

Planning Statement Addendum

For Barratt Developments PLC, Derwent Lodge Estates Ltd & Peter John Walden | 21-270

Construction of 99 dwellings with associated landscaping and engineering works -
Land at Hogshaw, SK17 7HN

Project: 21-270
Site Address: Land at Hogshaw, SK17 7HN
Client: Barratt Developments PLC, Derwent Lodge Estates Ltd & Peter John
Walden
Date: 31 July 2024
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Approved by: John Coxon

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EP1. Appeal Decision Notice – Land at Lowe Hill Road, Wem



1. Introduction

- 1.1 This addendum has been prepared by Emery Planning on behalf of Barratt Developments PLC, Derwent Lodge Estates Ltd and Peter John Walden. This planning addendum accompanies revised plans, which have altered the proposals to propose the construction of 99 dwellings.
- 1.2 Within the originally submitted proposals, the construction of 116 dwellings was proposed. The scheme has now been reduced to 99 dwellings in order to retain existing TPO trees, reduce the level of frontage parking and minimise the extent of retaining structures required.
- 1.3 The amendments to the scheme have been made following in response to concerns raised by the planning officer and statutory consultees. The changes made are summarised in full in Section 2 of this report.
- 1.4 As discussed in the originally submitted Planning Statement, the majority of the site is allocated for residential development, and the proposal accords with Policy DS17 of the Local Plan. The site is mostly located within the defined urban area, with the section of the site which is within open countryside being directly adjacent to the settlement boundary. In terms of the small area of land located beyond the existing settlement boundary, there is clear justification for the proposed development extending beyond the boundaries of the allocation, and the proposal complies with Policy H1 of the Local Plan in any event.
- 1.5 It will be demonstrated that the proposed development complies with the development plan as a whole and would deliver a range of significant benefits. The application should be approved without delay.



2. Planning policy context

- 2.1 The planning policy context is addressed within the original supporting Planning Statement. However, there have been recent developments in terms of national planning policy which are material considerations.

Draft revised National Planning Policy Framework and standard method

- 2.2 The draft revised Framework was published for consultation on 20 July 2024. It sets out various changes to the Framework to boost housing delivery. This includes a new standard method for calculating local housing need, and amendments to make meeting local housing need mandatory.
- 2.3 For High Peak, the outcome of the revised standard method is an increase from 243 dwellings per annum (dpa) to 585 dpa.

Written Ministerial Statement 30 July 2024: Building the homes we need

- 2.4 Alongside the revised draft Framework, the Government published a Written Ministerial Statement on 30 July 2024. This has the effect of Government policy and is therefore a material consideration in planning decisions with immediate effect. The implications are discussed in Section 4 below.



3. Application context

- 3.1 The originally submitted scheme was designed following the receipt of the pre-application advice from the Council. This was in the form of a meeting which took place on 26/08/2022 and written advice which was provided on 06/10/2022. The original pre-application scheme included development within the local wildlife site, which overlaps with the housing allocation, and also on the existing playing field.
- 3.2 After receiving the pre-application advice, several amendments were made to the proposed development to address the advice received. These were as follows:
- The proposed developable area and number of dwellings reduced to a level broadly in line with the housing allocated under Policy DS17.
 - No houses are proposed within the Local Wildlife Site.
 - No houses are proposed within the Conservation Area or within the immediate setting of the Conservation Area.
 - No development is to take place on the existing playing field.
 - No interruption is proposed to the existing public footpaths, and therefore there will be no requirement to divert them.
 - The application proposes to provide a segregated bridleway through the site which will provide a section of the White Peak Loop.
 - The line of Nestle water main has been taken into account and protected.
 - Various other changes to the design, layout and landscaping have been incorporated in response to officer's comments.
- 3.3 The application was then submitted to the Local Planning Authority under application ref. ref. HPK/2023/0192. This application was validated on 23rd May 2023. The application was for the construction of 116 dwellings.
- 3.4 The newly revised layout (H8797-BAH-XX-XX-DR-UD-203001 Rev. P03) is submitted alongside this Planning Statement Addendum. The changes are made to address the issues raised in the comments from officers and consultees, including the Council's urban design consultant and the Council's Landscape consultant. The key changes are summarised below:
- Reduction in the number of houses from 116 to 99 in order to retain existing TPO trees and reduce the level of frontage parking.
 - Revised north-west corner of the site to avoid 30m badger offset.



- Chimneys added to some plots to provide additional references to local vernacular and create more interesting/varied roofscape.
- Repositioning of some plots to reduce the amount of frontage parking.
- Revised Suds design incorporated as per engineering comments and red edge updated to suit.
- Entrance statement added to gateway greenspace.
- Local Area for Play (LAP) added.
- Repositioning of plots to create strong header buildings.
- Revisions to housing mix to introduce more feature plots/header buildings.
- Minor changes to road layout to address LPA comments.
- Changes to the street hierarchy and design including removal of footways from one side of the primary access roads.
- Built form pulled back from site's north-eastern boundary to avoid protected trees.
- Addition of flat roof front door canopies to all house types to suit M4(2) requirements.
- All garages updated to pitched roof profiles.
- Multi-use footpath added near to the farm to pick up existing FP2.



4. Planning considerations

Principle of development

- 4.1 The revised scheme does not result in any changes to the principle of development. As noted within the Planning Statement which accompanied the original submission, most of the site (3.0ha, equating to 71%) falls within the allocation under Policy DS17. The principle of development across this part of the site is therefore established. A small proportion of the site (1.2ha, equating to 29%) falls outside of the allocation, albeit it represents a rounding off of the developed area, with the allocation to the west and the G & R Leigh complex (Nunsfield Farm) to the south.
- 4.2 We consider that the proposed development, including the additional land outside of the allocation, complies with Policy DS17 and the Local Plan as a whole. However, Policy H1 of the Local Plan also allows development to come forward outside of the existing settlement boundaries. Therefore, without prejudice to our view that the proposal complies with Policy DS17, we also demonstrate that the proposed development complies with Policy H1. Either way, the proposed development complies with the Local Plan as a whole. Compliance with both policies is discussed further below.
- 4.3 A further material consideration is that the National Planning Policy Framework is proposed to be reformed to achieve the Government's ambitions to achieve sustained economic growth and address the acute national housing crisis. Applying the revised standard method for calculating local housing need (585 dpa) against the Council's current stated supply at 1 April 2023 would mean that the Council would only be able to demonstrate a housing land supply of 2.8 years (i.e., 1,653 / 585).
- 4.4 As identified in Section 2 of this statement, the Written Ministerial Statement (WMS) of 30 July 2024 has the effect of Government policy and is a material consideration. Key points from the WMS include:
- Sustained economic growth is the only route to improving the prosperity of our country and the living standards of working people.
 - We are in the middle of the most acute housing crisis in living memory. Home ownership is out of reach for too many; the shortage of houses drives high rents; and too many are left without access to a safe and secure home.
 - Local authorities will be expected to make every effort to allocate land in line with their housing need as per the standard method.
- 4.5 It is clear that the Government is requiring a step change in housing delivery, which will have significant implications for High Peak. In the immediate short term, the Council should be taking all steps necessary to maximise the delivery of homes on the allocated site.



Policy DS17

- 4.6 Policy DS17 allocates land amounting to 13.7ha for approximately 124 dwellings. It is important to note that not all of the 13.7ha was envisioned to be developable, as the allocation includes a significant amount of land to the west and south which is designated as a Local Wildlife Site. The application falls within the eastern part of the allocation, with all of the proposed houses located outside of the Local Wildlife Site. The proposal for 116 dwellings is broadly in line with, albeit still slightly under, the approximate figure of 124 dwellings identified in Policy DS17.
- 4.7 By way of context, the allocation of the site for 124 dwellings was considered necessary to meet the Local Plan's housing requirement, and to support the planned level of housing and economic growth in Buxton. Whilst the Council considers that it can demonstrate a 5-year housing land supply (the Council's current position is that the supply is 6.28 years at 1 April 2022), this does not diminish the need to bring forward the site for the quantum of development it is allocated for.
- 4.8 There is 1.2ha of land included as part of the site which is outside of the allocation under Policy DS17. Therefore, this policy is not applicable to this section of land. There is clear justification for the proposed development extending beyond the boundaries of the allocation, as the additional land is necessary to achieve the quantum of development within the allocation. Specifically, due to ecological constraints and the presence of the Local Wildlife site to the east, together with other constraints such as topography, 124 dwellings cannot be constructed within the allocation boundaries. Furthermore, the recreation ground to the south of the site falls outside of the allocation boundary, and in any event, Sport England confirmed through the previous pre-application discussions that they would object to any development on the recreation ground unless alternative provision was provided.
- 4.9 Based on the proposed layout, which has been produced following a thorough analysis of the site and its constraints, we calculate that only approximately 73 dwellings can be achieved within the part of the site that falls within the allocation. This application, including the land outside of the allocation boundary, is for 99 dwellings. The additional land is therefore necessary to achieve the quantum of development within the allocation and accounts for 26 of the proposed dwellings (i.e., plots 74 - 99). Therefore, without the additional land, the proposed development would be for significantly fewer dwellings, and it would be inconsistent with the development plan. The additional land is needed to achieve the scale of development envisioned in Policy DS17.
- 4.10 As discussed in the Planning Statement which accompanied the original submission, we refer to an appeal in respect of the land at Lowe Hill Road, Wem (Appendix **EP1**). As with the land at Hogshaw, the majority of the site at Wem was allocated for housing through the Local Plan, but the western-most portion of the appeal site was located beyond the land identified in the Shropshire Council Site Allocations and Management of Development Plan (2015). Shropshire Council refused the application due to the



additional land located within the application site which was not allocated and not located within a defined settlement boundary. Paragraph 15 of the appeal decision explains the background to the inclusion of the additional land, which was due to the presence of a pipeline which affected the developable area within the allocation:

“Based on the evidence before me, following the allocation of WEM003, a major gas pipe was identified as crossing the site. The size of the pipeline brings with it an easement requirement of 15 metres to either side, and therefore introduces a substantial no-build zone within the allocated parcel of land. The Council recognise this gas main as a constraint on the site, and on the basis of the evidence before me, I have no reason to disagree.”

4.11 The Inspector drew the following conclusion at paragraph 17 of the decision:

“The inclusion of the additional land has been suitably articulated by the appellant. Moreover, the additional landscape and biodiversity evidence ably demonstrates that the development on this part of the site has been sensitively considered. Accordingly, in my judgement, when assessed against the strict controls of local policy, and having due regard to the environment in which the development would be located, I am satisfied that there is nothing in the evidence before me to confirm that the inclusion of the westernmost parcel of land would be contrary to local policy, when taken as a whole.”

4.12 This proposal at Hogshaw has many similarities to the allowed appeal at Land off Lowe Hill Road:

- The allocation is for 124 dwellings. As discussed above, 124 dwellings cannot realistically be achieved within the allocation due to the current ecological constraints. Additional land is needed.
- There would be no additional landscape or ecological harm as a consequence of developing the additional land. In fact, it would allow the allocated quantum of development to be achieved whilst minimising impacts on the Local Wildlife Site. The development is also in accordance with criteria within Policy H1 of High Peak Local Plan, meaning that it is acceptable for the site to be utilised as a windfall housing site for development outside of the defined built-up area boundaries.
- As with the appeal at Land off Lowe Hill Road, the proposal also helps deliver other benefits of development which would outweigh the harm caused by developing outside of the open countryside, including the delivery of a section of the White Peak Loop. This is a key objective for the Council, who aim to have completed the missing links through and to Buxton by the end of March 2023.



4.13 The addition of the small area of land designated as open countryside is therefore necessary to fulfill the objectives of the allocation. The proposed development remains of a similar nature and scale to the allocation and fulfils the various other policy criteria. We therefore consider that the proposed development complies with Policy DS17 and the development plan as a whole.

Compliance with Policy H1

4.14 For the avoidance of doubt, we consider that the proposed development complies with Policy DS17 and the development plan as a whole, regardless of Policy H1. But without prejudice to this view, we also consider that the proposal complies with Policy H1, which permits development outside of the defined built-up area boundaries provided that four criteria are met.

Criterion 1: The development would adjoin the built-up area boundary and be well related with the existing pattern of development and surrounding land uses and of an appropriate scale for the development.

4.15 The site is located mostly within the settlement boundary for Buxton, encompassing the land which is allocated for housing under Policy DS17 of the Local Plan. The part of the site which is designated as open countryside is immediately adjacent to the allocation and the settlement boundary, and:

- The land adjoins the settlement boundary to the west (i.e., the land allocated under Policy DS17).
- The land adjoins the G & R Leigh complex (Nunsfield Farm) to the south, which is previously developed land in a mixed commercial and residential use. Whilst the G & R Leigh complex is not included in the settlement boundary, it also adjoins the allocation under Policy DS17, and the access to the site from the new roundabout must pass to the south of it. It is reasonable to assume that the G & R Leigh complex will form part of the settlement boundary when the plan is next reviewed given its relationship to the settlement.
- The northern site boundary utilised the existing field boundary, which is also the northern boundary of the allocation.
- The eastern boundary also follows an existing field boundary, which runs along the same eastern line as the curtilage of the G & R Leigh complex.

4.16 The site therefore represents a highly logical extension to the existing settlement and it would be contained by existing development and features. The proposed development of the site would relate well to the existing pattern of development and surrounding land uses.



- 4.17 Criterion 1 of Policy H1 refers to development being of “an appropriate scale for the settlement”. The reference within Policy S3 discusses how the housing requirement will be met but does not limit sites under Policy H1 to small sites only. Most of the proposal site is allocated for housing development under planning Policy DS17 which refers to residential development of approximately 124 dwellings. As the proposed development is for 99 dwellings, it should be considered that the development is of an appropriate scale.
- 4.18 Turning to the subject site, Buxton is one of the principal urban settlements of the Borough and it is the focus of growth for the purposes of the adopted local plan. The site is allocated for housing and would represent a fraction of the existing houses in Buxton and is of a smaller scale to other site allocations within Buxton (e.g. 440 dwellings at Land off Ashbourne Road and Foxlow Farm). There can be no question that the scale of the development is appropriate for the settlement.
- 4.19 The Landscape and Visual Impact Assessment which accompanies this application concludes that the site has an existing relationship with the built form of the surrounding residential areas of Buxton to the south and west of the site, and will not extend the existing visual envelope of Buxton or change the urban edge relationship with the wider countryside to the north and east.
- 4.20 The proposed development satisfies the first bullet point of Policy H1.

Criterion 2: The development would not lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside.

- 4.21 The site is mostly located within the defined urban area, with the section of the site which is within open countryside being directly adjacent to the settlement boundary.
- 4.22 Whilst it is accepted that the proposals partially lie beyond the settlement boundary this does not automatically equate to being an ‘intrusion.’ One has to consider the overall form and appearance of the settlement and its relationship with the landscape which surrounds the northern edge of Buxton. The site is located within the valley edge and will be seen within a settled context well below the skyline created by the distinctive wider ‘peak’ landscape. Extending the settlement into the undeveloped countryside will change the character of the landscape in that specific location but that is not in itself an indication of ‘harm’ and will be experienced in a context of settled land uses and built form including at the G & R Leigh complex, adjoining golf course and Brown Edge Road settlement extents.
- 4.23 Following on from the consultation response received from the Council’s Landscape consultant, the Landscape and Visual Impact Assessment has been revised to include three additional viewpoints. The viewpoints include:



- Viewpoint 28: Access Land on Black Edge within the Peak District National Park – distant partial glimpsed views of the site from this location.
- Viewpoint 29: The A6 Buxton – open and partial views of the site from this location.
- Viewpoint 30: Burbage Edge within the Peak District National Park – There are distant partial glimpsed views of the Site from this elevated location which is just discerned in the context of the existing built form of the surrounding residential areas within the northern portion of Buxton. From this distance, the Site is perceived through an understanding of the Site's location relative to the existing built form and landscape elements in the view and may not be as apparent therefore to the casual observer.

4.24 The proposed landscaping scheme has also been amended with additional landscaping added to the north-eastern boundaries. Boundary vegetation, particularly to the northern and north east boundaries, will be enhanced with additional tree planting, native shrubs and hedging in accordance with recommendations within the High Peak Local Plan Landscape Impact Assessment relating to the Site.

4.25 The revised Landscape and Visual Impact Assessment (LVIA) by Urban Green draws the following conclusions:

- The site has an existing relationship with the built form of the surrounding residential areas of Buxton to the south and west of the site and will not extend the existing visual envelope of Buxton or change the urban edge relationship with the wider countryside to the north and east.
- The proposed development will, whilst wholly replacing portions of the landscape character, sit within the existing retained landscape character elements at the Site level and the landscape character at the regional and district level.
- Landscape and visual effects are largely limited to the site and local level receptors only. Any effects will reduce overtime as planting matures. A new tree planting and vegetation strategy will seek to ensure the long term replacement and reinforcement of the existing green infrastructure networks, ensuring that the longevity and vigour of the existing vegetation is maintained on site.
- The site (assessed as a whole) forms a logical extension to Buxton.

4.26 Taking all of the above factors into account, the proposed development would not lead to prominent intrusion into the countryside or have a significant impact on the character of the countryside.



Criterion 3: It would have reasonable access by foot, cycle or public transport to schools, medical services, shops and other community facilities.

- 4.27 The site is situated within and immediately adjacent to the settlement boundary of Buxton, which has a full range of services and facilities available in the town centre. It is an accessible location to the edge of one of the principal urban settlements of the Borough. This part of Buxton has already been accepted as a suitable location for major new housing development through the allocation of the site in the local plan.

Criterion 4: The local and strategic infrastructure can meet the additional requirements arising from the development.

- 4.28 The proposed number of dwellings is in line with the original allocation. There is no evidence to suggest that local infrastructure cannot cope with the number of dwellings being proposed. Planning obligations will be provided if the tests of CIL Regulation 122 are met and subject to viability considerations
- 4.29 Therefore, without prejudice to our view that the proposal complies with Policy DS17 and the development plan as a whole, the inclusion of the additional land also accords with Policy H1. The principle of development is therefore compliant with the development plan either way.

Landscape and trees

- 4.30 Policy DS17 requires the provision of a landscaping scheme, including retention of protected trees and existing landscape features where appropriate.
- 4.31 The Council's Landscape consultant provided feedback on the originally submitted scheme. The Landscape and Visual Impact Assessment has been revised to include the three additional viewpoints discussed with the Council's landscape consultant (Viewpoints 28, 29 and 30).
- 4.32 This has informed the revised landscaping scheme which has been submitted, with additional landscaping proposed to the north and north-eastern boundaries of the site.
- 4.33 Furthermore, following the submission of the original application, a Tree Preservation order was made on 22nd September 2023 under reference no. 311. This refers to trees T1-T9, A1 and G1 at the site. The proposed scheme has been amended to include a reduced number of dwellings, with increased landscaping and green infrastructure, to ensure that the existing TPO trees, excluding TPO Tree T22, are retained.



Design/ layout

- 4.34 The planning officer and Urban Design consultant provided feedback in relation to the design of the originally submitted scheme, which has been taken into account when making revisions to the proposals.
- 4.35 A Design Response has been prepared by eEscape Urbanists which provides a full response to the Urban Design Comments, including the Building for Healthy Life Assessment and a Vernacular Study. The Design Response is structured around each of the 12 criteria that form part of the Building for Healthy Life Assessment, with a summary of the Council's Design consultant's comments and our responses to this.
- 4.36 The revised scheme is also accompanied by a Design and Access Statement Addendum prepared by Barratt Homes which discusses the design changes made and how these address the comments made by the Local Planning Authority throughout the application process.

Highways

- 4.37 A consultation response was received by Derbyshire County Council's (DCC) Highways Officer in relation to the originally submitted scheme. This raised comments in relation to the internal layout of the site. Following this, revisions have been made to the road layout to address the comments.
- 4.38 The revised Transport Assessment and Travel Plan prepared by SCP address the comments in DCC's consultation response in more detail.

Housing standards

- 4.39 Policy H3 states that the Council will require all new residential development to address the housing needs of local people through a number of provisions, supporting dwellings designed to provide flexible accommodation which is capable of future adaptation by seeking to achieve adequate internal space for the intended number of occupants in accordance with the Nationally Described Space Standard (NDSS) and delivered to meet accessibility standards set out in the Optional Requirement M4(2) of Part M of the Building Regulations.
- 4.40 All of the proposed dwellings would accord with NDSS. 58 of the proposed dwellings (58.6%) also accord with M4(2) of Part M of the Building Regulations. This is an increase compared to the originally submitted scheme and is an appropriate mix in the context of the application, which is supported by evidence on viability.
- 4.41 The Supplementary Housing Mix Statement prepared by Emery Planning deals with housing standards and other aspects of Policy H3 in more depth.



Heritage conservation

- 4.42 Policy EQ7 of the Local Plan states that the Council will conserve heritage assets in a manner appropriate to their significance, taking into account the desirability of sustaining and enhancing their significance and ensuring that development proposals contribute positively to the character of the built and historic environment. The policy continues to set out a number of measures to achieve this.
- 4.43 Concerns were raised in relation to the originally submitted scheme, in terms of the impact of development adjacent to the Fairfield Conservation Area, in particular views across the golf course. It is important to note that proposed housing is set back from boundary of the Conservation Area, with housing sat on lower ground than the golf course to the east. Therefore, the proposed housing would sit behind the existing topography and screening. Nevertheless, the proposal has been amended to increase the extent of landscaping to the north-eastern boundary of the site with the golf course, and to retain all of the TPO trees in this location.
- 4.44 A consultation response was received from the Council's Conservation Officer during the application process, who requested that chimneys were added to the proposed development and design amendments were made to ensure that the architecture successfully integrates into the local area. As a result of this, chimneys have been added to some house types to provide additional references to local vernacular and create a more interesting roofscape. The Design Response provided by eScape Urbanists includes a local vernacular study and describes how the proposed house type has been specifically developed for the High Peak area.

Drainage

- 4.45 Throughout the application process, various objections were received in relation to Flood Risk. A Report on Drainage Strategy has been prepared by Barratt Manchester, which has been prepared following the receipt of the consultation comments.
- 4.46 The Flood Risk Assessment and Drainage Strategy prepared by JPP has also been revised to address the consultation comments and includes details of the fluvial hydraulic modelling study undertaken by JBA Consulting Ltd.
- 4.47 The Fluvial Hydraulic Modelling Study results identify a slight reduction in the existing flood extent identified downstream of the site, and also a reduction in these flood depths. The proposals are therefore shown to offer flood alleviation downstream of the site, achieving a betterment on the existing scenario. This is a benefit of the proposed development.



5. Conclusions and the planning balance

5.1 The applicant has worked proactively and constructively with the Council to amend the design of the proposed development. The principle of development has not changed through the revised scheme, and the proposals have been amended to address the concerns raised by the Planning Officer and relevant consultees throughout the application process.

5.2 The site is allocated for residential development, and the proposal accords with Policy DS17 of the Local Plan. The site is mostly located within the defined urban area, with the section of the site which is within the open countryside being directly adjacent to the settlement boundary. In terms of the small area of land located beyond the existing settlement boundary, there is clear justification for the proposed development extending beyond the boundaries of the allocation:

- The additional land is necessary to achieve the quantum of development within the allocation, as due to ecological constraints only approximately 73 dwellings can be constructed within the allocation. Therefore, without the additional land, the proposed development would be for significantly fewer dwellings, and it would therefore be inconsistent with the proposed allocation.
- There would be no additional landscape harm as a consequence of developing the additional land. In fact, it would allow the allocated quantum of development to be achieved whilst minimising impacts on the Local Wildlife Site. The development is also in accordance with criteria within Policy H1 of High Peak Local Plan, meaning that it is acceptable for the site to be utilised as a windfall housing site for development outside of the defined built-up area boundaries.

5.3 Therefore, as the proposed development is of a similar nature and scale to the allocation, and fulfils the various other policy criteria, the proposal complies with the development plan as a whole.

5.4 The proposed development would result in less than substantial harm to the Conservation Area and Church of St Peter. This harm must be weighed against the public benefits of the scheme. The benefits can be summarised as follows:

- The delivery of new housing on an allocated site, and in an accessible location.
- Economic benefits in the form of new direct and indirect employment opportunities during the construction stage, and also throughout the lifetime of the development through increased household spending in Buxton and the local area.



- Ecological benefits, in the form of measurable net gains in biodiversity.
- The provision of a segregated bridleway to form a section of the White Peak Loop.

- 5.5 Furthermore, the design of the proposed development has been revised to address the comments made by the Council's Conservation Officer, with chimneys being added to some of the plots to provide additional references to local vernacular and create a more interesting roofscape. The proposal has also been set back from the boundary with the Conservation Area at the north-western corner of the site, where it adjoins the golf course, with additional landscaping provided and the TPO trees retained.
- 5.6 In addition, it is important to note that the impact of development on the Conservation Area has been accepted through the allocation of the site and the link road.
- 5.7 Furthermore, in accordance with paragraph 209 of the Framework, the impact on Nunsfield Farm should also be considered within the wider planning balance, and the benefits of development (summarised above). The benefits of development are not outweighed by the low level of harm identified.
- 5.8 The revised technical information addresses the comments that have been received from statutory consultees in relation to ecology, trees, flood risk / drainage and Nutrient Neutrality
- 5.9 The submitted Viability Assessment provides a robust assessment of the viability of a residential development on the application site. This supports the proposed scheme and notes that the affordable housing and planning obligations on site should be reduced to reflect scheme viability.
- 5.10 Therefore, the proposed development complies with the development plan as a whole and would deliver a range of significant benefits. The application should be approved without delay.



EP1

Appeal Decision

Site Visit made on 2 November 2021

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2022

Appeal Ref: APP/L3245/W/20/3263642

Land off Lowe Hill Road, Wem SY4 5UR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr John Tootell on behalf of Metacre Limited against the decision of Shropshire Council.
 - The application Ref 20/01054/OUT, dated 4 March 2020, was refused by notice dated 12 June 2020.
 - The development proposed is Outline planning application for the erection of up to 100 dwellings (Use Class C3) and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works. All matters except for access reserved.
-

Decision

1. The appeal is allowed, and outline planning permission is granted for the erection of up to 100 dwellings (Use Class C3) and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works. All matters except for access reserved, at Land off Lowe Hill Road, Wem SY4 5UR, in accordance with application Ref: 20/01054/OUT, dated 4 March 2020, and subject to the conditions in the attached schedule as well as the provisions within the completed Section 106 legal agreement.

Applications for Costs

2. Applications for costs have been made by Metacre Limited against Shropshire Council, as well as by Shropshire Council against Metacre Limited. These applications are subject to a separate decision.

Preliminary Matter

3. Following the submission of the appeal, a revised National Planning Policy Framework (the Framework) was published. The main parties were consulted in relation to this matter, and any comments received have been factored into my assessment of the appeal.

Procedural Matters and Main Issue

4. When first lodged, the appellant requested that the appeal be heard by way of an Inquiry. However, due to the issues under consideration, a Hearing was eventually scheduled for 2 November 2021.
5. The original planning application was refused on the basis of two reasons. The first refusal reason related to landscape and visual harm, as well as harm to local biodiversity. However, in support of their appeal, evidence has been provided by the appellant to overcome these matters. The Council, as well as

other interested parties, have had the opportunity to fully appraise this information, and in preparation for the planned Hearing, the agreed Statement of Common Ground confirmed that the Council no longer wanted to rely on the first refusal reason.

6. I note that there has been objection to the proposal by third parties, as well as Wem Town Council, however, these parties have also had the opportunity to comment on the additional evidence. Accordingly, I am satisfied that the additional evidence provided by the appellant should be accepted to aid my assessment of the appeal, and that in taking this course of action, interested parties have not been compromised.
7. The additional information is thorough and has been suitably scrutinised, including by a qualified Ecologist on behalf of the Council. I note the ongoing concerns presented by Wem Town Council, however, no substantive or compelling evidence to challenge the agreed findings of the Appellant and Council has been provided. Accordingly, on the basis of the evidence before me, I have no reason to disagree with the revised stance of the Council.
8. The second reason for refusal related to insufficient justification and information being provided for the development of land that is located beyond the housing allocation. Accordingly, the outstanding main issue is whether the location of the appeal site is suitable for the development proposed, having regard to the requirements of local and national policy.

Reasons

9. The majority of the appeal site is allocated for housing through the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev). The allocation, WEM003, is referred to as Land off Pym's Road and makes provision for 100 houses. The SAMDev also states that the design of the site may include additional land for community facilities. Despite this allocation, the western-most portion of the appeal site is located beyond the land identified within the SAMDev.
10. As identified above, based on the additional information provided by the appellant, the Council is satisfied that the proposal would not give rise to any unacceptable landscape or biodiversity harm. The proposal seeks outline planning permission so specific details regarding these matters can be suitably controlled at the Reserved Matters stage. Accordingly, the Council's concerns now only manifest themselves in the additional land located to the west of the appeal site. This land is not allocated and is not located within a defined settlement boundary. As a consequence, for the purposes of local policy, this portion of land is located within the countryside.
11. Policy CS3 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS) relates to the Market Towns and Other Key Centres in the district. Wem is identified within the policy, and amongst other things, the Policy confirms that balanced housing and employment, of an appropriate scale and design that respects each town's distinctive character and is supported by improvements in infrastructure, will take place within the towns' development boundaries and on sites allocated for development.
12. In refusing planning permission, the Council have also referred to Policy CS5 of the CS and Policies MD2 and MD7a of the SAMDev. Policy CS5 of the CS

requires that new development will be strictly controlled in accordance with national planning policies protecting the countryside. Policy MD2 of the SAMDev requires amongst other things new development to consider design of landscaping and open space holistically as part of the whole development, including natural and semi-natural features. Policy MD7a relates to the managing of housing development in the countryside and states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters.

13. I note the wording of Policy CS3 of the CS, however, in my judgement, when read as a whole, local policy is consistent with the Framework. That is to say it promotes development within settlement boundaries and on allocated sites but does not specifically preclude other development. Indeed, the housing allocation itself acknowledges that additional land may be included, albeit for community facilities. As a consequence, the local policy framework is such that development in the countryside should be strictly controlled, having due regard to the environment in which it would be located. It is therefore in this context that the appeal should be assessed.
14. Based on the evidence before me, following the allocation of WEM003, a major gas pipe was identified as crossing the site. The size of the pipeline brings with it an easement requirement of 15 metres to either side, and therefore introduces a substantial no-build zone within the allocated parcel of land. The Council recognise this gas main as a constraint on the site, and on the basis of the evidence before me, I have no reason to disagree.
15. The size of the no-build zone across the site has a demonstrable impact on the developable space within the allocated land. As a consequence, rather than designing the proposal at a higher density, the additional land would be utilised to enable open space and landscaping within the development, in a manner that would be sensitive to its edge-of-settlement location. Due to the Council's reservations regarding this point, the landscape impact of the proposal has been thoroughly considered and the evidence before me confirms that it has been demonstrably scrutinised. As identified above, this additional scrutiny has enabled the Council to withdraw their concerns regarding landscape and visual impact.
16. The proposal is in outline form, with all matters reserved for future consideration, other than access, and it has been supplemented with thorough evidence regarding landscape impact. The development would result in an obvious visual change to the existing surroundings, but as an allocated site, this could not be avoided. I have no evidence before me that distinguishes the visual impact between the allocated land and the unallocated land. The reports consider the site as a whole and the unallocated land would be experienced as part of the broader development. In this regard, it would be integrated with the allocated land. The proposal would not result in any isolated form of development and there is nothing compelling in the evidence before me to confirm that the visual impact of developing the unallocated land would be demonstrably more harmful than just the allocation.
17. The inclusion of the additional land has been suitably articulated by the appellant. Moreover, the additional landscape and biodiversity evidence ably demonstrates that the development on this part of the site has been sensitively considered. Accordingly, in my judgement, when assessed against the strict

controls of local policy, and having due regard to the environment in which the development would be located, I am satisfied that there is nothing in the evidence before me to confirm that the inclusion of the westernmost parcel of land would be contrary to local policy, when taken as a whole.

18. Consequently, having regard to local and national policy, I conclude that the appeal site would be suitable for the development proposed. It would therefore comply with Policies CS3 and CS5 of the CS and Policies MD2 and MD7a of the SAMDev, the requirements of which are set out above.

Other Matters

19. The appeal site is located within the catchment area of the Midland Meres and Mosses Phase 2 Ramsar Site. Paragraph 181 of the Framework requires that this be given the same protection as habitats sites, which the Framework defines as any site which would be included within the definition at Regulation 8 of the Conservation of Habitats and Species Regulations 2017 (the Regulations). Accordingly, due to the location of the site, the requirements of the Regulations are applicable to my assessment of the appeal.
20. This requires that I, as the competent authority, must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the Ramsar. The Ramsar is susceptible to disturbance of habitats through trampling, as well as interference with habitat management, and also increased nitrification of habitats, primarily due to dog fouling. As a consequence, taking a precautionary approach, and when combined with other development within the area, I am satisfied that the proposal would result in an increase in such activity which would lead to a likely significant adverse effect on the integrity of the Ramsar.
21. Due to this effect, the Regulations place a duty on competent authorities to make an appropriate assessment of the implications of the development proposed in view of the site's conservation objectives. On this basis, a management plan is being prepared to ensure that recreational pressure can be suitably managed so as to protect the integrity of the Ramsar. Although this report remains in draft form, the parties have agreed that a contribution of £7,500 would assist in implementing visitor management measures to protect the Ramsar. The contribution forms part of the completed Section 106 Legal Agreement.
22. Based on the evidence before me, I am satisfied that this contribution is necessary to provide the delivery of suitable mitigation that would address the level of harm likely to be caused by the development. Accordingly, it would comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations). As a consequence, subject to the necessary mitigation, I am satisfied that the proposal would not result in a significant harmful effect on the integrity of the Ramsar.
23. The legal agreement also includes provisions in relation to affordable housing, as well as public open space, including maintenance. The evidence before me confirms the need for these matters and consequently, I am satisfied that the contents of the agreement comply with the requirements of the CIL Regulations. Accordingly, the submitted legal agreement is a valid document that is fit for purpose and therefore weighs in favour of the proposal.

24. I note the comments regarding flooding and drainage, however, I have no substantive evidence to demonstrate that this matter is of specific concern. No objection was raised to this matter by the Council and subject to a suitably worded planning condition, I am satisfied that flooding and drainage need not cause harm following development. I also note the concerns regarding highway safety and volume of traffic. Nevertheless, again, the evidence before me does not present a compelling case that the proposal would give rise to harm in relation to these matters. The proposal has been suitably scrutinised by the Highway Authority and no objection has been raised subject to the imposition of certain conditions. On the basis of the evidence before me, I have no reason to disagree with this approach.
25. In relation to the effect of the proposal on infrastructure such as schools, doctors and dentist practices, I have no substantive evidence before me to demonstrate that the proposal would have an adverse effect. They are not matters for which the Council have sought contributions or to which concerns have been raised. Accordingly, based on the evidence before me, I have no reason to consider that the proposal would cause demonstrable harm in these areas.

Conditions

26. Due to my findings set out above, conditions 1 – 4 are necessary in the interests of precision and clarity. In addition, conditions 5 – 9 are necessary in the interests of highway safety. Condition 10 is necessary to ensure satisfactory drainage of the site, and condition 11 is necessary due to the archaeological interest of the site. Condition 12 is necessary to protect the ecological interest of the site, and condition 13 is necessary to ensure that a suitably robust landscaping scheme accompanies the reserved matters submission. Condition 14 is necessary to ensure suitable living conditions are provided for future occupants, and condition 15 is necessary to promote sustainable travel opportunities.
27. The conditions have been taken from the agreed Statement of Common Ground and as a consequence, where conditions require information to be submitted prior to the commencement of development, the appellant has confirmed their acceptance.
28. An additional condition was suggested to establish the upper limit for development on the site, but because this matter is explicitly stated within the description of development, a condition to duplicate this matter would be unnecessary.

Conclusion

29. For the reasons identified above, the appeal should be allowed.

Martin Chandler

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Approval of the details of the appearance of the development, access arrangements, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 3) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development shall be carried out strictly in accordance with the following approved plans and drawings: 18-14-LP01; 68591-CUR-00-XX-DR-TP-75001-P04 (Proposed Access Option 1); S18-412; and WD18-13-MP01-G.
- 5) Notwithstanding the access details as shown on Drawing No.68591-CUR-00-XX-DR-TP-75001-P04 and prior to the commencement of development full engineering details of the access layout, visibility splays and raised table shall be submitted to and approved in writing by the Local Planning Authority; the access scheme and raised table shall be implemented in accordance with the approved details and a phasing programme to be first submitted to and approved in writing by the Local Planning Authority.
- 6) No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water and phasing programme have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented in accordance with the approved details.
- 7) Prior to the commencement of development a scheme for the provision of a mini-roundabout at the junction of Lowe Hill Road and B5063 shall be submitted to approved in writing by the Local Planning Authority: the mini-roundabout scheme shall be fully implemented in accordance with the approved scheme following the occupation of the 50th dwelling within the site.
- 8) No development shall take place until details for the parking and turning of vehicles have been submitted to and approved by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.
- 9) No development shall take place, including any works of demolition, until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority, to include a community

communication protocol. The CTMP shall be fully implemented in accordance with the approved details for the duration of the construction period.

- 10) No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).
- 11) No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.
- 12) No development 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 to the Local Planning Authority.
- 13) The first submission of reserved matters shall include a landscaping plan. The submitted plan shall include:
 - 1) Planting plans showing creation of wildlife habitats including species-rich grassland, permanent aquatic habitats and hedgerow / tree planting,
 - 2) Written specifications (including cultivation and other operations associated with wildlife habitat establishment);
 - 3) Schedules of plants, noting species (including scientific names, seed mix compositions, planting sizes and proposed numbers/densities where appropriate;
 - 4) Native species used are to be of local provenance (Shropshire or surrounding counties);
 - 5) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
 - 6) Detail of boundary treatment which will include provision for hedges.
 - 7) Implementation timetables.
 - 8) Recreational space and landscaping/plantings in relation to this.

The plan shall be carried out as approved. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.

- 14) Any subsequent planning application/reserve matters for development on site will include reference to a scheme for protecting the occupants of the proposed development from the traffic noise on Lowe Hill Road, to be submitted to, and approved in writing by the Local Planning Authority. The scheme shall ensure that all properties have been designed so that the following good noise standards can be achieved: 35dBA LAeq in habitable rooms in the day, 30dB LAeq in bedrooms at night, 45dB L_{Amax} in bedrooms at night and 50dB LAeq in external amenity areas. Acoustic

glazing which requires windows to be kept shut should only be used where it is not possible to resolve the issues by other design measures and where there is a clear planning need for the proposed design. The approved scheme shall be completed prior to the first occupation of the development and shall thereafter be retained.

- 15) The interim travel plan shall be implemented in accordance with the Action Plan set out in the approved details.

