



Date: Tuesday, 18 November 2014

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Contact: Emily Marshall, Committee Officer
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NORTH PLANNING COMMITTEE

SCHEDULE OF ADDITIONAL LETTERS

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

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NORTH PLANNING COMMITTEE		
SCHEDULE OF ADDITIONAL LETTERS		
Date: 18th November 2014		
NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting		
Item No.	Application No.	Originator:
All		Officer
Members should note that the period for any party to submit a judicial review of a planning decision is 6 weeks and not three months weeks as noted in section 8.1 of the reports.		
Item No.	Application No.	Originator:
5	14/04701/OUT (Rush Lane, MD)	Market Drayton Town Council
To refer to the decision made the last time this application was seen with the exception of the consultation, as this has now been carried out.		
Item No.	Application No.	Originator:
5	14/04701/OUT (Rush Lane, MD)	Environment Agency
Note that this application is a re-submission and that we previously commented on planning application ref. 14/01982/OUT for the site. The current proposal is for residential development of up to 162 dwellings as previously proposed.		
I note that the previous 'Illustrative Development Framework Plan' (dated 30 April 2014, drawing no. IDF-01 Rev. G) and Flood Risk Assessment by Hydrock (dated April 2014, ref. R/13867/002) have been submitted with this application. On this basis we have no objection to the proposed development but would refer you to the comments made in our response to the previous application (our letter dated 4 June 2014, ref. SV/2014/107761/01-L01), which still apply.		
Item No.	Application No.	Originator:
5	14/04701/OUT (Rush Lane, MD)	Council Archaeologist
Continues to recommend a phased programme of archaeological work		
Item No.	Application No.	Originator:
5	14/04701/OUT (Rush Lane, MD)	Local Representations
A further 75 letters of representation have been received. Most do not raise any new issues. Additional reasons for objection are summarised below.		
<ul style="list-style-type: none"> • The application is identical to the previous application on Rush Lane. It does not overcome any of the previously raised concerns and it does not update any of the survey work or take into account the potential traffic movements of both this application and the Greenfields Lane application. • The applicant does not own all of the land proposed for development. • Local services, such as schools and doctors will be unable to cope. • 87% of residents of Market Drayton are against any housing development of varying size, type or tenure • Potential impact on trees within neighbouring properties • Impact on neighbours amenities and views of design shown on the front of the D&A 		
Item No.	Application No.	Originator:
5	14/04701/OUT (Rush Lane, MD)	Consultee
Severn Trent Water raises no objection to the proposal subject to condition relating to the submission of drainage details prior to the development commencing.		

Item No.	Application No.	Originator:
5	14/04701/OUT (Rush Lane, MD)	Agent
<p>Has requested that the requirement for open space in condition 4 is more specific</p> <p>Officer therefore recommend that condition 4 be amended to read: <i>No development shall commence until a Master Plan showing how the permitted development will integrate with the remainder of the land identified for allocation under policy S11.1a of the Site Allocations and Management of Development (SAMDev) Plan Pre-Submission Draft (Final Plan) dated 17th March 2014 ("the S11.1a Land") has been submitted to and approved in writing by the Local Planning Authority.</i></p> <p><i>The Master Plan shall address the following:</i></p> <ul style="list-style-type: none"> - <i>Pedestrian and cycle links with the S11.1a Land to the east and west of the site and to the existing public right of way</i> - <i>Vehicular links, including for public transport, from the approved access roundabout to the remainder of the S11.1a Land to the east and west of the site</i> - <i>The provision of public open space for informal recreation, children's play and natural and semi natural open space</i> <p><i>Reason: To ensure that the development of the site does not prevent the development of the wider SAMDev allocation and enables comprehensive development of the SAMDev allocation.</i></p>		
Item No.	Application No.	Originator:
6	14/03782/OUT (Greenfields Lane, MD)	Public Protection
<p>Originally Public Protection did not hold any information to suggest that a contaminated land condition should be placed on this application. However, after reviewing the Phase 1 assessment submitted it is noted that recommendations are made for intrusive works due to potential contaminative land uses. The Environment Agency has already noted that conditions should be placed in relation to potential harm to controlled waters. I therefore propose a condition.</p>		
Item No.	Application No.	Originator:
6	14/03782/OUT (Greenfields Lane, MD)	Local Representations
<p>A further 21 letters of representation have been received, raising the following new issues.</p> <ul style="list-style-type: none"> • The applicant does not own the entire development site. • Detrimental impact on wildlife. • 87% of respondents to the Market Drayton Town Planning Survey (2010 & 2011) are against any housing development of varying, size, type and tenures. 		
Item No.	Application No.	Originator:
7	14/00536/OUT (Whitridge Way, Trefonnen)	Trefonnen Rural Protection Group
<p>Have provided the attached objection update commenting on the officers report</p>		
Item No.	Application No.	Originator:
7	14/00536/OUT (Whitridge Way, Trefonnen)	Local Representation
<p>One further objection has been received raising concerns about para 5.15.6 of the officer report and comments that the objectors did not submit their own Heritage Statement that the objectors submitted a statement written by Dr George Nash MIFA. The objection also questions the accreditation of the author of the applicant's heritage statement; that the objectors comments were based on an independent professional appraisal which also questions the content of the applicant's heritage statement and that the heritage statement submitted by the objectors was published on the Council website before the applicant's heritage statement and as such is not a rebuttal of the applicant's statement.</p>		

Item No.	Application No.	Originator:
8	14/03184/FUL (Brogyntyn Hall)	Agent
<p>Has provided an updated arborocultural report, additional ecology reports, a heritage statement relating to the farm buildings and amended plans for the buildings at Home Farm. The amended plans are those shown on the power point and seek to overcome the concerns of the Conservation Officer. Additional cross sections and elevations have been shown; the forge has been retained in the kitchen of unit 1; other features and machinery will be retained where possible; amended elevations show the roof lights in the correct positions; the internal alterations to home farm have been reduced; the chimney to Dairy Cottage has already been removed under a previous consent, the window alterations have been amended and the existing staircase retained; part of the farm office is now to be retained and used as garaging/storage for the proposed new dwelling removing the need for a new build garage.</p> <p>The updated ecology report considers that the development will not affect the environmental network due to the retention of the woodland. There are no ponds that have the potential for great crested newts as they either have ducks or fish or are separated from the application site by existing barriers.</p> <p>The tree report acknowledges that the site is in a conservation area and as such permission is required for any works to trees. It also acknowledges that a significant number of trees are to be removed to enable the development but that new planting is proposed along with protection of retained trees.</p> <p>The agent has also confirmed:</p> <ul style="list-style-type: none"> • that they will remove the proposed tree removal at the Hall and to the north of the Home Farm from the current application, so that the proposal is only for the removal of trees directly associated with the enabling development. • that the tunnel and ice house situated on the estate do not form part of the application, and no works are proposed to these structures. • that they accept and intend to provide the mitigation for protected species, in particular bats, set out in our ecologists report. 		
Item No.	Application No.	Originator:
8	14/03184/FUL (Brogyntyn Hall)	Council Tree Officer
<p>Raised concerns about the number of trees proposed to be removed and required further time to consider the submitted tree survey.</p>		
Item No.	Application No.	Originator:
8	14/03184/FUL (Brogyntyn Hall)	Council Ecologist
<p>Demolition of the east wing and other works to the hall will require an EPS licence. In order to get an EPS licence more survey work will be needed next summer, which will mean no works to hall before next Autumn. Repairs, for example to the roof, could also require a licence. The applicants are strongly advised to work closely with their ecologist to timetable works to avoid causing themselves complications later on.</p> <p>The full response of the Council Ecologist is attached.</p>		
Item No.	Application No.	Originator:
8	14/03184/FUL (Brogyntyn Hall)	Council Conservation Officer
<p>Has confirmed that the amendments shown on the amended plans are acceptable and have overcome the concerns previously raised. Conditions have been recommended and provided on the report.</p>		
Item No.	Application No.	Originator:
8	14/03184/FUL (Brogyntyn Hall)	Local Representations

12 additional letters have been received raising the following concerns

- the Highway Officer comments do not consider the extra traffic on the road and the safety of existing accesses onto the road
- the new housing is not sustainable,
- the demolition of the wing of the listed building is not necessary and harmful to the building,
- the wing to be demolished is not a service wing and is the main façade when approaching from Oakhurst Road drive
- a longer period of time should be given to marketing the property,
- further efforts should be made to find an alternative solution,
- that protection of heritage should just be a given
- the housing development will result in infilling between the site and Oswestry in the future
- adversely affects Swiss Cottage, Castell Brogyntyn, the lakes and tunnels
- loss of wildlife

Item No.	Application No.	Originator:
8	14/03184/FUL (Brogyntyn Hall)	Local Representation
<p>A press release has also been circulated around members advising of a social media campaign on Facebook set up to save Brogyntyn Hall from the development and partial demolition.</p> <p><i>Officers would draw members attention to the fact that Brogyntyn Hall is grade 2* (not grade 2 as noted in the press release), Swiss Cottage is grade 2 (not grade 1).</i></p>		
Item No.	Application No.	Originator:
9	14/03025/OUT (Ruyton XI Towns)	Officer
<p>This application should also be considered against paragraph 66 of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 which requires local authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission for development which affects a listed building or its setting.</p>		
Item No.	Application No.	Originator:
11	14/00517/FUL (The Venue, Oswestry)	Council Ecologist
<p>Has provided updated comments removing the objection and recommending conditions and informatives relating to bats and great crested newts which are already detailed within the report.</p>		

Memorandum



To: Karen Townend
Copy to:
From: Alison Slade
Date: 12th November 2014

My ref: Brogyntyn(2)14
Your ref: 14/03184/FUL &
14/03185/LBC

Further consultation on planning application: Brogyntyn Hall, Oswestry - Change of hall from offices to residential with associated alterations to include demolition of service wing; conversion of Home Farm into 11 residential units; demolition of estate office and agricultural sheds; alterations to existing farm house and Dairy Cottage; erection of 50 dwellings within grounds; formation of vehicular access to B4580

I have read the above application and the supporting documents, including the updated Phase 1 and Phase 2 Environmental Assessment by Greenscape Environmental dated November 2014.

Recommendation:

A European Protected Species licence will be required before works can begin on the Hall and Home Farm. The bat mitigation, including access to the roof void, must be shown on the proposed plans for the hall. Two bat lofts must be shown on the proposed plans for Home Farm.

Bat survey of the ice house is required before any work to take place to it.

Trees proposed to be removed must be assessed both for bat roost potential and their importance for lesser horseshoe bats and other bat species before any consent is granted. The proposed tree felling could damage the Environmental Network and the core foraging area for the maternity lesser horseshoe bat roost. The tree felling and Landscape Management Plan should not be approved until the details have been agreed by the Natural Environment Team.

In the absence of this additional information (detailed below) I recommend **refusal** since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

Bats

Further to my memo dated 23rd September, Greenscape have provided an updated report. I have also met with the consultants on site.

The roof repairs, re-roofing and installation of rooflights at the main hall have high potential to affect the lesser horseshoe bat maternity roost. At present the bats appear to access the roof space through a hole in the floor, therefore to avoid blocking their access route it will be necessary to create alternative access points to the roost area **before** the area above the

portico to the entrance hall can be repaired. A design for the access is included in the Greenscape report, however the access points also need to be shown on the proposed plans for this area of the hall (above the portico).

From the spread of bat droppings the lesser horseshoe bats are using the majority of the rooms in the main hall. Although there only appear to be two doors into the east wing from the rest of the hall, the bats are entering the building through broken windows and other gaps. From my site meeting, it is considered that a European Protected Species licence will be required for demolition of the east wing. Some of the internal alterations could also impact on the bats.

Greenscape (2014) consider the roof void of building B at Home Farm contains a summer roost for lesser horseshoe bats, with pipistrelle bats also present. There is a small maternity roost for pipistrelle bats in building A. Signs of long-eared bats were recorded in building B and pipistrelle bats were found in the linked building C workshops. No evidence of bat use was recorded for buildings D – I which are storage and agricultural buildings and a detached house.

The roof voids of the stables opposite the Hall also contain a lesser horseshoe bat roost. No work is shown to the stables in this application.

From the landscape management plan I note that works to an ice house in the grounds are proposed. Ice houses can be used by lesser horseshoe and other bat species for hibernation. A bat survey will be required before this work can be approved.

A European protected species licence will be needed for the works to the hall and stables as well as conversion of buildings A and B, the Saw Mill and workshop at Home Farm. Greenscape propose mitigation by:

- Creation of new access points to the maternity LHB roost at the Hall;
- Timing roof works to avoid disturbance of bats;
- Post development monitoring for 5 years;
- Two bat lofts to be installed at Home Farm in buildings B and C;
- Bat boxes prior to work commencing on conversions at Home Farm;
- Control of lighting, particularly near roosts.

With the outstanding information required I have not yet completed an EPS 3 tests matrix. This will be required before consent can be granted. The following conditions are required as set out below.

Conditions

1. All works on Brogyntyn Hall and conversion of buildings A, B and C (Saw Mill and workshop) at Home Farm shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) A licence by Natural England pursuant to regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or
 - b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specific activity/development will require a license.

Reason: To ensure the protection of lesser horseshoe and other bat species, a European Protected Species

2. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the updated Phase 1 and Phase 2 Environmental Assessment by Greenscape Environmental dated November 2014.
Reason: To ensure the protection of bats and great crested newts, a European Protected Species.

3. Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) Identify those area/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
Reason: To minimise disturbance to bats, a European Protected Species.

Bats and trees

An arboricultural report was uploaded to Uniform today. This shows tree felling close to the lesser horseshoe bat roosts.

Trees which would be affected by the development have not been identified and assessed for potential bat roost habitat as described in The Bat Conservation Trust’s *Bat Surveys – Good Practice Guidelines* (2nd Edition 2012).

The woodland is part of the Environmental Network under Policy CS17 and we therefore would wish to see it retained and well-managed to maximise it’s wildlife value. It is particularly valuable as a horseshoe bat foraging and commuting area, crucial for the survival of the lesser horseshoe bat maternity roost. I have not had time to comment on the Landscape Management Plan or the tree felling proposals, which will need proper consideration before approval. I note there is a Tree Preservation Order covering the whole site.

Great crested newts

Greenscape consider that “none of the ponds are considered to have high potential to support GCN. They are either large pools supporting fish and duck, dry areas or separated by substantial barriers.” There is however a historic great crested newt (GCN) record around 325m to the proposed new access road, which appears to relate to Pond 3 in the Greenscape (Nov 2014) report.

Risk Avoidance Measures are recommended and condition 1 above will require this to be followed. The following informative is also recommended:

Informative

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

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

Nesting birds

Swallow nests were found buildings A and B at Home Farm. Nests were also observed in buildings D and F. Mitigation for loss of nesting opportunities must be provided and the following condition and informative are recommended.

Condition

4. Prior to work starting on conversion of buildings A, B, D or F at Home Farm, details of 10 artificial nests suitable for small birds such as sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

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

Informative

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

If there are queries on this memo please contact me using the details below in the first instance. In my absence Nicola Stone (01743 252556) may be able to help.

Alison Slade
Planning Ecologist (01743 252578)
Alison.Slade@shropshire.gov.uk



Trefonen Rural Protection Group



Tim Rogers,
Principal Planning Officer
Development Management
Shropshire Council
Castle View
Oswestry
SY11 1JR

16th November 2014

Dear Mr Rogers,

Ref: 14/00536/OUT

Outline application - Proposed Residential Development to the North of WHITRIDGE WAY, Trefonen, Oswestry.

Trefonen Rural Protection Group (TRPG) are writing in response to your published Development Management Report for the above proposed application in advance of the next North Shropshire Planning Committee meeting on Tuesday 18th November 2014, at which the above Outline application will be considered.

We are VERY concerned by the weight given by the application Case Officer to boosting housing numbers in his Appraisal within the Development Management Report.

Under the Item 6.1.2 it states, "The NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking (para. 14), so it applies, as a material planning consideration, in any event. The NPPF specifically aims to 'boost significantly the supply of housing' therefore, the fact (and degree) that a proposed development helps to boost housing supply is a significant material consideration to which considerable weight must be attached. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply."

We note this is exactly same wording as Report for 14/00426/OUT Chapel Lane Trefonen (Refused).

We would reiterate that we believe this is misinterpreting the NPPF (Para 47) which is very specific on what actions a Council must undertake to boost housing supply; it says:

"To boost significantly the supply of housing, local planning authorities should:

- *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;"* **This has been done under SAMDev**



Trefonen Rural Protection Group



●●" identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;" **The 5 year land supply has been identified**

●● "identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;" **This has been done under SAMDev**

●●" for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target"; **This has been done under SAMDev & the 5 year land supply has been identified**

●● "set out their own approach to housing density to reflect local circumstances". **This has been done under SAMDev**

Therefore Shropshire Council **has fulfilled** its obligation under NPPF (Para 47) to "boost housing" – with the research and evidence set out in its Approved SAMDev submission sent for examination to the Secretary of State.

We would also point out that neither Para 47 nor Para 7 individually, but the NPPF as a whole establishes the sustainability of development. There are many Para's identified in objectors submissions that show this is not the case. Para 47 should not be given any more weight than any of these and as set out above has been fulfilled anyway.

Perhaps due to the preceding year's shortfall in housing numbers, the Case Officer appears to be of the view that any housing development must be seen as a "boost" and given substantial weight. This is not what NPPF requires.

We do not consider that it can be sound and sustainable Planning Management (under either local or national policies) to grant further Consents for housing in locations clearly confirmed as having no identified need, under both currently Adopted and Emerging Policies.

We feel that it is a particularly pertinent when at April 2014 there were outstanding Planning Approvals already granted for 6971 dwellings within Shropshire but not yet built. This failure by developers to physically build dwellings is outside the control of the Council, but that is no reason to burden communities with unwanted housing over and above objectively assessed needs.

As both the Case Officer and the NPPF says, the Adopted Development Plan must be the key material consideration in determining any Application.

As the 5 year Housing Land Supply is currently satisfied then Para 49 "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites" **is not applicable**, and the Council's **Adopted Policies must be given full weight**.



Trefonen Rural Protection Group



Para 49 also says "Housing applications should be considered in the context of the presumption in favour of sustainable development."

With regard to this particular application – current Adopted policies are:

OBC 1999-2006 H5 & Map 26 – establishes settlement boundary – still active but might be considered out-of date – however, Core Strategy Adopted 2011 includes:

- CS4 – Trefonen is not a Hub or Cluster so this does not apply
- CS5 – Countryside development – this site does not comply
- CS6 - Sustainable Design & Development – this site does not comply

The following have been approved:

- SAMDev – Trefonen confirmed as not required to be Hub or Cluster or needed for rural re-balancing
- 5yr Housing Land Supply – confirmed without the inclusion of any housing development in Trefonen

The whole SAMDev process has assessed the sustainability of this decision. The weight of other constraints also clearly shows this is the case when the excessive weight given to Para 47 is removed.

Under **Para 6.1.3** the Officer reduces the weight attributed to the SAMDev submission due to "significant unresolved objections". Firstly, on checking of the submission documents we find that there are no unresolved objections relating to Trefonen. Secondly, the Council must not believe these objections are justified or un-defendable otherwise the Officers would not have put to Full Council for their Approval and subsequent submission for Examination.

We believe that until otherwise determined by the Inspector then the submission must be taken as the best and correct information available and given full weight in establishing sustainable development under NPPF Para 47.

We note that in **Para 6.1.6** the Officer acknowledges that Trefonen is not a Hub or Cluster, but would be classed as open countryside under the SAMDev. We view this as a quite black & white distinction, whereas we are not against development within the village with brownfield and proper infill housing (e.g. 14/03487/OUT Richmond, Little London Lane) as identified in the Parish Plan May 2014 update. If this is overruled at this time to satisfy national policy case we would ask what was the point of the SAMDev process and the Council's Localism bottom up approach?

SPECIFIC POINTS FROM REPORT

2.2 Site boundaries: the southern boundary is not purely a "native hedgerow" but is fact a "stone hedge" which are rare features to the County and are intrinsic to Trefonen village character. This is an ancient boundary appearing on tithe maps as old as 1842. The access roadway would be pushed through this stone hedge destroying at least 10m.

This feature is not mentioned in the Archaeological assessment, but is another heritage feature in context with the ridge & furrow farming, and Offa's Dyke that are all detrimentally affected by the development.



4.1.2 Highways: *"The adjoining residential road and its junctions with Chapel Lane and Trefonen Road were designed and laid out in such a manner that would cater for further residential development. The layout of the Whitridge Way is in line with desired standards and is considered therefore to have the capacity to also accommodate the vehicular movements likely to be generated by the proposed extension to Whitridge Way.*

We would contest that the existing estate road was properly designed and laid out to cater for further residential development.

It is clear that the cul-de-sac end was positioned with this in mind BUT by reference to *Shropshire County Council Highways Specification for Residential/ Industrial Estate Roads Feb 2000 Section 2.3.5 Access Road* the roadway is too narrow for further lengthening, being already in excess of the design width/length. It can only be concluded that the former Local Authority allowed the Developers to construct a narrower road – thereby negating further development provision.

We also note that whilst the Agent professes the proposed nature of their road will be more rural than the existing estate road the Highways Officer **6.9.3** requires exact matching specification, widths, pavements and turning head must be constructed. This completely negates any softening and rural character statements made by the Agent. It will be a further expansion of an out of character development.

On street parking is clearly an issue of road safety on the curving Whitridge Way road. Whilst the Officer is probably technically and legally correct, the reality is that the parking occurs due to insufficient off-street parking provision allowed by former Local Authority and that yellow lines would never be enforced in this location. Under NPPF Para 17 and 56 good design is a key point, not accommodating poor design by legal technicalities.

4.1.4 English Heritage and 4.1.7 Archaeology: We note but cannot accept the stated comment of "No objection...". With reference to the published heritage assessment and the Shropshire Council Historic Environment Team Manager's comments on the portal regarding the impact on the setting by this proposed development North of Whitridge Way, we would again refer to Development Management Report for *13/01025/FUL Land Adjoining Rosedale, Chapel Lane Trefonen Oswestry Shropshire*. This application within a very similar setting was **REFUSED**.

Relevant extracts from that Report are reproduced below:

"Shropshire Council Historic Environment (Archaeology):

4.1.34

*The setting of this section of the Dyke includes the small pasture fields on either side, as well as the existing dwellings on the eastern side of Chapel Lane. Whilst the Dyke is utilised as a hedged field boundary to the north, it remains a substantial upstanding earthwork. **The open, agricultural character of these fields makes a positive contribution to the significance of the monument by enabling its topographical relationship with the surrounding landscape to be experienced and appreciated.** The existing dwellings detract from it by partially obscuring this relationship."*

"Recommended Reason for refusal:

By obscuring the linearity of the adjacent stretch of Offa's Dyke, and its topographical relationship with the landscape, the development would have an adverse impact on the



Trefonen Rural Protection Group



setting of this scheduled ancient monument and so would detract from its significance. In this respect the proposal is contrary to Part 12 of the National Planning Policy Framework, to Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy, and to the Supplementary Planning Document on the Type and Affordability of Housing."

AND English Heritage also objected:

"English Heritage's Recommendation is that when considering the impact of the proposal the Council should give 'great weight' to the conservation of the nationally protected monument of Offa's Dyke.

In this case the development is outside of the scheduled monument but is within its setting. In this case the proximity and visibility of the proposed development would damage the significance of the Dyke and we do not see that public benefits of the proposal outweigh that harm.

We recommend that the development proposal is refused".

The current proposed 14/00536/OUT development north of Whitridge Way is similarly on open agricultural fields. From Offa's Dyke Trail Path it will obscure view of the Dyke and detract from the relationship of the Dyke within the landscape setting being experienced and appreciated by local residents, tourist walkers on the national trail, and historians – present and future.

A number of organisations which specialise in cultural heritage have derived similar conclusions with regard to the current setting and negative impact of the current application to the North of Whitridge Way (refer to Heritage Section below). They have provided responses for publication on the portal in deep concern for the setting of the Monument at this location.

We cannot understand how both Statutory Consultees can take such a different view on this site within 200m of the Refused application 13/01025/FUL which they strongly objected to, and which is within 15metres of the Scheduled section Monument and is considered to continue under the site itself.

4.1.8 Affordable Housing: At the current prevailing rate 10% there might only be 1 affordable home on site if 12 homes or none if reduced to 8 homes with the archaeological exclusion. This in no way addresses any identified need for the village.

4.2 Public Comments: The following statement included within the Report, *"However, an exact figure cannot be given as it has become apparent some objection letters have been written and signed in the name of individuals unaware of the planning application."* We understand in discussion with our Local Member that this issue been already been discussed and discounted as the objector was happy for the objection to stand. We therefore believe this item statement is incorrect, do not understand the reason for its inclusion and believe that this item should be retracted; and, regardless, the actual number of objectors stated.

6.3.1 Economic Consideration: *"In economic terms the proposed development will provide employment during the constructions process and support suppliers, Community Infrastructure Levy contributions, New Homes Bonus and additional community charge receipts; although it is*



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acknowledged that these benefits would be achieved by any new housing development and in any location”.

The Case Officer by virtue of his own text has confirmed that the above economic benefits are a generalisation. There is no economic justification for building them in Trefonen where there is no substantiated need under SAMDev for new houses.

“The most important economic benefit would be the spending power of new residents who would have the potential to support local services such as the pub and possibly increase the likelihood of the village shop reopening (although the precise reasons for its original closure are not known).”

We would contest that the addition of 12 homes would produce “important economic benefit” to the village’s commercial businesses. It is just as likely that they will buy alcohol and food in supermarkets as the majority of the population now do. The shop is due to re-open with new owners (following closure after burglary) without any guarantee of new housing.

These facilities are important to the village but we believe that any economic benefit to them is at best minimal, whereas loss of rural and heritage setting is a significant detriment to the overall character of the village

6.3.3 Tourism – the Officers cites that there is no evidence of loss of tourist visitors due to the previous development. We would observe that it is intrinsically impossible to know how many people walking the National Trail or the recent Shropshire Way extension loop would have revisited Trefonen had the visual experience not have been diminished. Further development can only increase this diminution of experience for visitors. What is certain is that it will **not be** “contributing to, protecting and enhancing” the landscape and heritage as required by NPPF Para 7.

6.4.1 & 7.3 SOCIAL CONSIDERATIONS –

6.4.1 School: The inference of the Report is that new houses will automatically bring new children of primary school age into the village. We strongly challenge this perception as there is no automatic demographic link.

Indeed the Para appears to contradict itself by starting to imply that the development would support the school but concluding that the numbers would be so low as to have little impact?

There is no evidence, or comment from Learning & Skills, that the primary school is at any risk of closure.

We also note 18% of children go out of catchment which is parental choice. School performance is now the key factor in choice of school, not location.

The Council’s own calculation formula for pupil/dwelling from new development is:-

2.38 (average household size in Oswestry area) x **7.5/100** (primary school % of population) x **12** (no. of dwellings) totalling **2 primary school-age children from the development**

This low number is clearly not a material consideration in the sustainability of the school, even if with parental choice they actually were to attend.



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Indeed Shropshire Council's recent 'Schools Sustainability Briefing Note' says:-

"Evidence shows that new housing developments do not lead to an overall increase in numbers in our schools in Shropshire, as the trend is for families to move within the county. Indeed, between 2003 and 2012, 10,800 new homes were built in Shropshire, but over the same period the number of pupils at our schools actually fell by more than 2,500." This shows that new houses do not necessarily produce school age children, and they will soon grow up to secondary school age anyway.

LAYOUT & DESIGN

6.4.2 *"The application is for only 12 dwellings and it is Officer's opinion that this would form a natural continuation of an existing housing estate which currently ends abruptly at its boundary with the application site." - and,*

6.7.2 *"An appropriate design could provide a 'softer' and more natural transition than the current straight rear boundaries of the dwellings on Carneddau Close."*

The straight boundary is in fact an ancient boundary line not a modern imposition.

Sadly the only reason the existing estate ends *"abruptly at its boundary with the application site"* is due to poor Development Management by the Local Authority of the Gallier's estate under Reserved Matters, when the density increased from 14 to 29 dwellings and the harsh urban building design and rear building line was permitted. This cannot now be cited by the current Authority as reason to allow further Outline Consent, as a further intrusion into the rural countryside.

None of the Agent's statements of design intent can be considered valid, as in their submission of 18th June they have declared the Applicant's intent to immediately sell the site to developers. It is highly likely that, just as Gallier's, these developers will have different commercial ideas.

We consider that no development on this site can *"soften"* the village edge to improve what has been imposed on the village – or that the Authority can ensure, *"an appropriate form of development"*, but that it will inevitably just be more of the same.

6.6.1 Reference is made to the provision of car parking spaces, a footpath link to the Offa's Dyke path and interpretation panels. The reality is that this is an outline application, these measures are only indicative and therefore there can be **no weight** given to these at this time.

Heritage Setting

6.7.1 *"The site rises in height away from Chapel Lane up towards the track that is part of the Offa's Dyke trail. Views across the site are clearly possible from the trail as there is only a post and wire fence separating them". - and,*

6.7.2 *"The proposed housing will restrict the view towards the Dyke, as it would for a short stretch obscure a view diagonally across the field towards the Dyke when travelling along the Offa's Dyke trail. However, this would only be for a short distance given the small size of the development and any views of the Dyke are from a significant distance of approximately 135 metres. Once past*



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the proposed dwelling the view would open up and the Dyke would again be seen from a similar distance."

The prospect emerging from behind the Whitridge Way estate along Offa's Dyke National Trail is a **vital** viewpoint not only to the Dyke mound in the adjoining field but its continuation up the hillside to the north. This puts it in context as a linear feature through the landscape and allows its continuation back under the existing properties on Chapel Lane into the heart of the village to be interpreted. The position of the viewpoint is key – once you have walked a further 60m further north beyond the proposed site the perspective has actually drastically changed. This can only be ascertained by human appreciation rather than photographic representation.

We are not relating this as technical experts but as public witnesses to our heritage on behalf of current and future generations of local residents and visitors.

But it should be noted that national organisations including RESCUE, Council for British Archaeology, the Society for the Protection of Ancient Buildings, the Prehistoric Society and Campaign to Protect Rural England **strongly object** to this proposed development. CPRE state in their portal comment of 14th April 2014 that, "It is considered that the application is deleterious to the character of the village and exceptionally so to the very special historic character of the immediate landscape".

Although noted that the setting of this internationally renowned Scheduled Monument deserves significant weight, this is not apparent to us in the Officer's appraisal and conclusion, where "boost to housing" outweighs all factors.

SUMMARY

Following a full review of the Report, TRPG believe that the content throughout is biased towards boosting housing numbers.

From perusal of numerous other Reports over the last 8 months, it is our opinion and that of the wider community that it is not correctly balanced taking into account the above factors.

We would suggest that this Report requires full reassessment and request our comments are presented to the Committee before they consider the Application.

Yours sincerely,

Chair
On behalf of The Management Committee of TRPG

Cc Cllr Walpole, Cllr Joyce Barrow, Karen Townend, Matthew Farmer

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Trefonen Rural Protection Group is a formally constituted body that works for the best interests of the community of Trefonen