

Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Wednesday, 13 May 2015

Committee:
Central Planning Committee

Date: Thursday, 21 May 2015
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Central Planning Committee will be appointed at the Annual Council Meeting on 14 May 2015

Your Committee Officer is:

Linda Jeavons Committee Officer
Tel: 01743 252738
Email: linda.jeavons@shropshire.gov.uk

AGENDA

1 Apologies for absence

To receive apologies for absence.

2 Minutes (Pages 1 - 6)

To confirm the Minutes of the meeting of the Central Planning Committee held on 9 April 2015.

Contact Linda Jeavons on 01743 252738.

3 Public Question Time

To receive any questions, statements or petitions from the public, notice of which has been given in accordance with Procedure Rule 14.

4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 Land Off Horsebridge Road, Minsterley, Shrewsbury, (14/03670/OUT) (Pages 7 - 34)

Outline application for residential development of 15No dwellings (to include access).

6 The Onslow Hotel, Pensfold, Bicton Heath Shrewsbury (14/04195/FUL) (Pages 35 - 48)

Erection of 12 dwellings (8 terraced houses and a 4 unit apartment building), formation of a vehicular access and associated works (amended description)

7 Radbrook Campus, College Gardens, Shrewsbury (15/00490/OUT) (Pages 49 - 70)

Outline application (access for approval) for residential development with demolition of existing buildings.

8 Radbrook Centre, Radbrook Road, Shrewsbury (15/00491/OUT) (Pages 71 - 98)

Outline application for residential development including partial demolition of buildings to include means of access.

9 Proposed Development Land South Of Plealey Lane, Longden (15/00724/OUT) (Pages 99 - 122)

Outline application for residential development (to include access) (revised scheme).

10 37 Regents Drive Shrewsbury (15/00842/FUL) (Pages 123 - 130)

Erection of a first floor and single storey extension to rear elevation including a Juliet balcony; insertion of porch, conversion of garage to provide a residential annexe - modification to previously approved application 14/05496/FUL (Amended description).

11 Schedule of Appeals and Appeal Decisions (Pages 131 - 164)

12 Date of the Next Meeting

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 18 June 2015 in the Shrewsbury Room, Shirehall.

This page is intentionally left blank



Committee and Date

Central Planning Committee

21 May 2015

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 9 April 2015

2.00 - 3.45 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk Tel: 01743 252738

Present

Councillor Vernon Bushell (Chairman)

Councillors Ted Clarke (Vice Chairman), Andrew Bannerman, Tudor Bebb, Dean Carroll, Miles Kenny, Peter Nutting, Kevin Parry, David Roberts and Jon Tandy (Substitute) (substitute for Pamela Moseley)

109 Apologies for absence

Apologies for absence were received from Councillors Jane MacKenzie and Pam Moseley (substitute: Jon Tandy).

110 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 12 March 2015 be approved as a correct record and signed by the Chairman.

111 Public Question Time

There were no public questions, statements or petitions received.

112 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

With reference to planning application 14/05742/OUT, Councillor Andrew Bannerman stated that one of the principle persons involved with the application was known to him and he would leave the room prior to consideration of the item.

With reference to planning application 14/05742/OUT, Councillor Vernon Bushell stated that he knew one of the interested parties and he declared a personal interest.

113 Land East of Bicton Lane, Bicton, Shrewsbury, Shropshire (14/02239/OUT)

The Technical Specialist Planning Officer introduced the application and with reference to the drawings displayed, drew Members' attention to the location.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

Councillor R Brett, representing Bicton Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr C Roberts, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. In response to questions from Members, the Area Planning Manager provided clarification on the number of dwellings approved in Bicton parish and as part of the Shrewsbury West Sustainable Urban Extension (SUE), and to aid the creation of a safe and accessible development, the Police could be consulted on layout at the Reserved Matters stage.

RESOLVED:

That planning permission be granted as per the Officer's recommendation, subject to:

- A Section 106 Legal Agreement to secure the relevant affordable housing contribution;
- The conditions set out in Appendix 1 to the report; and
- At the Reserved Matters stage and, in order to create a safe and accessible development in the interests of public safety and protection, the Police be consulted on layout.

114 Land Off Horsebridge Road, Minsterley, Shrewsbury, Shropshire (14/03670/OUT)

The Area Planning Manager introduced the application and with reference to the drawings displayed, drew Members' attention to the location.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting which detailed further comments from a third party and the agent.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Tudor Bebb, as local Ward Councillor, made a statement and withdrew from the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- Horsebridge Road - Concerned about the increase in traffic using what was already a busy road, which was full of potholes and had no footpath running alongside it;
- More dwellings would exacerbate the problems with the inadequate sewage system;
- Area was prone to flooding and sewage poured into houses when lane flooded; and
- Local school was already at full capacity.

Mr D Leeson, representing Minsterley Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr S Jones, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members considered the submitted plans, noted the comments of all speakers and expressed serious concerns regarding the adequacy of the sewerage system. In response to comments and concerns, the Area Planning Manager explained that appropriate conditions relating to drainage and flooding would be attached to any permission; and following initial concerns raised by Highways Officers a footpath link which would provide an alternative means of access into the village had now been agreed.

RESOLVED:

That this application be deferred in order for the applicant to undertake further investigations into the adequacy of the sewerage system.

(At this juncture, Councillor Jon Tandy left the meeting and did not return.)

115 Development Land Adj Oaklands, Holyhead Road, Montford Bridge, Shrewsbury, Shropshire (14/05742/OUT)

In accordance with his declaration at Minute No. 112, Councillor Andrew Bannerman left the room during consideration of this item.

The Area Planning Manager introduced the application and with reference to the drawings displayed, drew Members' attention to the location and indicative layout.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor David Roberts, as local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. He did not return to the meeting. During his statement, the following points were raised:

- The cumulative effect of this proposal and previously granted permissions on a small village with minimal services would not be sustainable.

Mr I Hutchinson, representing Montford Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr S Taylor, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In response to a question from Members, Mr Hutchinson provided clarification on the existing number of houses in Montford Parish and the number of dwellings that had recently been granted permission.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers and the position to date with regard to the emerging Site Allocations and Management Development Plan. In response to comments, the Area Planning Manager drew Members' attention to a recent appeal for 35 dwellings which had been dismissed because of the lack of a mechanism to secure the provision of affordable housing. He reiterated that the Inspector had found that the proposal would not have an adverse impact upon the economic viability of the local area by taking high grade agricultural land out of production and although the proposal would lead to an economic loss in terms of the site no longer being actively farmed, this would not be significant and would be outweighed by the economic benefits associated with the scheme. He cautioned against citing backland development as a reason for refusal.

RESOLVED:

That, contrary to the Officer's recommendation, planning permission be refused for the following reasons:

- The proposed development, by virtue of its location and scale would, in combination with current valid planning permissions and resolutions to grant permission for Montford Bridge, cumulatively result in development harmful to the rural character of the area and the nature of the settlement; and
- As such the adverse impacts of granting permission are considered to significantly and demonstrably outweigh any benefits when assessed against the policies in the National Planning Policy Framework taken as a whole, the aims and requirements of the emerging Site Allocation and Management Development Plan and policy MD3 and is therefore not considered to constitute sustainable development.

(At this juncture, Councillor Tudor Bebb left the meeting and did not return.)

116 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 9 April 2015 be noted.

117 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Central Planning Committee would be held at 2.00 p.m. on Thursday, 21 May 2015 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

This page is intentionally left blank



Committee and date

Central Planning Committee

21 May 2015

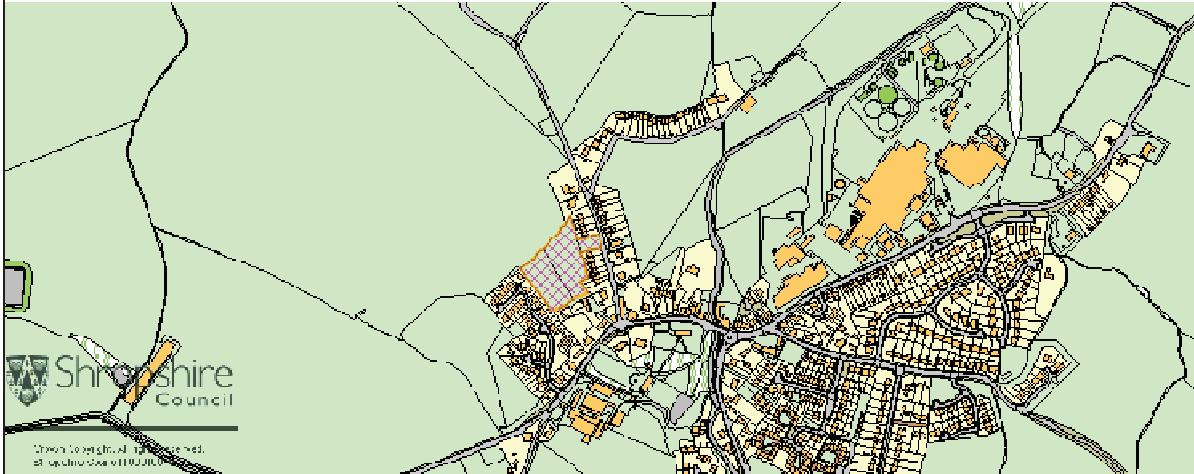
Development Management Report

Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 14/03670/OUT	<u>Parish:</u>	Minsterley
<u>Proposal:</u> Outline application for residential development of 15No dwellings (to include access)		
<u>Site Address:</u> Land Off Horsebridge Road Minsterley Shrewsbury Shropshire		
<u>Applicant:</u> Executors Of Mrs E. Griffiths (deceased)		
<u>Case Officer:</u> Nanette Brown	<u>email:</u> planningdmc@shropshire.gov.uk	
<u>Grid Ref:</u> 337260 - 305198		



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2011 For reference purposes only. No further copies may be made.

ADDENDUM TO 9 APRIL 2015 REPORT

This application was deferred at the 9 April 2015 meeting of the Central Planning Committee to enable the applicant to undertake further investigations into the adequacy of the sewerage system in Minsterley.

The applicant's agent has contacted Severn Trent who have provided an initial response letter and Sewer Plan showing the positions of existing foul and surface water sewer pipes. The letter from Severn Trent indicated that connection to these systems is possible, with a choice of two foul sewer pipes to connect to, located either within Horsebridge Road or to the north of the application site, and raises no objections to this in principle. A copy of this letter is attached to this report as Appendix 2. Severn Trent has also provided a copy of the Sewer Record Plan that is attached to this report as Appendix 3.

Officers consider that the agent has confirmed with Severn Trent that connection to the mains sewerage system is possible. Whilst this information has been sought, it should be noted that the provision of services for any development remains the responsibility of the developer.

Recommendation:- That delegated powers be granted to the Planning Manager to grant outline planning permission; subject to the conditions listed at appendix 1 and subject to the applicants entering into a S106 agreement to secure the provision of affordable housing.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for the residential development on land at Horsebridge Road, Minsterley. The application includes access to the site with all other matters reserved for later consideration.
- 1.2 The proposed vehicular access to the site will be created to the eastern boundary, onto Horsebridge Road, where residential properties currently lie to either side of the proposed access.
- 1.3 The proposed development is for 15 dwellings. The indicative layout shows the site accommodating 9 detached houses and 3 pairs of semi-detached houses.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is situated on the north western edge of the settlement of Minsterley and will be accessed from the western side of Horsebridge Road that leads northwards out of the village. The site is bounded by three sides by existing residential properties, with the north western boundary adjoining open fields/countryside.
- 2.2 The development site is comprises a parcel of land set to grass, currently used for grazing. The site is roughly square shaped and is bounded by mature hedgerow on the northern western boundary.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Minsterley Parish Council have submitted a view contrary to officers recommendation for approval based on material planning reasons that cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman or vice chairman and the Local Member agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 SC Drainage: no objection

The drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.

The application form states that surface water drainage from the proposed development is to be disposed of via a sustainable drainage system (SuDS). No details of the proposed SuDS have been provided. Full details, plan and calculations of the proposed SuDS should be submitted for approval. This should illustrate how the development will comply with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework for the particular flood zone / site area and Shropshire Councils Interim Guidance for Developer, and how SUDs will be incorporated into the scheme. As part of the SuDS, the applicant should consider employing measures such as the following:

Surface water soakaways

Swales

Infiltration basins

Water Butts

Rainwater harvesting system

Permeable surfacing on any new driveway, parking area/ paved area

Attenuation

Greywater recycling system

Green roofs

Soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change.

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

The site is identified as being at risk of groundwater flooding. The applicant should provide details of how groundwater will be managed.

Reason: To minimise the risk of groundwater flooding.

Confirmation is required that the design has fulfilled the requirements of Shropshire Councils Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the

development site or contribute to surface water flooding of any area outside of the development site.

Reason: To ensure that any such flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.

If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway

Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

The use of large diameter pipes and crate storage together with a large number of chambers is likely to prove to be an expensive solution in terms of both construction and maintenance. The sites topography lends itself well to the use of true SuDS. Opportunities for permeable paving, attenuation basins and filter strips exist within the development site which could be explored to make the drainage system more sustainable. The Management Train Approach should be central to the surface water drainage strategy of the proposed site. The main objective is treatment and control of runoff as near to the source as possible protecting downstream habitats and further enhancing the amenity value of the site aiming to incrementally reduce pollution, flow rates and volumes of storm water discharging from the site. SuDS should link with the individual plot structure, planting, public open space requirements and amenity areas, gaining multiple benefits from a limited area of land.

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

Please provide information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility.

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

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

4.1.2 **SC Archaeology: no objection subject to conditions**

Although not currently recorded on the Shropshire Historic Environment Record, examination of digital vertical aerial photographs and Environment Agency LiDAR data held on Shropshire Councils corporate GIS system indicates that an area of partially degraded earthwork remains of ridge and furrow are present on the proposed development site. The morphology of these features suggests that they may be of medieval date and are likely to relate to Minsterley's former open fields. Whilst these features are likely to be of local level significance they are of archaeological interest.

RECOMMENDATION:

In view of the above, and in relation to Paragraph 141 of the NPPF, it is recommended that a programme of archaeological work, to comprise a pre-commencement Level 3 survey of the archaeological earthworks that conforms with English Heritages guidance on Understanding the Archaeology of Landscapes: A guide to good recording practice (2009), be made a condition of any planning permission for the proposed development. An appropriate condition of any such consent would be: -

Suggested Conditions:

No development approved by this permission shall commence until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The development site is known to have archaeological interest

4.1.3 SC Affordable Housing – No objections

Core Strategy Policy CS11 requires all open market residential development to contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application.

4.1.4 SC Ecology: No objection

Have read the above application and the supporting documents including the Extended Phase 1 Ecological Survey Report conducted by Pearce Environment Ltd (June 2014).

Recommendation:

Include the conditions and informatives below on the decision notice.

Bats

Trees were assessed on site for their potential to support roosting bats. No evidence of bats were discovered during the extended phase 1 survey. The site does have potential to support foraging and commuting bats. The following condition and informative should be on the decision notice.

A total of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are

European Protected Species

Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet *Bats and Lighting in the UK*

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

Landscape

A section of the eastern hedgerow will be removed in order to provide site access. I would recommend planting additional native species hedgerow on site in order to enhance the site for biodiversity. A species rich hedge of local provenance where possible is recommended for example a mix of hawthorn (50%), blackthorn (20%), holly (10%), hazel (5%), field maple (5%), elder (5%) and dog rose (5%).

The first submission of reserved matters shall include a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:

- a) Planting plans, including wildlife habitat and features (e.g. bird, bat box, hedge planting)
- b) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties).
- c) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

Nesting Birds

The site has the potential to support nesting birds. The following condition and informative should be on the decision notice.

A total of 2 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

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

Informative

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-

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

4.1.5 **SC Highways – no objection**

The highway authority raises no objection to the granting of consent.

Conditions:

A s106 agreement is required to secure the proposed pedestrian route from Leigh Road to serve the occupants of the proposed development site. This is required to provide a safe and convenient access for the development, in order for it to accord with the requirements of the NPPF.

E1. New Access

No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

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

E5. On-site Construction

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

E11. Visibility Splays

Visibility Splays of a depth of 2.4 metres and a length of 43m metres from the centre point of the junction of the access road with the public highway shall be provided before the commencement of the development, and these splays shall thereafter be kept free of any obstacles or obstructions.

Reason: To ensure the provision of adequate visibility in the interests of highway

safety.

Informatives

We understand that the proposed access road would remain private and therefore a s38 agreement won't be required. We must therefore clarify to the applicant that unless they enter into a s38 agreement with the LHA and the construction works are inspected, we won't consider the road for adoption in future. If the access roads do remain private, the street name plates should state 'PRIVATE ROAD' or 'UNADOPTED ROAD' below the street name. This is to ensure the LHA aren't contacted regarding their upkeep in the future.

A licence will be required with the local highway authority for the proposed access before work can commence on site. Details of the process for obtaining a licence can be found on the following web page: [http://shropshire.gov.uk/street-works/street-works-application-forms/apply-for-vehicle-access-\(dropped-kerb\)/](http://shropshire.gov.uk/street-works/street-works-application-forms/apply-for-vehicle-access-(dropped-kerb)/)

Background

Early concern was raised by the local highway authority over the original site layout proposed as no footway connection was shown to the village centre; Horsebridge Road between the site and the junction with Leigh Road is narrow with no footways. As Horsebridge Road is regularly used by heavy traffic, it is not considered that it would be a sustainable route for additional larger developments without a dedicated footway/alternative walking route provision. However, the applicant has now agreed to provide a private pedestrian access route between Leigh Road and the development across their land so a s106 agreement is required to secure this provision in perpetuity.

Note that the proposed visibility splays appear to cross third party land and may involve the adjustment of the existing boundary features. Understand the applicant is serving notice on the affected land owners and require a condition to secure the provision of visibility splays prior to the development commencing on site.

4.1.6 **Minsterley Parish Council: Objection**

Residents questioned house permitted under SAMDEV, also provision for drainage,)

Parish Council asked :-

What will impact be on already stretched sewage works?

No pavement in area and busy road is it safe to have extra traffic entering Horsebridge rd.? And will there be extra traffic?,

Is there sufficient lighting on Highway?

The parish council ask that this application be considered by planning committee.

The Parish Council object due to dangerous road the site exits onto. There is no parking there is no footpath and it is dangerous or pedestrians. it there are large vehicles on the road the site will exacerbate a pinch point in the road.

And following receipt of amended plans:

The amendment while allowing for access away from Horsebridge road for residents does not address the fundamental issue of traffic issuing onto a busy narrow road with no footpath for pedestrians and if approved then the planning dept. are willing to accept responsibility for any accidents and danger to life, it is not in SAMDev. In providing this footpath it is tacit agreement by the developer that Horsebridge road is too dangerous for residents.

4.2 Public Comments

11 letters of objection have been received from 7 addresses and have been summarised as follows:

Principle

Loss of countryside and farm land; There are other Brownfield sites located in the village which are more suitable for development; low cost housing has already been built in the area, no more is needed;

Highway Safety/Access

Increase in traffic on a busy road where the speed limit is often not observed; Horsebridge Road in some places cannot accommodate passing vehicles and is used by milk tankers and large farm vehicles; No footpath along Horsebridge Road; existing chapel opposite the development site, causing an increase in parking on the roads; the size of development represents an unacceptable risk to all road users; visibility splays will need to use some of the adjacent properties frontage to gain adequate views; the proposed footpath for residents of the proposed dwellings is not overcoming concerns about the safety of the road;

Services

Local pumping station already at capacity and may not be able to cope with more houses; Sewage system is already at capacity; inadequate services are available in the village for residents and young people

Drainage/flooding

Increased risk of flooding; this is an area at risk from flooding;

5.0 THE MAIN ISSUES

Principle of development

Affordable Housing

Highways/Access

Drainage

Archaeology

Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight. Paragraph 12 of the NPPF states that 'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'

6.1.2 With regards to housing development paragraph 49 of the NPPF states that:

'Housing applications should be considered in the context of the presumption in favour of sustainable development'.

and that:

'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

6.1.3 Following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council's position is that it has identified sufficient land that will address the NPPF 5 year housing land supply requirements. In the calculation of the 5 years' supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF para 49 and these provide the starting point for considering planning applications.

6.1.4 The application site in this case is located on the edge of Minsterley, in open countryside in terms of planning policy, with policy CS5 of the Core Strategy applying. Core Strategy Policy CS3 is also relevant as Minsterley is proposed to be a joint key centre with Pontesbury within the Pre-submission Draft SAMDev Plan published on 17th March 2014. A development boundary is proposed for Minsterley and Policy S12 of the Pre-submission Draft SAMDev Plan proposes a guideline of a total of 260 additional dwellings for the two villages for the period 2011-2026 (of

which 123 have already been identified as having been built or committed between 2006 and 2013). Policy S12 also identifies 2 preferred sites at Hall Farm, and Callow Drive that would potentially provide a total of 49 houses. New housing development will be delivered through a combination of allocated sites and windfall opportunities on existing brownfield and other infill sites. Outline planning permission has also been granted at Little Minsterley for a further 13 dwellings.

- 6.1.5 Notwithstanding the above, proposals must be assessed with a presumption in favour of sustainable development as defined throughout the NPPF. As such the key factor in determining this application is the assessment of whether the proposal would represent sustainable development and whether the adverse impacts of granting permission would significantly or demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 6.1.6 Minsterley is a village with existing built development predominantly located either side of the A488 running through the centre of the village. There are a variety of services currently provided within the village in the form of a public house, a bus service providing links to Shrewsbury and Bishops Castle, a grocery store and petrol garage, a post office, takeaway, butchers, florist, vets, primary school, pre-school nursery, church and village hall.
- 6.1.7 Paragraph 55 of the NPPF advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Minsterley is located within close proximity with Pontesbury, linked by the A488 where further services are available. Whilst not necessarily within walking distance, both settlements are within close proximity and Pontesbury is also on the same bus route. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services without over reliance on long journeys by private motor car.
- 6.1.8 'Sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is 'about positive growth – making economic, environmental and social progress for this and future generations'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with

accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

6.1.9 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide opportunity for local employment for the construction phase of the development supporting local builders and building suppliers. The provision of 15 additional houses will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also make a financial contribution to the supply of affordable housing in addition to a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

6.1.10 Social role - Providing housing will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. The 15 dwellings proposed would add a small amount to the identified figure in SAMDev of 260 dwellings required to be provided for Minsterley and Pontesbury by 2026. It is not considered that this level of increase could be considered to be detrimental to the existing community of the village and Parish.

6.1.11 Environmental role – The site forms land with current use as pasture. The site has no formal/official heritage, cultural or ecological designation, although SC Archaeology Officers have recommended a Written Scheme of Investigation be carried out should planning permission be granted. The land has little ecological value with the only feature of any ecological value being the hedges, trees and planting located at its periphery. The proposal would have no adverse impact on wildlife and the ecological value of the site could potentially be improved by conditions requiring the provision of artificial bird nests. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible to local services and facilities on foot or by cycle and by public transport to the array of services, facilities and employment opportunities in Pontesbury and Shrewsbury.

6.1.12 Any adverse impacts of the proposed housing development that might significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole will be discussed in the following paragraphs below.

6.2 Affordable Housing

6.2.1 Policy CS11 of the Core Strategy requires an appropriate contribution to made local needs affordable housing, either in the form of on-site provision or a financial

contribution towards off site provision. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing housing target rate at the time of Reserved Matters application. The applicants have agreed to make the necessary contribution in accordance with the requirements of the Type and Affordability of housing SPD.

6.3 Highways/Access

6.3.1 Many of the objections raised to this application refer to the narrowness of Horsebridge Road and its lack of a full footpath for pedestrians walking along the roadway into the village. Other objections raised refer to concerns relating to the safety of a vehicular access at this point along the road and how the addition traffic created by the development would add to current pressures on a busy roadway that often carries milk tanker and large agricultural vehicles.

6.3.2 Amended plans have been submitted as part of the application for this proposal that show a pedestrian footpath link from the application site through a shared driveway that serves existing houses to the south of the site, with the footpath emerging close to the mini roundabout at the southern end of Horsebridge Road. This is intended to provide a pedestrian link for the occupants of the proposed homes enabling them to access the village facilities without having to walk along Horsebridge Road, which does only have a partial footpath in place.

6.3.3 The SC Highways Officer has raised no objection to these amended plans subject to the provision of the footpath link and suitable visibility splays for the proposed vehicular access onto Horsebridge Road. The Highways Officer has suggested that the provision of the footpath link could be secured by a legal s106 agreement, but it is considered that a condition could be adequately worded in order to secure this prior to the first occupation of the dwellings.

6.3.4 It is noted that the proposed visibility splays for the vehicular access appear to cross third party land and may involve the adjustment of the existing boundary features. The applicant's agent has confirmed that appropriate notice will be served on the adjacent landowners and the red site outline amended to include the visibility splays prior to the committee meeting. The provision of a condition to secure the provision of visibility splays prior to the development commencing on site could be added to any planning permission granted.

6.4 Drainage

6.4.1 The application site falls within flood zone 1 of the Environment Agency identified flood zones and so is within an area of low probability of flooding. SC Drainage Engineers have raised no objections to the application subject to details of surface water drainage being conditioned.

6.4.2 The application details indicate that it is intended that the development be connected to the mains sewer and it is for the developer to seek permission from the service provider for a connection to be made.

6.5 Archaeology

- 6.5.1 Although not recorded on the Shropshire Historic Environment Record, SC Archaeology Officers have carried out an examination of digital vertical aerial photographs and Environment Agency LiDAR data held on Shropshire Councils corporate GIS system which indicates that an area of partially degraded earthwork remains of ridge and furrow are present on the proposed development site. The morphology of these features suggests that they may be of medieval date and are likely to relate to Minsterley's former open fields.
- 6.5.2 These features are likely to be of local level significance and they are of archaeological interest and as such SC Archaeology Officers recommend that a written scheme of investigation (WSI) be carried out and submitted prior to any development commencing on site.

6.6 Ecology

- 6.6.1 The Council's Ecologist has considered the submitted plans and has made no objections to the application subject to the use of conditions to protect existing wildlife.

7.0 CONCLUSION

- 7.1 It is appreciated that approving this development would be contrary to the SAMDev allocation for the village of Minsterley. However a priority of the NPPF is to boost housing supply and to approve sustainable development in appropriate locations provided there are no adverse impacts of doing so. It is considered that the site is of a sufficient size to accommodate the proposed number of dwellings and would not result in an unacceptable form of development immediately adjacent to the village. The proposal would have no adverse drainage, flooding or environmental/ecological implications and would not impact on highway safety. The detailed, appearance, landscaping, and scale designs will be considered at the reserved matters stage
- 7.2 The existing infrastructure is sufficient to support the proposed development and the proposal will provide local needs affordable housing and will be liable for the required CIL payment. It is considered that Minsterley is a sustainable location for a limited number of new houses (over and above that put forward as part of SAMDev) due to its range of essential services and facilities with good access to all essential services and facilities without over reliance or long journeys by private motor car. It is considered that the proposal represents sustainable development that will contribute to providing a balance of available housing and would help support facilities and services in this and neighbouring towns and villages and therefore promote '*strong, vibrant and healthy communities*'. It is therefore recommended this application be granted planning permission in line with clear guidance within the NPPF. Permission, if granted, should be subject to the completion of a S106 Agreement to secure payment towards the provision of on-site affordable housing in accordance with the Councils adopted policy.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a

number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
SAMDev Plan
Shropshire Council Core Strategy (February 2011)
CS3 : The Market Towns and Other Key Centres
CS5 : Countryside and Green Belt
CS6 : Sustainable Design and Development Principles
CS9 : Developer Contributions
CS11 : Type and Affordability of Housing
CS17 : Environmental Networks
CS18 : Sustainable Water Management
Supplementary Planning Document - Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

11. Additional Information

[View details online:](#)

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

Planning File 14/03670/OUT

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Tudor Bebb

Appendices

APPENDIX 1 - Conditions

APPENDIX 2 – Letter from Severn Trent dated 1st May 2015

APPENDIX 3 – Copy of Sewer Record Plan

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2010 and no particulars have been submitted with respect to the matters reserved in this permission.
2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of one year from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.
3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development shall take place until a scheme of surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.
5. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.
Reason: The development site is known to have archaeological interest
6. No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.
Reason: To ensure a satisfactory means of access to the highway.
7. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

the parking of vehicles of site operatives and visitors;
loading and unloading of plant and materials;
storage of plant and materials used in constructing the development;
the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
wheel washing facilities;
measures to control the emission of dust and dirt during construction;
a scheme for recycling/disposing of waste resulting from demolition and construction works;

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

8. Visibility Splays of a depth of 2.4 metres and a length of 43m metres from the centre point of the junction of the access road with the public highway shall be provided before the commencement of the development, and these splays shall thereafter be kept free of any obstacles or obstructions.

Reason: To ensure the provision of adequate visibility in the interests of highway safety.

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

9. A total of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of any of the dwellings hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species.

10. Prior to the erection of any external street lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

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

11. A total of 2 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

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

12. Prior to the first occupation of the residential development hereby approved, the proposed footway link between the development site and Leigh Road through the adjacent shared private driveway as shown on the approved plans shall be established and surfaced in a suitable bound material prior and shall thereafter permanently be retained as such.

Reason: To ensure the development site is served by a satisfactory and safe walking link to the village.

Informatives

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
2. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

4. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.
5. Consent is required from the service provider to connect into the foul main sewer.
6. 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.
7. If the proposed access road would remain private a s38 agreement won't be required. Please note however that unless a s38 agreement is entered into with the Local Highway Authority (LHA) and the construction works are inspected, the road will not be considered for adoption in future. If the access roads do remain private, the street name plates should state 'PRIVATE ROAD' or 'UNADOPTED ROAD' below the street name. This is to ensure the LHA aren't contacted regarding their upkeep in the future.
8. A licence will be required with the local highway authority for the proposed access before work can commence on site. Details of the process for obtaining a licence can be found on the following web page: [http://shropshire.gov.uk/street-works/street-works-application-forms/apply-for-vehicle-access-\(dropped-kerb\)/](http://shropshire.gov.uk/street-works/street-works-application-forms/apply-for-vehicle-access-(dropped-kerb)/)

This page is intentionally left blank

Halls Holdings Ltd
Bowmen Way
Battlefield
Shrewsbury
Shropshire
SY4 3DR

Ftuo Mr. S A Jones

1st May 2015

Dear Sirs,

Proposed Development at Land at Fairbank, Leigh Road/Horsebridge Road, Minsterley, Shrewsbury, Shropshire

I refer to your Development Enquiry Request together with your covering letter dated 14th April 2015 in respect of the above site involving 15 new dwellings.

Please find enclosed the sewer records that are included in the fee together with the Supplementary Guidance Notes (SGN) referred to below.

Possible Public Sewers in Site – Required Protection

Due to a change in legislation on 1 October 2011, there could be former private sewers which have transferred to the responsibility of Severn Trent Water Ltd which are not shown on the statutory sewer records but are located in your client's land. These sewers would have protective strips that we will not allow to be built over. The sewers could be identified whilst the land is being surveyed. Should you subsequently locate such sewers, please contact us for further guidance.

Protected Strips

A copy of the sewer records is enclosed for your information. Unless sewers are to be located within publicly maintainable highway, they must be provided with protected strips, having no structures within the strip, centred on each sewer as follows:

5m dia<300mm)

10m (300≤dia<1000mm) and

15m (dia>1000mm unless advised/agreed otherwise).

Severn Trent Water Ltd
Regis Road
Wolverhampton
WV6 8RU

Tel: 01902 793871
Fax: 01902 793971

www.stwater.co.uk
net.dev.west@severntrent.co.uk

Contact: Jim Wincott

Your ref:
Our ref: SAP 8179836

The Sewer Records supplied indicate that 'Protected Strips' will be required for the 150mm dia Foul Water Sewer (FWS) and 225mm dia Storm Water Sewer (SWS) adjacent to the northern boundary of the site. The position of these sewers needs to be established by the Developer to ensure the required Sewer Easement widths are provided.

Where dual sewers are encountered Sewer Easement strips may very well overlap.

FOUL WATER DRAINAGE DISCHARGES

Public Foul Water Sewer (FWS) or Combined Water Sewer (CWS) Discharges

Foul water can be discharged to the 150mm dia public Foul Water Sewers (FWS) in Horsebridge Road and on the northern boundary of the site.

SURFACE WATER DRAINAGE DISCHARGES

The Water Companies requirement in respect of surface water drainage is contained in the Supplementary Guidance Notes (SGN) enclosed.

Soakaway Discharges

As you may know Soakaways are the preferred method of surface water disposal, but if these are inappropriate site investigation evidence is required to be furnished.

Public Storm Water Sewer (SWS) or Combined Water Sewer (CWS) Discharges

Should a connection to the public storm sewer be absolutely necessary then the preferable point of connection would be the 225mm dia storm sewer on the northern boundary of the site, but the discharge rate would be limited to 5 litres/second/hectare.

S98 Sewer Requisitions

If the discharge point is offsite a Sewer Requisition may be required for the Water Company to provide the connection, if agreement cannot be reached with the land owner(s), providing in the case of a watercourse discharge, agreement can be reached with the watercourse owner to discharge.

S104 Sewer Adoption Applications

Applications to have the development sewers adopted by the Water Company under S104 of the 1991 Water Industry Act

should be made separately from any S106 sewer connection application.

An application form and associated guidance notes can be viewed/download from www.stwater.co.uk.

S106 Sewer Connections

For any new connections (including the re-use of existing connections – indirect) to the public sewerage system, you will need to submit a Section 106 application form. Our New Connections department are responsible for handling all such enquiries and applications. To contact them for an application form and associated guidance notes please call 0800 7076600 or download from www.stwater.co.uk.

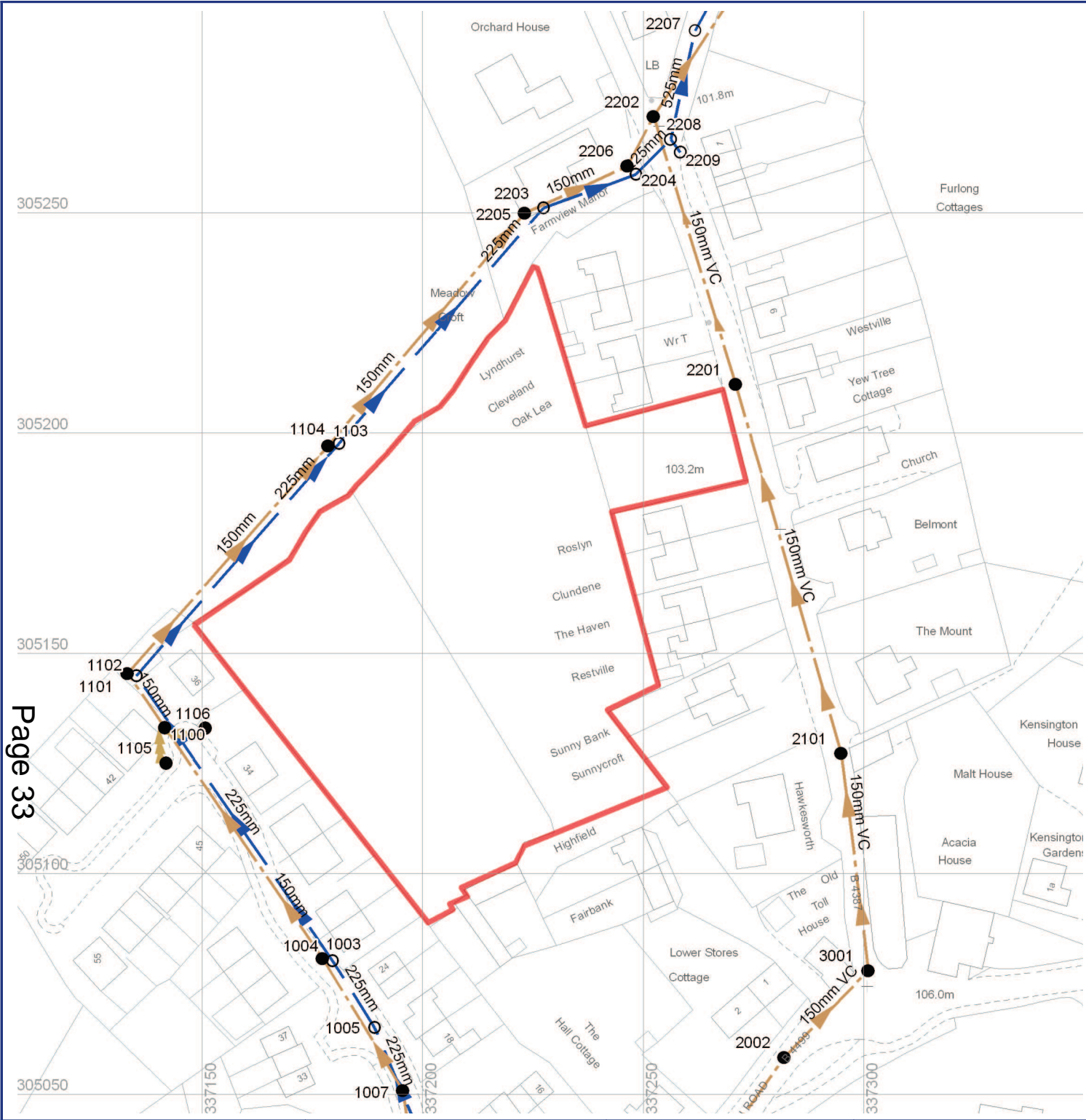
Reference

Please quote SAP 8179836 in any future correspondence (including e-mails) with STW Limited. Please note that 'Development Enquiry' responses are only valid for 6 months from the date of this letter.

Yours faithfully,

Jim Wincott
Asset Protection - Waste Water West – Wholesale Operations

This page is intentionally left blank



Sewer Node	Sewer Pipe Data									
	REFERENCE	COVER LEVEL	INV LEVEL UPSTR	INV LEVEL DOWNSTR	PURP	MATL	SHAPE	MAX SIZE	MIN SIZE	GRADIENT
SJ37051003	106.11	103.71	nil	F	nil	C	150	nil	0.00	nil
SJ37051004	106.11	104.56	103.11	S	nil	C	225	nil	53.73	nil
SJ37051005	106.30	104.88	104.58	S	nil	C	225	nil	59.57	nil
SJ37051007	106.55	104.14	103.71	F	nil	C	150	nil	81.00	nil
SJ37051100	nil	nil	102.44	F	nil	C	150	nil	0.00	nil
SJ37051101	103.96	102.44	101.59	F	nil	C	150	nil	80.91	nil
SJ37051102	103.94	103.11	101.91	S	nil	C	225	nil	58.21	nil
SJ37051103	102.96	101.59	100.74	F	nil	C	150	nil	81.56	nil
SJ37051104	103.06	101.91	100.93	S	nil	C	225	nil	72.33	nil
SJ37051105	nil	nil	nil	F	PVC	C	150	nil	0.00	2012
SJ37051106	nil	nil	nil	F	PVC	C	150	nil	0.00	2012
SJ37052002	105.94	104.29	103.94	F	VC	C	150	nil	78.83	nil
SJ37052101	104.28	102.78	101.22	F	VC	C	150	nil	55.64	nil
SJ37052201	102.60	101.19	100.14	F	VC	C	150	nil	60.23	nil
SJ37052202	101.70	100.10	99.80	F	VC	C	150	nil	147.31	nil
SJ37052203	102.03	100.92	100.57	S	nil	C	225	nil	63.17	nil
SJ37052204	102.03	100.57	100.32	S	nil	C	225	nil	44.96	nil
SJ37052205	102.10	100.74	100.35	F	nil	C	150	nil	65.44	nil
SJ37052206	102.05	100.35	100.11	F	nil	C	150	nil	52.46	nil
SJ37052207	nil	nil	nil	S	nil	C	525	nil	0.00	nil
SJ37052208	101.58	nil	nil	S	nil	C	525	nil	0.00	nil
SJ37052209	nil	nil	nil	S	nil	C	225	nil	0.00	nil
SJ37053001	105.84	103.93	102.81	F	VC	C	150	nil	44.20	nil

Page 33

<ul style="list-style-type: none"> ✕✕✕✕ Abandoned Gravity Sewer — Private Combined Gravity Sewer — Private Foul Gravity Sewer — Private Surface Water Gravity Sewer — Public Combined Gravity Sewer — Public Foul Gravity Sewer — Public Surface Water Gravity Sewer — Trunk Combined Gravity Sewer — Trunk Foul Use Gravity Sewer — Trunk Surface Water Gravity Sewer — Combined Use Pressurised Sewer — Foul Use Pressurised Sewer — Surface Water Pressurised Sewer — Highway Drain — Combined Lateral Drain (SS) — Foul Lateral Drain (SS) — Surface Water Lateral Drain (SS) 	<ul style="list-style-type: none"> — Culverted Watercourse — Cable, Earthing — Cable Junction — Cable, Optical Fibre/Instrumentation — Cable, Low Voltage — Cable, High Voltage — Cable, Other [B] Housing, Building [K] Housing, Kiosk [LS] Disposal Site [STM] Sewage Treatment Works [●] Housing, Other [] Pipe Support Structure [▲] Sewage Pumping Facility [] Sewer Facility Connection Inlet / Outlet 	<ul style="list-style-type: none"> [●] Blind Shaft [●] Combined Use Manhole [○] Flushing Chamber [●] Foul Use Manhole [●] Grease Trap [*] Head Node [] Hydrobrake [□] Lamphole [)] Outfall [] Overflow [] Penstock [⊙] Petrol Interceptor 	<ul style="list-style-type: none"> — Sewer Chemical Injection Point • Sewer Junction ◆ Sewerage Air Valve ▨ Sewerage Hatch Box Point — Sewerage Isolation Valve ⊕ Soakaway ○ Surface Water Manhole — Vent Column ■ Waste Water Storage — Pre-1937 Properties 	<p>MATERIALS</p> <ul style="list-style-type: none"> - NONE AC - ASBESTOS CEMENT BR - BRICK CC - CONCRETE BOX CULVERT CI - CAST IRON CO - CONCRETE CSB - CONCRETE SEGMENTS (BOLTED) CSU - CONCRETE SEGMENTS (UNBOLTED) DI - DUCTILE IRON GRC - GLASS REINFORCED CONCRETE GRP - GLASS REINFORCED PLASTIC MAC - MASONRY IN REGULAR COURSES MAR - MASONRY RANDOMLY COURSED PE - POLYETHYLENE PF - PITCH PP - POLYPROPYLENE PSC - PLASTIC STEEL COMPOSITE PVC - POLYVINYL CHLORIDE RPM - REINFORCED PLASTIC MATRIX SI - SPUN (GREY) IRON ST - STEEL U - UNKNOWN VC - VITRIFIED CLAY XXX - OTHER 	<p>CATEGORIES</p> <ul style="list-style-type: none"> W - WEIR C - CASCADE DB - DAMBOARD SE - SIDE ENTRY FV - FLAP VALVE BD - BACK DROP S - SIPHON HD - HIGHWAY DRAIN S104 - SECTION 104
<p>TABULAR KEY A. Sewer pipe data refers to downstream sewer pipe. B. Where the node bifurcates (splits) X and Y indicates downstream sewer pipe. C. Gradient is stated a 1 in...</p>					

Sewer Record Management
Asset Data Management
PO Box 5344
Coventry
CV3 9FT
Telephone: 0845 601 6616

SEWER RECORD (Tabular)

O/S Map scale:	1:1250	This map is centred upon:	
Date of issue:	22.04.15	O / S Grid reference:	
Sheet No.	1 of 1	x :	337228
		y :	305170

Disclaimer Statement:
1. Do not scale off this Map.
2. This map and any information supplied with it is furnished as a general guide, is only valid at the date of issue and no warranty as to its correctness is given or implied. In particular this Map and any information shown on it must not be relied upon in the event of any development or works (including but not limited to excavations) in the vicinity of Severn Trent Water's assets or for the purposes of determining the suitability of a point of connection to the sewerage or distribution systems.
3. On 1 October 2011 most private sewers and private lateral drains in Severn Trent Water's sewerage area, which were connected to a public sewer as at 1 July 2011, transferred to the ownership of Severn Trent Water and became public sewers and public lateral drains. A further transfer takes place on 1 October 2012 (date to be confirmed). Private pumping stations, which form part of these sewers or lateral drains, will transfer to the ownership of Severn Trent Water on or before 1 October 2016. Severn Trent Water does not possess complete records of these assets. These assets may not be displayed on this Map.
4. Reproduction by permission of Ordnance Survey on behalf of HMSO. © Crown Copyright and database right 2004. All rights reserved. Ordnance Survey licence number 100018202. Document users other than Severn Trent Water business users are advised that this document is provided for reference purpose only and is subject to copyright, therefore, no further copies should be made from it.

This page is intentionally left blank



Committee and date

Central Planning Committee

21 May 2015

Development Management Report

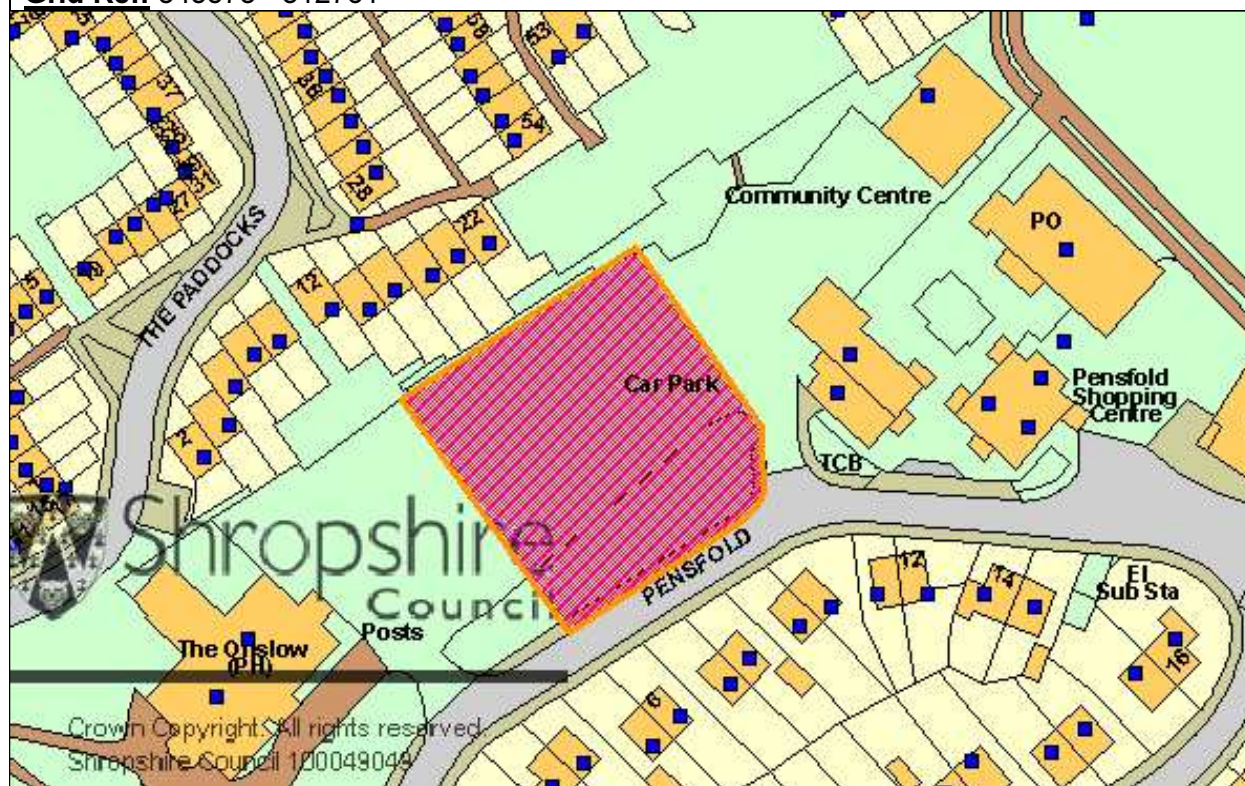
Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 14/04195/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of 12 dwellings (8 terraced houses and a 4 unit apartment building), formation of a vehicular access and associated works (amended description)		
Site Address: The Onslow Hotel, Pensfold, Bicton Heath Shrewsbury SY3 5HF		
Applicant: Mr Mat Morris		
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk	

Grid Ref: 345573 - 312761



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2011 For reference purposes only. No further copies may be made.

Recommendation: Grant Permission subject to:

- A Section 106 Legal Agreement to secure 2 affordable dwellings on site and the balance of 0.4 as an affordable housing contribution (AHC);
- The conditions set out in Appendix 1 to the report to committee on 12 March 2015; and
- Additional conditions to ensure that no development takes place until full details of landscape works have been approved in writing by the local planning authority and to ensure the implementation and future maintenance of the approved landscaping.

REPORT**1.0 THE PROPOSAL**

- 1.1 This application relates to the erection of 12 dwellings (8 terraced houses and a 4 unit apartment building) and formation of vehicular access. The application when first submitted was for 14 dwellings and included a 3 storey building to provide 6 apartments but was amended to a 2 storey building (to provide 4 apartments) to reflect the scale and design of the semi-detached dwellings opposite.

2.0 THE PURPOSE OF THIS REPORT

- 2.1 This report is an addendum to the report presented to the Central Committee on 12 March 2015 (included as APPENDIX A). The purpose of this report is to consider whether the application can be approved and the decision notice issued in accordance with the Member's previous resolution but subject to a S106 agreement to secure the relevant AHC of in accordance with the SPD and the prevailing target rate (2 affordable dwellings and the balance of 0.4 as a financial contribution) rather than 3 affordable dwellings previously recommend to members in error.

3.0 BACKGROUND

- 3.1 Members resolved at the committee on 12 March 2015 that planning permission be granted as per the Officer's recommendation, subject to:

- A Section 106 Legal Agreement to secure three affordable dwellings on site;
- An additional condition to ensure that no development takes place until full details of landscape works have been approved in writing by the local planning authority; and
- The conditions set out in Appendix 1 to the report.

The recommendation to members to approve subject to a S106 agreement to secure 3 affordable dwellings on site was made in error and was the number of affordable dwellings that the applicant had specified for the original proposal for 14 dwellings. However the proposal had been reduced to 12 dwellings and the relevant affordable housing contribution should have been 2.4. The applicant is willing to enter into a S106 to secure 2 affordable dwellings on site and the balance of 0.4 as a financial contribution.

4.0 RECOMMENDATION

- 4.1 It is recommended that members approve this application subject to the relevant AHC of 2.4 which is in accordance with the SPD and the prevailing target rate of 20%.

APPENDIX A: Report to Central Committee 12 March 2015Committee and date

Central Planning Committee

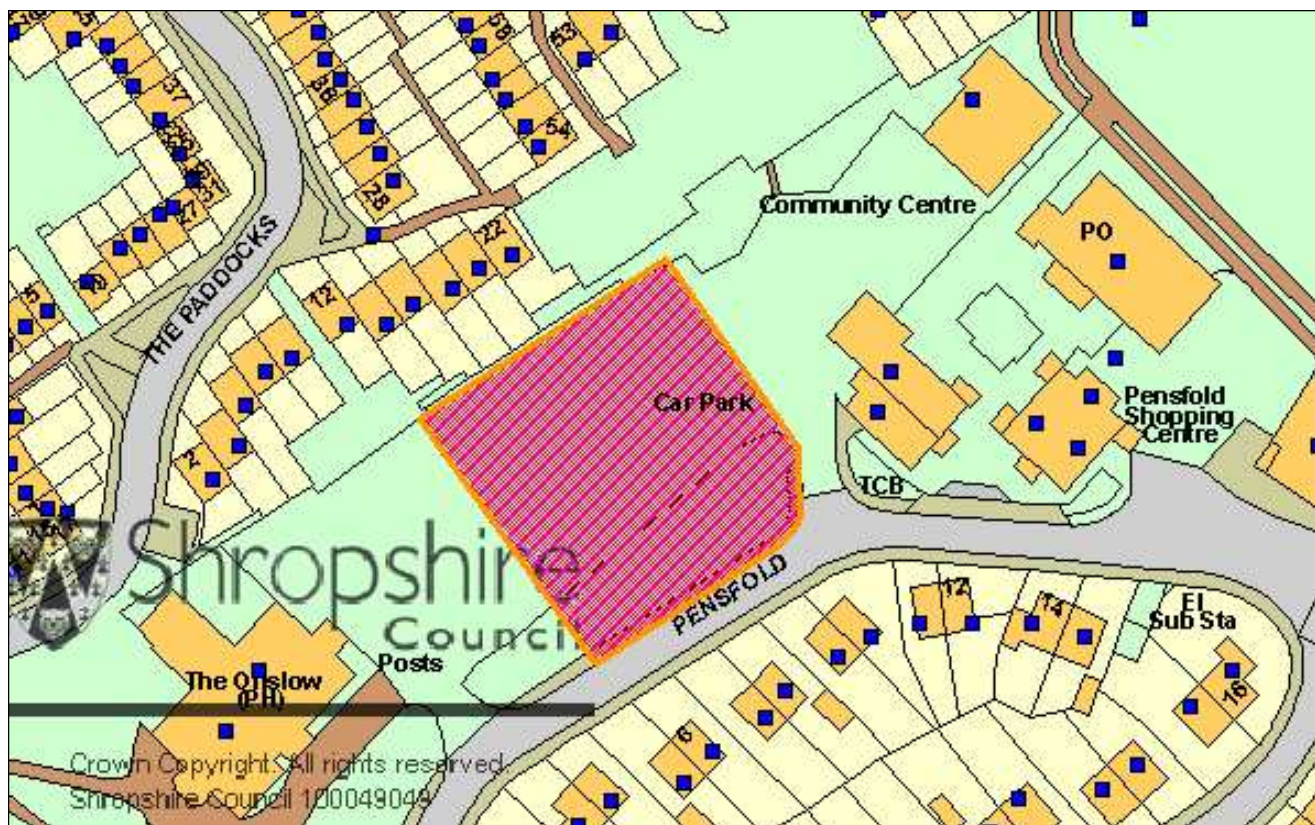
12 March 2015

Development Management Report

Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619**Summary of Application**

<u>Application Number:</u> 14/04195/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Erection of 12 dwellings (8 terraced houses and a 4 unit apartment building), formation of a vehicular access and associated works (amended description)		
<u>Site Address:</u> The Onslow Hotel, Pensfold, Bicton Heath Shrewsbury SY3 5HF		
<u>Applicant:</u> Mr Mat Morris		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	
<u>Grid Ref:</u> 345573 - 312761		



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2011 For reference purposes only. No further copies may be made.

Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a s106 agreement to secure 3 affordable dwellings on site.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the erection of 12 dwellings (8 terraced houses and a 4 unit apartment building) and formation of vehicular access. The application when first submitted included a 3 storey building to provide 6 apartments but this has been amended to a 2 storey building to reflect the scale and design of the semi-detached dwellings opposite.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is part of the large car park associated with the Community Centre and is surplus to requirements and little used the majority of the day. It is used in the morning and afternoon by some parents to park their cars when collecting children from school but this is an informal arrangement and the owners of the car park could close the car park and prevent the public from using it at any time.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of

the Shropshire Council Constitution as the Town Council have submitted a view contrary to officers and the application has been requested to be referred by the Local Member, and the Planning Manager in consultation with the Committee Chairman agrees that the application should be determined by committee.

4.0 **Community Representations**

4.1 **- Consultee Comments**

4.1.1 **SC Drainage:**

The drainage details, plan and calculations could be conditioned if planning permission were to be granted.

4.1.2 **SC Highways:**

The highway authority raises no objection to the granting of consent and provided the following initial response to the application dated 17/11/14:

“Further information is required regarding the loss of parking before the local highway authority is able to provide a recommendation on this application.

We understand that the various community facilities on this site are within the applicant's ownership so they have a responsibility to ensure that sufficient parking is available for the use of these facilities to prevent parking on the adjacent public highway. We are aware of the arrangement in place for parents to use the car park to drop off their children who attend the nearby Oxon Primary School. However the landowner allows this parking on an informal basis and as the car park is privately owned, the landowner has no responsibility to provide parking for another facility outside their ownership.

We require the applicant to carry out a parking survey to establish the occupation of the car park and the available capacity. Data is required for normal working days, weekday evenings and at the weekend. We suggest that two sample working days and evenings between Tuesday and Thursday and weekend afternoons and evenings be surveyed. In our assessment of this data we will take into consideration any time periods which are affected by the school.”

Following this response the applicant carried out a survey of the car park on a normal school day with the results published in the supplied Highway/Parking Statement. The survey revealed that this car park is used almost exclusively for parents dropping off their children to Oxon School, presumably because this is the most convenient car park to use at the Pensfold community centre site. We understand that parents are encouraged to park at the Pensfold community centre by the school, as opposed to parking off Racecourse Lane due to safety considerations there. However no formal arrangements for this parking exist with the Pensfold community centre owners, who have no responsibility to provide parking for the school.

Whilst the proposed development if constructed will displace the existing parking,

we agree with the conclusions of the report that most if not all of the vehicles counted can be accommodated on the remaining car parking at the wider community centre site, in particular it is likely that the adjacent Onslow pub car park will not have many vehicles parked in it during school drop off and closing times. There is the possibility that some parked vehicles may be displaced by this development onto the surrounding public highways, but the fact remains that the owner of the car park could chose to restrict the school parking that occurs here at any time, irrespective of the proposal of any development. We understand that the site owners do not intend to restrict school parking on the site any time in the future and this could be considered to be in their best interests as the businesses occupying the site require the support of the local community. We therefore consider that if the development does go ahead, the parking will migrate to elsewhere on the car park and there should be little or no increase in parking on the surrounding public highways.

We note that 27 parking spaces have been proposed for the 14 units, which should be more than sufficient to accommodate parking for an affordable dwelling site. There does also appear to be space within the car park for some 'overspill' parking by residents/visitors if required.

The development proposes to use the existing community centre road for access, which we encouraged in early discussions regarding this development. We were keen not to see a further access created on to Pensfold as there is a lot of activity in this area.

4.1.3 **SC Affordable Houses:**

If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The current prevailing target rate for affordable housing in this area is 20% and therefore a development comprising 14 dwellings would necessitate a provision of 2.8. The whole units (2) would be provided on site and the remaining fraction as a financial contribution. However, the accompanying proforma notes that three affordable dwellings would be provided on site, thereby exceeding Policy requirements. The assumed tenure split of the affordable homes would be for 2 dwellings to be rental as per the SPD and the remaining one, low cost home ownership. There would be an expectation for the affordable dwellings to be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's Allocation Policy.

4.2 - **Public Comments**

4.2.1 11 letters of objection have been received summarised as follows:

Highways/Parking/Access

14 dwellings is over development of the site and will result in additional traffic
Insufficient parking for proposed dwellings
Loss of parking for parents who use this car park when dropping off and collecting children from school which will result in parking in the street and

congestion particularly in Racecourse Lane
 Loss of parking for the community centre and shops leading to more congestion and impact on highway and pedestrian safety
 The access is also used by delivery vehicles and increased traffic in addition to existing will impact on highway safety.
 Disputes the figures in the highway assessment and considers that the area cannot accommodate cars at the school drop off and pick up times without keeping this car park for that purpose. Considers that Shropshire Council should undertake its own traffic survey and also block off the car park for a day to assess the impact.

Impact on residential amenity

Overlooking of existing properties and loss of privacy
 Noise from the proposed properties affecting existing residents
 Destruction of an existing outlook of hedges and trees
 Devaluation of properties
 The adjacent funeral director business may affect future residents

4.2.2 **Shrewsbury Town Council** – Objects – Members felt strongly that a development of 14 dwellings is inappropriate and overdevelopment of this site. It is already a heavily congested area with traffic especially at peak times surrounding school drop offs/pick-ups and the new development would exacerbate this issue. Parking already spreads into Pensfold which blocks residents from entering/leaving their own property and at times prevents access to the shops. Deliveries to the businesses would be hampered and members were concerned for the safety of pedestrians, especially children, at these peak times. Members objected to the previous application for far less properties but their reasons against the application remain.

4.2.3 **Local member Cllr Adams:** Objects

1. The terraced houses are said to be in line with existing local ones. This may be true but planning ideas have moved on. Virtually all planning officers say that the layout of properties on Gains Park would not be allowed now, but this plan extends a failed idea. To see a better type of plan see the current ideas for Corner Farm Drive.

2. The justification used for building on the car park was that the owners could remove permission for use at any time, because it is their private land, but in the same document, it says the top part of the car park can be used instead. But this land is owned by the same people who could do the same with that. I find this intellectually incoherent, and insulting.

3. We know in practice this decision will cause traffic and parking problems, and virtually nothing has been done to support the school and local residents to cope here.

4.2.4 **West Mercia Police Crime Prevention Design Advisor** - . There are opportunities to design out crime and /or the fear of crime and to promote

community safety. The applicant should aim to achieve the Secured by Design (SBD) award status for this development. SBD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment, the scheme has a proven track record in crime prevention and reduction. The opportunity for crime to occur can be reduced by up to 75% if Secured By Design is implemented. The principles and standards of the initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Details can be found at www.securedbydesign.com Section 17 of the Crime and Disorder Act 1998 states that it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions of, and the need to do all that it reasonably can to prevent crime and disorder in its area.

5.0 THE MAIN ISSUES

Principle of development
Layout, scale, design and appearance
Impact on neighbouring properties
Access and parking
Developer Contributions

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The development will be situated in an established residential area within the urban development boundary of Shrewsbury. It is close to essential services and facilities that could be accessed by foot or by cycle and the Town Centre is readily accessible by public transport. The location of the development therefore accords with the NPPFs presumption in favour of sustainable development and the Shropshire LDF Policy CS2 that identifies Shrewsbury as the main focus for all new residential development. In addition it represents development of a brownfield site which is supported by the NPPF. This weighs heavily in favour of the development in addition to the provision of much needed smaller lower cost homes in addition to 3 affordable homes.

6.2 Layout, scale, design and appearance

6.2.1 The application when first submitted included a 3 storey building to provide 6 apartments but following officer advice this has been amended to a 2 storey building that reflects the scale and design of the semi-detached dwellings opposite. The row of 8 dwellings matches the footprint of the dwellings to the rear and offers a satisfactory amount of amenity space in keeping with and more than some properties in the locality. It is considered that the dwellings would not appear cramped on the site and will respect the context and pattern of the surrounding development and would not adversely impact on the character and appearance of the locality and therefore accords with CS6 in this respect.

6.3 Impact on neighbouring properties

6.3.1 Some residents are concerned that the proposed dwellings will result in noise and disturbance to existing residents but it is not considered that the noise from the use of the site for residential purposes would be any greater than its existing use as a car park. There is no right to a view and this and the concern about devaluation in property prices is not a material planning consideration. There is also concern that the proposal would result in overlooking and a loss of privacy. It is not considered that the relationship between the front of houses in Pensfold and the front elevation of the proposed apartment building is any greater than the relationship between the fronts of houses in this locality and a distance of between 18 and 20 metres is an acceptable distance between front facing elevations. Similarly the proposed row of 8 properties will be back to back with properties in The Paddocks and it is also considered that a separation distance of approximately 20 metres is also acceptable and more than the average distance of 17 metres between the rear elevations of existing properties in this locality. It is therefore considered that the proposal would not result in overlooking and a loss of privacy and would have no significant impact on existing residents.

6.3 Access and parking

6.3.1 Access to the site will be via the existing community centre road off Pensfold and Highways have no objection to this and do not wish to see an additional access created on to Pensfold. The proposal has been reduced from 14 to 12 and 24 parking spaces will be provided (2 for each dwelling) which is considered satisfactory and exceeds the parking standards. The majority of objection has been to the loss of part of this car park for public use and that it will result in congestion in the roads in the area at school drop off and pick up time. However this is a private car park and could be closed at any time and is not a material consideration to be taken into consideration when determining this application. However Highways did ask for a highway assessment and have commented that whilst the proposed development will displace the existing parking, considers that most if not all of the vehicles counted can be accommodated on the remaining car parking at the wider community centre site and that it is likely that the Onslow pub car park will not have many vehicles parked in it during school drop off and closing times. Has commented that there is the possibility that some parked vehicles may be displaced by this development onto the surrounding public highways, but that the owner of the car park could chose to restrict the school parking that occurs here at any time. It is considered that the proposal will not result in a significant increase in traffic, adequate parking for future occupiers and visitors will be provided, adequate parking will remain available for use by visitors to the Community Centre and shops and it is considered that the proposal would have no adverse highway implications.

6.4 Developer Contributions

6.4.1 CS11 requires that all new housing developments make a contribution to affordable housing and the relevant rate in this location is 20% which equates to 2.4. The applicant will either provide 3 affordable units on site or 2 whole units and a financial contribution for the balance. The proposal will also be liable to CIL and this could partly be used to address any perceived issue regarding parking for parents.

6.5 Drainage

- 6.5.1 SC drainage has confirmed that surface water drainage details can be conditioned and submitted for approval prior to commencement of development.

7.0 CONCLUSION

- 7.1 The development of this brownfield site is acceptable in principle providing 12 dwellings situated in a sustainable location within the urban area of Shrewsbury. The relevant AHC will be secured by a S106 including 2 or 3 units on site. It is considered that the dwellings would not appear cramped on the site and will respect the context of the surrounding development and would not adversely impact on the character and appearance of the locality or the amenity of neighbouring residents. A safe means of access exists and adequate parking will be provided. The loss of parking for parents during school drop off and pick up time is not material to the consideration of this application as the car park could be closed to public use at any time by the current owners. It is therefore considered that the proposal accords with the NPPF and Shropshire policies CS2, CS6 and CS11.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

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

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be

balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies: CS2, CS6 and CS11.

RELEVANT PLANNING HISTORY:

SA/04/0724/F - Erection of 7 No. 2 storey terraced houses, together with new vehicular and pedestrian access and parking area (amended description). REFUSED 29.07.2004

11. Additional Information

View details online:

List of Background Papers: File 14/04195/FUL
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Peter Adams
Appendices

APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- o the parking of vehicles of site operatives and visitors
- o loading and unloading of plant and materials
- o storage of plant and materials used in constructing the development
- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- o wheel washing facilities
- o measures to control the emission of dust and dirt during construction
- o a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

4. Prior to the commencement of development a surface water drainage strategy to include full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. The approved details shall be implemented prior to the first occupation of the dwellings.

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

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

5. No built development shall commence until details of all external materials, including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the external appearance of the development is satisfactory.

6. The parking and turning areas 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.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-

- extension to the dwelling
- addition or alteration to the roof
- any windows or dormer windows

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building.

This page is intentionally left blank



Committee and date

Central Planning Committee

21 May 2015

Development Management Report

Responsible Officer: Tim Rogers
 email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 15/00490/OUT	Parish:	Shrewsbury Town Council
Proposal: Outline application (access for approval) for residential development with demolition of existing buildings		
Site Address: Radbrook Campus College Gardens Shrewsbury Shropshire		
Applicant: Shropshire Council		
Case Officer: Jane Raymond		email: planningdmc@shropshire.gov.uk

Grid Ref: 347540 - 311683

© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2011 For reference purposes only. No further copies may be made.

Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a S106 to secure the relevant affordable housing contribution at the reserved matters stage and a financial contribution towards learning & skills.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to outline permission for residential development with demolition of some existing buildings to include means of access. The application has been submitted following pre-application consultation with the Council and a public consultation event.

2.0 SITE LOCATION/DESCRIPTION

2.1 The proposed development site is part of the former site of Radbrook College previously in Educational use. This application relates to the land owned by Shropshire Council which is the smaller part of the former college site adjacent to and accessed via the larger part of the Radbrook site to the West which is owned by the Radbrook Foundation. A separate application has been submitted concurrently with this application.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the application is made by the Council in relation to land owned by the Council which is not in line with statutory functions.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SC Highways DC

Recommendation:

The highway authority raises no objection to the granting of consent.

Key Issues:

Proposed change of use and impact upon traffic movements.

Proposed site access arrangements and transport options.

Background:

Two separate planning applications have been submitted for the residential development of the wider Radbrook College site due to the existing land ownership, however the respective applicants' have worked collaboratively to provide an access strategy to suit the wider site and the transport assessments provided reflects this combined approach. We understand that if the proposed development is granted planning consent then the owners will look to market the wider site as a single entity. Consequently we make these combined comments with respect to both applications numbered 15/00490/OUT (Shropshire Council) and 15/00491/OUT (Radbrook Foundation) respectively.

We were invited to early discussions with the applicants' over the proposed redevelopment of this site. It was agreed early on with the applicant that the existing use of the site generates (or has the potential to, considering the most recent reduced site occupation) a significant number of vehicle movements, however a transport assessment would be required to quantify and compare the existing use versus the proposed use in order to establish whether any further modelling work of the network would be required. The site access arrangements were also discussed and one of the main issues raised was the need to provide a suitable pedestrian crossing point over the A488 to the existing footway network located on the north-west side of Radbrook Road. There have been long-standing requests made to the local highway authority by the college for a crossing at this location, but unfortunately due to the topography and adjacent tree line this has not been feasible within the existing road layout. Therefore we requested that a revised site access layout be investigated to suit the residential use which incorporated a crossing point where possible, so a mini roundabout with a central refuge/splitter island was suggested. Therefore we are pleased to see this has been taken forwards by the applicant.

We understand that a proposed mini-roundabout junction is also supported by the existing residents of College Gardens and we support their views that this junction type will assist access to this site by controlling speeds along Radbrook Road and balancing out priorities at the junction. The proposed junction layout is accepted in principle, but is subject to approval of the engineering details at the reserved matters stage if the application is approved.

We have reviewed the supplied transport assessment(s) which has been based around surveys of the existing traffic movements at the site. Unfortunately the surveys were carried out during the past academic year when many of the existing courses had been relocated to the London Road campus. However the surveys are linked to a known occupation of the site so the transport planner has been able to factor up the results based around the known 'normal' occupation from previous academic years to offer an estimate of the traffic movements from the site. A trip rate estimate has been provided for the proposed residential use which has been derived from the TRICS database and has been validated against the survey of College Gardens carried out by the applicant, so a robust estimate of the number of vehicle trips has been used for comparison against the existing surveyed

movements. The results of the assessment demonstrate that the proposed residential use would generate a modest increase in vehicular trips in comparison to the actual surveyed vehicle movements. However when the surveyed movements are factored up for the 'normal' site occupation, the number of vehicular movements to and from the site exceeds the proposed residential use by some margin. Therefore from a transportation perspective it could be considered that the proposed residential use offers an improvement over the existing established use at the site even when considering that the movement patterns will differ between the two uses. We therefore agree with the assessment that no off-site local network modelling work is required.

As an urban site within the suburbs of Shrewsbury, the site benefits from good existing sustainable travel options and nearby facilities. However the addition of some fairly minor connections to the existing network is required. The proposed refuge crossing point mentioned above will provide a walking link to the existing network allowing people to walk towards the town centre and to destinations to the north of the town such as the hospital. The crossing will also allow people to conveniently access the existing bus routes along Radbrook Road, where stops are currently located immediately adjacent to the site. The site masterplan also makes reference to the construction of a link between the development and Spakham Close; this would provide an excellent link with the existing walking and cycle network along Bank Farm Rd and therefore the nearby schools and Radbrook Local centre. Due to the potential sustainable transport benefits this link will bring to the site, we have therefore requested a condition for this piece of fairly minor infrastructure (on application 15/00491/OUIT only). We confirm that the existing footways off Sparkham Close are highway maintainable at public expense and the open space here is registered to and maintained by Shrewsbury Town Council.

4.1.2 **SC Waste Management**

It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material). Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes. Recommends that the developer look at the guidance that waste management have produced, which gives examples of best practice. Some cul-de-sac's on the current masterplan have no turning area for refuse vehicles to turn meaning residents would have to present bins at the end of the road.

4.1.3 **SC Drainage**

The drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.

4.1.4 SC Conservation (Historic Environment)

Background to Recommendation:

Further to pre-application discussions and site meetings held last year, this application for outline permission for residential development of the former Radbrook College lands has now been submitted. The property was first developed in 1898 with the construction of the principal building on this site, the Shropshire Technical School for Girls, completed in 1902, along with a Lodge building contemporary to the principal structure at the entrance to the site at Radbrook Road. These buildings are not designated heritage assets (not statutorily listed) however we identified at our pre-application meetings that we consider these buildings to have a strong degree of local heritage value in terms of their architectural, historic, social and visual interest and we strongly recommended that these buildings be retained and sensitively adapted to a new use. Pevsner describes the main building, designed by C. R. Dalglish of Wellington, as having a 'nearly symmetrical three storey front, of red brick (and) gabled. Central stone colonnade of paired Doric columns. Semicircular tops to the gables and three pretty skyline lanterns enliven the otherwise too-masculine severity'. A third building, identified as Barnfield House on the 1902 Ordnance Survey Archival Maps, and now known as Walker House, remains on the site to the east of the main building, and due to its age and group value with the other original buildings, is also of some historic interest. We also met at an early stage with representatives from the Radbrook Culinary Museum formerly housed in the main building; this group holds many valuable archives relating to the property, its former use and former students, and they have indicated a strong desire to see the original buildings on the site retained as part of any redeveloped considered here.

Principles of Scheme:

As requested early in discussions about this site, a Heritage Statement has been prepared by Andrew Joseph Associates which identifies the heritage value of the buildings noted above. The proposal as submitted retains the main three storey section of the original school building as well as the lodge, with later extensions to the rear and modern extensions to the east removed from the proposal. In principle this is supported however it is preferable that the original single storey westerly wing running parallel with Radbrook Road is also retained as its removal could compromise the setting of the building as currently viewed from Radbrook Road. Should this wing be removed this would need to be dealt with very carefully, and all areas where original or early wings are to be demolished would need to be made good with like materials if this is agreed.

The main retained building is proposed to accommodate 13 flats according to the plans submitted. As there are features of interest within the building including the main stairs, stained glass and decorative plasterwork along with features of interest within the former principal's flat at the south end of the main building, we will need to see the proposed layout and finish of the apartments to assess whether it is sensitive to the original building. The conversion to residential needs to be completed to a high standard of detail with good quality materials and finishes; this

is also the case for the Lodge House. With respect to Walker House any extension to it would need to fully harmonise with the existing building in terms of details and materials.

We would also comment that this impressive building and the existing amenity areas on the site should act as the key features of this site and inform the development around it. The provision of adequate amenity space and the retention of all major trees are important to the setting of the heritage buildings and should set the tone for the entire development; as submitted there is a relatively high density of new buildings on the site which may compromise this setting. The new dwellings on these lands should be designed to a high standard of detail, materials and finishes that reflect the area and harmonise well with the nearby built form.

Both the Tree Team and Ecology Team should be consulted in terms of impacts on trees and amenity and any ecological matters that may be relevant and important on this site.

Recommendation:

We are pleased to see the retention of the main section of the original school building, the lodge and Walker House, but would recommend consideration of retention of the northerly wing which is part of the original school building and which forms current views into the site from Radbrook Road. We would raise some concern over the density and layout of the new buildings in terms of providing sufficient amenity area as part of the setting of the existing heritage buildings.

Additional comments:

Having visited the site again (23 April 2015) and viewed the end wing and single storey and two storey section that terminates the wing proposed to be removed generally agrees that this wing really has no significant merit compared to the principal building identified as being retained. Provided the full length of that principal building as shown on the plans is assured to be kept is satisfied with the applicant's approach. If then a future purchaser does wish to retain more of the building for reuse that would be fine too. The new buildings to the rear should however be of a higher quality of design and incorporate materials and some design features that tie them in well with the existing building being retained.

4.1.5 **SC Trees**

There are a number of trees on this site and an Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has identified 147 individual and groups of trees which have been assessed in accordance with BS 5837 (2012) and includes a categorisation of the trees based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree

and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate.

The application is for outline planning permission and the AIA indicates that if the site is accessed and developed in accordance with the submitted indicative masterplan there would be a loss of 57 trees, 18 of which are for reasons of their condition and should be removed irrespective of the development. The remainder are category C trees which would be removed to facilitate the development. The loss of these specimens would not significantly impact on the amenity of the area and would be acceptable providing that new landscape planting was provided as part of the scheme and that the amount to tree planting was commensurate with the loss. The AIA also notes that a further 6 trees, all category B will be impacted by the development as proposed. These are listed as T4, T28, T40, T42, T75 & T76 although it is noted that T27 appears to be a cat B tree affected not T28. From consideration of the plans it would also appear that an additional cat B tree, (T1 oak at the front of the site) would also be impacted by the development as a result of the construction of the round-about and new crossings and foot paths. The loss of the category B trees would have a moderate impact on the amenity of the area, although this could reasonably be mitigated through a new landscape planting scheme.

It is considered that, in its current format the proposed development would have a low ' moderate impact on the arboricultural features of the local area, this would reduce to insignificant in the longer term providing a suitable landscape planting scheme was prepared and implemented.

No objection is raised to the application at this stage. The final layout must take account of the tree constraints identified in the AIA and make provision to accommodate all retained trees within the site design. The final site layout submitted as Reserved Matters, must be supported with an updated version of the AIA and assessing any impacts that arise and demonstrating that any retained trees can be protected to the minimum standards recommended in BS5837: 2012. Landscape planting proposals must also be provided.

4.1.6 **SC Ecologist**

The following supporting documents have been submitted:

- ❑ Ecological Survey – Radbrook Campus by Red Kit Network Ltd dated January 2015
- ❑ Bat Survey Summary by Treetec July 2014
- ❑ Feedback on ecology comments by Red Kite dated 12th April 2015
- ❑ Great Crested Newt HSI Red Kite May 2015
- ❑ Outline Bat Mitigation Strategy by Red Kite dated May 2015
- ❑ Preliminary Bat Roost Assessment by Red Kit dated May 2015

Bats

Red Kite visited Walker House (on the Shropshire Council application site) in early May 2015 and still considers there is low (but not no) potential for bat roosts. The internal roof void that was accessible contained no evidence of bats or potential roost locations. The T91 group of trees have been subject to an aerial inspection, which found low potential for bats.

Red Kite advise that an EPS licence from Natural England would be necessary for conversion of the main campus building (on the Radbrook Foundation site) but from the information submitted a licence would not be required for the 15/00490/OUT application.

The Bat Mitigation Strategy (May 2015) gives the strategy to be adopted towards bat survey and mitigation as part of the Reserved Matters. Adequate survey information is considered to have been collected to inform this outline planning application. Recommends a condition and informative.

Newts

Updated Habitat Suitability Index scores have been provided by Red Kite (May 2015). The HSI scores are not given hence I have inserted the figures into the Natural England GCN Method Statement spreadsheet.

Having viewed these ponds recently I have changed the figures for fowl, fish and pond count. Being temporary water bodies none of the ponds are likely to support fish. A conservative estimate of ponds within 1km without major barriers such as main roads or rivers of 3 has been adopted.

Pond ref	1	2	3
SI1 - Location	1	1	1
SI2 - Pond area	0.05	0.05	0.05
SI3 - Pond drying	0.1	0.1	0.1
SI4 - Water quality	0.01	0.67	0.01
SI4 - Shade	0.25	0.6	0.25
SI6 - Fowl	1	0.67	1
SI7 - Fish	1	1	1
SI8 - Ponds	0.55	0.55	0.55
SI9 - Terr'l habitat	0.67	0.67	0.67
SI10 - Macrophytes	0.3	0.3	0.3
HSI	0.26	0.41	0.26

The results indicate suitability for great crested newts of all the considered ponds of 'poor'. I therefore concur that no presence/absence surveys are necessary. Recommends an informative.

Nesting birds

Red Kite report that there is a colony of swifts nesting on the main campus building. It is recommended that a mitigation plan for swifts considering the detailed restoration proposals should be conditioned. The trees, scrub and hedgerow are all bird nesting habitat and therefore it is recommended these are only removed outside of the bird breeding season. Recommends an informative. The recommended Landscape and Habitat Management Plan should include measures to retain and enhance bird nesting habitats.

Environmental Networks

The application site contains existing areas of open space, particularly the woodland in the southern part of the Radbrook Foundation site that should be retained and enhanced. With new residential development these areas will be subject to much increased recreational use. As Red Kite advise, proactive management of the woodland and scrub areas will be able to diversify the species and vegetation structure of these areas. This will require the integrated landscape and habitat management plan recommended by Red Kite. Recommends a condition.

Badgers

Although there were no badger setts present on or close to the application site, animals may cross the site. Recommends an informative.

Reptiles

The habitat on site was considered to be sub-optimal for reptiles in spring/summer 2014. Red Kite advise that a reassessment of this potential should be carried out for the reserved matters application if this is 2016 onwards.

4.1.7 SC Affordable Houses

If this site is deemed suitable for residential development, then there would be a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full or Reserved Matters application. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. If this site is deemed suitable for residential development, then the number, size, type and tenure of the on-site affordable units must be discussed and agreed with the Housing Enabling Team before an application is submitted.

4.1.8 SC Learning & Skills

Shropshire Council Learning and Skills reports that the local schools are at capacity

and forecast to remain that way for the foreseeable future. It is therefore essential that the developers of this and any new housing in this area of town contribute towards the consequential cost of any additional places/facilities considered necessary at those schools.

4.2 - Public Comments

4.2.1 **Shrewsbury Town Council** - Members did not object to the principle of developing this site but would like to see community open space incorporated into the design.

4.2.2 **West Mercia Constabulary** - There are opportunities to design out crime and /or the fear of crime and to promote community safety. The applicant should aim to achieve the Secured by Design (SBD) award status for this development. SBD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment, the scheme has a proven track record in crime prevention and reduction. The opportunity for crime to occur can be reduced by up to 75% if Secured By Design is implemented. The principles and standards of the initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Section 17 of the Crime and Disorder Act 1998 which clearly states:

It shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions of, and the need to do all that it reasonably can to prevent crime and disorder in its area.

4.2.2 23 letters of objection and 3 representations have been received summarised as follows:

- ☐ Concerned about landslip due to land being higher than properties in Perivale Close and High Ridge Way.
- ☐ Due to being on higher ground careful consideration needs to be given to any new properties built close to boundaries with existing properties and should be single story where the land is considerably higher.
- ☐ The ground between Walker House and College gardens indicated to become a car park is one metre higher and needs to be adequately screened to protect privacy
- ☐ Concerned about drainage from one of the ponds near to land in Perivale Close.
- ☐ Concerned drainage will affect properties in High Ridge Way

- ☐ Consideration is needed to ensure the proposed position of the mini roundabout has a safe sight path from both directions and to ensure that the proposal is a practical option for the larger vehicles which will need to use it to service the site.
- ☐ Highway safety due to increased traffic at the proposed mini roundabout
- ☐ Existing footpath access through College Gardens to the Radbrook Centre and Torrin Drive is not a public right of way and is under private ownership and maintained at the expense of the residents of College Gardens.
- ☐ Serious consideration should be put to the standard of apartments to be developed within the main Radbrook College building and Walker House
- ☐ Loss of trees and impact on wildlife
- ☐ The proposed number of houses appears much higher than indicated at the public consultation event.
- ☐ The density is too high and out of character with both the old and new development in the surrounding area.
- ☐ The A488 should not be included in the calculations regarding the size of the site and the density of development.
- ☐ The Masterplan claims a density ranging from 24 - 30 dpha across the 2 sites of 5.78ha but if only the buildable area of 4.2ha (excluding open space and woodland) is used then the actual figures for the current plan are 35 dpha for 147 houses and 39 dpha for 165 houses.
- ☐ In comparison the Darwin's Walk (Barratt) site to the west of Hanwood Road has a gross area (including all open spaces/woodland etc) of 5.9ha and the 118 houses on this development represents a density of 20 dpha. If the same dpha figure is applied to the gross area of the combined Radbrook sites (5.5 ha) then the total number of houses would be 110.
- ☐ 110 should be the target number to enable the development to sensitively respect the local environment, character and setting of the area. A lower density scheme would minimise the impact of the development and retain the sense of openness valued by local residents.

- ☐ The Council has a responsibility to promote health and a healthy environment through the built environment and the quality of building design, ease of access for disabled people and out- door space considerations e.g. gardens and communal places should be the touch stone principles for this development.
- ☐ Suggests that the following objects in the College’s ‘memorial garden’ area should be safeguarded during the construction period and relocated in an area adjacent to the redeveloped College building:

- a memorial stone bearing plaques with details of former principals;
- 2 garden benches dedicated to former staff;
- a flowering cherry tree with a dedication

5.0 THE MAIN ISSUES

Principle of development

Highways/Access/Footpath

Scale, appearance and layout

Impact on residential amenity

Trees, landscaping and open space

Ecology

Drainage

Developer contributions / AHC / CIL / Infrastructure

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The site is situated in an established residential area within the urban development boundary of Shrewsbury. It is close to essential services and facilities that can be accessed by foot or by cycle and the Town Centre is also readily accessible by public transport. The location of the development therefore accords with the NPPFs presumption in favour of sustainable development and the Shropshire LDF Policy CS2 that identifies Shrewsbury as the main focus for all new residential development. In addition it represents development of a predominantly brownfield site making optimum use of previously developed land which is supported by the NPPF.

6.2 Highways/Access/Footpath

- 6.2.1 The proposal includes access onto the A488 (Radbrook Road) by means of a proposed mini roundabout with a central refuge/splitter island. Highways have confirmed that this junction type will assist access to this site by controlling speeds along Radbrook Road and balancing out priorities at the junction and will provide a suitable pedestrian crossing point over the A488 to the existing footway network located on the north-west side of Radbrook Road. Some residents have commented that visibility might not be good at the proposed access and that the mini-roundabout is not suitable for larger vehicles. However Highways have no objections to the proposed access subject to the approval of the engineering details at the reserved matters stage if this outline application is approved.
- 6.2.3 Concern has been raised about the increased traffic at the junction due to the new development and a Transport Assessment has been submitted to quantify and compare the existing use versus the proposed use. Highways have reviewed the transport assessment and have confirmed that the results of the assessment demonstrate that the proposed residential use would generate a modest increase in vehicular trips in comparison to the actual (present day) surveyed vehicle movements. However when the surveyed movements are factored up for the 'normal' site occupation (when the site was in full use as a college) the number of vehicular movements to and from the site exceeds the proposed residential use by some margin. Therefore the proposed residential use offers an improvement over the existing established use at the site even when considering that the movement patterns will differ between the two uses.
- 6.2.2 Some residents have commented that the proposed layout does not provide adequate footpath links from the site to Torrin Drive and the Radbrook Centre and future residents would inevitably use the existing footpath through College Gardens which is not a public right of way and is under private ownership and maintained at the expense of the residents of College Gardens. Layout (which would include the provision of footpath links) is a matter reserved for later approval and would be finalised at this stage. However the indicative layout does indicate that a footpath link could be provided to link up with the existing footpath to Torrin Drive without needing to access College Gardens. A condition can be imposed which requires any reserved matters application to include a footpath/cycleway up to the South East corner of the boundary of the application site adjacent to Walker House.

6.3 **Scale, appearance and layout**

- 6.3.1 The siting, layout scale and appearance are all reserved for later approval but an indicative layout (Masterplan) has been submitted that covers both sites. For the Shropshire Council site the indicative layout indicates that all of the existing buildings will be demolished other than Walker House that is indicated to be converted to 7 flats, and that 30 new dwellings will be erected comprising a mix of detached and semi-detached properties. The Radbrook Foundation site indicates 96 new dwellings and retention of the Lodge House and conversion of the main college building to provide 13 flats following demolition of all other buildings. The Conservation Officer originally commented that it would be preferable for the original single storey westerly wing running parallel with Radbrook Road to be

retained as its removal could compromise the setting of the building as currently viewed from Radbrook Road. However the Conservation Officer has visited the site again and having viewed the end wing and single storey and two storey section that terminates the wing proposed to be removed has confirmed that it has no significant merit compared to the principal building identified as being retained. The layout plan including buildings to be demolished is indicative but a condition can be imposed to state that the outline consent does not give consent for the demolition of Walker House, the Principal College building and Lodge House.

6.3.2 The Conservation Officer has commented that a high density of new buildings might compromise the setting of the heritage buildings to be retained and some local residents have raised concern about the density of the development and that the number of houses is too high and not in keeping with the layout and density of housing in the locality. This proposal is outline only and does not include layout but if it is considered appropriate members could impose a condition regarding the maximum number of dwellings or the density per hectare across both sites. The indicative layout indicates a total of 147 units including 127 dwellings and 20 flats and open space provision of approximately 1.4ha, which exceeds the policy requirement of 1.14hectares. It is considered that the indicative layout demonstrates that the site can satisfactorily accommodate the number of new dwellings indicated without the site appearing cramped and over developed and that adequate open space provision can be provided and that satisfactory distances and a sense of openness can be maintained around the buildings to be retained. The agent has confirmed that the indicative layout provides for around 37m face to face from the front of the old school building to the new houses opposite and a row of trees in the green space retained in front. The setting to the north will be largely unchanged and the indicative layout indicates 20m from the southern gable to the nearest house and the same to the rear where the wings are to be removed which will open up the rear area where a new road is indicated which will be landscaped. The Lodge House setting will change little and will be enhanced with a larger garden following the removal of the existing access road. The space around Walker House is also generous and existing green space and trees are indicated to be retained in front.

6.3.3 With regards to specific issues raised by the residents of College Gardens which state that the density is too high and that that there should only be 110 units across both sites, comparable to the Barratt development at Hanwood Road (Darwins Walk) which measures 20 dpha gross and 29 dpha net the agent has provided the following comprehensive response:

- *The amount of dwellings illustrated is 147 units on 5.78 ha gross/4.38 ha net = 25 dpha gross/33.5 dpha net with up to 165 dwellings applied for giving a maximum of 28.5 dpha gross/37.6 net. This is higher than the Barratt scheme (although not significantly), however the site is reusing brownfield land within the settlement boundary rather than building on a greenfield site on the edge of the town. The Barratt DAS (page 4) makes the point: "As an edge of settlement location, this DPH level offers lower than average development density. This is intended to provide a gradual*

- transition between the existing urban grain and the agricultural land beyond the proposal site.” This reinforces the fact that the Barratt density is lower than average due to the location and site character. This should not apply to the Radbrook site since it is more urban in character and location. Furthermore the NPPF (para 58) provides an obligation to “optimise the potential of the site to accommodate development”. If the density was reduced the potential of the site would not be optimised.*
- *Numerical density is a crude measure in any case and doesn't take account of house types and design. The Barratt site is composed entirely of single family houses. The Radbrook site has retained heritage buildings which will be converted to flats. This will raise the density figure as there are more units on a compact footprint than if the area was single family houses. There are also terraced houses shown close to the old school for character reasons which again raises the numerical density. The arrangement of the remainder of the houses on the site however is mainly single family house not dissimilar in form to the Barratt scheme in any case.*
 - *There is still a sense of openness on the site and the amenity space shown is above the policy standard.*
 - *The lower density houses are shown adjacent to existing houses and with sufficient separation to avoid any harmful impact on amenity.*
 - *The layout is in any case illustrative and will be reserved to ensure there is no harmful impact.*
 - *The point made about the increase in density from the consultation event doesn't tell the whole story. The submitted masterplan shows Walker House converted to 7 flats rather than just one house on the consultation plan. This is due to removing the two houses adjacent to take account of residents' concerns and instead converting Walker House to flats and making use of the area adjacent as parking for the converted flats. There are also about 5 more houses shown due to greater efficiencies in the layout however these have little or no impact on adjacent residents, who are not College Gardens residents in any case. The Masterplan is broadly similar to the consultation event with the changes made in response to residents' concerns. In terms of buildings adjacent to College Gardens the removal of the two units next to Walker House should be an improvement, otherwise it is largely unchanged.*

It is agreed with the agent that the density of development indicated on the illustrative Masterplan is appropriate for this site. However the exact layout and the number of dwellings and density of development will not be determined until the reserved matters stage.

6.4 Impact on residential amenity

6.4.1 The new build dwellings have the potential to impact on existing residents due to being in close proximity to existing dwellings and therefore appearing overbearing and obtrusive or resulting in overlooking and a loss of privacy. This is of particular concern with regards to buildings proposed to be built close to boundaries that are on higher ground (the rear of properties in High Ridge Way, Perivale Close and Aspen Grove for example). Indeed the Masterplan indicates 'Care with scale and positioning of houses to minimise impact on neighbours' in relation to the development close to the boundary with High Ridge Way and Perivale Close properties. The exact scale, design and location of the buildings will not be determined until the Reserved Matters stage but it is considered that the indicative layout illustrates that the site can be developed with the number of dwellings indicated whilst providing generous open space and adequate separation distances between existing and proposed dwellings.

6.5 Trees, Landscaping and open space

6.5.1 Landscaping is a matter reserved for later approval but the proposed indicative layout indicates adequate landscaped open space across both sites for the number of dwellings proposed. The open space proposed is natural and semi-natural open space and at the pre-application stage it was identified that recreational space and equipped play areas would not be required on site as there are 3 play areas within a 10 minute walk of the site. A condition will be imposed to ensure that a detailed landscaping scheme to include a landscape and habitat management plan is submitted as part of the first application for reserved matters.

6.5.2 An arboricultural report and tree survey plans have been submitted which indicates that across both sites up to 57 trees would be removed. The trees have been assessed in accordance with the British Standard Classification and given an overall grading (A, B, C or U) with U being the lowest category that indicates trees which should be removed for reasons of sound arboricultural management. The tree officer has reviewed the information and agrees with the categorisation of the trees. The indicative layout indicates the loss of 18 category U trees, 33 category C trees and 6 category B trees. The tree officer has confirmed that the loss of the category C trees is acceptable and would not significantly impact on the amenity of the area and would be acceptable providing that new landscape planting was provided as part of the scheme and that the amount of tree planting was commensurate with the loss. The tree officer has also confirmed that the loss of 6 category B trees would have a moderate impact on the amenity of the area but that this could reasonably be mitigated through a new landscape planting scheme. No category A trees are proposed to be removed. The exact number of trees to be removed will not be determined until the Reserved matters stage but it is considered that in its current format the proposed development would have a low to moderate impact on the arboricultural features of the local area which would reduce to insignificant in the longer term providing a suitable landscape planting scheme was prepared and implemented. There is no objection to the proposal on the grounds of the loss of trees subject to a condition being imposed to ensure that the final site layout submitted at the Reserved Matters stage is supported with a

detailed landscaping proposal and an updated version of the AIA and tree protection measures demonstrating that any retained trees can be protected.

6.6 Ecology

6.6.1 Ecology have reviewed all the submitted information and have confirmed that no additional survey work is required at this stage. There is low potential for bat roosts on the Shropshire Council site and the Bat Mitigation Strategy (May 2015) gives the strategy to be adopted towards bat survey and mitigation as part of the Reserved Matters application but an EPS licence will not be required. The ponds on and within 1000m of the site are considered poor for suitability for great crested newts. There is potential for the site to be used by badgers, birds and reptiles and the informatives and conditions suggested by the ecologist (including landscaping) will ensure their protection and ecological enhancement of the site.

6.7 Drainage

6.7.1 Some residents have raised concern about the difference in ground levels and the proximity of ponds to boundaries and how this development and surface water drainage might affect their properties. A FRA and Drainage Strategy and Foul Water and Utilities statement have been submitted that indicates that foul water drainage from the developed site will discharge, via a gravity or pumped main connection, directly to the existing sewerage network within the site area, subject to formal approval from Severn Trent Water and that surface water drainage will be to soakaways and include attenuation ponds. As this is an outline application an exact drainage strategy cannot be proposed at this stage and the Councils drainage officer has commented that detailed surface water drainage information can be submitted at the reserved matters stage and recommends appropriate conditions to be imposed. Full drainage details will in any case be considered as part of an application for Building Regulation approval.

6.8 Developer contributions / AHC / CIL / Infrastructure

6.8.1 The proposal is outline only but due to the likely number of dwellings affordable housing will be provided on site and the amount will be determined by the target rate at the time of the submission of an application for Reserved matters. This will be secured by a S106 in accordance with CS11 and the Housing SPD. At the current rate of 20% a development of 37 houses (on this Shropshire Council site) would include 7 affordable homes on site and the balance as a financial contribution. The proposal will also be liable for a CIL payment towards infrastructure but due to the amount of floor area of the buildings to be demolished (which might be CIL deductible) the CIL contribution will be low. Education have identified that there is a shortage of both primary and secondary school places in the area and therefore an additional developer contribution towards education is being sought to be secured by a S106.

7.0 CONCLUSION

7.1 Residential development of this site is acceptable in principle being located in a sustainable location within the urban development boundary for Shrewsbury and would make good use of a brownfield site. Layout, scale, appearance and landscaping (including the provision of open space, footpath links and the protection of trees to be retained) are reserved for later approval but it is considered that an acceptable and appropriately designed development could be achieved that would have no significant adverse impact on residential amenity and would not result in significant or demonstrable harm to the character and appearance of the locality and the setting of buildings to be retained. It is considered that a satisfactory means of access can be provided and the proposal would have no adverse highway or ecological implications subject to conditions being imposed. Appropriate affordable housing provision and additional developer contributions towards education can be secured by a S106 agreement. It is therefore considered that the proposal accords with Shropshire LDF policies CS1, CS2, CS6, CS11, and CS17 and the aims and provisions of the NPPF.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol

Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies: CS1, CS2, CS6, CS11 and CS17

11. Additional Information

List of Background Papers: File 15/00490/OUT
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Keith Roberts
Appendices APPENDIX 1 – Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. Approval of the details of the siting, design and external appearance of the development 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.

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2010 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. This permission does not purport to grant consent for the layout shown on the deposited Illustrative Masterplan IM-01 REV H submitted with this application and does not give consent for the demolition of existing buildings.

Reason: To enable the Local Planning Authority to consider the siting of the development and the buildings to be retained when the reserved matters are submitted.

5. As part of the Reserved Matters a landscape and habitat management plan shall be submitted to and approved by the local planning authority. The plan shall include:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Planting plans, including wildlife habitat and features (e.g. hibernacula)
- g) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- h) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties)

- i) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
 - j) Implementation timetables
 - k) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
 - l) Personnel responsible for implementation of the plan;
 - m) Monitoring and remedial/contingencies measures triggered by monitoring.
- The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

6. As part of the Reserved Matters a Final Bat Mitigation Strategy shall be submitted, which must comply with the principals set out in the Outline Bat Mitigation Strategy by Red Kite dated May 2015, including submission of a revised Preliminary Bat Roost Assessment, lighting, landscaping and artificial bat roosts.

Reason: To ensure the protection of bats, a European Protected Species

7. As part of the first application for reserved matters the submitted site layout plan shall be supported by an updated Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan prepared in accordance with BS 5837 (2012) assessing any impacts that arise and demonstrating that any retained trees can be protected to the minimum standards recommended in BS5837: 2012. Thereafter the development shall be carried out strictly in accordance with the recommendations within these reports.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

8. As part of the Reserved Matters the layout plan shall include the provision of a footpath/cycleway up to the boundary of the application site to the South East of Walker House to enable a footway/cycleway link be provided between the proposed development site and the existing footpath to Torrin Drive. The approved footway/cycleway shall be constructed and made available for public use prior to the first occupation of the dwellings hereby approved.

Reason: to provide a convenient link to the existing walking and cycle network and to encourage more sustainable trips to and from the development.

9. As part of the first submission for approval of Reserved Matters details of the proposed SuDS including full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways and information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility for future maintenance shall be submitted for approval. The approved scheme shall be fully implemented prior to the first occupation of the dwellings hereby approved and maintained for the lifetime of the development in accordance with the approved details.

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner and to ensure that the drainage system remains in good working order throughout its lifetime.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

10. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- ' the parking of vehicles of site operatives and visitors
- ' loading and unloading of plant and materials
- ' storage of plant and materials used in constructing the development
- ' the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- ' wheel washing facilities
- ' measures to control the emission of dust and dirt during construction
- ' a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

11. Prior to their construction details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water shall be submitted to, and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory access to the site.

CONDITION(S) THAT REQUIRE APPROVAL PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

12. The proposed mini-roundabout junction with the site access road and the A488 Radbrook Road shall be fully implemented in accordance with the approved design and opened to the public prior to the first occupation of the dwellings hereby approved.

Reason: In the interests of highway safety.



Committee and date

Central Planning Committee

21 May 2015

Development Management Report

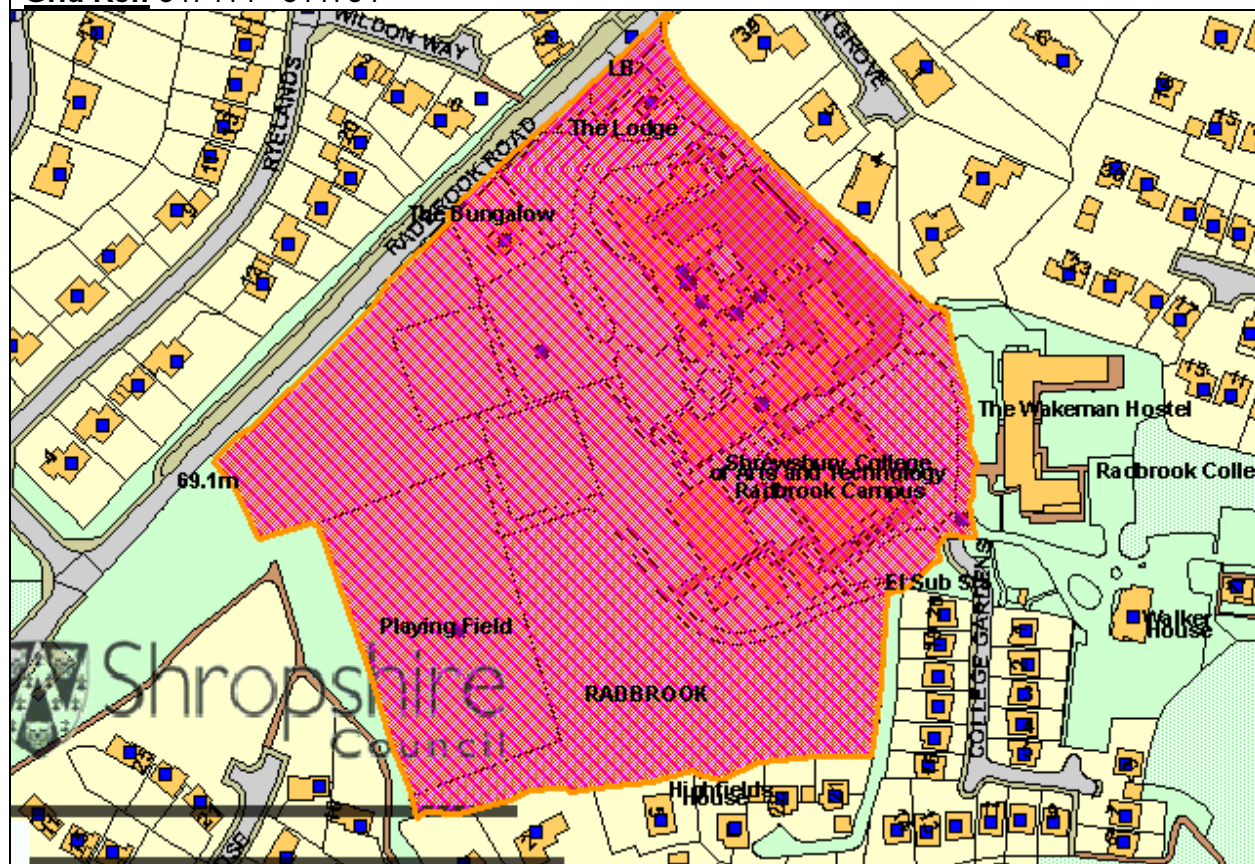
Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 15/00491/OUT	Parish:	Shrewsbury Town Council
Proposal: Outline application for residential development including partial demolition of buildings to include means of access		
Site Address: Radbrook Centre Radbrook Road Shrewsbury Shropshire SY3 9BJ		
Applicant: Mr Christopher Yaxley		
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk	

Grid Ref: 347414 - 311754



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2011 For reference purposes only. No further copies may be made.

Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a S106 to secure the relevant AHC at the reserved matters stage and a financial contribution towards education .

REPORT

1.0 THE PROPOSAL

1.1 This application relates to outline permission for residential development with demolition of some existing buildings to include means of access. The application has been submitted following pre-application consultation with the Council and a public consultation event.

2.0 SITE LOCATION/DESCRIPTION

2.1 The proposed development site is part of the former site of Radbrook College previously in Educational use. This application relates to the land owned by the Radbrook Foundation which is the larger part of the former college site adjacent to the smaller part of the Radbrook site to the East which is owned by Shropshire Council. A separate application has been submitted concurrently with this application.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the application relates to land which is part of a larger masterplan for development of the whole of the Radbrook site part of which is land owned by the Council which is not in line with statutory functions.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SC Highways DC

Recommendation:

The highway authority raises no objection to the granting of consent.

Key Issues:

Proposed change of use and impact upon traffic movements.

Proposed site access arrangements and transport options.

Background:

Two separate planning applications have been submitted for the residential development of the wider Radbrook College site due to the existing land ownership, however the respective applicants' have worked collaboratively to provide an access strategy to suit the wider site and the transport assessments provided reflects this combined approach. We understand that if the proposed development is granted planning consent then the owners will look to market the wider site as a single entity. Consequently we make these combined comments with respect to both applications numbered 15/00490/OUT (Shropshire Council) and 15/00491/OUT (Radbrook Foundation) respectively.

We were invited to early discussions with the applicants' over the proposed redevelopment of this site. It was agreed early on with the applicant that the existing use of the site generates (or has the potential to, considering the most recent reduced site occupation) a significant number of vehicle movements, however a transport assessment would be required to quantify and compare the existing use versus the proposed use in order to establish whether any further modelling work of the network would be required. The site access arrangements were also discussed and one of the main issues raised was the need to provide a suitable pedestrian crossing point over the A488 to the existing footway network located on the north-west side of Radbrook Road. There have been long-standing requests made to the local highway authority by the college for a crossing at this location, but unfortunately due to the topography and adjacent tree line this has not been feasible within the existing road layout. Therefore we requested that a revised site access layout be investigated to suit the residential use which incorporated a crossing point where possible, so a mini roundabout with a central refuge/splitter island was suggested. Therefore we are pleased to see this has been taken forwards by the applicant.

We understand that a proposed mini-roundabout junction is also supported by the existing residents of College Gardens and we support their views that this junction type will assist access to this site by controlling speeds along Radbrook Road and balancing out priorities at the junction. The proposed junction layout is accepted in principle, but is subject to approval of the engineering details at the reserved matters stage if the application is approved.

We have reviewed the supplied transport assessment(s) which has been based around surveys of the existing traffic movements at the site. Unfortunately the surveys were carried out during the past academic year when many of the existing courses had been relocated to the London Road campus. However the surveys are linked to a known occupation of the site so the transport planner has been able to factor up the results based around the known 'normal' occupation from previous academic years to offer an estimate of the traffic movements from the site. A trip rate estimate has been provided for the proposed residential use which has been derived from the TRICS database and has been validated against the survey of College Gardens carried out by the applicant, so a robust estimate of the number of

vehicle trips has been used for comparison against the existing surveyed movements. The results of the assessment demonstrate that the proposed residential use would generate a modest increase in vehicular trips in comparison to the actual surveyed vehicle movements. However when the surveyed movements are factored up for the 'normal' site occupation, the number of vehicular movements to and from the site exceeds the proposed residential use by some margin. Therefore from a transportation perspective it could be considered that the proposed residential use offers an improvement over the existing established use at the site even when considering that the movement patterns will differ between the two uses. We therefore agree with the assessment that no off-site local network modelling work is required.

As an urban site within the suburbs of Shrewsbury, the site benefits from good existing sustainable travel options and nearby facilities. However the addition of some fairly minor connections to the existing network is required. The proposed refuge crossing point mentioned above will provide a walking link to the existing network allowing people to walk towards the town centre and to destinations to the north of the town such as the hospital. The crossing will also allow people to conveniently access the existing bus routes along Radbrook Road, where stops are currently located immediately adjacent to the site. The site masterplan also makes reference to the construction of a link between the development and Spakham Close; this would provide an excellent link with the existing walking and cycle network along Bank Farm Rd and therefore the nearby schools and Radbrook Local centre. Due to the potential sustainable transport benefits this link will bring to the site, we have therefore requested a condition for this piece of fairly minor infrastructure (on application 15/00491/OUIT only). We confirm that the existing footways off Sparkham Close are highway maintainable at public expense and the open space here is registered to and maintained by Shrewsbury Town Council.

4.1.2 **SC Waste Management**

It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material). Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes. Recommends that the developer look at the guidance that waste management have produced, which gives examples of best practice. Some cul-de-sac's on the current masterplan have no turning area for refuse vehicles to turn meaning residents would have to present bins at the end of the road.

4.1.3 **SC Drainage**

The drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.

4.1.4 SC Conservation (Historic Environment)

Background to Recommendation:

Further to pre-application discussions and site meetings held last year, this application for outline permission for residential development of the former Radbrook College lands has now been submitted. The property was first developed in 1898 with the construction of the principal building on this site, the Shropshire Technical School for Girls, completed in 1902, along with a Lodge building contemporary to the principal structure at the entrance to the site at Radbrook Road. These buildings are not designated heritage assets (not statutorily listed) however we identified at our pre-application meetings that we consider these buildings to have a strong degree of local heritage value in terms of their architectural, historic, social and visual interest and we strongly recommended that these buildings be retained and sensitively adapted to a new use. Pevsner describes the main building, designed by C. R. Dalglish of Wellington, as having a 'nearly symmetrical three storey front, of red brick (and) gabled. Central stone colonnade of paired Doric columns. Semicircular tops to the gables and three pretty skyline lanterns enliven the otherwise too-masculine severity'. A third building, identified as Barnfield House on the 1902 Ordnance Survey Archival Maps, and now known as Walker House, remains on the site to the east of the main building, and due to its age and group value with the other original buildings, is also of some historic interest. We also met at an early stage with representatives from the Radbrook Culinary Museum formerly housed in the main building; this group holds many valuable archives relating to the property, its former use and former students, and they have indicated a strong desire to see the original buildings on the site retained as part of any redeveloped considered here.

Principles of Scheme:

As requested early in discussions about this site, a Heritage Statement has been prepared by Andrew Joseph Associates which identifies the heritage value of the buildings noted above. The proposal as submitted retains the main three storey section of the original school building as well as the lodge, with later extensions to the rear and modern extensions to the east removed from the proposal. In principle this is supported however it is preferable that the original single storey westerly wing running parallel with Radbrook Road is also retained as its removal could compromise the setting of the building as currently viewed from Radbrook Road. Should this wing be removed this would need to be dealt with very carefully, and all areas where original or early wings are to be demolished would need to be made good with like materials if this is agreed.

The main retained building is proposed to accommodate 13 flats according to the plans submitted. As there are features of interest within the building including the main stairs, stained glass and decorative plasterwork along with features of interest within the former principal's flat at the south end of the main building, we will need to see the proposed layout and finish of the apartments to assess whether it is sensitive to the original building. The conversion to residential needs to be completed to a high standard of detail with good quality materials and finishes; this

is also the case for the Lodge House. With respect to Walker House any extension to it would need to fully harmonise with the existing building in terms of details and materials.

We would also comment that this impressive building and the existing amenity areas on the site should act as the key features of this site and inform the development around it. The provision of adequate amenity space and the retention of all major trees are important to the setting of the heritage buildings and should set the tone for the entire development; as submitted there is a relatively high density of new buildings on the site which may compromise this setting. The new dwellings on these lands should be designed to a high standard of detail, materials and finishes that reflect the area and harmonise well with the nearby built form.

Both the Tree Team and Ecology Team should be consulted in terms of impacts on trees and amenity and any ecological matters that may be relevant and important on this site.

Recommendation:

We are pleased to see the retention of the main section of the original school building, the lodge and Walker House, but would recommend consideration of retention of the northerly wing which is part of the original school building and which forms current views into the site from Radbrook Road. We would raise some concern over the density and layout of the new buildings in terms of providing sufficient amenity area as part of the setting of the existing heritage buildings.

Additional comments:

Having visited the site again (23 April 2015) and viewed the end wing and single storey and two storey section that terminates the wing proposed to be removed generally agrees that this wing really has no significant merit compared to the principal building identified as being retained. Provided the full length of that principal building as shown on the plans is assured to be kept is satisfied with the applicant's approach. If then a future purchaser does wish to retain more of the building for reuse that would be fine too. The new buildings to the rear should however be of a higher quality of design and incorporate materials and some design features that tie them in well with the existing building being retained.

4.1.5 **SC Trees**

There are a number of trees on this site and an Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has identified 147 individual and groups of trees which have been assessed in accordance with BS 5837 (2012) and includes a categorisation of the trees based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate.

The application is for outline planning permission and the AIA indicates that if the site is accessed and developed in accordance with the submitted indicative masterplan there would be a loss of 57 trees, 18 of which are for reasons of their condition and should be removed irrespective of the development. The remainder are category C trees which would be removed to facilitate the development. The loss of these specimens would not significantly impact on the amenity of the area and would be acceptable providing that new landscape planting was provided as part of the scheme and that the amount to tree planting was commensurate with the loss. The AIA also notes that a further 6 trees, all category B will be impacted by the development as proposed. These are listed as T4, T28, T40, T42, T75 & T76 although it is noted that T27 appears to be the cat B tree affected not T28. From consideration of the plans it would also appear that an additional cat B tree, (T1 oak at the front of the site) would also be impacted by the development as a result of the construction of the round-about and new crossings and foot paths. The loss of the category B trees would have a moderate impact on the amenity of the area, although this could reasonably be mitigated through a new landscape planting scheme.

It is considered that, in its current format the proposed development would have a low ' moderate impact on the arboricultural features of the local area, this would reduce to insignificant in the longer term providing a suitable landscape planting scheme was prepared and implemented.

No objection is raised to the application at this stage. The final layout must take account of the tree constraints identified in the AIA and make provision to accommodate all retained trees within the site design. The final site layout submitted as Reserved Matters, must be supported with an updated version of the AIA and assessing any impacts that arise and demonstrating that any retained trees can be protected to the minimum standards recommended in BS5837: 2012. Landscape planting proposals must also be provided.

4.1.6 **SC Ecologist**

The following supporting documents have been submitted with the application:

- Ecological Survey – Radbrook Campus by Red Kit Network Ltd dated January 2015
- Bat Survey Summary by Treetec July 2014
- Feedback on ecology comments by Red Kite dated 12th April 2015
- Great Crested Newt HSI Red Kite May 2015
- Outline Bat Mitigation Strategy by Red Kite dated May 2015

Bats

The main campus building was inspected for evidence of bats in June 2014 by Treetec. No droppings or other evidence was found in the roof void, although there were limited opportunities for roosting locations under tiles and flashings. During three survey periods in June and July 2014 a common pipistrelle was thought to have emerged from the south face of the main building and a soprano pipistrelle was thought to have entered the north side. Red Kite stated by email dated 11/5/15 that Ross Jones considers that these are occasional/transient day roosts and non-maternity summer roosts.

Red Kite advise that an EPS licence from Natural England would be necessary for conversion of the main campus building (on the Radbrook Foundation site).

Red Kite state that none of the 57 trees identified for removal have potential to support bat roosts. The sweet chestnut close to the access (T.4) was confirmed by email dated 11/5/15 to have low potential.

Red Kite have provided additional advice that once more of the buildings on site are disused the likelihood of bat use will increase and they would recommend further survey work to inform a final Bat Mitigation Strategy for the site. An Outline Bat Mitigation Strategy has been provided setting out the mitigation principals to be followed, including lighting control, landscaping and bat tubes and boxes but as no details of the works involved in converting the main campus building have yet been determined, these are necessarily generic at this stage. Adequate survey information is considered to have been collected to inform this outline planning application.

I have provided a European Protected Species 3 tests matrix. The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered.

Great crested newts

Updated Habitat Suitability Index scores have been provided by Red Kite (May 2015). The HSI scores are not given hence I have inserted the figures into the Natural England GCN Method Statement spreadsheet.

Having viewed these ponds recently I have changed the figures for fowl, fish and pond count. Being temporary water bodies none of the ponds are likely to support fish. A conservative estimate of ponds within 1km without major barriers such as main roads or rivers of 3 has been adopted.

Pond ref	1	2	3
SI1 - Location	1	1	1
SI2 - Pond area	0.05	0.05	0.05
SI3 - Pond drying	0.1	0.1	0.1
SI4 - Water quality	0.01	0.67	0.01
SI4 - Shade	0.25	0.6	0.25
SI6 - Fowl	1	0.67	1
SI7 - Fish	1	1	1
SI8 - Ponds	0.55	0.55	0.55
SI9 - Terr'l habitat	0.67	0.67	0.67
SI10 - Macrophytes	0.3	0.3	0.3
HSI	0.26	0.41	0.26

The results indicate suitability for great crested newts of all the considered ponds of 'poor'. I therefore concur that no presence/absence surveys are necessary. Recommends an informative.

Badgers

Red Kite advise that depending on the exact scope of works a Natural England badger licence may be required for the Radbrook Foundation development and proposals for mitigation should be provided. The Illustrative Masterplan supplied with the application is unlikely to require closure of the badger sett however as the layout at Reserved Matter stage may change, it will be necessary to provide an updated assessment of the impact on badgers and a mitigation plan. It is known that badgers cross and forage within the application site and would be at risk during construction activities so a mitigation plan should be conditioned to include measures to reduce this risk, for example for excavations.

Nesting birds

Red Kite report that there is a colony of swifts nesting on the main campus building. It is recommended that a mitigation plan for swifts considering the detailed restoration proposals should be conditioned. The trees, scrub and hedgerow are all bird nesting habitat and therefore it is recommended these are only removed outside of the bird breeding season.

Invasive species

Japanese knotweed is present in the southern part of the Radbrook Foundation site. Recommends an informative.

Environmental Networks

The application site contains existing areas of open space, particularly the

woodland in the southern part of the Radbrook Foundation site, that should be retained and enhanced. With new residential development these areas will be subject to much increased recreational use. As Red Kite advise, proactive management of the woodland and scrub areas will be able to diversify the species and vegetation structure of these areas. This will require the integrated landscape and habitat management plan recommended by Red Kite. Recommends a condition.

4.1.7 **SC Affordable Houses**

If this site is deemed suitable for residential development, then there would be a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full or Reserved Matters application. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. If this site is deemed suitable for residential development, then the number, size, type and tenure of the on-site affordable units must be discussed and agreed with the Housing Enabling Team before an application is submitted.

4.1.8 **SC Learning & Skills**

Shropshire Council Learning and Skills reports that the local schools are at capacity and forecast to remain that way for the foreseeable future. It is therefore essential that the developers of this and any new housing in this area of town contribute towards the consequential cost of any additional places/facilities considered necessary at those schools.

4.2 **- Public Comments**

4.2.1 **Shrewsbury Town Council** - Members did not object to the principle of developing this site but would like to see community open space incorporated into the design.

4.2.2 **West Mercia Constabulary** - There are opportunities to design out crime and /or the fear of crime and to promote community safety. The applicant should aim to achieve the Secured by Design (SBD) award status for this development. SBD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment, the scheme has a proven track record in crime prevention and reduction. The opportunity for crime to occur can be reduced by up to 75% if Secured By Design is implemented. The principles and standards of the initiative give excellent guidance on crime prevention through the

environmental design and also on the physical measures. Section 17 of the Crime and Disorder Act 1998 which clearly states:

It shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions of, and the need to do all that it reasonably can to prevent crime and disorder in its area.

4.2.2 20 letters of objection and 2 representations have been received summarised as follows:

- ☐ Due to being on higher ground careful consideration needs to be given to any new properties built close to boundaries with existing properties and should be single story where the land is considerably higher.
- ☐ The ground between Walker House and College gardens indicated to become a car park is one metre higher and needs to be adequately screened to protect privacy
- ☐ Properties in Aspen Grove could be overlooked by the new houses due to the land being 2 metres higher.
- ☐ Future maintenance of wildlife habitat and existing ponds
- ☐ It would be appropriate to include a landscaping strip / environmental area on the southern side of Radbrook Road from the new entrance and linking into the existing area stretching down to Bank Farm Drive
- ☐ Consideration is needed to ensure the proposed position of the mini roundabout has a safe sight path from both directions and to ensure that the proposal is a practical option for the larger vehicles which will need to use it to service the site.
- ☐ No work on building houses should be allowed to start until the access has been built.
- ☐ Highway safety due to increased traffic at the proposed mini roundabout
- ☐ Existing footpath access through College Gardens to the Radbrook Centre and Torrin Drive is not a public right of way and is under private ownership and maintained at the expense of the residents of College Gardens.
- ☐ Both the main college building and Walker House should be retained

- ☐ Serious consideration should be put to the standard of apartments to be developed within the main Radbrook College building and Walker House
- ☐ Loss of trees and impact on wildlife
- ☐ The proposed number of houses appears much higher than indicated at the public consultation event.
- ☐ The density is too high and out of character with both the old and new development in the surrounding area.
- ☐ The A488 should not be included in the calculations regarding the size of the site and the density of development.
- ☐ The Masterplan claims a density ranging from 24 - 30 dpha across the 2 sites of 5.78ha but if only the buildable area of 4.2ha (excluding open space and woodland) is used then the actual figures for the current plan are 35 dpha for 147 houses and 39 dpha for 165 houses.
- ☐ In comparison the Darwin's Walk (Barratt) site to the west of Hanwood Road has a gross area (including all open spaces/woodland etc) of 5.9ha and the 118 houses on this development represents a density of 20 dpha. If the same dpha figure is applied to the gross area of the combined Radbrook sites (5.5 ha) then the total number of houses would be 110.
- ☐ 110 should be the target number to enable the development to sensitively respect the local environment, character and setting of the area. A lower density scheme would minimise the impact of the development and retain the sense of openness valued by local residents.
- ☐ The Council has a responsibility to promote health and a healthy environment through the built environment and the quality of building design, ease of access for disabled people and out- door space considerations e.g. gardens and communal places should be the touch stone principles for this development.
- ☐ The D and A statement and planning statement are contradictory regarding the views of residents at the consultation event and at the event it was indicated that there should be no extra housing behind the main college building.

- ☐ Suggests that the following items in the College's 'memorial garden' area should be safeguarded during the construction period and relocated in an area adjacent to the redeveloped College building:

- a memorial stone bearing plaques with details of former principals;
- 2 garden benches dedicated to former staff;
- a flowering cherry tree with a dedication

5.0 THE MAIN ISSUES

Principle of development

Highways/Access/Footpath

Scale, appearance and layout

Impact on residential amenity

Trees, landscaping and open space

Ecology

Drainage

Developer contributions / AHC / CIL / Infrastructure

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The site is situated in an established residential area within the urban development boundary of Shrewsbury. It is close to essential services and facilities that can be accessed by foot or by cycle and the Town Centre is also readily accessible by public transport. The location of the development therefore accords with the NPPFs presumption in favour of sustainable development and the Shropshire LDF Policy CS2 that identifies Shrewsbury as the main focus for all new residential development. In addition it represents development of a predominantly brownfield site making optimum use of previously developed land which is supported by the NPPF.

6.2 Highways/Access/Footpath

- 6.2.1 The proposal includes access onto the A488 (Radbrook Road) by means of a proposed mini roundabout with a central refuge/splitter island. Highways have confirmed that this junction type will assist access to this site by controlling speeds along Radbrook Road and balancing out priorities at the junction and will provide a suitable pedestrian crossing point over the A488 to the existing footway network located on the north-west side of Radbrook Road. Some residents have commented that visibility might not be good at the proposed access and that the mini-roundabout is not suitable for larger vehicles. However Highways have no

objections to the proposed access subject to the approval of the engineering details at the reserved matters stage if this outline application is approved.

6.2.2 Concern has been raised about the increased traffic at the junction due to the new development and a Transport Assessment has been submitted to quantify and compare the existing use versus the proposed use. Highways have reviewed the transport assessment and have confirmed that the results of the assessment demonstrate that the proposed residential use would generate a modest increase in vehicular trips in comparison to the actual (present day) surveyed vehicle movements. However when the surveyed movements are factored up for the 'normal' site occupation (when the site was in full use as a college) the number of vehicular movements to and from the site exceeds the proposed residential use by some margin. Therefore the proposed residential use offers an improvement over the existing established use at the site even when considering that the movement patterns will differ between the two uses.

6.2.3 Some residents have commented that the proposed layout does not provide adequate footpath links from the site to Torrin Drive and the Radbrook Centre and future residents would inevitably use the existing footpath through College Gardens which is not a public right of way and is under private ownership and maintained at the expense of the residents of College Gardens. Layout (which would include the provision of footpath links) is a matter reserved for later approval and would be finalised at this stage. However the indicative layout does indicate that a footpath link could be provided to link up with the existing footpath to Torrin Drive without needing to access College Gardens and that a footpath link can also be provided between the development and Sparkham Close. Highways have suggested a planning condition requiring the completion of a footpath/cycleway link to Sparkham Close but the agent has confirmed that as completion of such a footpath/cycleway is dependent upon third party land it is unreasonable and fails the tests. However the applicant agrees to a planning condition which requires any reserved matters application to include a footpath/cycleway up to the south west boundary of the application site.

6.3 **Scale, appearance and layout**

6.3.1 The siting, layout scale and appearance are all reserved for later approval but an indicative layout (Masterplan) has been submitted that covers both sites. For the Shropshire Council site the indicative layout indicates that all of the existing buildings will be demolished other than Walker House that is indicated to be converted to 7 flats and that 30 new dwellings will be erected comprising a mix of detached and semi-detached properties. The Radbrook Foundation site indicates 96 new dwellings and retention of the Lodge House and conversion of the main college building to provide 13 flats following demolition of all other buildings. The Conservation Officer originally commented that it would be preferable for the original single storey westerly wing running parallel with Radbrook Road to be retained as its removal could compromise the setting of the building as currently viewed from Radbrook Road. However the Conservation Officer has visited the site again and having viewed the end wing and single storey and two storey section

that terminates the wing proposed to be removed has confirmed that it has no significant merit compared to the principal building identified as being retained. The layout plan including buildings to be demolished is indicative but a condition can be imposed to state that the outline consent does not give consent for the demolition of Walker House, the Principal College building and Lodge House.

6.3.2 The Conservation Officer has commented that a high density of new buildings might compromise the setting of the heritage buildings to be retained and some local residents have raised concern about the density of the development and that the number of houses is too high and not in keeping with the layout and density of housing in the locality. This proposal is outline only and does not include layout but if it is considered appropriate members could impose a condition regarding the maximum number of dwellings or the density per hectare across both sites. The indicative layout indicates a total of 147 units including 127 dwellings and 20 flats and open space provision of approximately 1.4ha, which exceeds the policy requirement of 1.14hectares. It is considered that the indicative layout demonstrates that the site can satisfactorily accommodate the number of new dwellings indicated without the site appearing cramped and over developed and that adequate open space provision can be provided and that satisfactory distances and a sense of openness can be maintained around the buildings to be retained. The agent has confirmed that the indicative layout provides for around 37m face to face from the front of the old school building to the new houses opposite and a row of trees in the green space retained in front. The setting to the north will be largely unchanged and the indicative layout indicates 20m from the southern gable to the nearest house and the same to the rear where the wings are to be removed which will open up the rear area where a new road is indicated which will be landscaped. The Lodge House setting will change little and will be enhanced with a larger garden following the removal of the existing access road. The space around Walker House is also generous and existing green space and trees are indicated to be retained in front.

6.3.3 With regards to specific issues raised by the residents of College Gardens which state that the density is too high and that there should only be 110 units across both sites comparable to the Barratt development at Hanwood Road (Darwins Walk) which measures 20 dpha gross and 29 dpha net the agent has provided the following comprehensive response:

- *The amount of dwellings illustrated is 147 units on 5.78 ha gross/4.38 ha net = 25 dpha gross/33.5 dpha net with up to 165 dwellings applied for giving a maximum of 28.5 dpha gross/37.6 net. This is higher than the Barratt scheme (although not significantly), however the site is reusing brownfield land within the settlement boundary rather than building on a greenfield site on the edge of the town. The Barratt DAS (page 4) makes the point: "As an edge of settlement location, this DPH level offers lower than average development density. This is intended to provide a gradual transition between the existing urban grain and the agricultural land beyond the proposal site." This reinforces the fact that the Barratt density is lower than average due to the location and site character. This should not apply to*

- the Radbrook site since it is more urban in character and location. Furthermore the NPPF (para 58) provides an obligation to “optimise the potential of the site to accommodate development”. If the density was reduced the potential of the site would not be optimised.*
- *Numerical density is a crude measure in any case and doesn't take account of house types and design. The Barratt site is composed entirely of single family houses. The Radbrook site has retained heritage buildings which will be converted to flats. This will raise the density figure as there are more units on a compact footprint than if the area was single family houses. There are also terraced houses shown close to the old school for character reasons which again raises the numerical density. The arrangement of the remainder of the houses on the site however is mainly single family house not dissimilar in form to the Barratt scheme in any case.*
 - *There is still a sense of openness on the site and the amenity space shown is above the policy standard.*
 - *The lower density houses are shown adjacent to existing houses and with sufficient separation to avoid any harmful impact on amenity.*
 - *The layout is in any case illustrative and will be reserved to ensure there is no harmful impact.*
 - *The point made about the increase in density from the consultation event doesn't tell the whole story. The submitted masterplan shows Walker House converted to 7 flats rather than just one house on the consultation plan. This is due to removing the two houses adjacent to take account of residents' concerns and instead converting Walker House to flats and making use of the area adjacent as parking for the converted flats. There are also about 5 more houses shown due to greater efficiencies in the layout however these have little or no impact on adjacent residents, who are not College Gardens residents in any case. The Masterplan is broadly similar to the consultation event with the changes made in response to residents' concerns. In terms of buildings adjacent to College Gardens the removal of the two units next to Walker House should be an improvement, otherwise it is largely unchanged.*

It is agreed with the agent that the density of development indicated on the illustrative masterplan is appropriate for this site. However the exact layout and the number of dwellings and density of development will not be determined until the reserved matters stage.

6.4 Impact on residential amenity

6.4.1 The new build dwellings have the potential to impact on existing residents due to

being in close proximity to existing dwellings and therefore appearing overbearing and obtrusive or resulting in overlooking and a loss of privacy. This is of particular concern with regards to buildings proposed to be built close to boundaries that are on higher ground (the rear of properties in High Ridge Way, Perivale Close and Aspen Grove for example). Indeed the masterplan indicates 'Care with scale and positioning of houses to minimise impact on neighbours' in relation to the development close to the boundary with High ridge Way and Perivale Close properties. The exact scale, design and location of the buildings will not be determined until the Reserved Matters stage but it is considered that the indicative layout illustrates that the site can be developed with the number of dwellings indicated whilst providing generous open space and adequate separation distances between existing and proposed dwellings.

6.5 Trees, Landscaping and Open Space

6.5.1 Landscaping is a matter reserved for later approval but the proposed indicative layout indicates adequate landscaped open space across both sites for the number of dwellings proposed. The open space proposed is natural and semi-natural open space and at the pre-application stage it was identified that recreational space and equipped play areas would not be required on site as there are 3 play areas within a 10 minute walk of the site. A condition will be imposed to ensure that a detailed landscaping scheme to include a landscape and habitat management plan is submitted as part of the first application for reserved matters.

6.5.2 An arboricultural report and tree survey plans have been submitted which indicates that across both sites up to 57 trees would be removed. The trees have been assessed in accordance with the British Standard Classification and given an overall grading (A, B, C or U) with U being the lowest category that indicates trees which should be removed for reasons of sound arboricultural management. The tree officer has reviewed the information and agrees with the categorisation of the trees. The indicative layout indicates the loss of 18 category U trees, 33 category C trees and 6 category B trees. The tree officer has confirmed that the loss of the category C trees is acceptable and would not significantly impact on the amenity of the area and would be acceptable providing that new landscape planting was provided as part of the scheme and that the amount of tree planting was commensurate with the loss. The tree officer has also confirmed that the loss of 6 category B trees would have a moderate impact on the amenity of the area but that this could reasonably be mitigated through a new landscape planting scheme. No category A trees are proposed to be removed. The exact number of trees to be removed will not be determined until the Reserved matters stage but it is considered that in its current format the proposed development would have a low to moderate impact on the arboricultural features of the local area which would reduce to insignificant in the longer term providing a suitable landscape planting scheme was prepared and implemented. There is no objection to the proposal on the grounds of the loss of trees subject to a condition being imposed to ensure that the final site layout submitted at the Reserved Matters stage is supported with a detailed landscaping proposal and an updated version of the AIA and tree protection measures demonstrating that any retained trees can be protected.

6.5.3 At the pre-application stage the matter was raised regarding the existing recreational facilities on the Radbrook Foundation site and the potential loss of sports pitches. The English Sports Council (Sport England) should be consulted on Planning applications where the development is likely to result in the loss of use of land being used as a playing field or land that has been used as a playing field at any time in the last 5 years. A playing field means a site which encompasses at least one playing pitch. The planning statement outlines that an area of land (approximately 0.47ha in size) in the South West corner of the Radbrook Foundation application site was historically used as a single sports field associated with the former college but has not been used as a sports pitch for a number of years. The field was never used for its intended purpose by Shrewsbury College and this part of the site was made available to Walford College for horticultural activity and was not used for sports purposes during their tenancy (1992 – 1997) or since. This part of the site has therefore not been used as a playing pitch for in excess of 30 years. As there are currently no playing pitches at the site and have not been in the previous 5 years then Sport England do not need to be consulted regarding this application. Furthermore although the planning statement refers to guidance in paragraph 74 of the NPPF regarding development of sports pitches and the criteria provided by Sport England to prevent the redevelopment of sports pitches this is not relevant to the determination of this application. However the planning statement has addressed these matters and in summary concludes that the requirements of paragraph 74 of the Framework and the Sport England document 'Sporting Future for the Playing Fields of England' are in any case satisfied. A relatively small part of the application site was formally used as a sports pitch but this use ceased many years ago (believed to be in excess of 30 years). The Council's Playing Pitch Strategy does not identify a shortfall in sporting facilities that can be met on this site and new sporting facilities are proposed at the Shrewsbury College of Arts and Technology site as consequence of the relocation of Radbrook Campus. There will therefore not be a net loss in sporting facilities as a consequence of the replacement facilities and no adverse impacts on sporting facilities as a consequence of the proposed development.

6.6 Ecology

6.6.1 Ecology has reviewed all the submitted information and have confirmed that no additional survey work is required at this stage. There is low potential for bat roosts on the Shropshire Council site and the Bat Mitigation Strategy (May 2015) gives the strategy to be adopted towards bat survey and mitigation as part of the Reserved Matters application however an EPS licence is likely to be required for the conversion of the main college building to be retained on the Radbrook Foundation site. The three tests matrix is included in appendix 2 to this report and it is considered that subject to the imposition of conditions recommended by Ecology the proposal would not be detrimental to the maintenance of the populations of common and soprano pipistrelle bats at a favourable conservation status within their natural range. The ponds on and within 1000m of the site are considered poor for suitability for great crested newts. There is potential for the site to be used by badgers, birds and reptiles and a colony of swifts occupy the main campus building

and development of the Radbrook Foundation site may affect a badger sett depending on the layout at the reserved matters stage. Subject to the informatives and conditions suggested by the ecologist to ensure mitigation measures, wildlife protection and landscaping including proactive management of the woodland and scrub areas the proposal would have no adverse impact on protected species wildlife and their habitat and will secure ecological enhancement of the site.

6.7 **Drainage**

6.7.1 Some residents have raised concern about the difference in ground levels and the proximity of ponds to boundaries and how this development and surface water drainage might affect their properties. A FRA and Drainage Strategy and Foul Water and Utilities statement have been submitted that indicates that foul water drainage from the developed site will discharge, via a gravity or pumped main connection, directly to the existing sewerage network within the site area, subject to formal approval from Severn Trent Water and that surface water drainage will be to soakaways and include attenuation ponds. As this is an outline application an exact drainage strategy cannot be proposed at this stage and the Councils drainage officer has commented that detailed surface water drainage information can be submitted at the reserved matters stage and recommends appropriate conditions to be imposed. Full drainage details will in any case be considered as part of an application for Building Regulation approval.

6.8 **Developer contributions / AHC / CIL / Infrastructure**

6.8.1 The proposal is outline only but due to the likely number of dwellings affordable housing will be provided on site and the amount will be determined by the target rate at the time of the submission of an application for Reserved matters. This will be secured by a S106 in accordance with CS11 and the Housing SPD. At the current rate of 20% a development of 110 houses (on this Radbrook Foundation site) would include 22 affordable homes on site. The proposal will also be liable for a CIL payment towards infrastructure but due to the amount of floor area of the buildings to be demolished (which might be CIL deductible) the CIL contribution will be low. Education have identified that there is a shortage of both primary and secondary school places in the area and therefore an additional developer contribution towards education is being sought to be secured by a S106.

7.0 **CONCLUSION**

7.1 Residential development of this site is acceptable in principle being located in a sustainable location within the urban development boundary for Shrewsbury and would make good use of a brownfield site. Layout, scale, appearance and landscaping (including the provision of open space, footpath links and the protection of trees to be retained) are reserved for later approval but it is considered that an acceptable and appropriately designed development could be achieved that would have no significant adverse impact on residential amenity and would not result in significant or demonstrable harm to the character and

appearance of the locality and the setting of buildings to be retained. It is considered that a satisfactory means of access can be provided and the proposal would have no adverse highway or ecological implications subject to conditions being imposed. Appropriate affordable housing provision and additional developer contributions towards education can be secured by a S106 agreement. It is therefore considered that the proposal accords with Shropshire LDF policies CS1, CS2, CS6, CS11, and CS17 and the aims and provisions of the NPPF.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of ‘relevant considerations’ that need to be weighed in Planning Committee members’ minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies: CS1, CS2, CS6, CS11, and CS17

11. Additional Information

List of Background Papers: File 15/00491/OUT
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Keith Roberts
Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. Approval of the details of the siting, design and external appearance of the development 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.

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2010 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. This permission does not purport to grant consent for the layout shown on the deposited Illustrative Masterplan IM-01 REV H submitted with this application and does not give consent for the demolition of existing buildings.

Reason: To enable the Local Planning Authority to consider the siting of the development and the buildings to be retained when the reserved matters are submitted.

5. As part of the first application for Reserved Matters a landscape and habitat management plan shall be submitted to and approved by the local planning authority. The plan shall include:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Planting plans, including wildlife habitat and features (e.g. hibernacula)
- g) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- h) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties)

- i) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- j) Implementation timetables
- k) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- l) Personnel responsible for implementation of the plan;
- m) Monitoring and remedial/contingencies measures triggered by monitoring.

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

6. As part of the first application for Reserved Matters a Final Bat Mitigation Strategy shall be submitted, which must comply with the principals set out in the Outline Bat Mitigation Strategy by Red Kite dated May 2015, including submission of a revised Preliminary Bat Roost Assessment, lighting, landscaping and artificial bat roosts.

Reason: To ensure the protection of bats, a European Protected Species

7. As part of the first application for reserved matters the submitted site layout plan shall be supported by an updated Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan prepared in accordance with BS 5837 (2012) assessing any impacts that arise and demonstrating that any retained trees can be protected to the minimum standards recommended in BS5837: 2012. Thereafter the development shall be carried out strictly in accordance with the recommendations within these reports.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

8. As part of the Reserved Matters the layout plan shall include the provision of a footpath/cycleway up to the South West boundary of the application site to enable a footway/cycleway link be provided between the proposed development site and Sparkham Close. The approved footway/cycleway shall be constructed and made available for public use prior to the first occupation of the dwellings hereby approved.

Reason: to provide a convenient link to the existing walking and cycle network and to encourage more sustainable trips to and from the development.

9. As part of the first submission for approval of Reserved Matters details of the proposed SuDS including full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways and information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility for future maintenance shall be submitted for approval. The approved scheme shall be fully implemented prior to the first occupation of the dwellings hereby approved and maintained for the lifetime of the development in accordance with the approved details.

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner and to ensure that the drainage system remains in good working order throughout its lifetime.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

10. The conversion of the main campus building 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 bats, a European Protected Species

11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- ' the parking of vehicles of site operatives and visitors
- ' loading and unloading of plant and materials
- ' storage of plant and materials used in constructing the development
- ' the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- ' wheel washing facilities
- ' measures to control the emission of dust and dirt during construction
- ' a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

12. No building and construction work shall be commenced unless evidence has been provided to the Local Planning Authority that no badger setts are present within 30 metres of any development involving excavation. The site should be inspected within 3 months prior to the commencement of works by an experienced ecologist and a report submitted to the Local Planning Authority. Prior to the commencement of the development a detailed badger mitigation plan shall be submitted for the approval of the Local Planning Authority. The mitigation shall be undertaken in accordance with this approved plan.

Reason: To ensure the protection of badgers. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc. by the Protection of Badgers Act 1992.

13. No demolition of the main campus building shall commence until details of internal or external artificial nests for swifts have been 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 residential conversion.

Reason: To ensure the provision of nesting opportunities for swifts

14. Prior to their construction details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water shall be submitted to, and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory access to the site.

CONDITION(S) THAT REQUIRE APPROVAL PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

15. The proposed mini-roundabout junction with the site access road and the A488 Radbrook Road shall be fully implemented in accordance with the approved design and opened to the public prior to the first occupation of the dwellings hereby approved.

Reason: In the interests of highway safety.

Appendix 2: EUROPEAN PROTECTED SPECIES – Consideration of the three tests

Application name and reference number:

15/00491/OUT
Radbrook Centre, College Gardens, Shrewsbury - Radbrook Centre, Radbrook Road, Shrewsbury
[Outline application for residential development including partial demolition of buildings to include means of access](#)

Date of consideration of three tests:

11th May 2015

Consideration of three tests carried out by:

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

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

This proposal will provide up to 110 new homes of which 22 would be affordable.

This will significantly boost the housing supply in a sustainable location making good use of a brownfield site as supported by the NPPF. It will provide much needed housing including affordable housing and as a result provide social and economic benefits for both present and future generations and will also provide bio-diversity enhancements of the site with no adverse environmental impacts.

2 Is there 'no satisfactory alternative'?

The alternative is not to develop the site and leave it as it is or consider an alternative development proposal for the site. However this would not provide the much needed boost to housing supply numbers in Shropshire and would not provide the number of affordable units that are in demand and would therefore not provide the social and economic benefits of the proposal and the ecological enhancements of the site to be secured by conditions attached to this planning permission. The proposed development is considered to be the optimal development of the site as required by the NPPF.

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

The main campus building was inspected for evidence of bats in June 2014 by Treetec. No droppings or other evidence was found in the roof void, although there were limited opportunities for roosting locations under tiles and flashings. During three survey periods in June and July 2014 a common pipistrelle was thought to have emerged from the south face of the main building and a soprano pipistrelle was thought to have entered the north side. Red Kite stated by email dated 11/5/15 that Ross Jones considers that these are occasional/transient day roosts and non-maternity summer roosts.

Red Kite state that none of the 57 trees identified for removal have potential to support bat roosts. The sweet chestnut close to the access (T.4) was confirmed by email dated 11/5/15 to have low potential.

Red Kite have provided additional advice that once more of the buildings on site are disused the likelihood of bat use will increase and they recommend further survey work to inform a final Bat Mitigation Strategy for the site. An Outline Bat Mitigation Strategy has been provided setting out the mitigation principals to be followed, including lighting control, landscaping and bat tubes and boxes but as no details of the works involved in converting the main campus building have yet been determined, these are necessarily generic at this stage. Adequate survey information is considered to have been collected to inform this outline planning application.

The proposed development will not be detrimental to the maintenance of the populations of common and soprano pipistrelle bats at a favourable conservation status within their natural range, provided that the conditions and informatives detailed in the response from Alison Slade to Jane Raymond dated 11th May 2015 are attached to any consent and thereafter implemented.

Conditions

1. As part of the Reserved Matters a Final Bat Mitigation Strategy shall be submitted, which must comply with the principals set out in the Outline Bat

Mitigation Strategy by Red Kite dated May 2015, including submission of a revised Preliminary Bat Roost Assessment, lighting, landscaping and artificial bat roosts.

Reason: To ensure the protection of bats, a European Protected Species

2. The conversion of the main campus building 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 bats, a European Protected Species

Informative

All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

This page is intentionally left blank



<u>Committee and date</u>
Central Planning Committee
21 May 2015

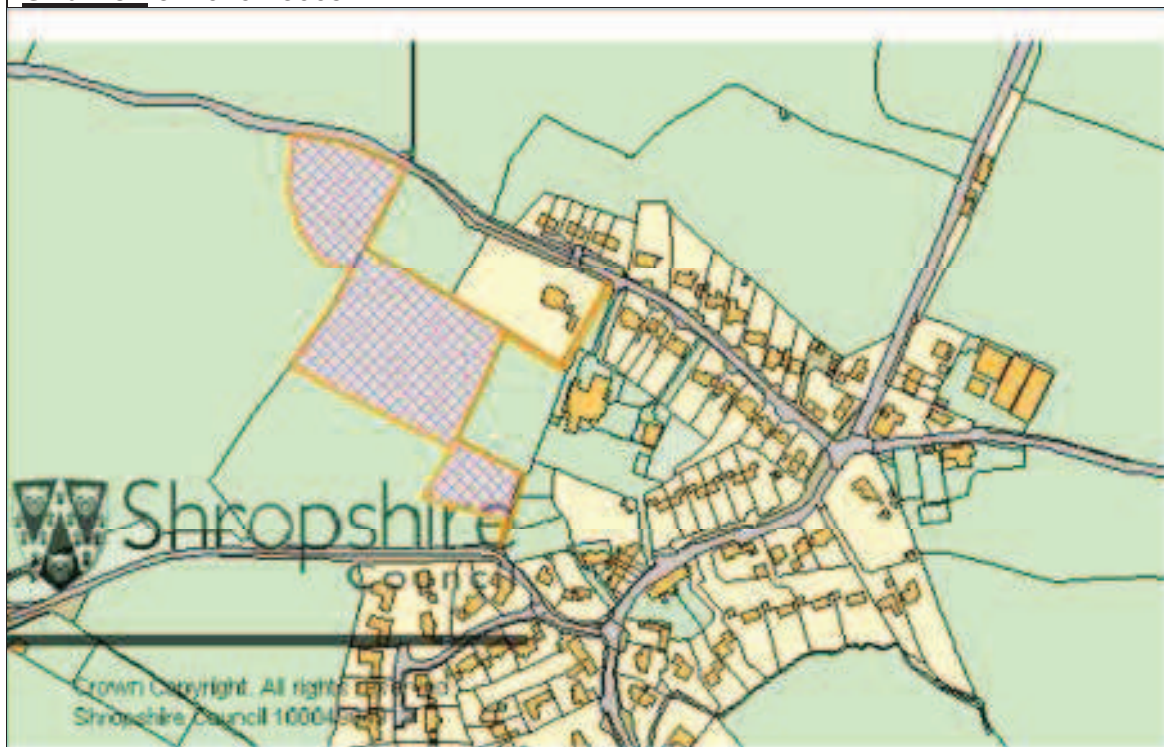
Development Management Report

Responsible Officer: Tim Rogers
 email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 15/00724/OUT	Parish:	Longden
Proposal: Outline application for residential development (to include access) (revised scheme)		
Site Address: Proposed Development Land South Of Plealey Lane Longden Shropshire		
Applicant: Mr & Mrs D Jones		
Case Officer: Andrew Gittins	email: planningdmc@shropshire.gov.uk	

Grid Ref: 344020 - 306547



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2011 For reference purposes only. No further copies may be made.

Recommendation: Grant permission subject to the conditions set out in Appendix 1, and to prior completion of a legal agreement to secure the provision of affordable housing; provision of new 3m wide hard surfaced footway link to existing public footpath through the school grounds, with the existing footpath resurfaced in macadam to a width of 1.8m; and the transfer of 3 metre wide section of land to the south of the existing playing field to Shropshire Council.

REPORT

1.0	THE PROPOSAL
1.1	This proposal is an outline application for residential development. Approval for the proposed access is sought, with all other matters (appearance, landscaping, layout and scale) reserved for later approval. Access to the development would be gained via Plealey Lane, the adjacent public highway to the north of the application site.
1.2	Condition 4 has been recommended to ensure that the Reserved Matters is for no more than 20 dwellings.
1.3	The scheme will also involve the provision of a 3m wide footpath from the site running parallel with the southern boundary of The Rectory linking into an existing 1.8m wide footpath through the school grounds, the surface of which will be upgraded linking the site to Plealey Lane to the north together with the diversion of part of the public footpath around the relocated school football pitch. The entire width of the footpath from Plealey Lane to Well Meadow will be hard surfaced.
1.4	The proposal includes an agreement to provide the necessary provision of affordable housing in accordance with Policy CS11 of the Core Strategy. The nature of the provision will be set at the date of the submission of the reserved matters application.
2.0	SITE LOCATION/DESCRIPTION
2.1	The site consists of land on the western edge of Longden village, approximately 7 miles south west of Shrewsbury. It is situated to the west of Longden C of E Primary School and comprises one whole field together with the north east corner of a larger field to the west. Both fields are currently used as arable agricultural land, consisting of Grade 3 classification.
2.2	The south of the site is bordered by a private lane which serves as an access drive to Longden Manor. A number of single storey properties are located beyond the lane to the south on land at a lower level. Longden C of E Primary School is located to the east of the site and the site wraps around the school football pitch. The north of the site is bordered by The Rectory and a smaller grazed field which both separate the site from Plealey Lane to the north. The site is bordered on all sides by a well established, native hedgerow and a number of mature trees along the northern side of the site. A public footpath, FP33 Longden, extends along the eastern side of the site and onto Plealey Lane through the school grounds to the north east.

2.3	The site extends into the north east corner of the adjacent field from where vehicular access onto Plealey Lane will be provided. A mature hedgerow and 3 Oak trees are located along the southern side of Plealey Lane and form the existing field boundary.
2.4	<p>An outline application (14/01704/OUT) for the erection of 35 dwellings to include means of access, together with re-siting of school football pitch, provision of extended school car park and new school access (amended description) on the same site received a resolution for refusal at Central Planning Committee on the 13th November for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposal would fail to satisfy the three dimensions to sustainable development defined within the National Planning Policy Framework: the economic, social and environmental roles. Given the Council's current five year housing land supply position, the proposed scheme is not considered necessary to meet Shropshire Council's housing development requirements of the community and would therefore undermine the strategy for the location of housing. Furthermore, the development would extend into the countryside, and would fail to protect or enhance the natural environment. Accordingly the proposal would fail to accord with the aims and requirements of saved policy H3 of the Shrewsbury and Atcham Borough Plan, adopted Core Strategy policies CS4, CS5, CS6 and CS17, and emerging site allocation and management of development policies MD1 and MD3. 2. The proposed development would result in the loss of a significant number of mature trees with high amenity values. It is not accepted that the replanting scheme proposed would adequately compensate or mitigate for the loss of the mature trees. Accordingly, the proposal would fail to comply with the aims and requirements of adopted Core Strategy policies CS6 and CS17 or the guidance within the NPPF.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	In accordance with Part 8 of the Shropshire Councils Scheme of Delegation, a request to consider the application at Central Planning Committee has been received from the local member for the Longden ward, based on material planning considerations following an objection from Longden Parish Council.
4.0	Community Representations
4.1	Consultee Comments
4.1.1	<p><u>Longden Parish Council: Object.</u></p> <p>After discussion it was agreed that the Parish Council were against this application. It is too big and goes against the Parish Plan and The Village Design Statement for small developments as stated in the SAMDev document. And is not in an area identified for preferred development in the community. There is a lot of opposition to it from local residents. The residents' action group are against it and the school governors are also against it. Therefore the Parish Council opposes this application.</p>
4.1.2	<u>SC Highways: No objection subject to conditions / s106.</u>

	<p>The local highway authority makes no objection to the granting of consent. Conditions/s106 Footway Link Provision s106 A s106 agreement is recommended to secure the delivery of the proposed footway link through the school grounds linking to Plealey Lane, which we require to be fully implemented and opened for use in accordance with the agreed design prior to the first occupation of the proposed residential development hereby proposed to provide a safe walking route for the future residents of the site.</p>
4.1.3	<p><u>SC Rights of Way (31st March 2015):</u> As shown on the block plan, footpath 33, Longden, will require a legal diversion to reroute the path around the playing field. The applicants will need to make an application to the Mapping and Enforcement Team in due course.</p> <p><u>SC Rights of Way (2nd March 2015):</u> No objection subject to enclosed footway measuring a minimum of 3 metres wide.</p> <p>It is noted that the applicants intend to apply for a legal diversion of Footpath 33 Longden from its southern end through a proposed public open space and along the western and northern perimeters of the school playing field to rejoin the Definitive Line at its northern end. The proposed block plan refers to surfacing the the route in macadam to a width of 1.8 metres. Although this is the minimum width stated for an unenclosed path in Shropshire's Countryside Access Strategy policy statement, The rights of Way Review Committee recommend a minimum width of 2 metres for unenclosed footpaths and a minimum width of 4 metres for footpaths enclosed by fencing, hedging. As this footpath is likely to have regular and fairly heavy use (including usual accompaniments such as pushchairs) as access to the school and to and from the proposed development site, it is recommended that where the footpath will be enclosed, while 4 metres may be over excessive, there should be a minimum width of 3 metres and a minimum of 2 metres where it is unenclosed. The applicants will need to apply to the Mapping and enforcement team for a legal diversion of the path and to agree on any change to the surface of any sections of the path and the legal width along its length.</p>
4.1.4	<p><u>SC Ecology:</u> No objection subject to conditions and informatives.</p> <p>Bats SC Tree team have confirmed that all mature trees on site are being retained. The following conditions and informative should be on the decision notice.</p> <p>Great Crested Newts Ponds within 500m of the application boundary have been taken into consideration and phase 2 surveys conducted on the ponds within the grounds of the school. No great crested newts have been found after four activity surveys on the school pond. The following informatives should be on the decision notice.</p> <p>Nesting Birds The site has the potential to support nesting birds. The following condition and informative should be on the decision notice.</p>

4.1.5	<p><u>SC Trees:</u> No objection. The final site layout will be submitted at reserved matters with an AIA assessing impacts on trees.</p> <p>The proposed development is a revision of a previous scheme ref: 14/01704/OUT. Objection where raised to this scheme on the grounds of loss of significant trees. The current proposal has been revised to allow the retention of all trees on the site. There is a loss of some short lengths of hedgerow, however this will not significantly impact on the amenity of the area and will be mitigated through the proposed landscaping provided as part of the scheme.</p> <p>The application is for outline planning permission and the AIA indicates that the site can be accessed and developed without significant impact to trees that are important in the amenity of the area.</p> <p>No objection is raised to the application at this stage. The final layout must take account of the tree constraints identified in the AIA and make provision to accommodate all retained trees within the site design and it is expected that any proposed development would make provision to retain any trees identified as significant or potentially significant in the terms of public amenity or provide substantial justification and mitigation where their removal is proposed.</p> <p>The final site layout submitted as Reserved Matters, must be supported with an updated version of the AIA, assessing any impacts that arise and demonstrating that any retained trees can be protected to the minimum standards recommended in BS5837: 2012. Details of any landscape planting offered in mitigation for the loss of existing trees or hedgerows must also be provided and the details of the tree planting must be in accordance with BS8545: 2014.</p>
4.1.6	<p><u>SC Drainage:</u> No objection subject to conditions.</p> <p>The drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.</p>
4.1.7	<p><u>SC Affordable Housing:</u> No objection subject to s106.</p> <p>If this site is deemed suitable for residential development, then there would be a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full or Reserved Matters application.</p> <p>The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme.</p>

	If this site is deemed suitable for residential development, then the number, size, type and tenure of the on-site affordable units must be discussed and agreed with the Housing Enabling Team before an application is submitted.
4.1.8	<u>SC Learning and Skills</u>: Comments to be relayed by Additional Representations.
4.1.9	<p><u>SC Waste Management</u>: No objection subject to design informative</p> <p>It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material).</p> <p>Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes.</p> <p>I would recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice. This can be viewed here: http://new.shropshire.gov.uk/media/102056/Supplementary-Planning-Guidance-domestic-waste-storage-and-collection.pdf</p>
4.1.10	<u>Sport England</u>: Do not wish to comment on this particular application.
4.1.11	<p><u>SC Ecology</u>: Include the conditions and informative(s) below on the decision notice.</p> <p>Bats SC Tree team have confirmed that all mature trees on site are being retained. The following conditions and informative should be on the decision notice.</p> <p>Great Crested Newts Ponds within 500m of the application boundary have been taken into consideration and phase 2 surveys conducted on the ponds within the grounds of the school. No great crested newts have been found after four activity surveys on the school pond. The following informatives should be on the decision notice.</p> <p>Nesting Birds The site has the potential to support nesting birds. The following condition and informative should be on the decision notice.</p>
4.2	Public Comments
4.2.1	<p>At the time of writing, a total of 47 objections have been received from members of the public in response to the application. All comments are available in full on the planning file but the key issues have been summarised into the following categories:</p> <p>-</p> <p>- Policy and principle</p>

	<ul style="list-style-type: none"> - Highway safety - Damage to the community - Damage to the landscape and environment - Surface and foul water drainage - Loss of privacy / residential amenity <p>These objections include a letter of objection from Longden CofE Primary School.</p> <p>One letter has been received in support of the application.</p>
5.0	THE MAIN ISSUES
	<p>Principle of Development Access and Highways Issues Layout and Scale Impact upon Residential Amenity Trees and Landscaping Issues Ecology Issues Other matters</p>
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	Applications for planning permission must be determined in accordance with the development plan unless material considerations indicated otherwise. The development plan includes the Core Strategy and saved policies of the Shrewsbury and Atcham Local Plan. In terms of emerging policy, the SAMDev Plan was submitted to the Secretary of State in August 2014 and has been through an examination process. Given the stage of advancement of this Plan, it is considered that some weight can be given to the proposed policies within it.
6.1.2	<u>Development Plan and Emerging Policy:</u> When assessed against saved SABC Local Plan Policy H3: Housing in Villages with Development Boundaries the site is located outside but immediately adjoining the western boundary of the Longden Village Development Boundary. Therefore under the existing development plan the site would be considered to be located within countryside. Policy CS5 of the Shropshire LDF Core Strategy does not generally support the provision of new open market residential development in the countryside.
6.1.3	In terms of emerging planning policy, the submitted SAMDev Plan states that the settlements of Longden, Hook-a-gate, Annscroft, Longden Common and Lower Common/Exfords Green are proposed to be a Community Cluster. Core Strategy Policy CS4 (Community Hubs and Clusters) is therefore relevant, and this states that development in such areas which helps to rebalance rural communities by providing facilities, economic development or housing for local needs, and is of a scale that is appropriate to the settlement, will be allowed. It also seeks to ensure that such development is of a scale and design that is sympathetic to the character of the settlement and its environs.

6.1.4	Policy S16.2 (Community Hub and Cluster Settlements) of the draft SAMDev Plan states that, in this proposed Cluster, development by infilling, conversions of buildings and groups of dwellings may be acceptable on suitable sites within the villages, with a housing guideline of approximately 10-50 additional dwellings over the period to 2026. Of these dwellings, 25-30 are to be in Longden village (which currently has approximately 120 houses), with the remainder spread evenly amongst the other Cluster settlements. The Parish Council has adopted a Longden Parish Development Statement (PDS) (2013) as an addendum to the Parish Plan (2010), indicating that no individual sites in Longden village should be of more than 10-15 houses and a preference for lower cost 2-3 bedroom properties. Development should also retain the current rural character of the village, with particular attention to the approaches to the village.
6.1.5	No specific sites are allocated for development by consultations with the local community. However these consultations have identified areas not suitable for development and also some areas of the village where small scale development could be located. (Zones refer to geographical areas of the village on the attached map). The PDS advises that all development must consider the impact on roads in the village of Longden, particularly the junctions on the main B4383 through the village.
6.1.6	The application site is located in Zone 6. The PDS outlines that around the Primary School development would be considered subject to consultation with the school, preservation of the school playfields and measures to alleviate congestion on the access road to the school, Plealey Lane. The location of development in this area is therefore supported under the emerging development plan although it is acknowledged that the indicative layout which shows 20 dwellings would exceed the aspiration to restrict any individual site to no more than 15.
6.1.7	Approvals since adoption of Core Strategy: In addition to approvals during the early part of the plan, including 13 dwellings at the Former County Arrows Supply site (08/1194/O), SAMDev seeks the delivery of an additional 25-30 homes in Longden. Since the adoption of the Core Strategy permissions have been granted and / or are pending legal agreement for a total of seven dwellings under (13/00600/FUL Sunninghill (One dwelling), 13/01147/OUT Thohebro (One dwelling), 13/00585/OUT Holland House (Two dwellings) and 14/01458/FUL Hall Farm (Three dwellings). Therefore, the approval of the development of this site for up to 20 dwellings would result in 27 approvals since the adoption of the Core Strategy which is between the approximate housing guideline of 25 to 30 dwellings. It is acknowledged that there have been 14 approvals in Hookagate, 5 in Exfords Green, 4 in Longden Common, 2 in Lower Common, 1 in Annscroft, totalling 26, which with a potential 27 in Longden would take the total to 53.
6.1.8	Whilst emerging SAMDev Policy MD3 recognises that settlement housing guidelines are a significant policy consideration, it outlines that where development would result in the number of completions plus outstanding permissions exceeding the guideline, decisions on whether to exceed the guideline will have regard to: i. The increase in number of dwellings relative to the guideline; and

	<ul style="list-style-type: none"> ii. The likelihood of delivery of the outstanding permissions; and iii. The benefits arising from the development; and iv. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and v. The presumption in favour of sustainable development.
6.1.9	<ul style="list-style-type: none"> i. Longden's Housing Guideline is for approximately 30 and granting of this consent would represent an increase of less than 10%; ii. All of the extant permissions or those pending decision have a minimum of 12 months before the submission of reserved matters are required so there is a reasonable likelihood that these will be delivered. iii. The benefits, cumulative impact and presumption in favour of sustainable development will be assessed in the following sections of this report.
6.1.10	<p><u>National Planning Policy Framework:</u> The National Planning Policy Framework (NPPF) constitutes guidance for local planning authorities which is a material consideration to be given significant weight in the decision making process. The NPPF imposes a presumption in favour of sustainable development. It states that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. With regards to housing development paragraph 49 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development", and that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites".</p>
6.1.8	<p>Following the submission of the SAMDev Final Plan to the Planning Inspectorate in August 2014, the Council's position is that it has identified sufficient land that will address the NPPF 5 year housing land supply requirements. In the calculation of the 5 years' supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF para 49 and these provide the starting point for considering planning applications.</p>
6.1.10	<p>In this case the application site is located within countryside for planning policy purposes and as such would not accord with Core Strategy Policy CS5. However, notwithstanding the above, weight must be given to the requirements of the NPPF and the presumption in favour of sustainable development. In terms of the sustainability of the development Longden is a village comprising approximately 129 dwellings and 331 residents which is located approximately 7 miles south west of</p>

	<p>Shrewsbury. The village benefits from a range of essential services and facilities including a Primary School, post office and village shop and public house. It also has a church and a village hall. The nearest Secondary Schools are at Pontesbury, Meole Brace, Shrewsbury or Church Stretton. The village is also served by the 546 Pulverbatch to Shrewsbury bus service which runs 7 services per day Monday to Friday and on Saturdays.</p>
6.1.11	<p>The site is located immediately adjoining the western boundary of the village and it is considered that the above services that are all within an easy walking distance of the application site. Furthermore, the proposal includes provisions to upgrade the footpath link to the village, thus improving pedestrian connectivity from the site. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services without over reliance or long journeys by private motor car.</p>
6.1.12	<p>However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is 'about positive growth – making economic, environmental and social progress for this and future generations'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:</p> <ul style="list-style-type: none"> • an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure; • a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and • an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
6.1.13	<p>Economic role – The proposal will help boost the supply of housing in Shropshire and will provide local employment for the construction phase of the development supporting small local builders and building suppliers. The provision of up to a maximum of 20 additional houses will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also make a financial contribution to the supply of affordable housing in addition to a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.</p>

6.1.14	<p>Social role –</p> <p>Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in smaller settlements where it will support facilities within the settlement and those nearby, thereby helping to retain services and enhancing the vitality of rural communities. Providing housing will support and maintain existing facilities and will benefit both the existing and future residents and help meet the needs of present and future generations. It is considered that an additional 20 dwellings now proposed would not provide any significant additional pressure on services that would render them unable to sustain services for residents. The proposed diversion of the existing public right of way and fencing, to Sport England specification, around the school playing field is considered to offer considerable child safeguarding benefits to the school and this is considered to weigh in favour of the proposal.</p>
6.1.15	<p>Environmental role –</p> <p>The site comprises Grade 3 Agricultural land and has no official heritage, cultural or ecological designation. The proposal will not have any detrimental impact upon local wildlife and any loss of significant or protected trees can be mitigated through a suitable landscaping scheme to involve the provision of replacement planting and the two significant areas of landscaping indicated on the site plan. A consideration of the likely visual impact upon the surrounding area will take place at the reserved matters stage.</p>
6.2	<p>Access and Highways Issues</p>
6.2.1	<p>The proposed development will involve the provision of a new vehicular access onto Plealey Lane, to be formed in the north west corner of the site, utilising the corner of an adjacent, larger field. The access has been positioned to achieve maximum visibility and will contain visibility splays measuring 79 metres in each direction which Highways officers consider adequate for the speed of traffic on Plealey Lane.</p>
6.2.2	<p>The proposed residential development is for up to a maximum of 20 dwellings and as such, does not require the submission of a Transport Assessment. Highways officers have considered the proposal and are satisfied that the road network surrounding the site will be able to accommodate the additional vehicle movements likely to be generated by the development.</p>
6.2.3	<p>The proposal includes an enhanced footway link to Plealey Lane to the north east of the site. The works will include the provision of a tarmaced surface and erection of a 1.8 metre high fence to provide security for the primary school. The upgraded footway would then be adopted by the local highway authority. Shropshire Council as the landowner and Local Education Authority raise no objection to the proposed works.</p>
6.2.4	<p>The local highway authority raise no objection to the proposal which it is considered can be provided without detriment to local highway or pedestrian safety. It is acknowledged that the current submission does not include the previously proposed 51 space car park as this is no longer viable due a reduction in housing numbers by one third. Whilst this would have helped alleviate congestion caused by school traffic</p>

	at start and end of the school day, its omission does not weigh against the current application. Notwithstanding the above comments, officers will seek to impose conditions to any planning approval requiring the submission of details of the design and construction of new roads and access, surface water drainage, a construction method statement, prior to the commencement of the development.
6.3	Layout and Scale
6.3.1	Development should meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles. This policy states that development should be appropriate in scale, density, pattern and design and should also safeguard residential and local amenity. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.
6.3.2	All matters other than the access onto Plealey Lane are reserved for later approval in this case and it would be these submissions, in the event of outline planning permission being given, that would consider the appropriateness of the layout and detailed design issues. The submitted Design and Access Statement does, however, indicate a mixture of 2-3 bedroom properties together with some larger 4-5 bed units.
6.3.3	The application has not been accompanied by an indicative plan. However, Officers are satisfied that the site is of a size capable of accommodating up to a maximum of 20 dwellings with further details to be submitted at Reserved Matters without appearing cramped or overdeveloped.
6.3.4	The submitted plans do show an area of landscaping to be provided in the north west corners of the site and an area of Public Open Space in the south east corner of the site. Precise details of the contents of these areas will be provided as part of a landscaping condition attached to any planning approval.
6.3.5	The proposal includes a 3 metre wide footway to the north of sports pitch through the school grounds to Plealey Lane. In order to accommodate this the existing school football pitch will need to be moved 3m further south which will also involve land to be gifted to Shropshire Council as landowner. The new playing field will be enclosed by a 1.8m high perimeter fence, details of which will be agreed with the planning department prior to erection. Footpath 33 Longden which currently runs inside the school curtilage will be diverted around the perimeter of the relocated playing field as part of the proposal.
6.4	Impact upon Residential Amenity
6.4.1	The nearest residential properties to the site are 4 properties located on Well Mead Lane, which are located across the private driveway which runs along the south site boundary, and The Rectory which is located immediately to the north of the site. The existing school access is located between The Rectory and Inscape and adjoins Plealey Lane immediately opposite Floradene and No. 6 Little Barnyard. As all matters other than the access onto are reserved for later approval, it would be the layout, scale and appearance of the development which would consider more specifically the likely impact upon the amenities of nearby residents. However on the basis of the information under consideration there is nothing to suggest that the

	residential development of the site would be harmful to residential amenities. Accordingly it is considered that the reserved matters application can comply the requirements of CS6.
6.4.2	Other material planning considerations
	Trees and Landscaping Issues
6.4.3	The application has been assessed by the Council Tree Team who notes how the revisions to this scheme to allow the retention of all trees on site have overcome the previous objections. The Tree Officer has acknowledged there is a loss of some short lengths of hedgerow, however this will not significantly impact on the amenity of the area and will be mitigated through the proposed landscaping provided as part of the scheme. The AIA indicates that the site can be accessed and developed without significant impact to trees that are important in the amenity of the area. As such no objection is raised to the application at this stage. The final layout must take account of the tree constraints identified in the AIA and make provision to accommodate all retained trees within the site design and it is expected that any proposed development would make provision to retain any trees identified as significant or potentially significant in the terms of public amenity or provide substantial justification and mitigation where their removal is proposed. A condition has been attached stipulating that the final site layout submitted as Reserved Matters, must be supported with an updated version of the AIA, assessing any impacts that arise and demonstrating that any retained trees can be protected to the minimum standards recommended in BS5837: 2012. A further condition has been attached to the recommendation requiring the submission of details of any landscape planting offered in mitigation for the loss of existing trees or hedgerows together with details of the tree planting in accordance with BS8545: 2014.
6.4.4	The proposal will also require the removal of 158 metres of hedgerow in order to accommodate the 2.4m by 79m visibility splays in each direction. Whilst such a loss would have a significant impact upon the character of the area, a new hedgerow will be replanted behind the visibility splays, in a species mix to the agreement of the Trees Officer and as such, it is considered that the proposed replanting will prevent significant adverse impact to the character of the street scene and wider landscape character.
6.4.5	The proposal will also include the provision of two areas of landscaping within the development site in the south east and north west corners. Precise details of the contents of these areas will be provided as part of a landscaping condition attached to any planning approval, however, it is considered that the area of landscaping to be provided in the north west part of the site will help to soften the impact of the vehicular entrance upon the surrounding landscape which is rural and agricultural in character. The area of planting in the south west corner will help to act as a buffer between the existing properties to the south of the site on Well Mead Lane, albeit with a section of agricultural land in between.
	Ecology Issues
6.4.6	

	<p>The application has been assessed by the SC Ecologist who has no objection subject to the Inclusion of conditions and informative(s). In formulating this response the Ecologist has noted that the SC Tree team have confirmed that all mature trees on site are being retained and have no objection in respect of bats subject to the inclusion of conditions and informative(s). In resPect of Great Crested Newts, the Ecologist has noted that there are ponds within 500m of the application boundary have been taken into consideration and phase 2 surveys conducted on the ponds within the grounds of the school. No great crested newts have been found after four activity surveys on the school pond and there is no objection subject to informative(s). With regard to Nesting Birds as the site has the potential to support nesting birds conditions and informative(s) have been suggested. Accordingly the proposal is in compliance with CS9 and CS17.</p>
	<p>Flood risk and Drainage</p>
6.4.7	<p>The site is not located within Flood Zones 2 or 3 and is not within an area known to be at risk of flooding.</p>
6.4.8	<p>The application has been referred to the Council's Flood and Surface Water Management Team who confirmed that the drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.</p>
6.4.9	<p>Officers note the concerns raised with regard to potential runoff and flooding of neighbouring land at lower levels to the south of the site. The reserved matters application will need to explore the use of soakaways for surface water disposal with percolation tests and the sizing of the soakaways designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate would have to be submitted for approval. The attenuation drainage system will be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.</p>
6.4.10	<p>This scheme will meet its requirements in respect of surface water drainage through the submission and approval of appropriate details at the reserved matters stage which will be implemented prior to any occupation of the dwellings and the scheme will accord with Policy CS18.</p>
	<p>Public Rights of Way</p>
6.4.11	<p>The proposal will involve the diversion of public footpath FP33 Longden which currently runs along the east site boundary, linking Plealey Lane to the north with the private driveway to the south of the site. The footpath will be diverted around the perimeter of the relocated football pitch before turning north where it will re-join its original course towards Plealey Lane. The Council's Public Rights of Way team have inspected the proposal and whilst they do not raise any objection in principle, they do advise that granting of planning permission would not constitute a formal diversion of the footpath or permission to re-surface which will need to be obtained separately under section 119 of the Highways Act 1980.</p>

<p>6.4.12</p> <p>6.4.13</p>	<p>Affordable Housing</p> <p>Policy CS11 of the Core Strategy requires an appropriate contribution to made local needs affordable housing, either in the form of on-site provision or a financial contribution towards off site provision. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing housing target rate at the time of Reserved Matters application.</p> <p>The applicants have agreed to make the necessary contribution in accordance with the requirements of the Type and Affordability of housing SPD and in this respect the application is considered to accord with Policy CS11.</p>
<p>7.0</p>	<p>CONCLUSION</p>
<p>7.1</p> <p>7.2</p> <p>7.3</p> <p>7.4</p>	<p>The planning application relates to the provision of a residential development comprising up to a maximum of 20 dwellings on land outside of the Longden Development Boundary as shown in saved Policy HS3 of the SABC Local Plan and is therefore located in open countryside and contrary to Core Strategy Policy CS5. The emerging SAMDev Plan is at an advanced stage and designates Longden as a Community Cluster with an aspiration for 25-30 dwellings over the plan period to 2026, with no individual site consisting of more than 10-15 houses. Notwithstanding this point, the application must also be considered in accordance with the NPPF which has a presumption in favour of sustainable development. Longden is a village which has a number of local facilities and services, and as such the site is considered to represent a sustainable site for residential development in principle.</p> <p>It is considered that the site is of a sufficient size to accommodate the proposed number of dwellings and would not result in an unacceptable form of development immediately adjacent to the village. The proposal would have no adverse environmental or ecological implications and would not impact on highway safety or the amenity of nearby residents. Any loss of significant or protected trees can be mitigated through a suitable landscaping scheme to involve the provision of replacement planting and the two significant areas of landscaping indicated on the site plan.</p> <p>Concerns have been raised regarding the size of the proposed development. However the number has been substantially reduced from the number submitted with the previously refused scheme and it is considered that existing infrastructure is sufficient to support the proposed development and that the proposal will provide local needs affordable housing and CIL payment towards local priorities. The scheme will also provide significant child safeguarding benefits through the diversion of the public footpath around the school sports pitch which will be secured by 1.8m high fencing.</p> <p>It is considered that Longden is a sustainable location for up to a maximum of 20 dwellings due to its range of essential services and facilities and access to public transport reducing reliance on long journeys by private motor car. It is considered</p>

7.5	<p>that the proposal represents sustainable development that will contribute to providing a balance of available housing and would help support facilities and services in this and neighbouring towns and villages and therefore promote 'strong, vibrant and healthy communities'.</p> <p>It is therefore recommended that members support this application and grant planning permission in line with clear guidance within the NPPF. Permission, if granted, should be subject to the completion of a S106 Agreement to secure the provision of affordable housing provision of new 3m wide footway link to existing public footpath through the school grounds which will be resurfaced in macadam to a width of 1.8m and the transfer of 3 metre wide section of land to the south of the existing playing field to Shropshire Council.</p>
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> • As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. • The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose. <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.</p>
8.2	Human Rights
	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>

8.3	Equalities
	The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.
9.0	Financial Implications
	There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

NFFP

PPG

Core Strategy and Saved Policies:

HS3 - Housing in Villages with Development Boundaries

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

RELEVANT PLANNING HISTORY:

14/01704/OUT Outline application for the erection of 35 dwellings to include means of access, together with resiting of school football pitch, provision of extended school car park and new school access (amended description) REFUSE 25th November 2014

11. Additional Information

[View details online:](#)

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

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Roger Evans

Appendices

APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. Approval of the details of the siting, design and external appearance of the development 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.

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2010 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:

The number of units (up to a maximum of 20)

The means of enclosure of the site

The levels of the site

The means of access for disabled people

The drainage of the site

The finished floor levels

An updated AIA assessing any impacts that arise and demonstrating that any retained trees can be protected to the minimum standards recommended in BS5837: 2012.

Reason: To ensure the development is of an appropriate standard.

5. This permission does not purport to grant consent for the layout shown on the deposited plan submitted with this application.

Reason: To enable the Local Planning Authority to consider the siting of the development when the reserved matters are submitted.

6. The first submission of reserved matters shall include a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:

- a) Means of enclosure, including all security and other fencing
- b) Minor artefacts and structures (e.g. lighting)
- c) Planting plans, including wildlife habitat and features (e.g. bat and bird boxes)
- d) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties)
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- f) Details of any landscape planting offered in mitigation for the loss of existing trees or hedgerows must also be provided and the details of the tree planting must be in accordance with BS8545: 2014.
- g) Implementation timetables

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. No development shall take place until details of the design and construction of any new roads, footways (including the new link through the school grounds), accesses together with details of the disposal of surface water have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory access to the site.

8. Prior to the commencement of any works on the existing school playing field to provide the footpath, the new school playing field shall have been repositioned as indicated on the approved plans and in accordance with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011).

Reason: To ensure the continued provision of sports facilities for the school and wider community.

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

10. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding

11. Prior to any built development of the residential development hereby approved, the proposed footway link through the school grounds, from the north-east corner of the playing field to Plealey Lane shall be fully implemented and opened for use in accordance with the agreed design and shall thereafter permanently be retained as such.

Reason: To provide a safe walking route for the future residents of the site.

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

12. A total of 6 woodcrete bat boxes/integrated bat bricks suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species.

13. Prior to construction and/or demolition activities occurring on site a dust management statement detailing how the developer will reduce dust from spreading off the site shall be submitted to the local planning authority for approval in writing. Any methods contained within any approved statement shall be implemented on site.

Reason: To protect the amenity of the area and the health and wellbeing of local residents.

14. A total of 6 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

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

15. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

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

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

16. No construction and/or demolition work shall commence outside of the following hours: Monday to Friday 07:30 - 18:00, Saturday 08:00 - 13:00. No works shall take place on Sundays and bank holidays.

Reason: to protect the health and wellbeing of residents in the area.

17. No burning shall take place on site including during clearance of the site.

Reason: to protect the amenity of the area and protect the health and wellbeing of local residents.

18. No residential development shall be provided in the landscaped area or area of Public Open Space indicated on the proposed site layout plan reference LVS/PP/13.

Reason: In order to preserve the amenities of nearby residents and to protect the character of the countryside through the prevention of built development on the part of the site containing the new vehicular access.

Informatives

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
2. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

Any mature trees within the hedgerows may have potential for roosting bats. If these trees are to be removed then an assessment and survey for roosting bats must be undertaken by an experienced, licensed bat ecologist in line with The Bat Conservation Trusts Bat Surveys Good Practice Guidelines prior to any tree surgery work being undertaken on these trees.

If a bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

3. 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.

Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should

be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

On the site to which this consent applies the storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.

If piles of rubble, logs, bricks, other loose materials or other possible reptile and amphibian refuge sites are to be disturbed, this should be done by hand and carried out in the active season for reptiles (approximately 31st March to 15th October) and any reptiles discovered should be allowed to naturally disperse. Advice should be sought from an experienced ecologist if large numbers of reptiles are present.

4. 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.

5. I would recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice. This can be viewed here: <http://new.shropshire.gov.uk/media/102056/Supplementary-Planning-Guidance-domestic-waste-storage-and-collection.pdf>
6. In order to make the properties ready for electric vehicles, the applicant should consider the installation of charging point isolation switches should be connected so that a vehicle may be charged where off road parking is provided. This should involve the provision of an independent 32 amp radial circuit isolation switch at each property for the purpose of future proofing the installation. The charging point must comply with BS7671. A standard 3 pin, 13 amp external socket will be required. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.
7. The applicants will need to apply to the Mapping and enforcement team for a legal diversion of the path and to agree on any change to the surface of any sections of the path and the legal width along its length.

-

This page is intentionally left blank



Committee and date
 Central Planning Committee
 21 May 2015

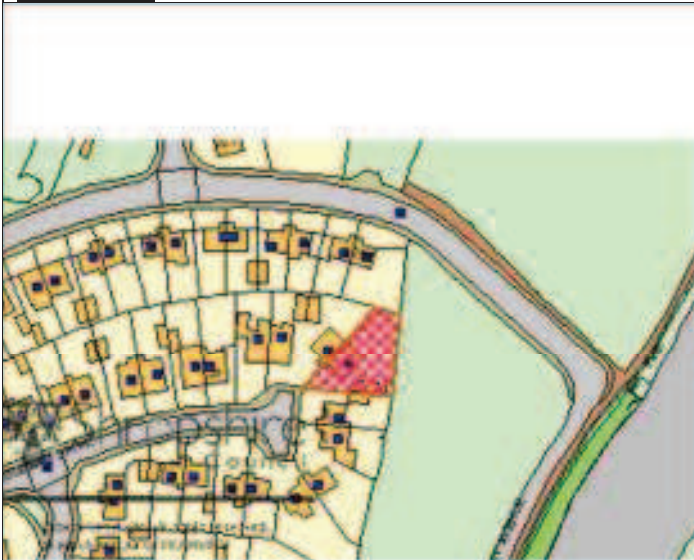
Development Management Report

Responsible Officer: Tim Rogers
 email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 15/00842/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of a first floor and single storey extension to rear elevation including a Juliet balcony; insertion of porch, conversion of garage to provide a residential annexe - modification to previously approved application 14/05496/FUL (Amended description)		
Site Address: 37 Regents Drive Shrewsbury Shropshire SY1 2TN		
Applicant: Mrs Jane Mackenzie		
Case Officer: Kate Whitfield	email: planningdmc@shropshire.gov.uk	

Grid Ref: 350344 - 313668



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2011 For reference purposes only. No further copies may be made.

Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal is for the following alterations to a residential dwelling :
- A first floor rear extension to extend an existing bedroom and provide an en-suite bathroom.
 - A single storey rear extension to provide a sun room.
 - Conversion of the existing garage to living accommodation.

1.2 The first floor rear extension will measure around 2.6 metres deep and 4.8 metres wide. It will have an intersecting pitched roof around 0.5 metres lower than the main roof over the dwelling. The south west facing side elevation will have a set of French doors and a Juliet balcony.

1.3 The single storey rear extension will measure around 3.2 metres deep and 3 metres wide. It will have a mono pitched roof around 3.75 metres high.

1.4 It is proposed to render the walls of the extensions. The roof will be tiled to match the existing.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is a semi detached, 3 bedroom dwelling located at the head of a residential cul-de-sac in the Ditherington area of Shrewsbury. The property is constructed from brick with a tiled roof and has a flat roof single storey rear extension over which the proposed extension under this application will be built.

2.2 The adjoining property lies to the north west of the application site. To the south a further semi-detached dwelling lies around 8 metres away. The rear boundary of the site borders the Castlefields and Spring Gardens Special Character Area of the Shrewsbury Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application is submitted by a Member of the Council sitting on the Central Planning Committee. Therefore under the terms of the scheme of delegation as set out in Part 8 of the Council Constitution the application requires determination by Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.2 **Shropshire Council's Historic Environment Officer** : No comments on this application.

4.3 **Public Comments**

4.4 **Shrewsbury Town Council** : Whilst the Town Council has no objections per se to enhancing buildings within the curtilage of the main property to provide additional living accommodation, conditions should be established to ensure that the additional living space remains ancillary to the main property and cannot be sold as a separate residence.

4.5 The 5 nearest residential properties have been individually notified. One anonymous representation has been received which raises concerns over access to the site.

5.0 **THE MAIN ISSUES**

- Principle of development.
- Siting, scale and design of the extensions and the impact on the appearance of the property.
- Impact on the residential amenity of neighbouring properties.

6.0 **OFFICER APPRAISAL**

6.1 **Principle of Development**

6.1.1 Extensions to residential properties are acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6 : Sustainable Design and Development Principles. This policy states that development should be appropriate in scale, density, pattern and design and should also safeguard residential and local amenity.

6.1.2 The Town and Country Planning Act 1990 allows the use of any buildings or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the main dwelling. In this case it is proposed to convert an existing single garage to annexe accommodation. However, the plans indicate that the building will only have a bedroom and small shower room. The building would not therefore be capable of providing independent living accommodation and occupiers would be dependent on the main dwelling for general day to day needs. The location of the annexe, on the driveway of the main dwelling, would mean that it will still be seen as part of the main residential unit, rather than an independent property. To reinforce this a condition can be attached to the planning permission to state that it cannot be sold or let as a separate dwelling. It is therefore considered that this proposal for a residential annex could be supported in principle.

6.2 **Siting, scale and design of the extensions and the impact on the appearance of the property.**

6.2.1 The proposed extensions are proportionate in scale to the size of the existing property. The first floor extension has an intersecting pitched roof which is slightly lower in height and should appear subservient in appearance to the main house. The single storey addition is also of a modest scale and the combined extensions should not have any detrimental impact on the character and appearance of the property.

6.2.2 It is proposed to render the extensions, rather than use bricks, but this should complement and blend in well with the property. In general the proposal should not have any detrimental impact on the appearance of the dwelling.

6.3 **Impact on the residential amenity of neighbouring properties.**

- 6.3.1 The proposed extension does not extend up to the boundary with the adjoining property, with around a 1.5 metre distance between the two. This distance is considered to be sufficient to prevent the extension from having an overbearing impact on the adjoining property and prevent any overshadowing or restriction of light to its closest rear elevation window.
- 6.3.2 Given that there is currently a balcony on the roof of the existing single storey rear extension the proposed extension should generally lead to less overlooking onto the neighbouring properties than the present situation. French doors and a Juliet balcony is shown for the south eastern side elevation but due to the distance to the boundary and the relative siting and angles of the properties this window should not lead to any undue overlooking of the neighbouring property to the south.
- 6.3.3 It is not considered that the conversion of the garage to annexe accommodation would have any impact on the residential amenities of the area. The building adjoins the garage of the neighbouring property on this side and its use as residential accommodation should not lead to any excessive noise and disturbance. In addition, the access to the property will remain unaltered and the long driveway is sufficient to park 2 to 3 vehicles, which is in excess of the minimum level of spaces set out in the parking standards of the saved Shrewsbury and Atcham Borough Local Plan policy T14 : Parking Standards Outside the River Loop, and Appendix 2.

7.0 **CONCLUSION**

- 7.1 The proposed extensions to this residential dwelling and the conversion of the garage building to a residential annexe are considered to meet the criteria of Core Strategy Policy CS6. They are considered appropriate in scale, density, pattern and design to the existing house and will not adversely affect the residential amenity of neighbouring properties. Delegated approval is therefore recommended.

8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

Risk Management

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

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

and b) in any event not later than three months after the grounds to make the claim first arose.

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

HUMAN RIGHTS

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

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

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

EQUALITIES

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

9.0 FINANCIAL IMPLICATIONS

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework :
Part: 7: Requiring Good Design

Core Strategy and Saved Policies:

CS6 : Sustainable Design and Development Principles

RELEVANT PLANNING HISTORY:

14/05496/FUL Erection of a first floor extension to the rear; including insertion of a Juliet balcony GRANT 27th January 2015

SA/85/0853 Alterations and additions at the rear to provide a flat roof utility room and sun lounge with balcony over for domestic use. PERCON 14th November 1985

SA/80/0408 Erection of an extension to existing kitchen. PERCON 29th April 1980

SA/79/0833 Erection of a 2 storey flat roofed extension to provide enlarged lounge, kitchen, entrance hall, and dining area with additional bedrooms above. REFUSE 9th October 1979

SA/74/0492 To erect extension to provide rear entrance porch. PERCON 15th October 1974

11. Additional Information

View details online: <http://planningpa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers : Application Reference 15/00842/FUL
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Alan Mosley
Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. The external materials shall be as detailed on the application form for planning permission and shall match those of the existing building where appropriate. There shall be no variation to these materials.

Reason: To ensure that the works harmonise with the existing development.

4. The development hereby permitted shall only be used as an integral part and incidental to the enjoyment of the existing dwelling and shall not at any time be sold, let or occupied as a separate unit of residential accommodation.

Reason: To ensure proper control of the development and to avoid any future undesirable fragmentation of the curtilage.

Informatives

1. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.
2. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

-

This page is intentionally left blank

Schedule of Appeals and Appeal Decisions

LPA reference	13/00626/OUT
Appeal against	Appeal Against Refusal
Appellant	Baytown Properties PCC Limited
Proposal	Outline application for residential development to include access.
Location	Land Adjacent 27 Darville, Shrewsbury.
Date of application	20.02.2013
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	29.01.2014
Date of appeal	25.07.2014
Appeal method	Written Representations
Date site visit	09.03.2015
Date of appeal decision	21.04.2015
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	14/00267/FUL
Appeal against	Non Determination
Appellant	Mr D. Davies
Proposal	Erection of two detached dwellings; formation of driveway.
Location	Proposed Residential Development Adjacent 38 Longden Road, Shrewsbury.
Date of application	22.01.2014
Officer recommendation	No Recommendation
Committee decision (delegated)	Not Applicable
Date of decision	Not Applicable
Date of appeal	04.11.2014
Appeal method	Written Representations
Date site visit	09.03.2015
Date of appeal decision	26.03.2015
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	14/01214/FUL
Appeal against	Appeal Against Refusal
Appellant	Mr I. Richards-Anderson
Proposal	Erection of a dwelling.
Location	Land To Rear Of 25 Longner Street, Shrewsbury.
Date of application	19.03.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	13.05.2014
Date of appeal	18.11.2014
Appeal method	Written Representations
Date site visit	25.02.2015
Date of appeal decision	31.03.2015
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	14/02834/OUT
Appeal against	Appeal Against Refusal
Appellant	Mr & Mrs Quinn
Proposal	Outline planning application for the erection of a dwelling to include access and layout.
Location	Land To East Of The Clamp, Mytton, Shrewsbury.
Date of application	24.06.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	21.10.2014
Date of appeal	10.11.2014
Appeal method	Written Representations
Date site visit	27.02.2015
Date of appeal decision	26.03.2015
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	14/05208/FUL
Appeal against	Appeal Against Refusal
Appellant	Mr T Priestley
Proposal	Erection of an apartment block of four 1 bedroom apartments following demolition of existing garages.
Location	Development Site, Harcourt Crescent, Shrewsbury.
Date of application	21.11.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	13.02.2015
Date of appeal	23.03.2015
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	14/03425/OUT
Appeal against	Appeal Against Refusal
Appellant	Mr & Mrs J & K Reynolds
Proposal	Outline application for the erection of one dwelling to include means of access.
Location	Proposed Dwelling To The East Of Grove Lane, Pontesbury, Shrewsbury.
Date of application	31.07.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	10.12.2014
Date of appeal	23.02.2015
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	14/03111/OUT
Appeal against	Appeal Against Refusal
Appellant	Mr And Mrs Wheeler
Proposal	Outline application for the erection of a detached bungalow and garage to replace the existing cafe/shop.
Location	Jessamine Cottage, Kenley, Shrewsbury.
Date of application	10.07.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	22.09.2014
Date of appeal	12.12.2014
Appeal method	Written Representations
Date site visit	17.03.2015
Date of appeal decision	16.04.2015
Determination time (weeks)	
Appeal decision	DISMISSED – COSTS DISMISSED
Details	

Appeal Decision

Site visit made on 9 March 2015

by Mr A Thickett BA(Hons) BTP MRTPI DipRSA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 April 2015

Appeal Ref: APP/L3245/A/14/2222756

Land adjacent to 27 Darville, Shrewsbury, SY1 2UG

- 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 Baytown Properties PCC Ltd against the decision of Shropshire Council.
 - The application Ref 13/00626OUT, dated 19 February 2013, was refused by notice dated 29 January 2014.
 - The development proposed is residential development. The appeal application is in outline with all matters bar access reserved for subsequent approval.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development complies with national and local policy regarding flood risk.

Reasons

3. The appeal site comprises a paddock and field running to about 0.1ha between a mid to late 20th century housing estate and the River Severn. A small watercourse runs around the northern boundary of the site between existing houses and the site.
4. According to the Environment Agency's (EA) Flood Map, part of the site is in Flood Zone 2 but most is located in Flood Zone 3 with parts in Flood Zone 3b (functional floodplain). The National Planning Policy Framework (NPPF) seeks to direct new housing away from areas at risk of flooding and sites should not be developed if there are reasonably available sites in areas with a lower probability of flooding. The aim of this sequential test is to steer new development to areas with the lowest probability of flooding. If it is not possible for development to be located in areas at lower risk of flooding then it may be permitted, subject to the exception test being passed. In short, this requires the development to provide wider sustainability benefits to the community which outweigh flood risk and to show that it will be safe for its lifetime without increasing flood risk elsewhere and where possible reducing flood risk overall.
5. For the purpose of assessing flood risk, National Planning Policy Guidance (PPG) defines housing as 'more vulnerable' and indicates that such

- development should not be permitted in Flood Zone 3b. Housing may be permitted in Zone 3a subject to an exception test.
6. The appellant's contention that the site has never flooded is supported by the former Chief Executive of the Council and by a signed affidavit from someone who has kept horses on the site since 2003. However, local residents report that the site has flooded.
 7. The appellant's consultants consider that those parts of the site in Flood Zones 2 and 3a could be developed subject to raising floor and ground levels. However, the Environment Agency consider the appellant's flood risk assessment to be flawed stating; *'The proposed site is located entirely within the modelled 100 years plus climate change flood extent and based on topography would flood to depths of approximately between 0.84m and 2.89m. The Appellant has failed to consider this'*. I am not confident that I am able, from the information submitted, to reach a firm conclusion as to whether the appellant's consultant's proposals would ensure that prospective residents would be safe for the lifetime of the development. In the absence of such confidence, I cannot find in favour of the scheme before me.
 8. Further, as stated above, before one can apply the exception tests, one must, in this case be satisfied that it is not possible, consistent with wider sustainability objectives, for new housing to be located in areas with a lower risk of flooding. The Council's Shropshire Site Allocations and Management of Development plan is currently being examined. The plan identifies Shrewsbury as the primary focus for new development in the county and supports development within its boundaries.
 9. However, it also acknowledges that there are significant constraints, including flooding associated with the River Severn. The appellant argues that there are no better, available sites in this part of the town but I have seen nothing in the PPG to justify limiting a sequential search to only part of the town. The Council argues, reasonably in my view, that the sequential test should cover all the town and that there are likely to be other deliverable sites identified in the emerging Site Allocations plan which are at a lower risk of flooding. I do not have the evidence before me to conclude that there are no sequentially preferable sites available to meet the town's housing needs and it seems to me that the Site Allocations plan is the appropriate vehicle to carry out this assessment.

Conclusions

10. My attention is drawn to permissions granted on adjoining sites in 2008 but neither were subject to objection from the EA and both are prior to the NPPF and the latest guidance on flooding.
11. For the reasons given above and having regard to all matters raised, I am not satisfied that there are no sequentially preferable sites or that the proposed development would be safe for its lifetime. I conclude, therefore that the proposal conflicts with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 and national policy as set out in the NPPF and PPG and that the appeal should be dismissed.

Anthony Thickett

Inspector

A

Site visit made on 9 March 2015

by Mr A T

a

mmunities and Local Government

Decision date: 26 March 2015

Appeal Ref: APP/L3245/A/14/2228392
40 Longden Road, Shrewsbury, SY3 7HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Douglas Davies against Shropshire Council.
 - The application Ref 14/00267/FUL, is dated 16 January 2014.
 - The development proposed is two dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant originally sought planning permission for 3 dwellings but this was reduced to two following negotiations with Council officers. I have determined the appeal on the basis of the amended scheme for two dwellings.
3. The Council has indicated that had it determined the planning application it would have refused to grant planning permission on the grounds that the proposed development would have an adverse impact on highway safety and that it would harm the Shrewsbury Conservation Area.
4. The appellants seek to rely on the statement in the Planning Inspectorate's letter of 23 December 2014 that the development '*would not be likely to have significant effect on the environment by virtue of factors such as its nature, size or location*'. That conclusion relates solely to a screening opinion under the Environmental Impact Assessment Regulations¹ and is not a judgement regarding the acceptability or otherwise of the proposed development.

Main Issues

5. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Shrewsbury Conservation Area
 - the impact of the proposal on highway safety

¹ Town and Country Planning (Environmental Impact Assessment) Regulations 2011

Reasons

Conservation Area

6. The site comprises a rectangular piece of land to the rear of properties on Longden Road. It is accessed by a narrow track which serves two other 'backland' dwellings (Nos. 38 and 40) and a garage to the rear of No. 42. There is a large commercial greenhouse on the site and the Council do not dispute the appellant's contention that it was once used as a market garden. The site lies within the Kingsland Special Character Area which forms part of the Conservation Area and is part of the Rad Brook valley which provides an important 'green lung' extending into the heart of Shrewsbury and which makes a significant contribution to the setting of this historic town.
7. The fence and large trees on the northern boundary mark a clear delineation between the site and the rest of the Rad Brook Valley. Further, the site extends no further into the valley than No. 38, which lies at the end of the track and the houses along Vane Road. The site is previously developed land, it is in within the city and the Council concede that, in principle, it is an acceptable location for housing. I agree but share the Council's concerns with regard to the size and design of the proposed dwellings and their impact on the trees on the site.
8. There are a number of self set trees within the site and I do not consider that their loss would be significant. The trees on the northern and western boundaries are, for the most part, more substantial specimens. Although the proposed dwellings are shown to be outside their root protection areas they would restrict light to the proposed dwellings. This would have an adverse impact on the living conditions of prospective residents (which does not represent good design) and I have no doubt that, as a consequence, it would be difficult to resist pressure to remove them. The loss of these trees would in itself have an adverse impact on the character and appearance of the area and the proposed dwellings would become more obvious as a result.
9. The proposed dwellings would be larger and taller than the two bungalows currently accessed off the track. I acknowledge that there is a building on the site but I consider that the proposed houses, because of their size (footprint and height), would result in an unacceptable visual intrusion into the valley. Consequently, I conclude that the proposed development would neither preserve nor enhance the character or appearance of the Shrewsbury Conservation Area and that it conflicts with policies CS2, CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy 2011.

Highway safety

10. The track is too narrow for two vehicles to pass and the additional traffic generated by the proposed development would increase the possibility of vehicles having to wait on the public highway for the track to clear of a vehicle entering the highway. Further, there are walls on either side of the access and visibility is poor in both directions.
11. I have considered the concerns of local residents and the objections of the Highway Authority. However, as indicated above the site was previously used as a market garden and, although it clearly has not been in operation for some time, I have seen nothing to show that the use has been abandoned. A market

garden business would doubtless generate traffic and possibly large delivery vehicles. Notwithstanding the shortcomings of the proposed access described above, I have seen nothing to suggest that the proposed two dwellings would generate significantly more traffic than if the site returned to a commercial market garden. I do not consider, therefore, that the proposal's impact on highway safety justifies the withholding of planning permission and, as a consequence, find no conflict with Policy CS6 of the Core Strategy (insofar as it relates to this issue).

Conclusions

12. Notwithstanding my findings with regard to highway safety, the harm I have identified to the Conservation Area provides compelling grounds to dismiss this appeal. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Anthony Thickett

Inspector

This page is intentionally left blank

Appeal Decision

Site visit made on 25 February 2015

by Mark Caine BSc (Hons) MTPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31/03/2015

Appeal Ref: APP/L3245/A/14/2228819

Land to the rear of 25 Longner Street, Shrewsbury, Shropshire, SY3 8RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Iain Richards-Anderson against the decision of Shropshire Council.
 - The application Ref 14/01214/FUL, dated 24 February 2014, was refused by notice dated 13 May 2014.
 - The development proposed is a detached dwelling house.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - (i) Whether the proposal would preserve or enhance the character or appearance of the Shrewsbury Conservation Area.
 - (ii) The effect of the proposal on the living conditions of neighbouring occupiers, with particular reference to outlook and privacy.
 - (iii) The risk to future occupiers from flooding.

Reasons

Character and appearance

3. The appeal relates to the rear garden area of a mid-terrace residential property that is located on the edge of the town centre and within the Shrewsbury Conservation Area.
4. I have been provided with limited information on the Shrewsbury Conservation Area as a whole, including the Mountsfields Special Character Area, and its significance as I do not have a conservation area appraisal for this heritage asset before me. Nonetheless, in the absence of this information, it was apparent on my site visit that its special interest derives from its mixture of uses and its diverse built form, comprising buildings of varying size, scale, style and age.
5. There is a small public car park directly to the rear of the site and a variety of large modern civic and commercial buildings nearby. Nonetheless, a mixture of two-storey semi-detached houses and terrace houses that are set out in a linear street

- pattern with long narrow rear garden spaces are key features of the layout and appearance of this part of the conservation area.
6. It has been put to me that the proposal would be of a similar scale and constructed in similar materials as the neighbouring houses, and that it would also reflect the modern design of the nearby civic buildings. Nonetheless, by effectively subdividing the rear garden area of 25 Longner Street, and introducing a two-storey detached dwelling, the proposal would increase the built form and density of development across the site. The resultant garden areas provided for the proposal and No 25 would also be significantly smaller than the majority of those found in the surrounding area. As a result of this the proposed development would appear cramped on the site, and out of context with the predominant layout and pattern of development in the immediate vicinity. The neighbouring car park to the rear of the appeal site would also open up views of the proposal from the Frankwell highway where its prominent, incongruous nature would be readily apparent. The existing timber fence would offer little effective mitigation against this impact.
 7. The proposal would therefore not preserve or enhance the character or appearance of the Shrewsbury Conservation Area. The most relevant policies that have been referred to me are CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (Core Strategy). Amongst other matters, these seek to ensure that all development conserves and enhances the natural, built and historic environment taking account of the local context and factors such as density and pattern. The proposal would conflict with the aims of this policy.
 8. Nonetheless, I consider the overall significance of the Shrewsbury Conservation Area to derive from its mixed uses and diverse built form and character. Whilst I have found that the proposal would have a detrimental effect on the character and appearance of the immediate surroundings, this impact would be relatively localised and the harm caused to the character and appearance of the conservation area would therefore be less than substantial.
 9. Where any harm to the significance of designated heritage assets would be less than substantial, paragraph 134 of the National Planning Policy Framework (the Framework) states that this harm should be weighed against any public benefits of the proposal.
 10. The appellant has put forward that the proposal would be constructed to lifetime homes standards and that the site is located in a sustainable location, within walking distance of Shrewsbury town centre, local bus routes and a railway station. However, I do not consider these matters, to the extent that they amount to public benefits, would outweigh the harm that would be caused to the Shrewsbury Conservation Area and its significance as a heritage asset.

Living conditions

11. The proposed dwelling would be clearly visible from the rear windows of No's 23, 25 and 27 Longner Street. However I saw on my site visit that the proposed dwelling would be offset from the shared boundary with No 23 by approximately one metre and that No 25 is set in from the shared boundary with No 27 by around 2.5 metres. I therefore consider that the various intervening distances between the proposal and these properties, and the breadth of open outlook that would be retained from their rear habitable windows to be such that the impact of the proposed dwelling would not be significantly overbearing or lead to an undue loss of outlook.

12. I also recognise that the proposed dwelling has been designed so that there would be no first floor windows within its north and east elevations. I am satisfied that this would ensure that no overlooking of neighbouring properties' rear garden areas would occur from this floor. Nonetheless, the finished floor levels of the proposal would be raised approximately 1.5 metres above the ground level of neighbouring properties and their garden areas to mitigate flood risk. As a result of this the proposal's first floor patio doors and platform for garden/patio space would be at a similar elevated height.
13. The close proximity of the proposed raised platform to the shared boundaries of No 23, 25, and 27 Longner Street's back gardens would result in its users having clear views over the top of the existing boundary fences into these areas. A significant loss of privacy to neighbouring residents would occur. Although I am mindful that a degree of mutual overlooking of garden areas is a common feature in this area, this takes place from neighbouring houses' first floor rear windows which are at relatively oblique angles to them.
14. I therefore conclude that the proposed development would result in a materially harmful effect on the living conditions of the residents of neighbouring properties, with particular regard to privacy. In this regard it would conflict with the aims of Core Strategy Policy CS6 which seeks, amongst other matters, to safeguard residential and local amenity.

Flood Risk

15. There is little firm evidence before me to substantiate that the appeal site is located within a functional floodplain. Nonetheless it is uncontested that the appeal site is situated within Flood Zone 3 of the Environment Agency's Flood Zone Maps. This is the zone at highest risk of flooding.
16. I appreciate that proposed dwelling has been designed to incorporate measures to allow flood rates to pass below its ground floor level. However the aim of the Framework is to ensure that flood risk is not increased elsewhere by steering new development to areas with the lowest probability of flooding. It advises that development should only be considered appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment (FRA) following the Sequential Test and, if required the Exception Test, it can be demonstrated that *...development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to sustainable drainage systems.*
17. Therefore only if no reasonably available sites are available in Zones 1 and 2 should the suitability of sites in Zone 3 be considered, again taking account of flood risk vulnerability, applying the exception test if required.
18. The presence of flood defences and protection barriers, such as those referred to by the appellant, are a consideration for a FRA and the exception test in assessing whether a site which has passed the Sequential Test would be safe for the lifetime of the development. However, the appellant has not submitted a FRA and I have been provided with little substantive evidence to demonstrate that the Sequential Test has taken place and that there are no other reasonably available sites in Flood Zones 1 and 2. Therefore, on the basis of the information before me, the proposal does not pass the Sequential Test and there is no need to consider flood risk further.

19. I therefore conclude that it has not been adequately shown that future occupiers would not be at risk from flooding. As such it would conflict with Core Strategy Policy CS18 which requires FRA's to be submitted alongside development proposals and used as a starting point for understanding the level of flood risk posed to a particular site. The proposal would also not accord with the aims of the Framework in regards to flood risk.

Other matters

20. On my site visit I noted that an electricity substation is located in the car park to the rear of the appeal site and that the proposal would have a similar finished floor level as this. It has also been brought to my attention that recently constructed apartments on Mount Street have been built with a plinth. Nonetheless, I do not have the details of what Flood Zones these developments are located within, or the circumstances that led to them being accepted. Accordingly I cannot be certain that they would be directly comparable to the appeal proposal before me. I have, in any case, determined the appeal on its own merits.
21. I am satisfied that the orientation of the appeal site in relation to the direction of the sun is such that the proposal would not result in a substantial amount of overshadowing to the rear windows or rear garden areas of neighbouring properties. It has also been put to me that a vehicular access already exists to the rear of the appeal site and that it would have little effect on the operation of the car park. Nonetheless I do not consider these matters to overcome the harm that I have identified above.
22. The Council accepts that it does not have an identifiable five-year housing land supply. In reaching my conclusions I have taken into account the appellant's reference to other sections of the Framework and the presumption in favour of sustainable development. However I consider the contribution that this would make towards addressing the undersupply of housing does not outweigh the harm the scheme would cause to the character and appearance of the surrounding area, the living conditions of neighbouring residents and the risk of flooding. It therefore is not sustainable development for which there is a presumption in favour. In reaching my conclusion I have borne in mind paras 47-49 of the Framework and its guidance that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupiers of land, taking account of different roles and character of different areas and to support the transition to a low carbon future taking full account of flood risk (para 17).
23. I have also noted the appellant's reference to a Written Ministerial Statement on 28 November 2014 concerning the provision of affordable housing as recently expressed in the amendment to the Planning Practice Guidance. However, given my findings on the main issues, it is not necessary to consider the question of a S106 as I have found that the appeal must be dismissed on other grounds and the Obligation could only have been neutral in my overall findings. It therefore could not add to any benefits in my overall balancing exercise.
24. For the reasons given above, the appeal is therefore dismissed.

Mark Caine

INSPECTOR

Appeal Decision

Site visit made on 27 February 2015

by Jameson Bridgwater DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 March 2015

Appeal Ref: APP/L3245/A/14/2229230

Land at 'The Clamp' Mytton, Shrewsbury, Shropshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Quinn against the decision of Shropshire Council.
 - The application Ref 14/02834/OUT, dated 23 June 2014, was refused by notice dated 21 October 2014.
 - The development proposed is erection of a dwelling.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is whether the proposal amounts to an acceptable form of sustainable development with particular regard to its location and the National Planning Policy Framework (the Framework).

Reasons

3. The appeal site comprises part of a small field, bounded by traditional hedgerows to the front and rear of the site. It is located within the rural settlement of Mytton which does not offer a range of services and facilities albeit the site is wholly within the parish boundary of Montford.

Location and sustainability

4. The appellants have suggested that the appeal site, which is bordered on one side by the residential property of 'The Clamp', is not physically isolated and that the proposed new dwelling would be infill and the proposal could be comfortably accommodated on the site. It is clear that there are a small number of dwellings within the immediate area of the appeal site and the site would be physically capable of accommodating a dwelling. However, the appeal site is outside of what could be described as the 'old core' of Mytton which lies to the east and would represent the continuation of a small ribbon of development that lies in an intrinsically rural location.
5. The appellants reason that the proposed dwelling would not be located in the open countryside given that the saved Shrewsbury and Atcham Local Plan Policy HS3, used to define settlement boundaries and the open countryside is not up to date and can no longer be relied upon. Whilst it is accepted that the policy is over 13 years old, it remains a 'saved' policy and there is no specific

evidence before me to support this assertion or that the policy is inconsistent with the Framework.

6. Policy CS5 of the Shropshire Local Development Framework Adopted Core Strategy 2011, seeks to ensure that new development in the countryside improves the sustainability of rural communities by bringing local community or economic benefits. The policy sets out types of development that are considered to support these objectives. Amongst other things, the policy specifies that dwellings to house agricultural, forestry or other essential countryside workers and other affordable housing/accommodation to meet a demonstrated local need or benefit will be permitted. There is no substantive evidence before me to demonstrate that the proposed new dwelling would meet an identified need or bring forward community or economic benefits. I consider that the proposed dwelling would be within the open countryside for development plan purposes. Therefore the proposal would conflict with Policy CS5 and paragraph 55 of the Framework.
7. The appellants and the Council have referred to the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (currently under examination) in their representations, with particular regard to community clusters. However, based on the limited information before me, the appeal site appears to form part of open countryside within Monford Parish and not part of the emerging Mytton Cluster. The principle of development such as the appeal scheme in such locations is not supported.
8. Both the appellants and the Council have confirmed that Mytton has no services. The nearest services to the appeal site are in Montford Bridge approximately 1 mile from the site. Montford Bridge has a public house and is located on the Oswestry to Shrewsbury bus route. The appellant states that the site is approximately 1 mile from the Sustrans route 81, a national cycle route that provides a direct access to Shrewsbury, with an approximate cycle distance of 6 miles from Montford Bridge. Mytton is served by daily primary/secondary school bus transport. The appellants have also drawn attention to employment opportunities within the wider area, including the currently vacant Mytton Mill Business Park. These could potentially result in limited access to employment opportunities for any future occupiers of the proposed dwelling.
9. Based on my observations and the information before me I consider there is a very limited degree of access to sustainable transport and employment. Given the distance and the unlit narrow country lanes that only have limited sections of footpath that would link the appeal site to access the bus route and the overall cycling distance to Shrewsbury, I find it highly likely that the appeal proposal would generate the need to travel by private motor vehicles in order to access services and facilities.
10. Having come to the conclusions above, it follows that the appeal site does not amount to a sustainable location. Such a conclusion is not altered by the social considerations advanced by the appellants. The proposal would therefore be in conflict with key principles of sustainability within the Framework.

Other matters

11. There is dispute between the parties as to whether the Council is able to demonstrate a 5 year land supply of deliverable housing sites as required by

the Framework. However, even if there was a recognised shortfall, the single dwelling proposed would have a negligible impact on it. Further as I have found that the location of the appeal site is not sustainable, the presumption in favour of granting planning permission would not apply in this case.

12. The unilateral undertaking submitted with the appeal by the appellant would provide for a financial contribution to be made towards the provision of off-site affordable housing in accordance with Shropshire Council's Local Development Framework Supplementary Planning Document on the Type and Affordability of Housing adopted September 2012. Whilst I am mindful of the government's updated policy on such matters contained in the National Planning Practice Guidance, the contribution would not outweigh the harm that I have identified in relation to the main issue.

Conclusion

13. For the above reasons, and having carefully considered all other matters raised including the representations made by local residents. I conclude that the appeal should be dismissed.

Jameson Bridgwater

INSPECTOR

This page is intentionally left blank

Appeal Decision

Site visit made on 17 March 2015

by Victoria Lucas-Gosnold LLB MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 April 2015

Appeal Ref: APP/L3245/W/14/3000886

Jessamine Cottage, Kenley, Shrewsbury, SY5 6NS

- 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 & Mrs P & L Wheeler against the decision of Shropshire Council.
 - The application Ref 14/03111/OUT, dated 8 July 2014, was refused by notice dated 22 September 2014.
 - The development proposed is 'erection of 1 detached bungalow to replace the existing café/shop'.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs P & L Wheeler against Shropshire Council. This application will be the subject of a separate Decision.

Procedural Matters

3. The original application to which this appeal relates was submitted in outline with all other matters except access reserved for consideration at a later date. I have determined this appeal on that basis.
4. I am aware of the appellants request for this appeal to be determined via a Hearing procedure. However, I consider that the issues raised in this appeal are straightforward and I have been able to deal with them on the basis of the information submitted by the parties. I am therefore satisfied that determining this appeal via the written representation procedure was appropriate in this case.

Main Issues

5. The main issues are:
 - Whether the development proposed would be acceptable with regard to the principle of sustainable development; and the effect of the development proposed on protected species.

Reasons

6. The appeal site forms part of the garden associated with Jessamine Cottage. The existing dwelling on the site is a large, detached cottage style dwelling and

it set within extensive grounds which the appellants have cultivated over time to form an attractive garden which is open to the public to view between May and August. There is a small, wooden clad detached café/shop on the site which the appellants use to sell refreshments and produce grown in the garden to visitors and is also available to pre-booked small parties. The café/shop building has tables and seating for 26 people.

7. The appeal proposal would see the construction of a detached bungalow in the approximate position of the existing café building, which would be removed were the appeal to succeed.

The Policy Framework

8. For the purposes of the development plan, the appeal site is within the open countryside. Policy CS5 of the Shropshire Core Strategy (Adopted March 2011) (the 'CS') states that new development will be strictly controlled in accordance with national planning policies protecting the countryside. The policy goes on to state that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. Policy CS6 of the CS sets out some general sustainable design and development principles to create sustainable places.
9. Both parties have also referred to emerging policies within the Council's emerging Site Allocations and Management of Development (SAMDev) Plan. I understand that the area in which the appeal site is located has not been identified as a community hub or cluster settlement and as such, the policies within the document would not support housing proposals in this location. Whilst that may be so, the SAMDev has not yet been subject to an independent Examination and, based on the information before me, there are significant and outstanding unresolved objections to the policies within it, particularly those relating to housing. I therefore attach limited weight to the policies referred to.
10. The National Planning Policy Framework (the 'Framework') is clear that the purpose of the planning system is to contribute to sustainable development¹ and that housing applications should be considered in this context². Paragraph 55 of the Framework also states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. The paragraph then goes on to state that new isolated homes in the countryside should be avoided unless there are special circumstances. None of the circumstances listed within the paragraph are directly relevant to the appeal proposal before me.
11. The Council's general approach in seeking to ensure that new development in the countryside is delivered on appropriate sites where it would improve the sustainability of rural communities is therefore, when read as a whole, consistent with the Framework. There are three dimensions to sustainable development, namely economic, social and environmental factors, which I shall now go on to consider as part of my consideration of the main issue that I have

¹ Paragraph 6

² Paragraph 49

identified. A statement of common ground between the main parties was also submitted with the appeal and I have taken this into account in coming to a view on the proposal.

Whether an Isolated Dwelling

12. There is some dispute between the parties as to whether or not the appeal site is isolated for the purposes of paragraph 55 of the Framework. There is no definition of 'isolated' within the Framework. I have therefore assessed this issue in relation to how the proposal would relate to other built development close to the site.
13. The appeal site is within the parish of Kenley. Although not within a defined settlement, the site is between the villages of Kenley, Church Preen and Hughley. It is approximately 5 miles from the market town of Much Wenlock. Kenley itself has no clearly defined village centre and consists of farmhouses, converted barns and detached dwellings which are scattered along a network of narrow country lanes. Individual or small groups of buildings are separated from other dwellings by several fields and often hidden from view from one another due to the narrow lanes, hedgerows and rolling topography of the area.
14. Whilst there are a small number of buildings close to the appeal site, including Jessamine Cottage itself and neighbouring dwellings further along the lane, the character of the area is that of a dispersed rural settlement which is defined by the rural landscape which surrounds it. Therefore even though these dwellings may be within a few hundred metres of one another, due to the intervening spacing and winding lanes between them, the appeal site does have an isolated feel in that there is little evidence of other built development visible.

Access to services and facilities

15. In terms of services and facilities in the local area, there is a primary school at Church Preen. The appellants have also referred to a church, a local community hall, a public house and a post office. There are therefore some basic services in the local area. However, access to them via walking or cycling would be via narrow, unlit country lanes with no pavements. Therefore even if these services are technically within walking distance of the appeal site, I consider that future occupants would not choose to walk or cycle to them as they would be unlikely to perceive the route as safe or convenient. This is particularly so in the case of the primary school, where it is doubtful that parents would choose to walk 900metres down narrow country lanes with children of primary school age. For these reasons, I consider that future occupants would choose to use the private car to access the limited services available in the local area.
16. Based on the information before me, there are no other shops (including grocery stores or banks), GP practices, dentists, secondary schools available in the local area. These are services which future occupants of the proposed dwelling would require access to in order to meet their day to day needs. In addition there is no mention of higher level services, such as leisure facilities (cinemas, restaurants or department stores) which future occupants would also be likely to desire access to.

17. I understand that there are deliveries of newspapers and dairy products in the local area. Although this may be a useful service, in itself it would be unlikely to meet the day to day needs of future occupants of the proposed dwelling. The appellant has also referred to the increased use of internet based services, which may reduce the reliance of future occupants on the private car. I accept that this may have the effect of reducing some car based trips, although it is doubtful whether it would remove the need entirely. For example, residents may choose to use internet banking but if they need to pay in a cheque they would still need to visit a branch. Similarly, whilst food shopping may be ordered and delivered via the internet, this would not entirely remove the need to visit shops entirely. For example, many people still choose to visit a physical shop to purchase clothes or shoes so as to check whether they fit. Additionally, essential services such as needing to visit the GP and dentist cannot be done online.
18. There appellants have also referred to a twice daily bus service which travels past the appeal site, although I have not been advised of the times or route of this service and whether or not it would provide a regular, convenient means of access for services and facilities in the local area. I therefore attach limited weight to this consideration.
19. Paragraph 55 of the Framework does state that where there are groups of smaller settlements, development in one village may support services in a village nearby. However, based on the information before me, there are limited services available in the local area which the proposal would support. Although Much Wenlock and Cressage may be easily accessible to residents in Kenley, this would be via the private car. Much Wenlock and Cressage are also physically separate from Kenley and as a market town and larger village, they perform different roles and functions to that of a small rural village with limited services.
20. For the reasons given above, I consider it likely that future occupants of the appeal proposal would be reliant on the private car in order to access day to day services and facilities in the surrounding area. This is a matter which does not weigh in favour of the proposal.

Economic factors

21. If the appeal were to succeed, then it may generate some employment opportunities for local builders which would be of economic benefit. The appellant states it would represent circa £100,000 of construction investment, and that every £1 spent on construction is said to generate a total of £2.84 in indirect economic investment, most of which is generated in the local area. However any benefit would be limited to the construction phase only and would therefore, by definition, be of finite duration.
22. The proposed dwelling would accommodate additional residents which may also support local businesses. The appellant states that new households boost an area's economic vitality, with average household expenditure of £4,875 per household on food, £7,575 per household on non-food and £4,040 per household on leisure goods and services. Although, as set out in my reasoning above, as there are very limited services and facilities close to the appeal site, any additional household expenditure would be unlikely to directly benefit the local area.

23. If the appeal were to succeed, the proposal would also be liable for a CIL payment that would provide financial contributions towards infrastructure opportunities.
24. Whilst there would therefore be some economic benefits associated with the appeal proposal, given the small scale of the appeal proposal these benefits would not be significant. The weight that I attached to this consideration is therefore limited.
25. On the other hand, the appeal proposal would result in the removal of the existing café/shop on the site and would also see the closure of the existing garden attraction. This would reduce the number of visitors travelling to the area by car (estimated to be approximately 750 trips per year), particularly during the summer months. It is often the case that rural tourist attractions necessitate visitors to travel there by the private car. However, the social and economic benefits associated with rural tourism often outweigh the environmental impact of visitors travelling to them via the private car.
26. The existing garden is clearly a small visitor attraction in its own right and will therefore generate some benefits for the area. For example, attracting visitors to the area and the sales generated through the café/shop would be of limited economic benefit. There may also be some social benefit for the local community who may use the café as a meeting place.
27. Although the closure of this facility may occur anyway regardless of the outcome of this appeal, this would result in a moderate dis-benefit to the local rural economy and, overall, this consideration does not therefore weigh in favour of the proposal.
28. Whilst the appellant may consider the commercial use of the garden to be out of character with the agricultural and residential uses which predominate in the local area, during the site visit I was able to observe that the grounds are attractively landscaped and the existing café/shop is a relatively low key structure that is not unduly visually obtrusive. Therefore in my view, the existing use is acceptable in terms of its effect on the character and appearance of the area. This is however a neutral consideration which does not weigh in favour of the proposal.

Affordable and Local Needs Housing

29. Policy CS5 of the CS lists certain types of development in the countryside that would improve rural sustainability. These include affordable housing / accommodation to meet a local need in accordance with national planning policies and policies CS11 and CS12. The policy goes on to state that with regard to these two types of development, applicants will be required to demonstrate the need and benefit for the development proposed. Development will be expected to take place primarily in recognisable named settlements or be linked to other development and business activity where this is appropriate.
30. I appreciate that the appellants may consider that a dwelling constructed as an affordable unit or to meet a specific local need may be more restrictive in terms of potential purchasers that would be eligible to buy the dwelling, should the appeal succeed. However, those are among the types of development

- described in the development plan as improving rural sustainability in the countryside.
31. For planning purposes, the terms 'affordable housing' and 'local need housing' have specific meanings. Annex 2 of the Framework defines affordable housing as 'Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market.' There is no mechanism before me to suggest that this type of development is proposed by the appeal scheme before me.
 32. In terms of local needs housing, policy CS5 refers to the requirement to demonstrate the need and the benefit for the development proposed. The appellants have drawn my attention to their personal circumstances. Specifically, that they are committed members of the local community, being active in various parish and community groups, the local village hall committee and the local meals on wheels.
 33. The appellants also wish to construct a future proof bungalow, designed for adaptation for later life needs, in order for them to live in and remain part of the community during their retirement. I understand that they have family living elsewhere and the bungalow would provide sufficient space for live-in carers in later years. The Government's social care policy has also been referred to, which supports long term solutions that enable the elderly to continue to remain in their local community in their own home. The appeal proposal has been designed to meet this aim. Additionally, several letters of support have been submitted from members of the community in favour of the proposal.
 34. The Council officer's report has considered this issue and notes that the appellants, due to their local connections, may well meet the criteria for local need housing. However, local needs housing is not what has been applied for. Rather, this appeal proposal is for a single dwelling which would be for sale on the open market. If the appeal were to succeed, the appellants would therefore be entitled to sell the dwelling proposed and there is no mechanism before me to ensure that the resultant dwelling would remain available to meet a local need in the area.
 35. Therefore, whilst I acknowledge the personal circumstances of the appellants and appreciate their intentions and wishes to be able to remain living within their community, I attach limited weight to this consideration.
 36. In relation to new market housing development, policy CS11 of the Council's Core Strategy requires appropriate contributions to the provision of local needs affordable housing. The Council's 'Type and Affordability of Housing' Supplementary Planning Document (SPD) (Adopted 12 September 2012) sets out the Council's detailed approach in this regard. As this appeal proposal would be for a single, open market dwelling policy CS11 and the SPD therefore apply. The contribution that this appeal proposal would make in increasing the provision of affordable housing in the local area via a financial contribution would therefore be a positive factor that would weigh in favour of the development proposed.
 37. However, National Planning Guidance (the 'NPG') was recently updated relating to this issue. Specifically, the NPG states that National Planning Policy defines specific circumstances where contributions for affordable housing should not be

sought from small scale and self-build development. The NPG goes on to list several criteria which include that contributions should not be sought from developments of 10 units or less³.

38. There is therefore a conflict in this regard between the Council's approach, as set out in policy CS11 and the SPD, and national policy. Indeed, the appellant has specifically drawn this matter to my attention. Whilst this issue in isolation has not been determinative in my consideration of this appeal, if the s.106 financial contribution for affordable housing that would be required by the development plan is discounted, then this is no longer a factor which would weigh in favour of the development proposed.

Housing Land Supply

39. There is some dispute between the main parties as to whether or not the Council is able to demonstrate a five year supply of housing land, in line with the requirements of the Framework. However, the Council officer's report acknowledges that having a five year supply of housing land is a minimum requirement and the Framework's aim of significantly boosting housing supply remains a material consideration.
40. The appeal proposal would result in a net increase of one additional dwelling which would boost the supply of housing in the local area. I must therefore have regard to paragraphs 47- 49 of the Framework in my determination of this appeal. In particular, paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. I also accept that there is nothing in the Framework which suggests that a five year supply of housing land, with a 20% buffer should be considered to be a maximum figure. This is a matter which does weigh in favour of the appeal proposal.
41. However, even if were to accept the appellant's case regarding the housing land supply situation, I consider that the contribution this proposal would make towards addressing any undersupply of housing in the area would be limited due to the small scale of the development proposed.

Existing use of the appeal site

42. The appellant has referred to the history of the site, including that it was used as a small touring caravan site during the 1980s and 90s. It is also stated that the site is used as a commercial garden. Clearly, members of the public do pay to visit the garden during the summer months. Visitors to the garden, along with passers-by outside the summer months, also visit the small café/shop to purchase refreshments or produce grown in the garden. On that basis, the appellant states that the garden together with the café/shop benefit from an established commercial use which has been in continuous use for more than 10 years. During the course of the appeal, the appellant has submitted an application for a Certificate of Lawful Use (CLU) for the appeal site to the Council which is pending consideration.
43. Clearly, in my determination of this appeal, I must have regard to the existing situation which I have described above. The Framework's definition of previously developed land (PDL) (contained within Annex 2) does specifically exclude private residential gardens from the definition. However, whilst I have

³ Paragraph: 012 Reference ID: 23b-012-20150326

been provided with a copy of the CLU application, it is not clear from the information before me which parts of the site may be affected by that application. For example, no map has been provided showing the extent of any commercial activities within the site.

44. In any event, even if I were to conclude that elements of the site may comprise pdl, there is nothing in the Framework which specifically excludes the development of greenfield land. Rather, this would be a neutral consideration where a lack of harm does not weigh in favour of the development proposed.
45. Moreover, even if there is an existing commercial use on the site, it is not residential (with the exception of Jessamine Cottage itself). Therefore even if the LDC were to be granted for an established commercial use, planning permission for additional residential development would still be required in any event. Therefore whilst I have had regard to the existing situation, I attach limited weight to this consideration.

Biodiversity and Nature Conservation

46. The appeal site is part of a large garden and there are no heritage, cultural or ecological designations that apply. The site is also outside of the Shropshire Hills Area of Outstanding Natural Beauty. An ecological survey and report was carried out on 27 November 2014. I note that the report submitted with the appeal states that no evidence of protected species (specifically Great Crested Newts) was found on the appeal site. Therefore the report does indicate that the proposal would not conflict with policy CS17 of the CS which states, among other things, that development will identify, protect, enhance, expand and connect Shropshire's environmental assets.
47. However the survey was undertaken after the date of the Council's formal decision and the report was submitted with the appeal documents. I do have some concerns that this additional technical information was prepared and submitted after the Council had determined the application. The Council may not have had the opportunity to undertake a proper consultation exercise on the ecological document and its findings. This is particularly so given that the effect of the development proposed on the natural environment or protected species was one of the Council's reasons for refusal on the basis that a lack of information had been provided on this matter.

Access and Highways

48. The proposed dwelling would share the existing access used by Jessamine Cottage which opens out onto the country lane (Hughley Road) that runs along the front of the site. Based on the information before me, I am satisfied that safe and suitable access could be achieved for the dwelling proposed (subject to conditions) and the proposal would therefore be acceptable in highway safety terms.

Flood risk and drainage

49. Based on the information before me, I am satisfied that the proposal would be acceptable in terms of flood risk and drainage, subject to conditions requiring further details to be provided as part of any reserved matters application (were the appeal to succeed).

Other schemes referred to

50. The appellant has drawn my attention to several other schemes for housing which have been allowed by the Council. In particular, several within Kenley itself which I visited during the site visit.
51. Several of the schemes referred to relate specifically to affordable housing proposals⁴. The provision of affordable housing is a specific type of development permitted under policy CS5 of the Council's CS. As set out in my reasoning above, this appeal scheme would be for an open market dwelling, not an affordable housing unit. The appeal proposal before me is therefore quite different to these schemes in that other considerations, including the social benefits of providing additional affordable housing, would have been relevant.
52. Other schemes identified relate to the conversion of agricultural barns to housing either via planning permission or prior approval under permitted development rights⁵. However, all these schemes relate to the re-use of existing rural buildings which is a specific special circumstance to avoiding new isolated homes in the countryside listed both within policy CS5 of the CS and paragraph 55 of the Framework. This appeal proposal would see the construction of a new dwelling and is therefore different to those schemes referred to. Additionally permitted development rights relating to the conversion of agricultural buildings to dwellings are not applicable to the appeal scheme.
53. Other schemes referred to are not within the local area close to the appeal site and therefore different considerations may well have applied. For example, in the case of 14/00629/OUT the appeal site was close to a range of basic services including a village shop and planning permission had also previously been granted for an affordable house and open market barn conversion at that appeal site. In the case of 14/0338/OUT, the Council concluded that the application site was close to the village of Dorrington (1.8 km) where a greater range of services is available. In the case of 14/01951/OUT, the application site was located in Exfords Green which, along with other settlements close by, have been identified a proposed community cluster where certain types of additional development would be acceptable. There are also a range of services and facilities within 1 mile of the site, including a shop. In both these cases, it would therefore seem that the schemes were closer to a range of services and facilities than would be the case with the dwelling proposed in this appeal.
54. I appreciate that the appellant may feel that the Council's approach in assessing the relative sustainability of Kenley may have been applied differently when assessing the merits of some of these other schemes. However, based on the information before me, the relevant Council officer's reports for those schemes refer specifically to the fact that those schemes were either for affordable dwellings or the conversion of existing buildings and that is considered as part of the overall planning balance.
55. Therefore, for the reasons I have set out above, I consider that the schemes referred to are not sufficiently similar to the appeal proposal before me. I

⁴Including 12/02231/FUL; 12/02231/FUL; 12/02231/FUL

⁵ Including 14/02822/PMBPA; 14/03058/PMBPA; 14/02551/PMBPA; 13/04208/FUL; 13/02800/FUL

therefore attach limited weight to this consideration and have assessed this appeal proposal on the basis of its own merits.

56. The appellant has also referred to a High Court decision⁶ relating to the interpretation of policy CS6 of the CS. Whilst I note that paragraph 28 does refer to a forceful argument being presented that it relates to the design of infrastructure, I also note that no conclusion was reached on this matter. This is therefore inconclusive and I attach limited weight to this consideration.

Overall Balance

57. In coming to a view on the proposal I am aware that the Framework established a presumption in favour of sustainable development, and the sustainability benefits of the proposal cited by the appellants are recognised in this regard. Specifically, I have found limited weight in favour of the proposal regarding the provision of one additional dwelling and some economic benefits. I have also found that there would be several neutral factors where a lack of harm does not weigh in favour of the appeal proposal, including highways and access and flood risk and drainage. I have also acknowledged the personal circumstances of the appellants and the existing use of the appeal site.
58. However the Framework does not adopt a narrow definition of sustainable development, with paragraph 55 stating that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The proposed dwelling would be in an isolated location with a limited range of services in the local area. As such, I have found that future occupants would be likely to be reliant on the private car in order to access a range of facilities and services necessary to meet their day to day needs. One of the core planning principles of the Framework states, among other things, that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling (paragraph 17).
59. Given the circumstances I have described, the limited benefits in this case do not outweigh the harm that I have found would be a consequence of the development proposed. The harm is not outweighed by other considerations and would therefore be contrary to policies CS5 and CS11 of the CS (as set out in my decision above) and paragraphs 17 and 55 of the Framework.
60. Given the circumstances I have described, in this case, the sustainability benefits do not outweigh the harm that I have found would be a consequence of the development proposed. The harm is not outweighed by other considerations and would therefore be contrary to policies CS5 and CS11 of the CS (as set out in my decision above) and paragraphs 17 and 55 of the Framework.
61. With regard to the effect of the proposal on protected species, although the ecological report does indicate that the proposal would not conflict with policy CS17 of the CS, as the report was prepared and submitted following the Council's formal decision, this is a matter on which I would have sought further information from the parties had the proposal been acceptable in other regards.

⁶ Case Ref (2012) EWHC 3642

Other Matters

62. I note the comments of the appellants regarding the conduct of the Council both during their determination of the original application and the appeal process itself. However, I have determined this appeal only on the basis of the planning merits of the case before me. Issues relevant to the application for costs have been addressed in the separate costs Decision.

Conclusion

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

Victoria Lucas-Gosnold

INSPECTOR

This page is intentionally left blank

Costs Decision

Site visit made on 17 March 2015

by Victoria Lucas-Gosnold LLB MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 April 2015

Costs application in relation to Appeal Ref: APP/L3245/W/14/3000886 Jessamine Cottage, Kenley, Shrewsbury, SY5 6NS

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs P & L Wheeler for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission the 'erection of 1 detached bungalow to replace the existing café/shop'.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, in either a procedural or substantive way, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. I shall, therefore, consider whether that has occurred in this case.
3. I am aware of the history of the site relating to the applicants establishing an attractive garden which is open to the public and the applicant's personal circumstances. As to considerations including whether the proposal would amount to sustainable rural development (including access to services and facilities), other similar schemes (including affordable housing and barn conversions) the desire of people to build their own home and providing housing for older people; these are all relevant to the planning merits of the appeal. I have therefore dealt with these matters in my appeal Decision.
4. In terms of whether the Council behaved unreasonably, the applicants have stated that the Council did not discuss the original application with them and they have also expressed some concerns as to whether or not the site visit was undertaken prior to or after the Council officer's report was written. However, no specific evidence to support this view is before me. Indeed I note that the applicants have indicated on the original application that advice was not sought from the Council prior to submitting the application. Whether or not the proposal would have been approved by the Council had there been a different officer involved is speculation.
5. Turning to the Council's determination of the original application itself, the officer sets out in considerable detail the reasoning behind the Council's decision and whether or not the proposal would meet relevant sustainable

development criteria. The officer's report lists a number of considerations relevant to the application. These include the countryside location of the appeal site which is weighed against social, environmental or economic factors (both those that weigh in favour and those that do not). The officer also references the existing commercial activities at the appeal site and acknowledges the applicants personal circumstances. Each factor was given due consideration as part of the overall planning balance. Specific Development Plan policies are clearly identified and referred to. Although the officer's report makes no specific mention of other similar housing schemes in the local area, they did provide further comments on this issue during the appeal process.

6. For these reasons, I consider that the Council's decision was not subjective. There is also little specific information before me to suggest that issues were either belittled, ignored, nor the evidence 'made to fit'. Whilst the applicants state that the officer's report contains factual errors, these have not been specifically brought to my attention.
7. The officer's report does refer to the application not reflecting the aspirations of the local community. Rather than implying that this indicates that the Parish Council did not specifically support the appeal proposal, a straightforward interpretation of this statement is that it was made because the local area has not been specifically identified as a location for housing growth in the Council's emerging SAMDev document. My appeal Decision explains that I gave this document limited weight and indeed that is a matter of common ground between the parties. However, the Council are entitled to refer to policies and housing growth strategies within the emerging document. The officer also specifically referred to the twelve representations that were received in support of the proposal. Therefore, unreasonable behaviour has not been demonstrated in this regard.
8. The applicants requested that four locations of other housing schemes within the local area close to the appeal site be visited on an accompanied basis during the site visit. However, the Council were not made aware of this request in advance of the visit itself. The Council officer explained during the visit that they were unable to accommodate the applicants request due to time constraints.
9. I appreciate that the applicants consider that visiting the additional locations may have only taken approximately 20 minutes and that either party during a visit may point out physical features on or in the vicinity of the site. Whilst an additional 20 minutes may not seem much, the Council officer explained that this would result in the visit as a whole taking approximately twice as long as the amount of time she would normally allocate for a site visit.
10. I consider that, had the applicants wished to be certain that their request could be accommodated; they should have specifically advised the Council in advance of the visit. Furthermore, it transpired that three of the four locations identified had not previously been referred to in the information submitted by the applicants during the course of the appeal. The additional information submitted by the Council relating to these four locations was done so in response to my specific request for further information. Therefore the Council's behaviour was not unreasonable in this regard.

11. Matters relating to the applicants request to the Council to determine the appeal via the Planning Committee and whether or not the Parish Council was able to meet to discuss the application are procedural matters for the Council and not directly relevant to the appeal process.
12. Drawing matters together, unreasonable behaviour leading to wasted expense has not been demonstrated.
13. For the reasons given above, I refuse the application for an award of costs.

Victoria Lucas-Gosnold

INSPECTOR

This page is intentionally left blank