sympathetic built-to-unbuilt area transition. B) The topography and natural features of the sites should maximise significant views from the site to the surrounding countryside and minimise impact on the skyline. C) Minimise adverse impacts on the amenity of future or adjacent property by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour, or in any other way E).*

*Incorporating a variety of designs, house types and sizes, and have individual outside amenity space. F) Respect the character of the locality and the local vernacular and contribute positively to local distinctiveness. G) New developments should take account of eco and environmentally sustainable technology and materials H) Development should support features beneficial to wildlife where appropriate. All these Policies are supported by the Evidence and Justification at 6.18-6.24*

- *This Application fails to provide sufficient available green space for potential occupiers and with the design to include four vehicular access to the B5026 does not meet the WNP Environment Policy ENV1 - Footpaths/Sustainable Transport 4) New developments that provide easy, accessible traffic-free routes for non-motorised users (to include pedestrians, disabled people, people with prams or baby-buggies, cyclists and where appropriate equestrians) to village facilities, parks and open spaces, and nearby countryside will be supported; and the provision of any additional routes will be supported. 5) The needs of non-motorised users (as described in para 4 above) will be taken into account in assessing the traffic implications of new development, especially in relation to their impact on rural lanes and roads. The impact of an increase in vehicle numbers from agricultural buildings conversions to residential or commercial use will also be taken into consideration. 6) Measures to be taken to ensure this may include, for example, separation of pedestrians/cyclists from vehicular traffic where possible, improvements to signage, or means of speed reduction*
- *Woore Parish Council support the numerous comments submitted from the residents in the objections to this Planning Application and would draw attention to the common themes in the applications particularly concerning road and pedestrian traffic, access to the public highway, lack of affordable housing and the duration of this matter. The wishes of the parishioners of Woore are addressed in the WNP in relation to these factors and this does not include this proposed development".*

*\*All comments are subject to consultee comments.*

*\*Woore Parish Council request that it is notified of all changes to planning conditions relating to this planning application and subsequent applications relating to it.*

**4.1.8 Woore Parish Council (31/10/22) - Woore Parish Council OBJECTS to this Planning Application.**

*In addition to the comment submitted on Tue 13<sup>th</sup> Sep 2022, Woore Parish Council wishes to make additional comments based on amended information uploaded to the planning portal (dated 20<sup>th</sup> October 2022).*

*To reiterate, this Planning Application now comes under the hierarchy of the Woore Neighbourhood Plan 2016/2036 (WNP) as the most recent Adopted Plan (May 2019), although the Applicant refers to in the Planning Statement to the SAM/DEV Plan on housing numbers. The SAM/Dev Plan is superseded by the Woore Neighbourhood Plan.*

*Specifically, for the revisions made on 20<sup>th</sup> October 2022, we note that the layout has been revised from 9<sup>th</sup> August (5266-050 Rev A) to 18<sup>th</sup> October 2022 (5266-050 Rev B), however the application has been amended not withdrawn and resubmitted. The revision represents a fundamental change in the spread of property sizing across the development and properties served by each of the four proposed entrances (to 4,1,1,4 from 2,2,1,5).*

*The newly added ecology report is dated 26<sup>th</sup> July 2022, so why was it omitted from the 9<sup>th</sup> August submission? Furthermore, the 22<sup>nd</sup> July 2022 ecology report contains the revised property layout (submitted on 20<sup>th</sup> October 2022), dated 18<sup>th</sup> October 2022? We would politely request clarification on dates and timing, no evidence of discussions between SCC and the developer have been recorded in the portal aside from the email covering the plan revisions in October 2022.*

*We also note that no ecology surveys have been carried out since at least 2018 (according to the Ecology report) and that the TAF has recently been significantly repaired and replaced because the original TAF was in a state of disrepair.*

*To reiterate, Woore Parish Council support the numerous comments submitted from the residents in the objections to this Planning Application and would draw attention to the common themes in the applications. The wishes of the parishioners of Woore are addressed in the WNP and this does not include this proposed development.*

*\*All comments are subject to consultee comments.*

*\*Woore Parish Council request that it is notified of all changes to planning conditions relating to this planning application and subsequent applications relating to it.*

## **4.2 Public Comments**

4.2.1 22 individual letters of objection have been received from local residents raising the following concerns:

- Proposed site forms part of a paddock within countryside and not supported for open market dwellings within both local and national policies.
- The proposed development site falls outside the development boundary within the Woore Neighbourhood Plan.
- The development does not comply with policy HOU2 of the Woore Neighbourhood Plan.
- Overlooking and loss of privacy.
- Impact on Great Crested Newts.
- The site is not located within a settlement eligible for residential development under the former North Shropshire Local Plan. The proposed site is open countryside.
- The development does not comply with the SAMDev policy MD7a.
- Highway safety as the section of busy road adjacent to the development site is de-restricted and used by cyclists. Creation of four new accesses is unacceptable.
- Woore Neighbourhood Development Plan needs only 30 houses in the 20 years 2016 - 2036 many of which have already been achieved.

- The site is not infill as Sheraton House is outside current development boundary.
- Visual impact on residents of Pipe Gate.
- Inadequate foul sewerage.
- The village has one small primary school and no doctors surgery.
- There are already several new houses and a development in the vicinity close to the ones being proposed, that have remained unsold over the last two years. There is little need for another housing development in Ireland's Cross.
- No public consultation.

## **5.0 THE MAIN ISSUES**

- Background
- Policy & Principle of Development
- Layout, Scale and Design
- Impact on Residential Amenity
- Highways
- Impact on Trees
- Ecology
- Drainage
- Affordable Housing
- Other Matters

## **6.0 OFFICER APPRAISAL**

### **6.1 Background**

- 6.1.1 Outline planning permission was originally granted in October 2014 for a residential development of ten dwellings on land to the west of London Road in Ireland's Cross (ref. 13/02698/OUT). This application considered the principle for residential development with access, layout, scale, appearance and landscaping as reserved matters.
- 6.1.2 At the time the site was not located within a settlement eligible for residential development under the former North Shropshire Local Plan. However, Ireland's Cross was being promoted as part of a Community Hub with Woore and Pipe Gate under the Site Allocation Management Development (SAMDev) Plan, although at the time of the application it was still out to consultation. The proposed site was therefore considered to be located in open countryside and was contrary to policy CS5 'Countryside and Green Belt' of the Shropshire Core Strategy.
- 6.1.3 However, at the time of the consideration of the application the Council in accordance with National Planning Policy Framework (NPPF) policy could not demonstrate that it had a sufficient five year housing land supply and therefore significant weight had to be given to the NPPF which was for the presumption in favour of sustainable development. The proposed residential development was considered to be located adjoining Ireland's Cross settlement with existing dwellings being located along the north east and south west boundaries. The site had pedestrian access along the existing footpath into Woore with a number of essential day to day services. The proposed development was considered to be located within

a sustainable settlement and having regard to the then current shortage in the five year housing land supply the provision of a modest sized open market scheme was considered acceptable.

- 6.1.4 Due to the shortage in the housing land supply it was considered appropriate to restrict the time period for the submission of the reserved matters application to 12 months and for the development to commence within two years from the date of the last reserved matters application. This was to enable the development to be built earlier than normal to help boost the housing supply in Shropshire.
- 6.1.5 The application was also subject to a detailed assessment of the local ecology with particular regard to Great Crested Newts and bats. It was established that a European Protected Species Mitigation Licence was required to protect the Great Crested Newts which included the planting of a mixed native-species hedgerow to the rear of the new pavement to compensate the loss of the existing hedgerow. Also a new native mixed-species hedgerow including trees was required to be along the western boundary of the site to provide good Great Crested Newt habitat to compensate for the loss of the larger area of less favourable habitat to be permanently lost under housing. In conclusion the proposed scheme was considered not to impact on any protected species subject to a European Protected Species Mitigation Licence and appropriate safeguarding conditions.
- 6.1.6 The application was approved subject to a Section 106 legal agreement for the provision of affordable housing provision either on site or as a financial contribution, together with an amendment to the local speed limit to 40mph.
- 6.1.7 Two reserved matters applications were subsequently received in July 2015 within the 12 months. Application 15/02805/REM provided five detached properties (Plots 1 to 5), whilst application 15/02806/REM also provided five detached properties (Plots 6 to 10). Officer concerns were raised that no provision for an onsite affordable dwelling was being provided, whilst concerns were also raised regarding the layout, design and appearance of the dwellings. Following detailed discussions between the developer, the architect and officers it was agreed that both of these applications would be held in abeyance whilst a third reserved matters application was submitted to overcome the issues raised (ref. 15/04397/REM). This application considered all of the ten plots and was approved at committee in January 2016. The application consisted of a mixture of dwelling styles and indicated 5 x 5-bedroom and 2 x 4-bedroom detached properties; 2 semi-detached properties (one 3-bedroom and one 2-bedroom affordable unit); and one detached 4-bedroom bungalow. The affordable dwelling was provided as the Housing Enabling Team indicated that there was a need for an affordable unit within the Parish. The developer had spoken to South Shropshire Housing Association who indicated that they were keen to purchase and manage the affordable unit and therefore Plot 2 was allocated as an affordable unit for rent. The two earlier reserved matters applications were also approved in December 2016.
- 6.1.8 In 2017 a European Protected Species Mitigation Licence was granted by Natural England and in 2018, the Temporary Amphibian Fencing was erected around the boundary of the site together with post and rail fencing and a new native hedgerow along the western boundary of the site. Trapping was carried out to remove any Great Crested Newts from the site and during this exercise only one Great Crested



Newt was found and relocated to a field hedgerow near to a pond with newts. During the project's progression, the applicant has intended to implement the development and therefore the Temporary Amphibian Fencing has been continually maintained to prevent any Great Crested Newts from entering the site. The fencing has been monitored every year since and has remained in situ and continually maintained.

- 6.1.9 Planning permission was also approved in October 2017 for the installation of a new foul outfall sewer in connection with the original outline planning permission to provide a gravity fed system rather than relying on a pumping station (ref. 17/04472/FUL). This has been constructed and the developer considered that this replaced the drainage system indicated under the outline planning permission. As the new drainage system was installed in connection with the development of this site the developer considered that these works in connection to providing drainage for the approved outline planning permission had implemented this permission. However, this was a standalone application for the drainage system and pre-commencement conditions had not been complied with on the reserved matters applications. The approved outline and reserved matters applications had therefore not been implemented and the planning permissions have subsequently lapsed.
- 6.1.10 More recently a new outline planning permission was approved in September 2021 for the erection of up to ten dwellings (with all matters reserved) being located wholly within the development boundary indicated in the Woore Neighbourhood Plan (ref. 20/02060/OUT). This boundary slightly differs from the original approved outline application development boundary which would extend outside of the Woore Neighbourhood development boundary. This permission remains extant with the reserved matters application being required to be submitted by the 30<sup>th</sup> September 2024.

## 6.2 Policy & Principle of Development

- 6.2.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). 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 National Planning Policy Framework constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.2.2 The NPPF in itself constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications. The NPPF sets out the presumption in favour of sustainable development through plan-making and decision-taking. The NPPF reiterates that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. These considerations have to be weighed alongside the provisions of the development plan. Development plan policies of particular relevance to assessing the acceptability of this housing application in principle are discussed below.
- 6.2.3 For the purposes of the assessment of this application the Local Plan presently comprises of the adopted Shropshire Core Strategy 2011; the adopted Site

Allocations and Management of Development Plan 2015; and the Woore Neighbourhood Plan (adopted May 2019). Woore Parish Council have indicated that the SAMDev Plan is superseded by the Woore Neighbourhood Plan. Although the Woore Neighbourhood Plan is the most recently adopted document in the Local Plan it does not supersede the SAMDev Plan. The proposed development has to be in conformity with the Local Plan and the development should be considered against the Local Plan as a whole. The Supplementary Planning Document on the Type and Affordability of Housing is also a material consideration and relates to the type, mix and design of housing with the provision of affordable housing on open market developments. The emerging Draft Shropshire Local Plan has been through several stages of consultation and following Stage 1 hearings in July last year the inspector confirmed that the development strategy was unsound and further work and main modifications were required to progress to examination. However, Irelands Cross is being promoted as a Community Hub under policy S11.2 with Woore and Pipe Gate with a residential guideline of 88 new dwellings through any identified saved SAMDev residential allocations; identified Local Plan residential allocations; and appropriate small-scale windfall residential development within the settlement's development boundary. Paragraph 48 of the National Planning Policy Framework sets out factors which effect the amount of weight which can be applied to relevant policies in emerging plans. Taking this into account it is considered that some limited weight can be applied to relevant draft policies within the draft Local Plan, as a material consideration in the decision making process on planning applications. The proposed development boundary follows a similar line to the development boundary with the Woore Neighbourhood Plan.

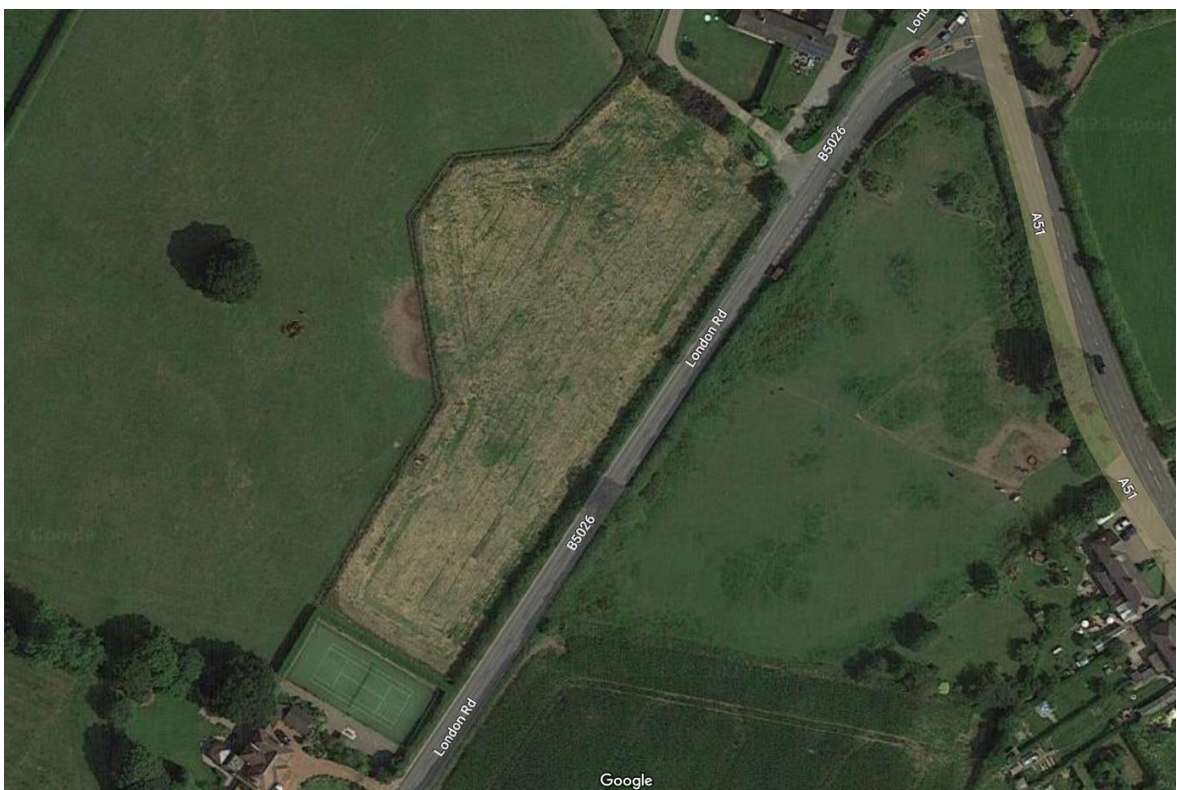
- 6.2.4 Policies CS1 and CS4 of the Core Strategy set out the strategic approach to housing provision. It is envisaged that Community Hubs and Clusters will enable the rural rebalance to make rural areas more sustainable and accommodate around 35% of Shropshire's residential development. The identification of hubs and clusters is done through the SAMDev Plan and therefore policy CS4 is reliant on the SAMDev for the detail of settlement allocation. Policies CS1 and CS4 are consistent with the objectives of the NPPF to focus new development in sustainable locations.
- 6.2.5 Policy S11.2(vii) of the SAMDev Plan indicates Woore, Irelands Cross and Pipe Gate as an allocated Community Hub reflecting the links between the three areas within the Parish. Woore has provided for significant housing growth through the former North Shropshire Local Plan, with housing development on two significant sites providing 75 homes. There is therefore limited potential for development of approximately 15 dwellings over the period to 2026 which will be delivered through limited infilling, conversions and small groups of houses which may be acceptable on suitable sites within the villages, avoiding ribbon development along the A51. Any development must respect the sensitive gap between Woore, Irelands Cross and Pipe Gate to prevent coalescence of the settlements.
- 6.2.6 The proposed residential development is considered to be located within Irelands Cross settlement with existing dwellings being located along the north east and south west boundaries. The site has pedestrian access along the existing footpath into Woore which is approximately 0.7km away which provides a number of essential day to day services.

- 6.2.7 Policy HOU1 'Scale and Location of New Housing' in the Woore Neighbourhood Plan identifies development boundaries around the individual parts of the Community Hub of Woore, Irelands Cross and Pipe Gate in order to meet local housing needs, and to remain on a scale appropriate to the existing character of Woore Parish, it is envisaged that around 30 additional dwellings from 2016 - 2036 will be delivered, incorporating small scale residential developments of up to 10 dwellings per development.
- 6.2.8 Woore Parish Council and local residents have raised objection that the proposed development extends outside of the approved development boundary as indicated in the Woore Neighbourhood Plan and that since 2016 a total of 51 dwellings have been built in the Parish which exceeds the target guidance.
- 6.2.9 Officers acknowledge that a small proportion of the proposed site subject to this current application falls outside of the Woore Neighbourhood Plan development boundary. The following plan indicates the proposed layout of the development with the development boundary overlaid.



- 6.2.10 The proposed bungalow to the north west of the development site would predominantly be located outside of the development boundary. This area of land would equate to approximately 0.1ha, whilst the area of land which is not being developed towards the south west equates to approximately 0.18ha.
- 6.2.11 Since the Temporary Amphibian Fencing was erected the new native hedgerow along the western boundary of the site has started to grow and provides a good natural boundary between the enclosed site alongside the roadside and the open

countryside to the west. This hedgerow also provides the ecological mitigation measures required to preserve and protect the Great Crested Newts. Officers consider it appropriate to develop the site boundary as historically approved rather than having to remove the hedgerow and develop the site as indicated in the development boundary under the Woore Neighbourhood Plan. This boundary also provides an awkward corner to the rear of Sheraton House to the south which is close to mature trees and which would project development out away from the roadside frontage. Due to the protection of the existing western boundary hedgerow the remaining area of land within the Woore Neighbourhood Plan development boundary would not be developed by the existing land owner. This area of land would not be accessible and would remain as countryside. The proposed development site and native hedgerow providing the Great Crested Newt mitigation is clearly visible in the following aerial photograph.



- 6.2.12 Although the development will result in the use of 0.1ha of countryside which would be contrary to policy HOU1 of the Woore Neighbourhood Plan the proposed development would result in a reduction in the level of open countryside being lost to residential. The development closely relates to existing dwellings and will allow the existing site boundary landscaping to mature and provide a mature soft edge to the development whilst safeguarding a European Protected Species. Officers consider that on balance the overall effect on the local landscape character and visual amenity of this small encroachment would be negligible in context with the development as a whole.
- 6.2.13 Woore Parish Council raises concerns regarding the increase in housing over the allocated guidance of around 30 additional dwellings as indicated in the Woore Neighbourhood Plan. However, the outline planning application (ref. 20/02060/OUT) approved an additional ten dwellings in Irelands Cross and remains extant. This

current application will not increase this number. As such officers consider that the provision of ten additional dwellings on this site is acceptable.

- 6.2.14 In conclusion officers consider that this site is in a sustainable location which is supported in principle by both local and national planning policy. Officers acknowledge that a small proportion of the site will fall outside of the adopted development boundary as indicated in the Woore Neighbourhood Plan. However, the development will not increase the number of dwellings which would have been possible within the development boundary and will utilise an enclosed field which relates better to the existing residential development adjoining the site and the roadside rather than the countryside.

### 6.3 **Layout, Scale and Design**

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity and ensure sustainable design and construction principles are incorporated within the new development. Policy MD2 'Sustainable Design' of the SAMDev Plan indicates that development should contribute and respect the local character of the area and respond appropriately to the form and layout of existing development including scale, density and plot sizes. Development should also reflect the local characteristic architectural design and details. The Housing SPD indicates that housing developments should achieve a suitable mix of types of and sizes of dwellings and it is particularly important to include an adequate proportion of smaller dwellings particularly in the rural area where market forces tend to lead to the provision of larger dwellings at the expense of smaller dwellings. This is also reiterated in policy HOU3 'Design' of the Woore Neighbourhood Plan which indicates that new housing development should incorporate a variety of design, house types and sizes and have individual amenity space.
- 6.3.2 Woore Parish Council and local residents do not consider that the development provides a sympathetic built-to-built area transition; impacts on the skyline; has an adverse impact on amenity; does not incorporate a variety of designs, house types, and have outside amenity space; respect the character of the locality; not incorporate environmentally sustainable technology; and does not support features beneficial to wildlife.
- 6.3.3 The proposed site consists of a mixture of house types ranging from first time /affordable homes and smaller sized semi-detached family homes to large detached family homes and a single storey bungalow. Officers consider that this provides a wide range of accommodation for differing housing needs of the community. The layout provides a predominantly roadside frontage with eight plots being positioned adjacent to the road. The proposed new road extends into the wider part of the development site with Plot 9 being positioned behind Plot 10 as viewed from the main road and Plot 8 which is a bungalow being visible from the junction of the new road with London Road.
- 6.3.4 The proposed development provides a range of house designs and appearances which Officers consider reflect the varied character of properties within Irelands



Cross. Local design features have been incorporated into the scheme with traditional dormer windows, ground floor bay windows, exposed rafter feet, stone cills and brick headers, front facing gables, external chimney stacks and decorative wood panelling. These features can be found on the proposed dwellings which have been designed so that each dwelling is individual to prevent a block of identical properties. The dwellings provide clear open landscaped frontages with all garages being located alongside the dwellings.

- 6.3.5 Officers consider that the proposed ten dwellings will sit comfortably within the site and will provide a variety of plot widths ranging from 10.5 metres to 29 metres which will reflect the wide range of plot widths of dwellings along the A51 in Irelands Cross. One of the key characteristics of dwellings in the local area is of open spaces between the properties. The proposed layout has respected this with the roadside properties having open views to the countryside beyond with spaces between them ranging from 4.5 metres to 11.2 metres. The dwellings have good separation from one another which will prevent any impact on residential amenity and provide private enclosed rear gardens.
- 6.3.6 The proposed site is relatively flat and the dwellings are well set back from the roadside with large front gardens and driveways. The dwellings have quite modest roof heights ranging from 8.1 metres to 8.6 metres and have a simple roof design. The dwellings will be visible from the roadside, although they will be viewed in relation to residential development either side. The proposed layout incorporates hedgerow and tree planting which overtime would soften the appearance, whilst the bungalow and native hedgerow to the west provides a soft transition to the open countryside. Officers do not consider that this development would have a significant adverse impact on the skyline.
- 6.3.7 Woore Parish Council does not consider that the development provides sufficient green space for potential occupiers and is contrary to policy ENV1 'Footpath / Sustainable Transport'.
- 6.3.8 The proposed development incorporates a 2 metre wide pavement along the site frontage which will link into an existing footpath and provide easy and accessible traffic free route into Irelands Cross and towards the local facilities in Woore. The proposed scheme will also incorporate the reduction in the speed limit opposite the site to 40mph which will allow for a safer use of the road by cyclists and facilitate safe means of access for vehicles. This is addressed further in Section 6.5 of this report.
- 6.3.9 Policy MD2 of the SAMDev Plan indicates that adequate open space set at a minimum standard of 30sqm per person is provided for residential developments and that for developments of 20 dwellings and more the open space needs to comprise of a functional area for play and recreation. On this basis the level of open space should be 1,230sqm, although the proposed layout does not provide any designated open space. However, the type of open space provided needs to be relevant to the development and its locality.
- 6.3.10 Within policy DP15 'Open Space and Recreation' of the draft emerging Local Plan there is an expectation that new housing development provides on-site open space. However, consideration will be given to reducing this level of provision in instances

where the development is able to provide a particularly high quality of open space on site which meets the needs of all residents. Although this emerging policy cannot be given any significant weight at present it indicates that each development has to be considered on its own merits.

- 6.3.11 The proposed development is a short walk (0.65km) from the edge of Woore settlement along a roadside footpath which provides access to a number of sports fields and play and recreation areas including a bowling green, tennis courts, cricket ground, outdoor adult gym and children's play area. The site is also close to a number of public rights of way which provide opportunities for countryside walks between settlements.
- 6.3.12 The proposed plots on this development are larger than normally found within rural settlements and would provide a good degree of private open space for the occupants. The open market plot sizes range from 600sqm to 1,400sqm with the larger 4 and 5 bedroom properties providing the larger plots. All of the dwellings exceed the minimum level of open space of 30sqm per person by double providing a good degree of private open space for the occupants. Policy CS17 of the Core Strategy indicates that an area of open space need not have a formal use or be accessible to the general public.
- 6.3.13 Officers consider that a designated area of public open space on this predominantly roadside linear development would not provide any meaningful use for residents other than providing visual amenity. However, the proposed landscaping scheme will significantly enhance the visual appearance and ecology benefit with boundary hedgerows and tree planting, whilst the large gardens will provide good quality useable open space for the occupants.
- 6.3.14 Officers consider that the proposed layout, scale and design of the dwellings would be acceptable on this edge of settlement location and would not impact on the character of existing properties or the rural character of the local area.
- 6.3.15 Plot 8 will be a self-build bungalow for the applicant with access gained from the new access road. It is expected that this part of the development will be the first phase of this development as the applicant is keen to build and occupy this property considering how much time has lapsed since the original approval. A planning condition setting out the site phasing is required to give clarity to the planning permission and establish clear and certain Community Infrastructure Levy compliance.
- 6.3.16 Conditions are proposed to agree external materials of the dwellings so that they will respect the local appearance of the area, whilst a landscaping condition will ensure a suitable level of visual enhancement. A further condition is proposed regarding electric vehicle charging points being provided to ensure sustainable transport options are available for the occupants.

#### 6.4 **Impact on Residential Amenity**

- 6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local

amenity. Concern has been raised from local residents and the Parish Council regarding overlooking and loss of privacy and the impact on residential amenity.

- 6.4.2 Plot 1 will be positioned 4.2 metres from the post and rail fence along the south west boundary adjacent to a conifer hedgerow and an all-weather tennis court enclosed by a chain link fence. The proposed dwelling has no habitable windows facing the tennis court, whilst the thick evergreen hedgerow will prevent any views of the tennis court from the occupiers in the garden. The first floor front and rear bedrooms will face at right angles to the tennis court and overlook the main road and the open field to the rear. Having regard to the orientation of this property the proposed windows will not result in any overlooking or loss of privacy to the tennis court or the adjoining residential property (Sheraton House). Having regard to the distance away from the boundary and with an eaves height of 4.9 metres and ridge height of 8.1 metres the proposed dwelling will not result in any overbearing impact, whilst the northern position will prevent any loss of light.
- 6.4.3 Plots 2 to 8 will be positioned to the north of plot 1 and will not face towards any residential properties. Having regard that these properties are located further away they will not result in any overlooking or loss of privacy, cause an overbearing impact or result in loss of light.
- 6.4.4 Plots 9 and 10 are located along the north western boundary with the rear elevations facing towards 1 & 2 Eardley's Court. The rear boundaries of these properties are located a minimum of between 13 and 18 metres from the rear boundary and between 37 and 45 metres from the front elevation of these properties. Having regard to the distance which is well in excess of the minimum of 20 metres it is considered that the degree of overlooking and loss of privacy will be minimal. Due to the significant separation it is not considered that these units will result in any detrimental impact on the private amenity of the occupiers of these properties.
- 6.4.6 The B5415 road runs along the south east facing boundary and links the A52 and A51. This road is used regularly and therefore the potential noise generated from ten households would not be excessive having regard to the back ground noise of the road.

## 6.5 Highways

- 6.5.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.
- 6.5.2 Concerns have been raised by local residents regarding the provision of an access and highway safety issues. The proposed application indicates the provision of a new road which will serve four of the dwellings (Plots 7 to 10) and provide vehicular access into the field to the west. A further three private driveways will serve Plots 1 to 6. The roadside hedge will be removed to provide the necessary visibility splays and facilitate the provision of a new 2 metre wide public footpath along the frontage of the site. A new hedgerow will be replanted and enhanced with tree planting to



provide a soft edge to the development. The proposed footpath will provide the occupiers of the new dwellings and occupiers of Sheraton House and Glenwood pedestrian access into Irelands Cross and the local facilities within Woore. The Highways Authority considers that the proposed accesses will not lead to highway safety concerns and adequate visibility will be provided across the footpath to provide clear views of on-coming traffic. A number of highway safety conditions are proposed regarding the provision of visibility splays, design and construction details of the accesses and onsite construction working methods.

- 6.5.3 Within the Highway Officer's response comment has been made of the need to extend the area covered by the 40mph speed limit. At present the site frontage is outside of the speed limit and as such to ensure highway safety it would be recommended that this is extended. This would need to be done through the payment of a financial contribution to the Council via a Section 106 agreement.

## 6.6 Impact on Trees

- 6.6.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the local natural environment. The proposed development will result in the removal of the roadside hedgerow to facilitate the proposed visibility for the new accesses and provision of a pavement along the roadside. However, this will not result in the removal of any protected trees and the site is not within a Conservation Area. A new native hedgerow is proposed to be replanted along the back edge of the pavement along the entire frontage and along the new access road and in between some of the garden boundaries. Native trees are proposed along the main road frontage and along the new access road to visually enhance the appearance and improve biodiversity of the site. The Tree Officer has raised no objection to the proposed development and new planting scheme. A safeguarding condition is proposed that the trees and hedgerow planting is undertaken in accordance with the submitted landscape plan.

## 6.7 Ecology

- 6.7.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environmental and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in policy 11 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.
- 6.7.2 The original outline application approved in 2014 was subject to a detailed assessment of the local ecology with particular regard to Great Crested Newts and bats. It was established that a European Protected Species Mitigation Licence was required to protect the Great Crested Newts which included the planting of a mixed native-species hedgerow to the rear of the new pavement to compensate the loss

of the existing hedgerow. Also a new native mixed-species hedge line including trees was required to be planted to the rear (western boundary) of the site to provide good Great Crested Newt habitat to compensate for the loss of the larger area of less favourable habitat to be permanently lost under housing. In conclusion the proposed scheme did not impact on any protected species subject to a European Protected Species Mitigation Licence and safeguarding conditions. The more recently outline application approved in 2021 would result in a new boundary to the development site following the development boundary line as indicated in the Woore Neighbourhood Plan. This would result in the existing hedgerow which has started to establish to be removed resulting in loss of habitat.

- 6.7.3 On this current application Woore Parish Council have indicated that the Ecology Report was omitted from the original submission of the application and has been amended, whilst no ecology surveys have been carried out since 2018. It is also commented that the Temporary Amphibian Fencing has been significantly repaired and replaced.
- 6.7.4 This application has been accompanied by an Ecology Report submitted by Evolution Ecology (dated July 2022). This was submitted with the original submission of the application and was amended in October following a revision to the site layout.
- 6.7.5 The Ecology Report indicates that in 2014 garden ponds and field ponds within a 500 metre radius of the proposed development site were surveyed during the spring of 2014 (March to May). Garden Ponds 1 and 3 were found to have Great Crested Newts and Smooth/Palmate Newts utilising them. At the time of the surveys, the population size was a small-meta population, and it was anticipated that the proposed development would have a small negative impact on terrestrial Great Crested Newts, but no direct impact on the breeding ponds. Therefore, a Natural England Development Licence was required to relocate any terrestrial Great Crested Newts off the site.
- 6.7.6 In 2017 a Natural England Development Licence was granted and in 2018 the Temporary Amphibian Fencing was erected, and trapping was carried out in April 2018. During this trapping exercise, one Great Crested Newt was found at the site and relocated to the receptor site (a field hedgerow near the Great Crested Newt pond).
- 6.7.7 The Council Ecologist has indicated that during the project's progression the applicant intended to implement the development and therefore the Temporary Amphibian Fencing has been continually maintained to prevent any Great Crested Newts from entering the site. The Temporary Amphibian Fencing has been monitored every year since and has remained in situ and continually maintained.
- 6.7.8 The Natural England Development Licence was granted in 2017, although this expired on 1<sup>st</sup> August 2019. The applicants ecologist has discussed the proposed development with Natural England who confirmed that the Temporary Amphibian Fencing was to stay in situ until the new planning permission is granted to allow for a new Natural England Licence to be issued.

6.7.9 Natural England have indicated that a new license will require a walk over survey of the site to ensure that there are no significant changes to habitats on site. Natural England have indicated that if there are no significant changes then they would be able to accept the previous survey data. The applicants ecologist has confirmed that they have visited the site earlier this year and confirmed that there are no changes.

6.7.10 The Council Ecologist has reviewed the application and raises no objection.

6.7.11 This application will be subject to a new European Protected Species Mitigation Licence and therefore the Council Ecology Team have completed a European Protected Species 3 Tests Matrix as indicated in Appendix 2 of this report. Safeguarding conditions are also proposed requesting the European Protected Species Mitigation Licence being submitted prior to work commencing on site; landscaping plan; Habitat Management Plan; bat and birds boxes for ecology enhancement; and external lighting to protect bats.

## 6.8 **Drainage**

6.8.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. Concerns have been raised regarding the inadequate drainage system.

6.8.2 The application indicates that foul water drainage will be directed to a gravity fed foul drainage system which was approved under planning permission 17/04472/FUL. This will be directed to an existing foul mains on Dorrington Lane and will allow foul water to be dealt with in an effective and sustainable manner. This drainage system eliminated the need for a pumping station which would have required maintenance, energy and management and was proposed in association with the original outline application for ten dwellings (ref. 13/02698/OUT). The foul outfall sewer has been already installed and approved by Severn Trent Water and there is no objection with this revised scheme being connected. Severn Trent Water has to assess the connection requirements and check that their existing network has capacity for the proposed connections and would not allow any new connections if there was not capacity.

6.8.3 The application indicates that surface water will be disposed of via a sustainable drainage system consisting of individual soakaways serving each of the dwellings. These have been designed to store surface water for 1 in 100 year storm events including 40% climate change. The proposed access road will incorporate permeable paving to enable surface water drainage. No concerns have been raised regarding the suitability of the local ground conditions should soakaways be proposed.

6.8.4 A safeguarding condition is proposed that the foul and surface water drainage is undertaken in accordance with the submitted drainage plan.

## 6.9 **Affordable Housing**

6.9.1

Policy CS11 'Type and Affordability of Housing' of the Core Strategy indicates that all new open market housing development should make an appropriate contribution to the provision of local needs affordable housing having regard to the current prevailing target rate as set out in the Shropshire Viability Index. The Parish Council have raised concerns that inadequate affordable housing is being provided. However, the existing target rate is 15% which equates to the provision of one affordable dwelling on site and a financial contribution of £45,000 towards affordable housing. Plot 1 is a two bedroom semi-detached dwelling and is allocated as the affordable dwelling. The Housing Enabling Officer has raised no objection and confirmed that the affordable housing provision is in accordance with policy CS11. The proposed dwelling and provision of the contribution would form part of a Section 106 legal agreement to secure the affordable dwelling in perpetuity and allocate the financial contribution for affordable housing.

## 6.10 Other Matters

- 6.10.1 Local residents have raised concerns that Woore village has one small primary school and no doctors surgery. However, the open market dwellings on this proposed scheme will be subject to a Community Infrastructure Levy payment which will provide a significant contribution which will help towards improvements to health and education provision for the community as indicated within the Market Drayton and Surrounding Area Place Plan which includes Irelands Cross and Woore.
- 6.10.2 Local residents have also raised concerns that some existing dwellings on the market have remained unsold over the last two years and there is little need for further housing development. Unfortunately, the current housing market is not a material planning reason which can be taken into consideration in considering this application.
- 6.10.3 Concerns have also been raised from local residents that no public consultation has been undertaken on this application. However, the Council no longer sends out individual letters to members of the public on planning applications and this was agreed at Cabinet as part of the Statement of Community Involvement Report in June 2021. A site notice was erected adjacent to the site, whilst the application was advertised within the Shropshire Star and Woore Parish Council were notified and have held meetings to discuss the application.

## 7.0 CONCLUSION

- 7.1 The proposed site is located within the settlement of Irelands Cross with the majority of the site falling within the development boundary of the Woore Neighbourhood Plan. It is acknowledged that a small section falls outside this area, although the development site is within an enclosed landscaped plot of land positioned between existing residential development within the settlement. Policy S11.2(vii) of the SAMDev Plan supports the delivery of housing development through infilling and small groups of housing. The proposed development will protect and enhance the habitat for Great Crested Newts by retaining the established native boundary hedgerow, whilst the development will result in the loss of less open countryside than the outline application approved in 2021. The site is located within a sustainable settlement with existing residential development on two boundaries providing a natural infill development and will not extend out into open countryside.. Taking all

matters into consideration the development will provide a mixture of dwellings for the local community and therefore on balance this residential development is considered acceptable in principle.

- 7.2 The development site is within walking distance of Woore which is only 0.65km along a pavement where a number of essential day to day services are available. The development site can be developed to provide a safe means of access, suitable drainage and a layout which could be designed to prevent any detrimental impact on neighbouring properties or visual impact. The use of the land would not result in the impact on any protected species and wildlife, whilst no important trees will be lost. The development would be positioned between existing residential properties and would have a roadside frontage which is characteristic to the majority of properties in Irelands Cross.
- 7.3 In arriving at this decision the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework.
- 7.4 The recommendation is therefore one of approval subject to the conditions as outlined in Appendix 1 attached to this report and subject to a Section 106 agreement for the provision of an affordable dwelling and housing contribution, together with a speed reduction sign of 40mph along London Road.

## **8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### **8.1 Risk Management**

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose first arose.

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

### **8.2 Human Rights**

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

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

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

### 8.3 **Equalities**

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

## 9.0 **FINANCIAL IMPLICATIONS**

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

## 10.0 **BACKGROUND**

### 10.1 **Relevant Planning Policies**

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:

#### National Planning Policy Framework:

#### Shropshire Council Core Strategy (February 2011):

CS4 : Community Hubs and Community Clusters

CS6 : Sustainable Design and Development Principles

CS11 : Type and Affordability of Housing

CS17 : Environmental Networks

CS18 : Sustainable Water Management

Supplementary Planning Document - Type and Affordability of Housing

#### Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

MD3 : Delivery of Housing Development

MD12 : Natural Environment

S11 : Market Drayton

#### Woore Neighbourhood Plan (May 2019):

HOU1 : Scale of New Housing  
HOU2 : New Housing Location  
HOU3 : Design  
ENV1 : Footpaths / Sustainable Transport

Type and Affordability of Housing Supplementary Planning Document (September 2012):

## 10.2 Relevant Planning History

- 13/02698/OUT - Outline application for the erection of ten dwellings (Amended Description). Granted 20<sup>th</sup> October 2014.
- 15/02805/REM - Approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to planning permission 13/02698/OUT (Phase B - Approval for plots 1 to 5 and 7). Granted 1<sup>st</sup> December 2016.
- 15/02806/REM - Approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to planning permission 13/02698/OUT (Phase A - Approval for plots 6 and 8 to 10). Granted 1<sup>st</sup> December 2016.
- 15/04397/REM - Approval of Reserved Matters (access, appearance, landscaping, layout and scale) pursuant to planning permission 13/02698/OUT (Plots 1 to 10). Granted 29<sup>th</sup> January 2016.
- 17/04472/FUL - Installation of foul outfall sewer in connection with previously approved housing scheme. Granted 24<sup>th</sup> October 2017.
- 19/00766/FUL - Erection of one detached dwelling and a detached garage (Plot 6). Refused 23<sup>rd</sup> April 2019.
- 19/00767/FUL - Erection of one detached dwelling (Plot 8). Refused 23<sup>rd</sup> April 2019. Refused 23<sup>rd</sup> April 2019.
- 19/00768/FUL - Erection of one detached dwelling and a detached garage (Plot 9). Refused 23<sup>rd</sup> April 2019.
- 19/00769/FUL - Erection of one detached dwelling (Plot 10). Refused 23<sup>rd</sup> April 2019.
- 19/00770/FUL - Construction of access road, drainage and service route with associated infrastructure. Refused 23<sup>rd</sup> April 2019.
- 19/05128/DIS - Discharge of condition 8 (ecological construction method statement) attached to planning permission 13/02698/OUT. Non Determined.

- 19/05343/DIS - Discharge of conditions 5 (roads, footways and access), 6 (construction method statement) and 9 (construction method statement) attached to planning permission 15/02805/REM (plots 1 to 5 and 7). Refused 17<sup>th</sup> February 2020.
- 19/05344/DIS - Discharge of conditions 5 (road, footways and access), 6 (construction method statement) and 9 (construction method statement) attached to planning permission 15/02806/REM (plots 6 and 8 to 10). Refused 17<sup>th</sup> February 2020.
- 20/02243/CPL - Application for a Lawful Development Certificate for a proposed use or development : that the permitted development can lawfully continue, subject to compliance with conditions and the Section 106 Legal Obligation. Withdrawn 9<sup>th</sup> June 2021.
- 20/02244/CPE - Application for Lawful Development Certificate for an existing use or operation : the permitted development was lawfully implemented and that the existing development is lawful. Withdrawn 9<sup>th</sup> June 2021.
- 20/02060/OUT - Outline application for the erection of up to ten dwellings (all matters reserved). Granted 30<sup>th</sup> September 2021.

## 11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application reference 22/03559/FUL

Cabinet Member (Portfolio Holder) - Cllr Richard Marshall

Local Member - Cllr Roy Aldcroft

Appendices

APPENDIX 1 - Conditions

APPENDIX 2 - European Protected Species Three Tests Matrix



**APPENDIX 1 - Conditions****Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.  
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.  
Reason: To ensure that the external appearance of the development is satisfactory.
4. The visibility splays shown on Site Plan Showing Visibility Splays drawing no. 5266-107 Rev.A dated the 3<sup>rd</sup> April 2023 shall be set out in accordance with the splay lines shown prior to the first occupation of the dwellings. All growths and structures in front of these lines shall be lowered to and thereafter maintained at carriageway level prior to the dwellings being occupied and thereafter be maintained at all times free from any obstruction.  
Reason: To provide a measure of visibility from the new accesses in both directions along the highway in the interests of highway safety.
5. Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level and completed to adoptable standard as shown on the application drawings before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.  
Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.
6. The proposed landscaping shall be undertaken in accordance with the Proposed Landscaping Layout drawing no. 5266-111 Rev.A dated the 3<sup>rd</sup> April 2023 prior to the first occupation of the dwelling(s) hereby approved. The landscape works shall be carried out in full compliance with the approved plan and schedule. Any trees or plants that, within a period of five years after planting, are removed, die, or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.  
Reason: To ensure the provision, establishment, and maintenance of a reasonable standard of landscape in accordance with the approved designs.

7. The proposed surface and foul water drainage schemes shall be installed in accordance with the Flood Exceedance Plan drawing no. K22-031-004 dated the 5<sup>th</sup> April 2023 prior to the first occupation of any of the dwellings hereby approved.  
Reason: To ensure that the surface and foul water drainage systems are adequate and to minimise flood risk.

### **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

8. No works shall take place until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained from Natural England and submitted with the approved method statement to the Local Planning Authority.  
Reason: To ensure the protection of great crested newts, which are European Protected Species.
9. No development shall take place (including demolition, ground works and vegetation clearance) until a habitat management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- a) Description and evaluation of the features to be managed.
  - b) Ecological trends and constraints on site that may influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually).
  - g) Personnel responsible for implementation of the plan.
  - h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality.
  - i) Possible remedial/contingency measures triggered by monitoring.
  - j) The financial and legal means through which the plan will be implemented.
- The plan shall be carried out as approved.  
Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and Section 175 of the NPPF.
10. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- A traffic management and hgv routing plan and local community protocol the parking of vehicles of site operatives and visitors
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - Wheel washing facilities
- Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.
11. No development shall commence until full engineering and construction details of the accesses, new road, and footway provision along the site frontage as shown on the Proposed Site Plan drawing no. 5266-050 Rev B have been submitted to and approved

by the Local Planning Authority; the agreed details shall be fully implemented before the development is first occupied.

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

12. No development shall commence until a programme for the implementation of the development of the site and the respective timing and implementation of associated infrastructure required to serve each phase as indicated on the Construction Phasing Plan drawing no. 5266-101 Rev.A dated the 4<sup>th</sup> April 2023 has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the approved Phasing Plans or such other Phasing Plans which may be agreed with the Local Planning Authority.

Reason: To ensure that the development is delivered in a coordinated manner.

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

13. The development hereby permitted shall not be first occupied until the areas shown on the approved Proposed Site Plan drawing no. 5266-050 Rev.E dated the 14<sup>th</sup> March 2023 for parking and turning of vehicles has been provided, properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

14. Prior to first occupation / use of the buildings, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 5 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site: The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities, in accordance with MD12, CS17 and Section 175 of the NPPF.

15. Prior to first occupation / use of the buildings, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 4 swift bricks.

- A minimum of 2 sparrow nest boxes (32mm hole, terrace design).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. Swift boxes should be positioned out of direct sunlight, at least 5m high, preferably under the eaves of a building and with a clear flight path to the entrance. North or east/west aspects are preferred. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities, in accordance with MD12, CS17 and Section 175 of the NPPF.

16. Prior to the first occupation of any of the dwellings hereby approved a scheme outlining the provision for future electric vehicle charging points shall be submitted to and agreed

in writing with the Local Planning Authority. The provision for future electric vehicle charging points shall be implemented in accordance with the agreed scheme.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help protect and exploit opportunities for the use of sustainable transport modes as required by paragraph 112 of the NPPF.

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

17. 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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

**APPENDIX 2 - European Protected Species Three Tests Matrix****Application reference number, site name and description:**

22/03559/FUL

Proposed Residential Development Land West Of, London Road, Woore, Shropshire

Mixed residential development of ten dwelling (to include one self build), creation of four vehicular accesses (onto London Road), all ancillary works

**Date:**25<sup>th</sup> August 2022**Officer:**Sophie Milburn  
Planning Ecologist  
[sophie.milburn@shropshire.gov.uk](mailto:sophie.milburn@shropshire.gov.uk)  
Tel: (01743) 254765**Test 1**

Is the development 'in the interests of public health and public safety, or for other imperative reasons of **overriding public interest**, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

The proposal will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The provision of additional houses will also support local businesses as future occupiers are likely to access and use local services and facilities helping them to remain viable. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable for a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

The proposal will provide 10 houses which will help the supply of open market housing and will also provide affordable housing on site at the prevailing rate at the time of the reserved matters application. The current rate of 15% would provide on site affordable

houses and a financial contribution. 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 settlements where it will support facilities helping to retain services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. It is recognised that increasing the number of dwellings in a settlement without a proportionate increase in the provision of local services risks impacting upon the social integrity of the settlement.

## **Test 2**

Is there '**no satisfactory alternative?**'

The Parish Council wish to avoiding ribbon development along the main A51 road and any development must respect the sensitive gap between Woore, Irelands Cross and Pipe Gate to prevent coalescence of the settlements. However, the proposed development will be located along the B5415 road and is closely related to other dwellings in Irelands Cross to the north and south. The site would represent a natural infill expansion of the settlement and is an allocated site within the Woore Neighbourhood Plan and there are no suitable alternative sites which are considered acceptable.

## **Test 3**

Is the proposed activity '**not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status** in their natural range'?

I have read the submitted letter from Evolution Ecology (dated July 2022).

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS resting place and killing or injury of an EPS.

In 2014, garden ponds and field ponds within a 500m radius of the proposed development site were surveyed during the spring of 2014 (March to May). 'Garden Ponds 1 and 3 were found to have GCN and Smooth/Palmate newts utilising them'. 'At the time of the surveys, the population size of the GCN was a small-meta population, and it was anticipated that the proposed development would have a small negative impact on terrestrial GCN, but no direct impact on the breeding ponds. Therefore, a Natural England Development Licence was required to relocate any terrestrial GCN off the site.

In 2017, the Natural England Development Licence was granted (2017-29125-EPS-MIT).

In 2018, the Temporary Amphibian Fencing (TAF) was erected, and trapping was carried out in April 2018. During this trapping exercise, one GCN was found at the site and relocated to the receptor site (a field hedgerow near the GCN pond).

During the project's progression, the client intended to implement the development; therefore, the TAF has been continually maintained to prevent any GCN from entering the site.' The TAF has been monitored every year since and has remained in situ and continually maintained.

The Natural England Development Licence was granted in 2017 and expired on 1st August 2019. After talks with Natural England, it was confirmed that the TAF was to stay in situ until the new planning permission is granted to allow for a new Natural England Licence to be issued.' The letter from Evolution Ecology includes the email from Natural England confirming that the TAF is to stay in situ.

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS resting place and killing or injury of an EPS.

I am satisfied that the proposed development will not be detrimental to the maintenance of the population of great crested newts at favourable conservation status within their natural range, provided that the conditions set out in the response from Sophie Milburn to Richard Denison (dated 25th August 2022) are included on the decision notice and are appropriately enforced. The conditions are:

- European Protected Species Licence;
- Landscaping Plan; and
- Habitat Management Plan.