



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

Date: Wednesday, 24 February 2016

**Committee:
Central Planning Committee**

Date: Thursday, 3 March 2016

Time: 2.00 pm

Venue: Shrewsbury 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 Committee

Vernon Bushell (Chairman)
Ted Clarke (Vice Chairman)
Andrew Bannerman
Tudor Bebb
Dean Carroll
Roger Evans
Amy Liebich
Pamela Moseley
Peter Nutting
Kevin Pardy
David Roberts

Substitute Members of the Committee

Peter Adams
Tim Barker
John Everall
Miles Kenny
Jane MacKenzie
Alan Mosley
Keith Roberts

Your Committee Officer is:

Linda Jeavons Committee Officer

Tel: 01743 257716

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 4 February 2016.

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 Proposed Closure of New College Road at London Road (Pages 7 - 18)

6 Land At Great Ryton, Shrewsbury, Shropshire (15/03259/REM) (Pages 19 - 36)

Reserved matters application (layout, appearance, scale and landscaping) pursuant to 14/03221/OUT for the erection of 2 No. dwellings and garages.

7 Hencote Farm, Cross Hill, Shrewsbury, Shropshire (15/03349/FUL) (Pages 37 - 84)

Erection of a winery, visitor centre (to include a restaurant and event hall) and maintenance building; formation of court yard, service yard, visitors car parking; landscaping to include boundary fencing and entrance gates; associated facilities.

8 Proposed Residential Development West Of Caradoc View, Hanwood, Shrewsbury, Shropshire (15/04119/REM) (Pages 85 - 98)

Reserved matters pursuant to outline permission ref: 13/04967/OUT for the erection of 20 dwellings to include appearance, landscaping, layout and scale (amended description).

9 Proposed Residential Development West Of Bryn Road, The Mount, Shrewsbury, Shropshire (15/04627/REM) (Pages 99 - 116)

Reserved Matters pursuant to outline permission reference 14/00743/OUT for residential development to include appearance, landscaping, layout and scale.

10 3 Charlton Hill, Wroxeter, Shrewsbury, Shropshire, SY5 6PS (15/04988/FUL) (Pages 117 - 128)

Erection of three bay part open fronted detached garage/store to include roof mounted solar panels; siting of an external air source heat pump; formation of driveway and turning area; alterations to existing vehicular access.

11 Land At Snod Coppice, Rowton, Shrewsbury, Shropshire (15/04011/EIA) (Pages 129 - 148)

Erection of two poultry rearing buildings, four feed bins and other ancillary buildings, landscaping including ground modelling and tree planting.

12 Schedule of Appeals and Appeal Decisions (Pages 149 - 172)

13 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, 31 March 2016 in the Shrewsbury Room, Shirehall.

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Committee and Date

Central Planning Committee

1 March 2016

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 4 February 2016

2.00 - 4.26 pm in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk Tel: 01743 257716

Present

Councillor Vernon Bushell (Chairman)

Councillors Ted Clarke (Vice Chairman), Andrew Bannerman, Tudor Bebb, Dean Carroll, Roger Evans, Amy Liebich, Pamela Moseley and Kevin Pardy

79 Apologies for absence

Apologies for absence were received from Councillors Peter Nutting and David Roberts.

80 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 3 December 2015 be approved as a correct record and signed by the Chairman.

81 Public Question Time

There were no public questions, statements or petitions received.

82 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 15/04910/OUT, Councillor Andrew Bannerman stated that he was a member of the Planning Committee of Shrewsbury Town Council. He indicated that his views on any proposals when considered by the Town Council had been based on the information presented at that time and he would now be considering all proposals afresh with an open mind and the information as it stood at this time.

With reference to planning application 15/04917/FUL, Councillor Roger Evans stated that he may have commented on this application when it had been considered by Longden Parish Council. As local Ward Member he would make a statement and then leave the table and not vote.

83 Land at Great Ryton, Shrewsbury, Shropshire (15/03259/REM)

The Team Manager – Development Management introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. He confirmed that the only matters for consideration were the appearance, scale and landscaping.

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.

Mr P Reaney, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor Mrs S Mackay, representing Ryton Parish Council, spoke against 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. Members acknowledged that the principle of development had been agreed but expressed concern with regard to the scale, design and elevations of both the dwellings and garages. The area had not been designated as being part of a Hub or Community Cluster so was in open countryside and the original application had been granted when Shropshire Council could not demonstrate a five-year land supply. If granted, it was suggested that Permitted Development Rights should be withdrawn and planting/landscaping and working hours should be conditioned.

In response to questions and comments, the Team Manager – Development Management reiterated that being designated as being in open countryside in SAMDev could not be used as a reason for refusal; scale could be addressed but would be difficult to defend on appeal; conditions attached to any permission would ensure the landscaping would be done strictly in accordance with approved plans; and working hours on site could be conditioned.

RESOLVED:

That the application be deferred to a future meeting to enable further consideration to be given by the applicants to the design, scale and elevations of both the dwellings and garages and further information to be submitted with regard to the proposed planting and landscaping.

84 Proposed Residential Development Land South of Christ Church, Harley Road, Cressage, Shrewsbury (15/04580/FUL)

The Team Manager – Development Management introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations

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 Tipper, representing Cressage Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Council's Scheme for Public Speaking at Planning Committees and Council Procedure Rules (Part 4, Paragraph 6.1) Councillor Claire Wild spoke on the proposal but did not vote. During which she raised the following points:

- Original application had been for 15 parking spaces and three houses and this new application would be for eight dwellings and six parking spaces, so would see a reduction in the number of community parking spaces available for those attending the Church. If granted she requested that consideration be given to securing parking provision for churchgoers; and
- This current application constituted overdevelopment of the site and would have a detrimental impact on the quality of life for the residents of the village.

Mr O De Weijer, 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, the Team Manager – Development Management explained that the report had acknowledged that this would be a departure from the recently adopted SAMDev but there were other considerations that would outweigh the primacy of the Development Plan; there was an extant permission for this site; the proposal would sit within the heart of the village and be contained within the surrounding built form so would not extend out into open countryside; although there was no requirement to provide community parking six parking spaces would be provided; Cressage had been identified as a place for development so the principle of development had already been established; would constitute an over provision of affordable housing and meet an identified need; and to help stave off development in open countryside Shropshire Council would have to maintain and demonstrate a supply and delivery of housing.

RESOLVED:

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

- A S106 Legal Agreement to secure Plots 7 and 8 as affordable rent units; and
- The conditions as set out in Appendix 1 to the report.

85 Land South of Calverton Way, Shrewsbury, Shropshire (15/04910/OUT)

The Area Planning and Enforcement Officer introduced the application and with reference to the drawings displayed, she drew Members' attention to the location, layout and elevations

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.

Mr C Burge, representing Radbrook Community Centre, School and Surgery, spoke against 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. Members noted that landscaping would be dealt with at the Reserved Matters stage.

RESOLVED:

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

- A S106 Legal Agreement to secure an appropriate affordable housing contribution;
- An additional condition to ensure the adequate provision of car parking spaces to serve the apartments in perpetuity; and
- The conditions as set out in Appendix 1 to the report, subject to the Construction Method Statement being amended to include the construction and/or demolition working hours on site.

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

86 Little Vinnals Bungalow, Long Lane End Of To The Cottage Junction, Longden, Shrewsbury, SY5 8HF (15/04917/FUL)

The Team Manager – Development Management introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

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.

Councillor P Carter, representing Longden Parish Council, spoke against the recommendation to refuse in accordance with the Council's Scheme for Public Speaking at Planning Committees.

By virtue of his declaration at Minute No. 82 and in accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Roger Evans, as local Ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- The proposal would represent small scale development and would be in keeping with the surrounding area;
- Would enable the applicant to remain in their home and care for her husband;
- There was a large house being built adjacent to this site and there were a further two planning applications in the area;
- There were two businesses in the area, which, up until recent times, had a thriving income from tourism;
- Policies were there for guidance only; and
- Would be in accordance with paragraph 28 of the NPPF and Core Strategy policy CS5 and would support sustainable rural tourism.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Some Members suggested deferral in order that the applicant could give consideration to the use of a caravan. Some Members expressed concern with regard to the design, although others considered that given other buildings in the area, this proposal would not be too egregiously hostile in the landscape and the comments of Shropshire Fire & Rescue Service.

In response to questions/comments from Members, the Team Manager – Development Management drew Members' attention to paragraph 6 of the report (Principle of Development); provided clarification on the definition of a caravan; and reiterated that this was an isolated location in open countryside.

RESOLVED:

That, as per the Officer's recommendation, planning permission be refused for the following reason:

- The principle of a holiday let in an isolated open countryside location accessed via a shared private shared lane is not considered to be acceptable. This proposed development would not be related to any existing tourism business at the site, would not involve the conversion of any existing suitable

building, and would be in an isolated location within open countryside away from any settlements. The scheme is considered to represent a sporadic and unsustainable form of development which is detrimental to the character and setting of the surrounding open countryside. As such it is considered that the development is contrary to policies CS5, CS6, CS13,CS16 and CS17 of the Shropshire Core Strategy and policy MD11 of the adopted SAMDev (Shropshire Council Site Allocations and Management) Development Plan as well as the National Planning Policy Framework.

87 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 4 February 2016 be noted.

88 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Central Planning Committee be held at 2.00 p.m. on Thursday, 3 March 2016 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:



Committee and date

Central Planning Committee

4 March 2016

PROPOSED CLOSURE OF NEW COLLEGE ROAD AT LONDON ROAD

Responsible Officer Mark Wootton
Email: mark.wootton@shropshire.gov.uk Tel: x5438

1. Summary

During the consideration of the consented planning application ref 13/05044/FUL for the expansion of the Shrewsbury College of Arts and Technology London Road campus, subsequently now built, concern was expressed at that time over a possible increase in vehicle movements along New College Road. In order to mitigate those concerns a Section 106 Legal Agreement (s106) was signed between the Council and the College to provide funding for the implementation of a closure of New College Road at its junction with London Road.

A decision however was taken following a report taken to the Central Planning Committee held in December 2014 to close New College Road at its junction with Wenlock Road. This was subsequently implemented as of the 12 March 2015 for an experimental period of 6 months and remains in place at present. The current Traffic Regulation Order (TRO) is affective up until September 2016

The purpose of this report is to both update Members of the success and/or otherwise of the scheme with a view to further action being taken.

2. Recommendations

The officer recommendation is to approve the implementation of a TRO and closure of New College Road for access by all motor vehicles at its junction with London Road, Shrewsbury. Officers acknowledge that Members may however wish to see an initial temporary closure of London Road/New College Road junction for a period of 6 months in order to assess the merits of the closure against the current temporary TRO closure of the Wenlock Road/New College Road junction.

REPORT

3. Risk Assessment and Opportunities Appraisal

We consider that there are no known risks or equal opportunity issues arising for the council or our customers as a result of this proposal.

4. Financial Implications

Funding of £5,000.00 has been granted to the local planning authority under a s106 agreement as part of the planning consent for the expansion of Shrewsbury College of Arts and Technology. The funding should be sufficient to construct the proposed scheme in its current form.

5. Background

To assist Members, the following background information sets out the context of the current TRO temporary closure of Wenlock Road and how Members therefore reached its previous decision.

In December 2013 Shrewsbury College of Arts and Technology lodged a planning application to expand their London Road campus to relocate existing courses from their Radbrook Road campus and to provide capacity for new facilities. The application also included a substantial expansion of the on-site parking facilities and was accompanied by a transport statement. During the consideration of this application concern was raised by local residents, the local councillors and by the local highway authority over the possibility of intensified use of New College Road by people travelling to and from the campus by car.

New College Road is not considered to be suitable for through traffic movements due to its narrow width and 'Local Access' road status; a road of this type would normally form a cul-de-sac. Ebnal Road on the other hand is classed as a 'Secondary Distributor' road as it is suitably wide to safely carry traffic travelling between Wenlock Road and London Road (and vice versa), so this is the appropriate route for these movements.

The local highway authority considered that London Road is an appropriate site for the expansion of the existing campus, so no objection was raised to the planning application subject to a s106 agreement to provide funding to close off New College Road to through traffic movements between the two adjacent 'A' roads. At the time of negotiating the agreement it was proposed that the closure would be implemented at London Road by 'reclaiming' verge running along the main road, so this has been written in to the agreement. However following the signing of the agreement and the

granting of planning permission the Council was approached by a group of local residents who requested that the closure be implemented at Wenlock Road instead, as this would remove the perceived risk of drivers by-passing the closure at New College Road and instead using the service road access some 100m or so further along London Road. The map below sought to demonstrate this:



Following a site meeting with the local residents and ward members it was agreed that the proposed point of closure should be moved to Wenlock Road and the consultation has been carried out on this basis. Whilst this is strictly not fully in accordance with the s106 agreement, 'the spirit' of the agreement is to close New College Road to through traffic to mitigate against additional traffic movements arising from the expansion of the college. The college were satisfied with the proposed change and indicated that they have no interest in being involved in the detail of the closure. Only the signatories to the agreement (the college and Shropshire Council as the local planning authority) are able to appeal the agreement, so officers are content that this change does not pose any significant risks to the council.

Based upon the above a statutory 21-day public consultation on the proposal to close New College Road at its junction with Wenlock Road commenced on 24/7/14, where notices were erected on New College Road and an advert was placed in the Shrewsbury Chronicle on the consultation commencement date. Details of the proposals were published on the council 'Have your say' consultation web pages and the proposals were made available for inspection at the Shirehall and Guildhall.

A total of 18 responses were received to the consultation, which were made up of 4 objections, 2 responses with comments (neither supporting nor objecting) and 12

representations of support for the closure. Of the 4 objections made three were by the residents of Ebnal Road who object on the grounds of most of the traffic that is using New College Road will be directed on to Ebnal Road, if the closure is implemented. They have concerns that this will impact safety on Ebnal Road and its junctions and request that a full review of traffic patterns should be carried out before a proposal is implemented.

Concern was also raised that they were not directly consulted on the proposals. The consultation for the proposal was conducted in accordance with Shropshire Council's consultation procedures and statutory requirements. As this proposal was campaigned by the New College Road residents we understand that some of the other surrounding residents were under the impression that a letter drop had been carried out, however Shropshire Council does not normally directly canvass on TRO proposals which is the case for this proposal. However we understand that some residents of New College Road carried out some independent canvassing for this proposal.

The remaining objection was made by a resident who takes their access from the service road at the western end of New College Road, who has a Wenlock Road address. They were concerned that they may experience difficulties in receiving deliveries to their address, with some delivery vehicles choosing to park on Wenlock Road. They felt the original proposed point of closure at London Road is more appropriate and would cause less overall disruption to the residents; they suggest a trial closure here should be made. Another resident from this service road also responded with similar concerns, but did not raise an objection to the proposal. However both residents also raised concern over the proposed extension of the existing parking restrictions to cover the turning head that would be formed by the closure.

Prior to the expansion of the college New College Road carried approximately 600 vehicles per day (7-day 24hr average), it was anticipated that this figure would have increased as a result of the college expansion continuing. Whilst we didn't consider this figure to be overly excessive at present, this number of movements is greater than what would be normally expected for a local access road. We estimate that some 150-200 of these movements can be attributed to the local residents of New College Road, so the closure would result in around 400 movements being displaced, with this figure possibly rising by around 5-10% following the completion of the college. Some of these movements will be displaced to Thieves lane and London Rd and the remaining movements are likely to be displaced to Ebnal Road. Whilst no recent traffic figures are available for Ebnal Rd, we consider this route is currently under-utilised as a secondary distributor road and therefore has sufficient capacity for the displaced movements plus future growth as it has been constructed to a sufficient standard to deal with movements travelling between the adjacent A roads and local areas.

Given the potential number of vehicle movements affected is relatively low, we were of the opinion that traffic modelling would not be appropriate for a proposal of this scale.

Whilst we accepted that the closure would be an inconvenience to these residents, they aren't directly affected by the traffic on New College Road which has concerned the local residents here for some time. Most delivery companies now rely upon satellite navigation systems for deliveries which use regularly updated digital maps, so the closure would eventually appear on these maps. Plus the required detour is short due to other available suitable routes. Due to the number of direct frontages onto Wenlock Road, delivery vehicles being parked on street during the day are commonplace and don't cause traffic issues and if anything contribute to speed management here. We have given further consideration to the proposed changes to parking restrictions and have decided not to proceed with this part of the proposal, as this was intended to prevent parking from the college occurring here but given the level of parking being provided at the college we do not expect this to become a problem.

West Mercia Police Constabulary responded with comments stating they would only support the closure if it's reinforced by physical barriers (I.E. bollards, planters or other street furniture) and signs are provided. The closure is proposed to include a full height kerb and we intended to place planters on site to prevent unauthorised movements. 'No through road' signs would be provided at London Road.

The remaining 12 responses were all notes of support from the residents of New College Road.



The image above shows the current point of closure at New College Road at its junction with Wenlock Road; if the proposals were to be made permanent the existing footway (with a full height kerb) would be extended across the full width of the junction. If required bollards or planters will be provided to prevent unauthorised access. A 'no through road' sign will be erected at the London Road junction. Some minor amendments to the existing 'no waiting' parking restriction were also included in the advertised proposals.

Based upon the background set out above, the decision of Members following a report presented to the Central Planning Committee on the 11 December 2014 was that the Council pursue the temporary rather than permanent closure of New College Road at its junction with Wenlock Road.

The temporary TRO to close the New College Road/Wenlock Road came into effect on the 12 March 2015 for a temporary experimental period of 6 months i.e. to the 12 September 2015 although in practice the temporary TRO is affective for up to 18 months i.e. 12 September 2016.

6. Post Experimental Temporary TRO Closure of Wenlock Road

Following the end of the consultation period on the 12 September 2015 the comments/support and objections to the temporary TRO have been collated and are set out in Appendix B of this report.

As can be seen, there are 11 objections to the current closure, 15 in support of it being retained and 1 neutral comment. Of those representations from residential properties actually accessed from New College Road, 11 are supportive of the current closure and 4 against.

On the face of it therefore there is a majority of New College Road residents in support of the temporary closure of Wenlock Road being formalised of 11 to 4. Of those other non-New College Road residents either for or against, these raise differing issues including the fact that it shows previous users of New College Road who do not have a legitimate need to use this road other than as a convenient link between London Road and Wenlock Road. The traffic count previously carried out on New College Road clearly showed a level of traffic using this road link between London Road and Wenlock Road that was not attributable to the local residents and clearly has since resulted in those traffic movements being displaced potentially onto Ebnal Road and Kingston Drive or other routes. We have no empirical evidence in this regard other than local representations and anecdotal information that suggest both these alternative routes between Wenlock Road and Wenlock Road have increased in traffic flow since the closure of New College Road.

Further information has been submitted following the 6 months experimental period including a resident's log between March 2015 and January 2016 of issues surrounding the closure. The log indicates that vehicles have crossed the verge area to access New College Road from Wenlock Road together. Tyre wear marks have been seen within the verge area. There have been a number of other traffic

issues identified in the resident's log. Whilst we have no way of corroborating the contents of the log carried doubt by an individual resident we have no reason to doubt its veracity.

An incident has also been cited which occurred on the 27 December 2015 where an Ambulance got stuck on the verge trying to get access from Wenlock Road to New College Road. This is clearly of concern but the temporary nature of the road closure may have been a factor in the Ambulance driver's knowledge of the road system rather than it being a permanent arrangement, where emergency services would be more aware of the situation. It nevertheless highlights that whilst the current arrangement of forming New College Road into a cul-de-sac have advantages to some local residents; it is an impediment to provide through access by refuse, delivery and emergency vehicles.

Some of the traffic issues that have arisen may be due to the fact of the closure being temporary and without a more formalised arrangement of full height kerbing across the junction bellmouth being implemented.

7. Conclusions

It is clear at the outset that the issues surrounding New College Road are not straightforward. The current arrangement to close Wenlock Road has divided opinion from New College Road residents albeit that there is a small majority in favour of the closure being made permanent.

Notwithstanding the views of non-New College Road residents, our view is that this residential street should principally function for the benefit of residents. It should not be perceived as a through route to traffic between Wenlock Road and London Road. That function rests primarily via Ebnal Road and although this assertion may not be supportive of those residents fronting onto Ebnal Road, our view is that this is appropriate route.

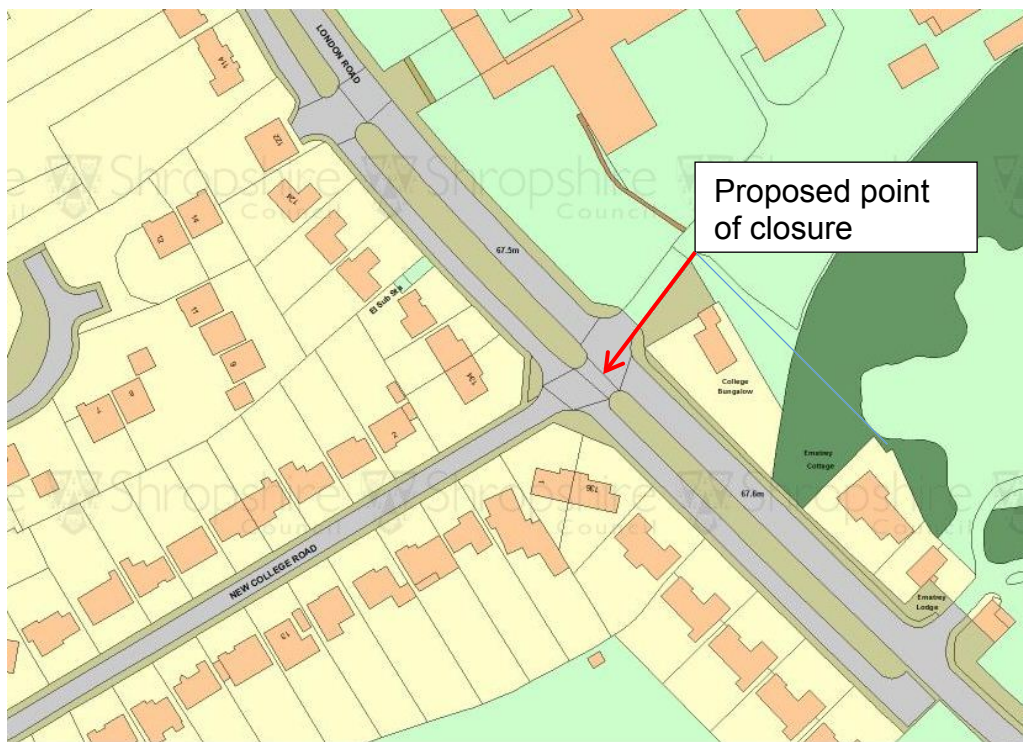
In moving this matter forward it is important to understand what the rationale was in seeking a closure of New College Road, setting aside at which end should or shouldn't be closed. This section road has for many years provided an attractive and direct route between the College car park access and Wenlock Road. Traffic travelling along this route show that actual traffic levels are greater than would be expected from those likely to be generated by residents' properties alone. At the same time however New College Road and its parallel road with London Road provide those residents with a convenient link between London Road and Wenlock Road.

The development of the College Campus site therefore provided the opportunity and funding to resolve and mitigate the issues of New College Road. That planning consent and Section 106 payment sought initially to close the London Road end i.e. opposite the Campus College car park access and therefore remove that vehicle desire line to and from Wenlock Road. Subsequently this option was of course

changed due to local representation and supported previously by the Central Planning Committee.

Officers however question the current of New College Road/Wenlock Road as the preferred and permanent option. It is in effect a fait accompli, resulting in New College Road becoming a cul-de-sac. Officers consider that the closure of London Road opposite the College Campus car park entrance should now be tested over a 6 month experimental period, as in the case of the current Wenlock Road closure option. This would therefore inform Members in a final report of the most appropriate action based upon a properly evidenced assessment.

It is officers' recommendation therefore that New College Road is closed for a temporary period in a similar manner as is currently laid out at Wenlock Road. Again this would be subject to the imposition of a temporary TRO. The plan below shows the point of closure and further below the Google Street View image of the New College Road/London Road junction and its relationship with the access serving the College Campus car park.





One of the concerns previously expressed by residents in relation to the London Road closure, and set out earlier in the report, is that drivers would simply travel a distance of some 100 metres to where there is an access to the service road running parallel with London Road. It is not however immediately apparent that drivers would take this choice when Ebnal Road provides the easier traffic route.

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

N/A

Cabinet Member (Portfolio Holder)

Cllr Simon Jones

Local Members

Cllr Jane Mackenzie

Cllr Jon Tandy

Cllr Ted Clarke

Appendices

Appendix A – Summary of Consultation Responses (Pre-implementation Temporary TRO Closure)

Appendix B - Summary of Consultation Responses (Post-implementation Temporary TRO Closure)

Appendix A – Summary of Consultation Responses (Pre-implementation Temporary TRO Closure)

ref no	Objection, Support, Comment?	Summary of Response
1	Objection	Objects to closure on the grounds of having a Wenlock Rd address and would have no direct access to W-R as this would be an inconvenience for deliveries and would lead to delivery vehicles being parked on WR. Would prefer to have the closure at the original position at London Rd, with this being implemented on a trial basis. Also objects to extension of parking restrictions. Also suggested 'signed only' closure. Believes there should have been an informal consultation involving letter drops to all affected residents.
2	Support	Expresses support for closure.
3	Objection	Asks why Ebnal Rd residents haven't been consulted before. Objects to extra traffic on Ebnal Rd and this may make the road less safe, asks if a one way system has been considered. Feels the work should be postponed until the college closure is complete so the impacts can be assessed.
4	Comment	Feels the closure should be implemented at London Rd as they believe it will be difficult/hazardous to emerge from London Rd if closed at Wenlock Rd. Do not see the need for the parking restrictions due to the extra college parking and ask for residents permits if this is implemented.
5	Objection	Feel the proposal is seriously flawed, will just add extra traffic to Ebnal Rd causing a safety concern. Questions why there is no data or traffic modelling to back up this proposal. Extra traffic will be redirected to the Ebnal Rd/London Rd junction where there are lots of pedestrians. Proposal will lead to extra traffic using the service road due to congestion, this will cause a safety problem on the service road and at the crossing point so the zebra will need to be extended. Will lead to extra traffic travelling past Mereside School. Will cause difficulty for residents at the Wenlock Rd service Rd with a W-R address. No consideration has been given to where the traffic will go if the closure is made, should not be dealt with as a stand-alone proposal. Residents surrounding the college deserve a full review that considers all of the local issues, traffic surveys should be taken and a model produced. Suggests closing both Ebnal Rd and New College Rd at London Rd and provide traffic calming on the service Rd. Consider traffic calming for both roads instead, or a signed only closure with camera enforcement. Both streets need to become residential streets only, not rat-runs. If implemented the council should consider back-up measures should further issues arise.
6	Support	Very much in favour of proposal as volume and speed of traffic disproportionate to its size.
7	Support	Support proposal, as parents have been concerned over traffic here.
8	Comment	Requests vertical features such as bollards to support the closure, also requests it should be sufficiently signed. Assume that consideration has been given to the displacement of traffic.
9	Support	Fully support the closure.
10	Support	Offers support of closure to stop inappropriate through traffic. This will be an inconvenience to them but should be worth it.
11	Support	Registers their support and feels this is the most practical and economic solution.
12	Support	Expresses support for proposals.
13	Support	Fully support the closure and feel it will improve safety for residents.
14	Support	Very much support the closure, fed up with the traffic issues.
15	Support	Support the proposal.
16	Support	Registers their support for the proposal as NCR was built as a service Rd and not a distributor Rd.
17	Support	Registers their support.
18	Objection	Objects to the closure as this will have a direct impact on Ebnal Rd, which has increasing numbers of children so the outcome would be extremely undesirable. Feels the consultation should have included Ebnal Rd also as they're directly affected, so is fundamentally flawed.

Appendix B – Summary of Consultation Responses (Post-implementation Temporary
TRO Closure)

ref no	Objection, Support, Comment?	Summary of Response
1	Objection	The closure denies him access to Wenlock Road. Causes additional on-street parking which increases the safety risk to pedestrians.
2	Comment	Request that monitoring be undertaken during the duration of the order.
3	Support	It has made New College Road a much quieter, safer and more pleasant place to live.
4	Objection	Due to closure vehicles are using Huxley Close to turn around.
5	Objection	The increase in traffic on Ebnal Road is causing traffic issues at the Wenlock Road end. The irrational driving will now just take place on Ebnal Road instead.
6	Objection	Has to travel southwards on Wenlock Road onto the A458 normally half a dozen times a week. Having to use Ebnal Road instead of New College Road adds an extra kilometre to the return journey. Being at the end of the cul-de-sac service road he adds extra traffic to London Road main carriageway and two additional right hand turns across the main road on every return journey.
7	Objection	Uses the road regularly to commute between Wenlock Road and London Road. It is inconvenient this road being closed. Have to use either Kingston Drive or Ebnal Road, both putting more traffic on these roads. For me turning from Ebnal Road onto the service road of London Road is dangerous, and I await an accident happening.
8	Objection	Very inconvenient.
9	Support	Volume of traffic using the road has reduced, which has significantly lessened the number and length of queues onto London Road - particularly at peak times. Safety on New College Road has significantly improved as motorists do not use the pavement to overtake service vehicles so often and instances of speeding have been largely eliminated.
10	Support	Since the closure of the junction we have not had significant numbers of boy racers from Shrewsbury College speeding up the road with no regard for safety.
11	Support	Trial closure has been 100% successful at preventing "rat-running", non-residential traffic from using our narrow minor road, and making it use the designated Primary and Secondary Distributor Network in the area as it really should. Provided huge environmental and safety benefits for residents and from my peak times observations the relocation of this traffic does not seem to have significantly impacted on the Distributor Network which, in fact, previously appeared to be under-utilised.
12	Support	These last few months have seen a vast improvement in safety on this road. We have been able to access our drive without having to worry about vehicles speeding along New College using it as a "rat run" through to the College and London Road.
13	Support	Trial closure has been absolutely great.
14	Objection	The situation is most inconvenient. Having to go round the local roads to get into New College Road, both for myself family and friends who call on me, is very unsociable. I did not buy a house in a Cul-de-Sac. If I am forced to live in a situation not of my choosing I will expect some kind of compensation for the inconvenience it will continue to cause me.
15	Objection	I see no reason for this closure. Whenever I have used the road it has been very quiet. This seems to be a 'not in my back yard' scheme. My worry would be that a successful permanent closure would lead to residents of Ebnal Road asking for the same.

16	Support	Having experienced the trial period of closure I now find the inconvenience of having one end of the road closed far outweighs the hazard created by the students speeding when using this road.
17	Support	What a positive effect the recent road closure has had in improving safety in the area. As parents of primary school aged children we had been concerned for some time about its narrowness and suitability as a through road with vehicles mounting pavements when confronted with oncoming traffic. These concerns have been completely eradicated during the trial.
18	Support	No comment made.
19	Support	Prior to the closure traffic was at an unbearable level.
20	Support	No comment made.
21	Support	Closure has been a total success. Both from the point of view of safety in the road itself, and in that there doesn't seem to have been any adverse effects to the traffic situation on the surrounding roads.
22	Support	Advised by the Ward member that the residents were pleased with the improvements seen since it was implemented.
23	Support	Improve safety for traffic and local householders.
24	Support	Large volume of through traffic has been eliminated so road is now much quieter.
25	Support	Makes New College Road a safer place to live.
26	Objection	A road closure is not the answer. Traffic calming measures like those on Sutton Road would solve the problem on New College Road. This proposal would place increased pressure on other interconnecting routes.
27	Objection	Negative environmental impact due to increased travel distances. Barrier unsightly. Street bollards are a hazard to the disabled. Large vehicles need to reverse. Increased dog walkers and kids playing. Increased crime (break-ins).



Committee and date
 Central Planning Committee
 4 March 2016

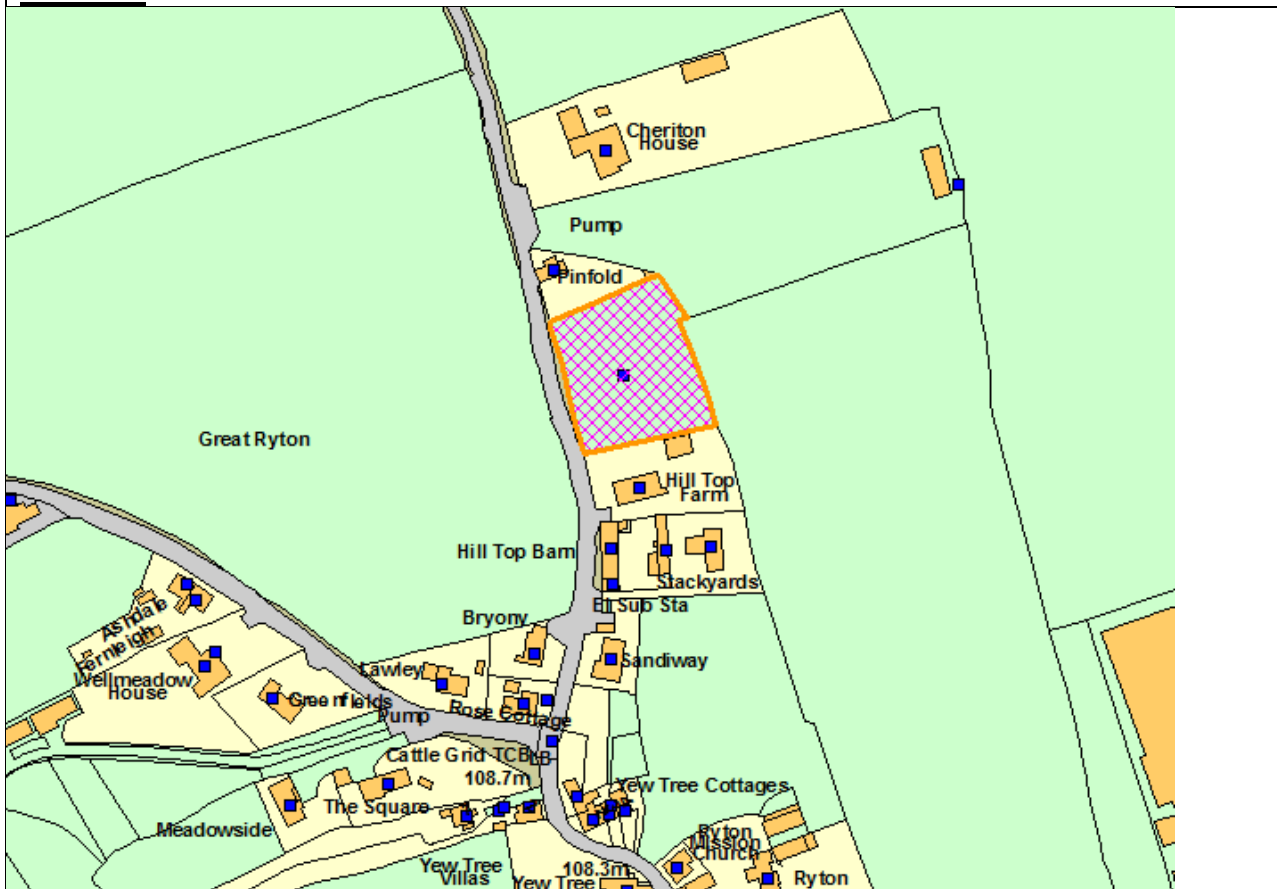
Development Management Report

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

Summary of Application

Application Number: 15/03259/REM	Parish:	Condover
Proposal: Reserved matters application (layout, appearance, scale and landscaping) pursuant to 14/03221/OUT for the erection of 2no. dwellings and garages		
Site Address: Land At Great Ryton Shrewsbury Shropshire		
Applicant: T C Homes		
Case Officer: Aileen Parry	email: planningdmc@shropshire.gov.uk	

Grid Ref: 348836 - 303736



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

REPORT

ADDENDUM TO PREVIOUS OFFICER REPORT

1.0 Background

1.1 The decision of Central Planning Committee on 4th February 2016 was that the application be deferred to a future meeting to enable further consideration to be given by the applicants to the design, scale and elevations of both the dwellings and garages and further information to be submitted with regard to the proposed planting and landscaping.

The agent has now provided further details in respect of the Committee's decision and these are outlined in section 3 of this addendum.

The Committee's attention is also drawn to the further comments provided by Conover Parish Council which are in addition to their previously reported comments and these are provided in section 2 of this addendum.

2.0 Additional comments received from Conover Parish Council received 15.02.16.

Following deferment of the application at the SC Planning Committee meeting on 04/02/16, Conover Parish Council wishes to add the following comments in addition to our previous comments (submitted on 04/12/15), objecting to the application which the Council still fully endorses.

Reference to the past history relating to this site was omitted from the SC Officer's report yet is materially relevant as members of the Planning Committee were unaware of the following:

- A Decision Notice was issued on 10/08/12 for a single storey affordable bungalow with detached garage (09/03217/FUL).
- That an affordable bungalow application has been replaced by two 4-bed 11/2 storey market dwellings in the Outline Application (14/03221/OUT).
- In 10.1 of the D&A submission for the Outline Application, it was stated that the 2 outline dwellings were "for specific clients who are both existing residents of the Parish", thus meeting a local need, which is no longer the case.
- The height of the Outline proposal was specifically restricted to 11/2 storey to ensure the height and scale was kept to a minimum and not result in visual harm. This formed part of the Planning Officer's report in recommending approval. The very large 2 storey dwellings proposed in Reserved Matters, disregards this.

Please note that the Parish Council would be happy to support amendments which bring the proposal broadly in line with the Outline application; ie. two 11/2 storey 4 bed dwellings with garaging set behind the dwellings to ensure adequate off-road parking.

3.0 Detail

3.1 In response to Committees decision on 4th February 2016, further details have been submitted by the agent for the application for consideration by Committee at its 3rd March Committee meeting and include a planning statement, site layout plan & hard and soft landscaping details (reference 1128_06 rev B), and a context map. The agent has advised that these details are intended to clarify certain issues that have been raised.

3.1.2 Planning statement

The statement provides additional information regarding the Hard and Soft Landscaping drawing, included with this updated report. The statement also advises that the agent has attempted to revise the proposal regarding several issues that have been raised by interested parties. A list and details of these revisions can be found on page two of the Planning Statement under the headings Consultation and Development context.

Officers note that within these sections the agent has provided that they are proposing to Plot One a further reduction in floor level and therefore a reduction in height of Plot One by one metre. Plot One is also proposed to be moved back a further 2.0 metres which with the previous revisions, which have already been placed before Committee, results in a re-positioning of Plot One by five metres back into the site.

3.1.3 Site layout plan & hard and soft landscaping details

The revised drawing (reference 1128_06 rev B), provides better detail and information and also the revised positioning of the Plot One dwelling.

Officers consider that the revised site layout plan and landscaping detail provide a better visual aid to Committee regarding the proposal.

Along with the submitted Planning Statement, officers consider that these further improvements to the proposal further address the objections and concerns expressed by third parties in relation to site layout, height of dwellings, the position of proposed dwellings in relation to both the properties known as Pinfold and Hilltop are therefore acceptable in principle.

3.1.4 Context map

Officers consider that this map provides an additional overview to the street view plan drawing that was provided for the 4th February Committee meeting in that together they provide a better idea of where the dwellings will sit within the village and their relationship and comparison with other dwellings and the village and locality.

4.0 Conclusion

4.1 Officers consider that the further details that have been provided by the agent in response and with respect to the Committees decision of 4th February; and also the additional amendments made in response to some of the issues, objections

and concerns expressed by third parties; that on balance the proposal is acceptable in principle.

4.2 It is therefore concluded and recommended by officers to Committee that on balance the revisions and clarifications received on appearance, landscaping, layout and scale of the proposed two-storey four bedroomed dwellings with an ancillary room above the garage are acceptable in principle. It is considered that they will adequately protect and enhance the natural and built environment whilst safeguarding local and residential amenity. It is considered that the scheme complies with CS6, MD2 and MD3. Officers recommend that a condition regarding garage occupation should be included within any permission that may be granted.

4.3 Officer's recommendation to Committee is that permission be granted.

5.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

5.1 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.

5.2 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.

5.3 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.

6.0 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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework
CS6 - Sustainable Design and Development Principles
MD2 - Sustainable Design
MD3 - Managing Housing Development

RELEVANT PLANNING HISTORY:

14/03221/OUT Outline application for the erection of 2 no. dwellings and garages to include means of access (amended). GRANT 6th November 2015

15/03259/REM Reserved matters application (layout, appearance, scale and landscaping) pursuant to 14/03221/OUT for the erection of 2no. dwellings and garages PCO

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 Tim Barker

Appendices

APPENDIX 1 – Conditions

Appendix 2 – Report considered by Central Planning Committee – 4 February 2016
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APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. 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

2. No built development shall commence until details of all external materials 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.

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

3. The garages and ancillary rooms hereby approved shall not be used as additional living room or bedroom accommodation and shall only be used for purposes incidental to the enjoyment of the residential dwellings hereby permitted.

Reason: To safeguard the residential character and amenity of the area.

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Development Management Report

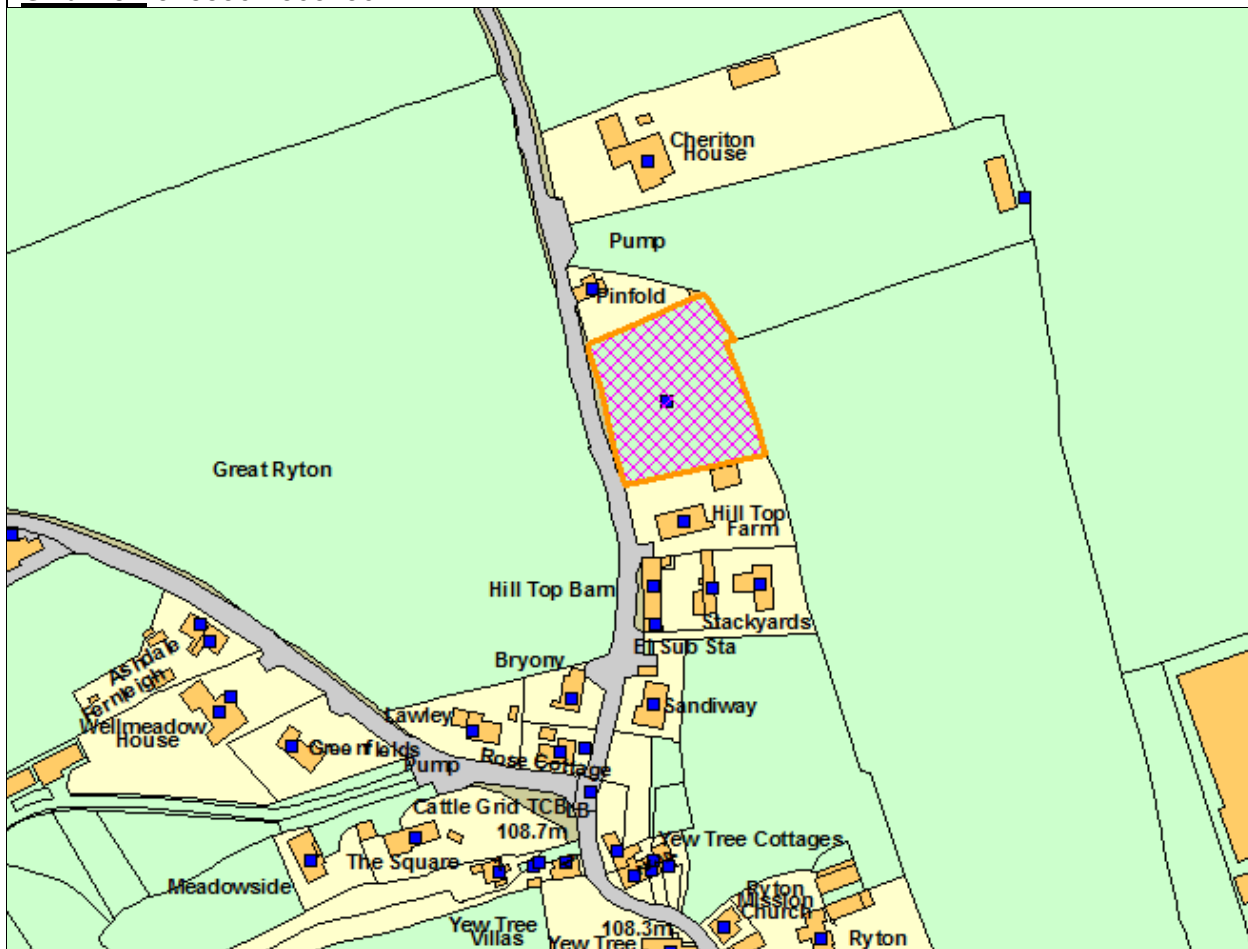
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 15/03259/REM	Parish:	Condover
Proposal: Reserved matters application (layout, appearance, scale and landscaping) pursuant to 14/03221/OUT for the erection of 2no. dwellings and garages		
Site Address: Land At Great Ryton Shrewsbury Shropshire		
Applicant: T C Homes		
Case Officer: Aileen Parry	email: planningdmc@shropshire.gov.uk	

Grid Ref: 348836 - 303736



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Recommendation:- Permit, subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks Reserved Matters (appearance, scale and landscaping) pursuant to Planning Permission reference 14/03221/OUT dated 6th November 2015 and subject to a s106 Agreement.
- 1.2 The proposal is for two four/five bed roomed houses each with double garage. The dwellings will be west facing so that the front elevation of each faces the road with garages that extend forward of the main bodies of the dwellings with side elevations facing the road.
- 1.3 This orientation and positioning of the proposed dwellings is somewhat different to that which was indicated with the outline permission, but importantly the number of dwellings has not changed. As layout was approved as part of the outline consent a variation to the outline consent will be required should the current application be approved. Further clarification on this matter is given below.
- 1.4 It should also be noted that although the D&A for the outline application stated that the proposal was for 1.5 storey 4 bed dwellings, scale was identified as a reserved matter and is therefore under consideration for this current application.
- 1.5 As a result of discussions with the agent regarding both officers concerns and those of third parties, revised plans have been submitted with a reduction in ridge height of both houses from approximately 9 metres to 8.4 metres. The roof pitch has been reduced and the fifth bedroom above the proposed garages is now identified as an “ancillary room”, with the intention of being used for a gym or studio –home office and not a fifth bedroom. The proposed dwellings have also been set back approximately 3.0 metres further into the site. Drainage details have also subsequently been provided.
- 1.6 In addition to the above at the request of officers, a revised drawing providing the street scene has been submitted which shows the comparable heights of the proposed dwellings with that of existing dwellings either side of the site.
- 1.7 This report is written with reference to the various revisions received.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 This application site is located in between a row of properties stretching north from the centre of the village. It comprises a grassed field broadly square in shape, surrounded by mature hedgerows. It is located to the east of the adjacent highway. Neighbouring properties are Pinfold to the north and Hilltop Farm to the south. Hilltop Farm is a Grade II listed building. Agricultural fields are located to the east and west of the site.

2.2 The application site as determined under planning reference 14/03221/OUT and subject to an s106 agreement is considered to be infill, between two developed plots and will not therefore result in encroachment into the open countryside.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 SC Affordable Housing

The current prevailing target rate for the site is 15%, therefore based on the submitted the submitted plans, the total contribution for the two plots will be £27,000. The payment terms are as per the S106 Agreement attached to the Outline Planning Permission.

4.1.2 SUDS

Drainage Comment: The proposed surface water drainage is acceptable.

4.1.3 SC Highways

The Highway Authority raises no objection to the granting of consent. Access to the development was approved under the outline application. The proposed scale and layout of the site is satisfactory from the highway perspective. Conditions and informative recommended.

4.2 - Parish Council 04.12.15 - OBJECTION

Conover Parish Council agreed to object to the (REM) application as it was noted that the new drawings accompanying the application had significantly changed to those shown in the outline application and that the development now bore no resemblance to the original application as follows:

- To reduce visual impact both dwellings had originally been restricted to 1.5 storey height. A 2.0 storey height had been introduced which would dominate the skyline between the two existing dwellings and fails to be sympathetic with the existing village skyline profile.

- The original proposed dwellings more appropriately met the needs of the Ryton community, (as per the PC's SAMDev submission and recent Parish Plan outcomes published in 2015). The new plans for two 5 bedroom luxury properties fail to do this as much smaller affordable homes are needed to make it a sustainable community.

- Changes in respect of the drive and access on to the narrow lane have significantly altered with garages and driveways now being at the front of both properties. This is not acceptable and concerns over the access have been expressed.

- The amended foot prints of both properties now impact significantly on the neighbouring properties as the much larger footprints are significantly closer to the

existing boundaries.

It was also noted that the outline planning application (ref 14/03221/OUT) has only recently been passed by Shropshire Council and was not therefore part of the 5.53years housing supply figure recently approved. Therefore the Parish Council's SAMDev submission recognising Ryton as Countryside as part of policy CS 5 supports that the application be refused.

(As agreed at the Parish Council's Finance & Personnel Com Meeting held on 1/12/2015.)

The Parish council was re-consulted on the revised plans.

06.01.16 - The Parish Clerk advised that the Parish Council have not made any new comments they simply stand by those already made. The Parish Clerk also advised that Councillors have been following the application via PAS and are aware of the amendments to date and street scene documentation submitted in December.

4.3 - Public Comments

Five neighbours have been consulted and a site notice forwarded for display. Four objections were received. All five neighbours were re-consulted upon the revisions received. One further objection was received.

The main points raised by the objectors include the following:

- Affect on the historical context and village legacy of a neighbouring property
- Height of the dwellings of proposal
- Loss of view of other dwellings and loss of historical context
- Loss of light and visibility
- Too large for village
- Village requirement for smaller and affordable homes and does not meet local needs
- Proposed dwelling houses are oversized for the location
- Out of character for the village
- Lack of privacy
- Overshadowing of amenity space of neighbouring property
- Proposal is not sympathetic in size or design to the village
- Revisions to plans do not meet the concerns raised.

5.0 THE MAIN ISSUES

Principle of development
Appearance, landscaping, layout and scale
Impact on neighbouring amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principal of the development for two dwellings has been established and accepted by the granting of Outline consent (reference 14/03221/OUT dated 6th November 2015). The only reserved matters approved at that stage was the means

of access and layout. All other matters were reserved and are the subject of the current application. However officers are of the opinion that the layout has changed sufficiently since the outline approval to require a further approval. Accordingly, should the current application be approved (bearing in mind that the proposed layout is evident) an application to vary the outline consent in relation to the layout will be required. It is requested that the determination of the layout variation be delegated to officers, with no decision on the current application to be issued until that application is also ready to be issued.

- 6.1.2 Ryton is one of four villages within the Parish of Condover, but is not included within the Community Cluster with the other three villages. Within Ryton's recently published 2015 Parish Plan there is divided opinion as to whether further housing within the Parish is desirable with a small majority in favour. General agreement includes that any development should be in accordance with the SAMDev and planning documents.

SAMDev policy MD3: Delivery of Housing Development states that Residential proposals should:

- ☐ Meet the design requirements of relevant Local Plan policies; and
- ☐ On sites of five or more dwellings, include a mix and type of housing that has regard to local evidence and community consultation.

Officers consider that as the proposal is for two dwellings on a site that is considered infill and not an encroachment into/onto open countryside, and that the outline permission has been permitted with an s106 agreement to secure the provision of off-site affordable dwellings, it complies with MD3.

6.2 Appearance, landscaping, layout and scale

- 6.2.1 Core Strategy Policy CS6 establishes the overarching aim that new development will be designed to a high quality using sustainable design principles. Achieving high quality sustainable design is a key planning objective which applies to all new development including alterations, extensions, conversions and replacements of existing buildings, advertisements and telecommunications infrastructure. Policy MD2 builds on Policy CS6, providing additional detail on how sustainable design will be achieved.

Further to Policy CS6, SAMDev policy MD2 states that for a development proposal to be considered acceptable it is required to include:

- ☐ Respond positively to local design aspirations, wherever possible, both in terms of visual appearance and how a place functions
- ☐ Contribute to and respect locally distinctive or valued character and existing amenity value
- ☐ Embrace opportunities for contemporary design solutions
- ☐ Consider design of landscaping and open space holistically.

- 6.2.2 The dwellings have been designed with an L-shaped footprint and include features of visual interest including chimney, exposed timber framing and traditional fenestration. The dwellings have been sited set back within the plot with the garages to the front adjacent to the highway and an access which is a shared access between the two dwellings. The dwellings and garages are considered to be

of appropriate scales which sit comfortably within the plot and the simple landscaping which includes grassed areas, shrub planting, and lawn and patio areas is considered acceptable. The design is considered to accord with CS6.

6.2.3 The site is considered to be of a sufficient size to accommodate the proposed number of dwellings and SC Highways have confirmed that the proposed scale and layout of the site is satisfactory from the highway perspective. The development is therefore considered to be able to be accessed safely and accommodated by the local highway network without detriment to highway safety. Officers consider that on balance the proposal complies with the relevant criteria within CS6 and MD2.

6.3 Impact on neighbouring amenity

6.3.1 Officers note the concerns raised by both the Parish Council and Public. Officers consider that these have been at least partly addressed by the revisions received including a lowering of the ridge height, reducing the roof pitch by 40 degrees on both proposed dwellings, the setting back of the dwellings by a further 3 metres into the plot and the proposed five bedrooms having been reduced to four with ancillary use above the garages.

6.3.2 It is considered that the proposed dwellings are located a sufficient distance from neighbouring properties to the south and north to ensure that any first floor windows in the side elevations will not result in an unacceptable level of overlooking or result in an overbearing impact. Officers believe that with the revisions received and on balance the proposal complies with the criteria contained within CS6.

7.0 CONCLUSION

It is considered that on balance the appearance, landscaping, layout and scale of the proposed two-storey four bedroomed dwellings with an ancillary room above the garage are acceptable and will adequately protect and enhance the natural and built environment whilst safeguarding local and residential amenity. It is considered that the scheme complies with CS6, MD2 and MD3. A condition regarding garage occupation should be included within any permission granted.

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

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8.3 Equalities

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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.

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Core Strategy and Saved Policies:

National Planning Policy Framework
 CS6 - Sustainable Design and Development Principles
 MD2 - Sustainable Design
 MD3 - Managing Housing Development

RELEVANT PLANNING HISTORY:

14/03221/OUT Outline application for the erection of 2 no. dwellings and garages to include means of access (amended). GRANT 6th November 2015

15/03259/REM Reserved matters application (layout, appearance, scale and landscaping) pursuant to 14/03221/OUT for the erection of 2no. dwellings and garages PCO

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 Tim Barker

Appendices

APPENDIX 1 - Conditions

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

1. 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

2. No built development shall commence until details of all external materials 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.

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

3. The garages and ancillary rooms hereby approved shall not be used as additional living room or bedroom accommodation and shall only be used for purposes incidental to the enjoyment of the residential dwellings hereby permitted.

Reason: To safeguard the residential character and amenity of the area.

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Committee and date

Central Planning Committee

4 March 2016

Development Management Report

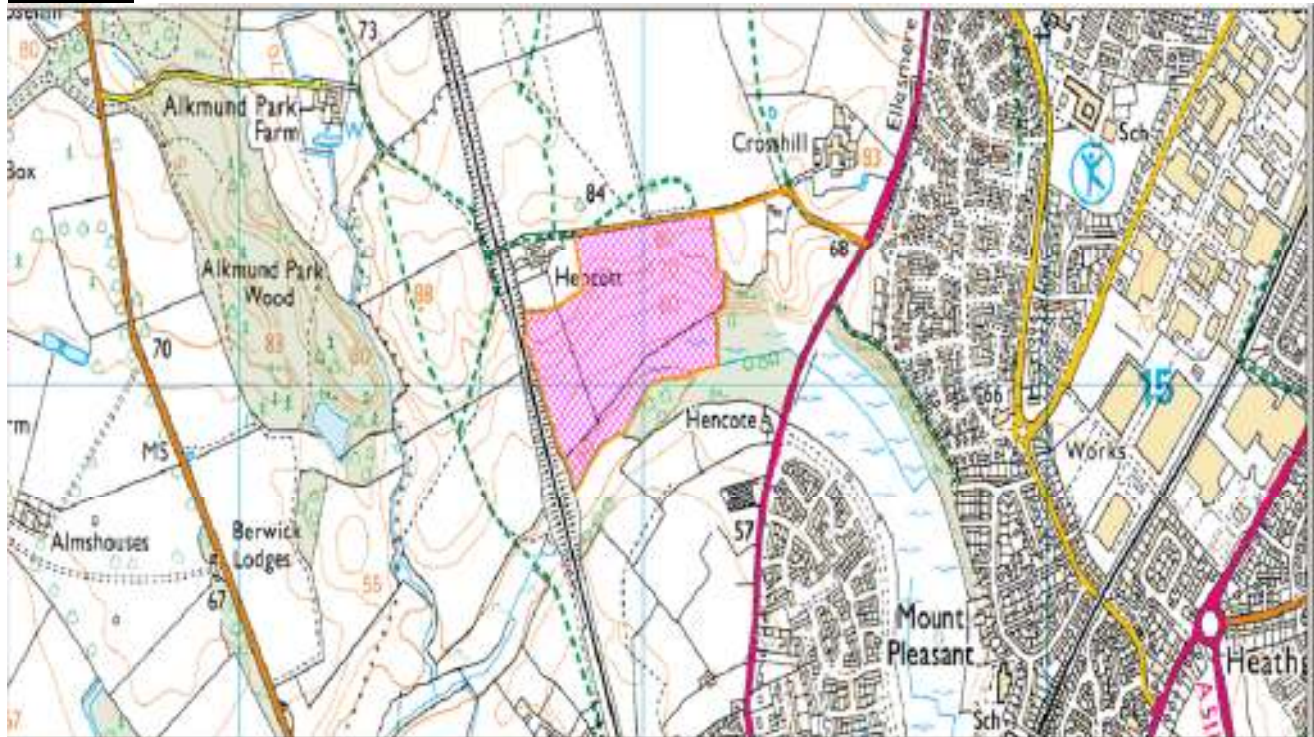
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 15/03349/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of a winery, visitor centre (to include a restaurant and event hall) and maintenance building; formation of court yard, service yard, visitors car parking; landscaping to include boundary fencing and entrance gates; associated facilities.		
Site Address: Hencote Farm, Cross Hill, Shrewsbury, Shropshire		
Applicant: Mr A Stevens		
Case Officer: Mark Lynch	email: planningdmc@shropshire.gov.uk	

Grid Ref:



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Recommendation: - Grant outline planning permission subject to the conditions set out in Appendix 1.

REPORT

1 THE PROPOSAL

- 1.1 This planning application seeks full planning permission for the erection of a new winery development comprising a winery and visitor centre, maintenance building, car parking, landscaping, boundary fencing and entrance gates and associated facilities.
- 1.2 The winery building has three elements and is of a flat roofed contemporary design. The processing building situated to the north of the site will measure 5.50m in height and will be 60.80m in length. Construction materials to each elevation include a coursed-stone base plinth with a range of narrow depth glazing above topped by the main structure consisting of light grey coloured micro-rib vertical panelling. The north elevation also incorporates a pair of roller shutter doors light grey in colour.
- 1.3 The production building includes the storage tanks, bottling facilities, equipment and storage rooms, staff rest rooms, a plant room and despatch areas.
- 1.4 Attached to the production facility to the south is the public entrance and reception building facing onto a partly enclosed courtyard with a water feature on its eastern side, which also provides a seating area for customers to enjoy views to the south across the vineyard. This building is single storey and flat roofed and its elevations to the east and west are fully glazed. The roof is formed by dark grey coloured zinc cladding panels in contrast to the light grey coloured panels on the production building. Internally, the building provides a reception desk, circulation space and a staircase leading down to the lower level.
- 1.5 The third element comprises the visitor centre part of the winery. This is situated to the south overlooking the slopes the run down to the old river bed of the River Severn on which the vineyard has been planted. This building is attached to the entrance facility and steps down the slope in part to create a two storey structure. It is also flat roofed and its materials include white painted render, on the upper storey and natural stone to the base storey. A range of slim line aluminium framed windows between the two storeys is incorporated, similar to those included in the production building.
- 1.6 The entire south facing elevation on the upper level features distinctive full width windows leading onto a frameless balcony and balustrade that projects outwards over the slope to the south. Internally, this building incorporates a commercial kitchen serving the restaurant with space for approximately 90 covers and customer rest rooms. The building also includes an event room and both spaces have direct access to the south facing balcony. Both the restaurant and event space can be combined by removing the partition to create a bigger space, if needed, for functions such as wedding receptions. A pair of lifts is also located within this part of the building.

- 1.7 The stairs located in the reception area enable access to the lower level that incorporates a tasting room with bar and storage as well as a small distillery room. A small outside terrace is proposed at this lower level accessible to customers.
- 1.8 The scheme also proposes a detached maintenance building located in the north western area of the site. This building is of functional appearance with a flat roof standing 4m in height. It is to be constructed of similar materials to the production building and includes a roller shutter door on its northern face. Internally, it provides storage and office accommodation with staff toilets. The building will be set back from the lane with its own separate entrance. The layout plan shows the land surrounding the building to be comprehensively landscaped.
- 1.9 The proposals have been amended since first submission and now propose two alternative methods of access. The first and preferred option is to use Hencote Lane as the means of access. The lane is a private road and forms part of a public right of way (Shropshire Footpath No. 95). This option would involve widening the lane to create several passing bays. Customer access to the site will be via a new gated entrance taken from Hencote Lane in the north eastern corner of the site. A new internal access drive will curve westwards along the top of the scarp leading to the buildings. A customer car park is proposed on the northern side of the drive providing 24 parking spaces and 6 covered bicycle spaces with a pedestrian link leading to the courtyard in front of the visitor centre. A second access point is proposed further along the lane to the north of the buildings which is to provide service access for the production facility. A second car park is proposed in this area together with a service yard area. This will provide additional customer car parking to meet demand as and when needed. The courtyard to the east of the building will incorporate two disabled parking spaces. The entrance gates would be 1m high formed from metal and will complement the proposed 1m high traditional metal estate-style fencing that will run along the lane frontage.
- 1.10 However, due to potential ownership difficulties, and as a fall-back position, the scheme has been revised so that an alternative means of access can be provided. This second option comprises a new vehicular access and access driveway located 65m further south along Ellesmere Road, thereby negating any need to use Hencote Lane. The location of the access will require the removal of a length of existing hedgerow that fronts onto Ellesmere Road to provide for visibility splays. The entrance would be formed by a set of decorative wrought iron gates and railings on either side. The access driveway would rise upwards on rising land towards the site and would need to run through a number of hedgerows on the land. The amended Planning Statement requests the local planning authority to consider the either or scenario so that the site may be accessed safely should the preferred option of utilising Hencote Lane be unachievable. For the avoidance of doubt, only one means of access will be employed.
- 1.11 Access from the building will be provided to an open terrace and area of lawn to the west which will provide an outside seating area for customers to enjoy. Immediately to the north of this area it is proposed to create an area planted with ornamental vines and rose bushes.

- 1.12 The proposals also include retention of existing trees and other vegetation on the south facing slope together with a comprehensive landscaping scheme to complement the development and soften its impact on the surrounding landscape. This will include additional planting around the car parks, along the northern boundary consisting of traditional estate-style metal fencing, additional planting along the slope to the south, south west and south east of the building create a woodland in future and a landscaped earth bund situated partly along the northern and western areas of the site approximately 2m in height, set in from the respective boundaries. These bunds will be planted with native species trees, all contributing to create a wooded parkland setting for the new development.
- 1.13 Within the wooded areas, there will be a series of paths to enable walks from the building and pedestrian access to the vineyard. The vineyard will also be accessible to visitors and a series of information boards and rest areas are planned to enable visitors to meander through the site and to learn about the wine making process from start to finish.
- 1.14 The Design and Access Statement explains how the proposed winery is intended to be an active production facility for the making of wine from grapes grown on the application site. The produce from the winery will be predominantly sold online all under a premium brand founded on the highest quality range of products.
- 1.15 Visits to the site will be on a prearranged appointment basis only, and will comprise individual visits, group visits, corporate events and weddings. The facility will not be open to 'walk-in' trade. It is envisaged that the vineyard would become an established local and regional tourist / visitor attraction in time. It will position itself as a high-end working vineyard open only to pre-booked 'guests' on an exclusive use basis, offering events space for conferences, corporate training, weddings and other private functions. Overall visitor numbers are therefore expected to be relatively low, gradually building up to around 3,000 per annum 3 years after opening.
- 1.16 The winery will be designed to incorporate a 'visitor route' to observe and experience at first-hand how the wine is made, laid up and then bottled. The winery will also incorporate the necessary administrative space to manage and maintain the seasonal production process, together with a delivery / despatch area for the receipt of grapes and the transfer of bottled wine to vehicles. The distillery will be a smaller volume facility producing Grappa from grape skins, a by-product of wine making. The distillery will have separate storage and bottling areas.
- 2.0 SITE LOCATION/DESCRIPTION
- 2.1 The application site is located on a farm to the west of the A528 Ellesmere Road, approximately 2.7m to the north of the centre of Shrewsbury accessed via Hencote Lane, which is a narrow privately owned lane. A public right of way runs along this lane before branching off to the north west opposite the north eastern corner of the application site.

- 2.2 The site is on a slope that faces due south across open farmland and an area of woodland that once formed a meander in the course of the River Severn. It consists of two fields laid to grass with occasional trees and hedgerows extending to approximately 13.8ha in area. On the upper parts of the grassland bank there are four mature Oak trees, two of which are located centrally amid scattered vegetation consisting of Hawthorn and scrub. The site of the proposed winery buildings forms a relatively flat and open surface at the crest of the slope.
- 2.3 The buildings associated with Hencott Farm are located to the immediate west and comprise of an existing farmhouse and outbuildings, occupied by the applicant. Immediately to the west of farm buildings lies a railway line in a deep cutting, emerging on to an embankment southwest of the site.
- 2.4 The northern boundary, defined by Hencote Lane, consists of a fence and occasional trees and scattered hedgerow plants.
- 2.5 The presence of boundaries that comprise mature trees and dense hedgerows to the south, east and west results in limited views to within the site from Ellesmere Road and the wider surroundings.
- 2.6 The southern part of the site was ploughed and fed in late 2014, and some 22,000 vines have now been planted, comprising 5 different grape varieties. In addition, the damp woodland, marshy grassland, scrub and scattered trees that populated the old river bed is now being actively managed to create a more diverse mosaic of habitats.
- 2.7 There are two statutory sites of UK importance located within the area, namely:
1. The Old River Bed SSSI, 300m east of the site and extending south-east but which does not extend to the section of the riverbed within the application site.
 2. Hencote Pool SSSI, 700m north of the site. This forms part of the 'Meres and Mosses' series of open water and peatland habitats that occur in Cheshire and north Shropshire, and to a lesser extent, Staffordshire and Clwyd.
- 2.8 The site is relatively isolated, being bounded by agricultural land to the east and south, Hencote Lane to the north and the railway to the west. The nearest neighbouring properties are the White House and Crosshill Farm to the east. Both of these properties are accessed from Ellesmere Road via Hencote Lane before it reaches Hencott Farm. The White House is the closest neighbour and sits within a plot that is bordered by mature vegetation including hedgerow and trees on its western side. Cross Hill Farm is a further 150m approximately to the east and there are a number of mature trees located to the south west of the house.
- 2.9 Ellesmere Road is subject to a 40mph speed limit at the junction with Hencote Lane. A continuous footway on the eastern side of the carriageway provides pedestrian access from Hencote Lane to the bus stops to the north and Shrewsbury to the south.

2.10 According to the submitted Transport Statement, at the junction of Ellesmere Road and Hencote Lane, the lane is 13.8 metres wide, narrowing to approximately 3m around at 30 metres back from the junction. The current geometry allows for the turning movements of larger agricultural vehicles such as a tractor and trailer.

2.11 From the White House, Hencote Lane routes west towards Hencott Farm, with a continuous carriageway width of around 2.5 metres to 2.8 metres.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposed development is of a scale and controversial nature meriting discussion and determination by the Planning Committee, in accordance with the Council's Scheme of Delegation. The local Elected Member has agreed with this approach.

4.0 Community Representations

4.1 - Consultee Comments – comment.

4.1.1 Town Council –Support:

Shrewsbury Town Council – supports this application. The following comments are made:

The Town Council was asked to review its comments in the light of local representations. Members remain supportive of the development of a winery; however, there are concerns about the expansion of uses not associated with wine production (namely it being a wedding and conference venue) and the exacerbation this will have on traffic. Given the significance of this application, the Town Council respectfully asks that this application is considered by the Central Planning Committee.

Comments on the amended proposals:

Members discussed the amendments to this application and were satisfied that the new proposal for an alternative access road to the site would alleviate some of their concerns regarding traffic problems on what is a busy road into Shrewsbury. Members requested their original objections be amended to reflect the new proposals although they respectfully request that this application be considered by Shropshire Council's Central Planning Committee.

4.1.2 **SC Drainage** - comment:

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

1. The Drainage Strategy in the FRA is technically acceptable. However, SuDS Applicability for the site is Infiltration. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the 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 20% for climate change. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

If soakaways are not feasible, detailed drainage calculations and plans as

described in the Drainage Strategy in the FRA should be submitted for approval.

2. A contoured plan of the finished road/ car park levels should be provided together with confirmation 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. Exceedance flow path should be provided.

Drainage Comment on the amended scheme:

The following drainage details, plan and calculations should be conditioned if planning permission is granted:

1. In the FRA Addendum, the access road proposes the use of grass filter strips and filter drains are acceptable. Full details, plans and calculations should be submitted for approval.
2. Our previous drainage comments remain the same.

4.1.3 **SC Highways:**

Comments on the initial scheme (access via Hencote Lane):

The existing boundary fence along Ellesmere Road is set back 4m from the highway edge provide visibility in excess of 2.4m x 79m to the right from Hencote Lane, slightly obscured by a lighting column and a small amount of overgrown hedge.

To the left, approximately 2.4m x 50m visibility is available, obscured by existing vegetation and high verge.

Southbound approaching the Hencote Lane junction provides approximately 90m of unrestricted visibility within the running lane to traffic waiting to turn right. This is acceptable for a 60kph (37mph road). Northbound approach provides visibility in excess of the minimum requirement of 90m.

However, given that the proposed development is accessed from the A528 Ellesmere Road in an area where there are few frontages, stopping sight distance quoted in DMRB TD9 should be adopted as a more realistic situation. The highway authority has concerns in this regard at the actual traffic speeds due to the nature of the A528 at this point. Actual speed reading should therefore be carried out on the northern approach to Hencote Lane at the assumed visibility envelope.

With regard to other matters, the highway authority considers the proposed improvements to Hencote Lane are acceptable in principle. It is recommended however that they be provided at a minimum width of 5.5 – 6.0 metres to accommodate 2 hgv's/coach or hgv/coach/farming vehicles to pass one another. The highway authority would point out however that this section of Hencote Lane is a public footpath and therefore will require the coordination/approval of the Countryside Team to implement the proposed changes to the lane. These improvements would be required to be carried out prior to the development being brought into use.

Whilst the submission indicates visitors numbers will relate to arranged events.

Can further clarification be provided and whether adhoc visitors will be permitted to buy direct from the development.

The application/Transport Assessment should include a Travel Plan Statement.

Amended details have been received as a result of these comments and have been referred to the highway authority for consideration.

Comments on the amended access arrangements:

Following our meeting with the applicant's agents last year, revised details and additional information have been submitted. This includes a 2nd access option to the site direct from Ellesmere Road in order to remove the potential land owner issue and implementation of the passing places along the route via Hencote Lane. From a highway aspect it is considered that both options are acceptable to the highway authority and on that basis would recommend the following Conditions be imposed:-

Access Option A – Derived Solely via Hencote Lane.

1. Prior to the commencement of building operations relating to the Winery and Visitor Centre building the highway improvements shown on Drawing No's 15002/003 Rev A and 1500/004 Rev B shall be fully implemented in accordance with a specification to be first submitted to and approved in writing by the Local Planning Authority. **Reason:** To provide a satisfactory means of access routing to the site.
2. Prior to the development hereby permitted full engineering details showing the visibility splay improvement at the junction of Hencote Lane/Ellesmere Road, indicatively shown on Drawing No. 15002/005 Rev, shall be submitted to and approved in writing by the Local Planning Authority; the approved details shall be fully implemented prior to the development being first brought into use. **Reason:** In the interests of highway safety.
3. The Travel Plan Statement dated November 2015 shall be implemented in accordance with the contents and action set out in the approved document. The Travel Plan Statement shall come into effect upon the development being first brought into use and shall remain in force for the lifetime of the development. **Reason:** To promote sustainable transport in the interests of reducing carbon emissions and promoting health benefits.

Access Option B – New Access onto Ellesmere Road.

4. Prior to the development hereby permitted being first brought into use the access points to Hencote Lane shall be implemented in accordance with Drawing No.1629_PL_2015 Rev A. **Reason:** To provide a satisfactory means of access to the site.
5. Prior to the development hereby permitted being first brought into use the car parking and servicing areas shall be laid out and surfaced in accordance with the approved details. **Reason:** To provide adequate parking to serve the development.
6. Notwithstanding the access details shown on Drawing No. 1629_PL_P_04 and prior to the commencement of development full engineering details of the junction layout onto Ellesmere Road together with the provision of visibility splays of 2.4 x 79 metres shall be submitted to and approved in writing by the Local Planning Authority; the approved details shall be fully implemented prior to the development being first brought into use. **Reason:** In the interests of highway safety.
7. The Travel Plan Statement dated November 2015 shall be implemented in accordance with the contents and actions set out in the approved

document. The Travel Plan Statement shall come into effect upon the development being first brought into use and shall remain in force for the lifetime of the development. **Reason:** To promote sustainable transport in the interests of reducing carbon emissions and promoting health benefits.

4.1.4 **SC Ecology:**

Comments on the amended proposals:

Recommendation:

Further drainage details should be supplied to ensure no water pollution is caused in the Local Wildlife Site.

Suitable conditions can be recommended following receipt of this additional information.

Great crested newts

Additional information has been submitted on two potential ponds north east of the application site. These were visited on the 28th October 2015 and found to be dry with no evidence of recent inundation. No further survey work is necessary for great crested newts.

Bats

The results of the bat activity surveys undertaken in May, July and September 2015 have now been provided. Five different bat species were recorded but only at low frequencies. The key foraging areas identified are the redundant hedgerow on the eastern site boundary, the Old River Bed to the south and the railway line to the west. All these features are to be retained and fruit trees are proposed for planting on the eastern boundary, which will enhance habitat for bats.

In addition to the information on tree inspections for bat roosts a single oak tree close to the proposed car park was inspected at ground level and subject to an emergence survey. No evidence of bat use was found. The other trees with bat roosts or potential for this are shown for retention on the Landscape Masterplan. Conditions requiring the provision of at least six bat boxes on the site and submission of a lighting plan for the development are recommended.

Protected sites

This site borders a Local Wildlife Site (LWS), The Old River Bed Shrewsbury (non SSSI – Hencott Section). Shropshire Wildlife Trust commented by email dated 27th October 2015 that measures to intercept run-off water and material from the vineyard may be necessary. They welcome the proposed enhancement to the Local Wildlife Site and riparian areas.

Outline management proposals are made by DGL for the LWS itself, which are welcomed. I recommend a detailed management plan should be conditioned.

On the issue of the water quality impacts of run-off from the vineyards the applicants have stated that *“It is anticipated that runoff from the vineyards will not have a significant chemical content that could affect the quality of the receiving water. Vine pesticide inputs are much lower than other crops whereas the use of insecticides is avoided. Fertilisers are not commonly used, as Nitrogen levels are aimed to be kept low in vineyards. When fertilisers are used, they are sprayed directly as foliar feeds rather than spreading on land, reducing the chance of runoff.”*

The Council has no controls over this or other inputs to agricultural land. However, as recommended by Shropshire Wildlife Trust, simple measures to reduce run-off into the watercourse running through the LWS should be introduced such as a filter strip. This should contain the introduction of permanent vegetation and potentially

a swale or reed bed on the southern site boundary. In addition, using treated water for irrigation of the vineyard and orchard should be considered. These measures should be included in the conditioned management plan.

With regard to the Package Treatment Plan (PTP) the applicants state that *“the proposed discharge rates of the effluent are considered insignificant and should not impose any risk of flooding. Consultations with the Environment Agency will follow to establish the maximum effluent discharge limits with regard to Biological Oxygen Demand, Suspended Solids and Ammonia indicators.”*

The treated water from the PTP will discharge into the old river bed water course. Without full details supplied it is not possible to confirm this proposal would be acceptable in respect of impact on water quality of the LWS, which links to the River Severn and the Old River Bed SSSI.

If an Environment Agency permit is going to be required for the discharge from the PTP then this can be controlled. To confirm that a permit is likely to be granted the views of the Environment Agency on this question and appropriate planning conditions to control pollution should be sought.

Badgers

As noted before a number of informatives are recommended.

Nesting birds

As noted previously an informative is recommended.

Landscaping

The landscaping plans have changed to propose new tree planting and creation of wildflower grassland in the field that the new road is proposed to pass through. A replacement hedgerow is proposed behind the visibility splay along Ellesmere Road. A landscaping condition is recommended.

4.1.5 **SC Rights of Way:**

Footpath 95 Shrewsbury runs along the access to the proposed site off Ellesmere Road and the western end of the route also provides access to the proposed site. A plan showing the legally recorded line of the footpath is attached. It is noted that there are proposed improvements to be made to the access from Ellesmere Road and that gates are proposed across the footpath at either end of the site which will require authorisation. The footpath will, therefore, be directly affected by the application and the applicants should contact the Mapping and Enforcement Team to discuss the implications of the application in relation to the path at an early stage in the application process.

4.1.6 **SC Conservation:**

This application for a new winery and associated visitors centre affects lands immediately adjacent to and between two traditional farmsteads occupied by non-designated heritage assets at Hencott Farm and Crosshill Farm, both located on a ridge at the north westerly edge of Shrewsbury. Both farms have been identified and classified by the Councils Historic Farmsteads Characterisation Project.

Principles of Scheme:

In considering this proposal, due regard to the following local and national policies, guidance and legislation has been taken: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, the National Planning Policy Framework, and the Planning Practice Guidance. An Archaeological Assessment has been submitted with this application which also identifies built heritage assets in the vicinity of the proposal and assesses the

proposals impact on these heritage assets. The report concludes that the potential impact of the development on the settings of these heritage assets is considered to be negligible which we acknowledge. A Landscape and Visual Impact Assessment has also been submitted with the application, and given that developments of this type have the potential to have an adverse impact on landscape character, we would recommend that Development Management consider obtaining the opinion of an appropriately qualified landscape professional to assess this Assessment in terms of impact of the proposal on landscape in the area and the mitigating measures proposed. We would also note that should the scheme expand in the future there may be an increased impact on the setting of the heritage assets identified and the scheme would have to be re-assessed.

Detail:

The external colour and materials proposed for the visitors centre should be fully assessed to determine the most appropriate finish to mitigate any impact on the visual character of the area.

RECOMMENDATION:

No objection in principle in terms of historic environment matters.

Comments on amended scheme:

Please refer to our initial comments above. We would also direct your attention to the comments provided by The Shrewsbury Civic Society in terms of siting the proposed buildings lower into the hillside; this could be considered to help mitigate visual impact. Should the application be approved, conditions should be included requiring the prior approval of all building details, materials and finishes as well as hard and soft surfaces, landscaping and enclosures.

4.1.7 SC Public Protection:

Having considered the proposals I have no concerns in relation to any pollution matters. I therefore have no objection to the proposed development.

As the applicant may wish to be serving food and drink on site I recommend they are provided with the following information:

Food Premise Registration

As this application contains the proposal for a food premises I would like to inform the applicant that if this application is granted consent a food premise registration form will need to be completed.

The completed form should be completed and returned to the Health Promotion and Prevention team, Public Protection, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND and it is recommended that it is returned prior to the food premise opening.

Alcohol Premise License

I would like to inform the applicant that if alcohol will be offered for sale at the premise a premise license will be required.

A license will be required prior to alcohol being offered for sale and therefore it is recommended that any application is submitted as far in advance of the date that you would like to start selling alcohol.

NOTE: These comments relate to licensing matters rather than planning and will be considered under any future application for a premises license.

4.1.8 SC Archaeology:

The proposed development site comprises a 13.8ha adjacent to northern edge of Shrewsbury. The Shropshire Historic Environment Record (HER) contains no

records of any known heritage assets with archaeological interest on the proposed development site itself, although a Roman brooch was found on or just within the eastern site boundary in 1986 (HER PRN 04207). In addition, an Archaeological Desk-Based Assessment by Prospect Archaeology indicates that a probable Roman enclosure site (HER PRN 04713) is located c. 900m south-east of the proposed development site, whilst potentially pre-Roman cropmark features have been recorded within the wider vicinity of the site. Given this, and the position of the site on south facing land above a palaeochannel of the River Severn (The Old Riverbed), it is considered that there is low-moderate potential for currently unknown archaeological deposits or features to be present on the proposed development site.

Recommendation:

An Archaeological Desk-Based Assessment by Prospect Archaeology has been submitted to address the requirements set out in paragraph 128 of the NPPF. In line with the recommendations contained within this report and Paragraph 141 of the NPPF, it is therefore advised that a phased programme of archaeological work be made a condition of any planning permission for the proposed development. This should comprise a field evaluation, in the form of a geophysical survey and, subject to the results, targeted trial trenching up of any anomalies identified, followed by further mitigation as necessary. An appropriate condition of any such consent would be: -

No development approved by this permission shall commence until the applicant, or their agents 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 Planning Authority prior to the commencement of works.

Comments on amended proposals:

We refer to our previous advice above. We note the amendments to the site plan for the proposed development and confirm that the mitigation measures under the advised planning condition would apply to the whole the new access road corridor.

4.1.9 Environment Agency:

No comments received.

4.1.10 Shropshire Wildlife Trust:

Proposed enhancements to the riparian area and Local Wildlife Site are welcomed. Some tree and scrub removal and potentially creation of backwater areas would likely boost the biodiversity of the area and create additional flood water retention benefits.

However we do have concerns relating to drainage from the site.

- It should be established that foul water drainage via the package treatment plant would pose no threat to the Local Wildlife Site and other ecological receptors downstream.
- A less hard engineered SUDs solution would be preferred with holding ponds and features such as green roofs to add a “state of the art” feeling to the visitor centre buildings.
- There is an indication that vines are being planted perpendicular to the slope. From a run off and soil retention point of view this would not be ideal; being more permanent than standard crops there is a greater potential for changing surface flows. If this is the case then sufficient down slope

measures should be included to intercept water and material.

The amendments to the scheme relating to the access route would not create additional ecological impacts as long as the proposed additional compensatory planting is delivered.

4.1.11 **Shrewsbury Civic Society:**

We are generally in favour of the principle of this application but have three concerns that may be mitigated by appropriate conditions.

We note that the report of the Highways consultant has not yet been posted. This information would be of value to comments from the public. We also note that there is a good number of objections, largely on grounds of visual intrusion.

Our concerns

1. Traffic along Hencote lane could be difficult and impinge upon the safety of the frequent walkers or that the passing points planned may be insufficient or that there could be dangers at the entrance off the Ellesmere Road. (Highways Department's advice is needed here, bearing in mind that over time, the site's usage could change and that traffic along Ellesmere Road has been increasing).
2. The proposed buildings although relatively remote, are in a very prominent position. While it is good to see a modern design, its visual impact could be reduced if it were sited lower by being built into the hillside a little more.
3. The plans are quite specific about the use of the buildings and presumably follow a business plan. However, one might expect such a business to grow incrementally. What are the planning implications for the buildings if the business outcomes (in terms of yield and visitor numbers) are not as predicted?

This is beautiful piece of Shrewsbury's nearby countryside and so it is important that it should only be developed for very substantive purposes. We think that could be the case here if the concerns above are met.

Overall we agree with the plan and but have these three qualifications.

4.1.11 - Public Comments:

33 letters of objection have been received on behalf of local residents. Comments are available in full on the file but have been summarised as follows:-

Principle

- The development proposed is much larger than necessary for the operation of a winery, incorporating a restaurant, commercial kitchen, conference and visitor centre catering for corporate hospitality and wedding receptions, activities unrelated to wine production and which cannot be squared with agricultural use.
- The development is not 'small scale' as the Shropshire Core Strategy

suggests it should be to be acceptable, but large scale, paving the way for even more development. The car park area next to a much longer new road access looks designed for expansion and it is hard to square the estimate of 3,000 visitors a year for a site employing up to 60 FTE staff. The council should ask what future use is intended for the existing farm buildings, which are quite extensive.

- Welcome the principle of diversifying Hencott Farm as a vineyard with appropriate provision for wine production and sale. But I must object to the application as presented, which adds a visitor centre, large restaurant and conference facility, all to be housed not in the existing farm buildings but in large 'factory' style box structure, perched on the top of a hill recognised as having one of the finest views of Shrewsbury.
- I have no objection to the use of the land in question as vineyards and an appropriately scaled winery. However, I do not consider it a suitable location for a tourist/visitor centre with the capacity to cater for major corporate events and weddings. There would be a restaurant, large commercial grade kitchen and event room. The designation of the site is countryside and it is situated at the end of a quiet, narrow lane, which also forms part of a well-used public right of way. The lane would have to be significantly widened at several points to allow an HGV and a car to pass, undermining its distinctive rural character.
- Contrary to policy in that it constitutes an industrial intrusion into a rural area not linked to any rural settlement.

Footpath/PROW:

- Hencott Lane forms part of a walk included in the Shrewsbury Ramblers Group book '20 Walks in and around Shrewsbury' of which approaching 4000 copies have been sold. It is a popular local walk.
- The proposed development will increase traffic on a quiet lane. The safety of walkers should be considered a priority and a segregated access 1.5 metres wide with a tarmac surface should be provided for pedestrians inside the field bordering the lane and preserving the South-ward view of the town.
- Shrewsbury Ramblers would have no objection to Shropshire Council diverting FP95 from off the lane and onto our suggested route.
- The loss of amenities that will occur if this development is built will have a wide impact on the local community who have, for decades, used the lane for peaceful strolls.

Lack of Pre-application public engagement

- The submitted Planning Statement is incorrect as it reads 'the applicant has also consulted with... and the neighbouring property holders prior to the submission of this application. The response to the proposals has been entirely positive.' This statement is false and therefore misleading, as the applicant has not spoken to the property owners of Crosshill Farmhouse regarding the proposed winery and Visitor Centre development.
- Last year, the applicant suggested that he was retiring shortly and his ambition was to satisfy a hobby of creating a private vineyard to produce up to 100 bottles of specialist wine for his family and private consumption. He also wanted to tidy up the old river bed to enhance his property. No mention was made of a large commercial enterprise open to the public and businesses and No subsequent discussions held about such a proposal.
- The planning statement claims the neighbours are supportive, when in fact they are objecting strongly. It is also a matter of regret that wider community consultation has not been carried out.
- The report in the Shrewsbury Chronicle did not explain the radical nature of the development or its scale.
- Residents overlooked along Ellesmere Road or in Herongate have not been notified of the details. It is furthermore extremely disappointing for the Town Council to back the application without consulting residents or stakeholders, putting economic development above all other considerations.

Design and Visual Impact

- The proposals for the development are completely out of scale and character in terms of its appearance compared with the existing dwellings in the vicinity that make up our small community.
- The Council should have regard to preserving the character of this area of Scientific and Historical interest.
- The open aspect of the hill will be lost; instead we will have sky line development.
- The proposal is not sympathetic to its present rural context and will be to the detriment of the local environment and will have an adverse impact on this amenity currently used by many local people over several decades.
- The irretrievable loss of valuable green open space used and enjoyed by generations will be devastating. We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property.
- The proposed site of these buildings could be moved to avoid sky-line development and consideration given to the design to become more sympathetic to the rural location and have a more 'eco-friendly' appearance.
- Development will severely restrict and block the unique and stunning views of the Shrewsbury skyline and south Shropshire hills. The view from Crosshill/Hencote Lane over the towers and steeples of Shrewsbury is the best one there is from a road and should not be taken away from the general public. Even if this view is still visible the foreground of buildings and cars will completely spoil it.
- Development will be visible from many parts of Shrewsbury as the proposed structures are to be located on a prominent ridgeline overlooking Shrewsbury. The recent marquees at this site for a wedding event were

visible from many parts of Shrewsbury.

- The proposed events/visitor centre is neither in-keeping with the existing brick-built structures at Hencott nor sympathetic to the surrounding topography and landscape.
- Would prefer to see proposals for any structures to be positioned at a lower topographical elevation, further downslope, or directly south of the existing structures at Hencott Farm, so that the structures are hidden from the Marches Way footpath by the natural topography and views from Shrewsbury, negating the requirement for additional screening vegetation which would otherwise further restrict views from this vantage point.
- Conspicuously perched at the top of a ridge, the winery complex will dominate the skyline for properties in Ellesmere Road and the Herongate area and beyond by day and, thanks to the plate glass windows, when it is used and lit up at night.
- It is beyond belief that a massive radical modern 'statement' using metal, glass and white render was recommended in discussions by Council officers, who apparently dissuaded the applicant from commissioning a more sympathetic approach. It would be far more appropriate for a winery to use or sympathetically extend the existing farm buildings, which are large and quite separate to the farm house. The design chosen does not enhance a 'valued landscape' but instead will dominate it in a way completely counter to NPPF paragraphs 23 and 56.
- The chosen contemporary design, encouraged by the planners at pre-app discussions, favours an aggressive, horizontal emphasis, at odds with its pleasant rural situation (possibly not what they had in mind). The setting of the winery buildings away from the existing Hencott Farm will widen the area given over to building, as will the two separate car parks.
- The views are stunning and we do not need another eyesore like the incinerator. So if the application is successful, please planners make sure you consider every angle, not just for the good of the applicants but for the good of Shrewsbury.
- The buildings will be a jarring feature in the local landscape intruding into a prized and special view of the historic town and the Shropshire Hills AONB beyond.
- Modern appearance of the buildings is unsympathetic with the existing farm buildings and totally out of character with this attractive rural setting.

Highways

- Having 50 to 60 cars and lorries per day would be a disaster for the locals who use the area.
- The safety and convenience of the residents will be compromised by the volume of traffic generated and size of vehicles that are associated with wine production and the Visitor Centre facilities proposed.
- Surprised that the Council would support an application that would increase the number of cars and coaches onto the Ellesmere Road considering its proximity to local schools, residential housing estates and children's playground as it will create a significant hazard to our safety and everyday living.
- The proposed vehicular access via Hencote Lane needs to be rethought. If the development was at the bottom of the Hencote Farm hill and access was

via a new entrance further down Ellesmere road it would be better.

- This area is already dangerous with the current traffic levels for pedestrians and vehicles have to back onto Ellesmere road as there is no passing place on Hencote Lane. At present there are dozens of people who use the lane for dog walking or for general exercise in an unspoilt area of the town.
- The substantial increase in lane use traffic will create extreme danger to ALL current users and the potential visitors. It will significantly disrupt vehicular access to houses and to farm vehicle traffic.
- The access to the proposed Winery from Ellesmere Road is completely and wholly unsuitable. Hencote Lane is an extremely steep, narrow lane, with a blind corner and which is totally unsuitable for HGV traffic and even if the improvements that are proposed are carried out, it will remain totally unsuitable.
- The application confirms major improvements and widening to Hencote Lane from Ellesmere Road. This is astonishing as Hencote Farm only has a Rights of Way use of the lane, whilst ownership of the lane (from Ellesmere Road to the top of Hencote Lane) belongs to us at Cross Hill Farm and amazingly, no contact at all has been made with us regarding these proposed improvements and we would not allow, and would vehemently object to any improvements or widening anyway.
- The amount of traffic that has been anticipated would also be unsuitable and would be a further danger to the many dog walkers, children and ramblers that currently use the lane.
- The amount of traffic that has used the lane recently during the improvements to Hencote Farm and the recent wedding held there, have proved very problematical, especially the HGV vehicles that have actually knocked down fencing on the lane due to the access restrictions and several accidents have been only narrowly avoided including an incident when a visitor was nearly knocked down by a speeding van.
- The exiting of the White House will be very dangerous being on a blind curve.
- Ellesmere Road only has a single narrow pavement. This is used by many youngsters and the risk of a serious accident particularly at the lane junction is real. Northbound cyclists often dismount because of the steep incline and traffic tailbacks occur adding to the hazard.
- Vehemently disagree with Councillor Beverley Baker –Bagley's claims reported in the Shrewsbury Chronicle on 15th Sept '15 that the development will not cause major traffic problems.
- Commercial traffic on the lane during the construction phase will be horrendous with HGVs, delivery vans and cars making it a virtual no-go area.
- The piecemeal widening proposed will mean a lot of established hedgerow is dug up, but the visibility for traffic turning right out of Hencote Lane will remain very restricted due to the embankment to the north, while lorries will have difficulty turning left.
- Although the junction is signposted and the speed limit of 40 mph is displayed, the speed limit sign is small and covered by foliage from the trees so not easily discernible This is a major route into Shrewsbury town centre for visitors and people living locally but the entrance to this lane will be

relatively unknown and unseen from the Harlescote direction. Drivers ignoring the speed limit, visitors looking for the entrance and the increased volume of traffic using the lane do not bode well for an accident free area.

Drainage

- There are issues concerning drainage as the land slopes toward the old river bed. During times of heavy rain, water streams off the side of the hill which suggests a high water table.
- Drainage issues arising from wine production and visitor facility raise the potential of increased flood risk and the impact on the local eco- system. In many periods of the year, the old river bed is flooded, an increase in water levels and by-products from the factory production may cause damage to the fragile ecology of the old river bed which is a conservation area of great importance to Shropshire.
- Incorporation of green roofs would further reduce visual impact of the structures positioned at these lower elevations and would also add benefit to the proposed SUDs scheme.

Ecology

- The development will cause distress to grazing animals, wildlife, birds including little owl and buzzard.
- The tree survey has omitted a number of trees.

Pollution and safety

- The development will have a demonstrable impact on the quality of life for local residents and also the local pedestrians that use the lane regularly. The protection of basic Human Rights should be taken into consideration as we all have a right to peaceful enjoyment of our surroundings.
- The increased lighting needed especially during the winter months will only increase light pollution in this rural setting.
- Noise and light (headlight) pollution will occur causing nuisance and disturbance. The likelihood of litter, disturbed family life and wild-life with possible security risks will not be welcome. Neither will the loss of privacy to front garden & front elevation windows by the passing PSVs and regular noise and exhaust smells.
- According to Paragraph 123 of the NPPF, planning decisions should aim to identify and protect areas of tranquillity undisturbed by noise and which are of educational and amenity value. This proposal will do the opposite.
- There are concerns about the impact the proposed development will have on the land. The land in question incorporates a steeply sloping bank which may have an impact on the stability of the ground.

Heritage Impacts

- The Conservation Officer notes that both farms along the lane have been classified by the council as historic farmsteads and the requirement for cladding and materials to be appropriate - it is hard to imagine what could be more inappropriate than white render, metal and plate glass in this important and sensitive location. A modern design could be chosen, but materials should reflect the local context and the whole should be of an appropriate much more limited scale.
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Sustainability

- The farm contains sufficient buildings to be converted to create the winery. The development of new buildings is unnecessary as it is non-agricultural development in a Green Belt area. A commercial winery belongs on an industrial estate.
- The development does not contribute to sustainability. It is far too large, uses new build as opposed to existing buildings and requires two new car parks. It relies on increased car and lorry movement, requiring extensive widening and a new road access and car parking, which will damage the rural character of the lane. Access by bus passengers is extremely poor. Greenhouse gas emissions will increase.
- The Conservation Officer is right to flag up the increased impact on the landscape should the scheme expand in the future. Residents are asking if this plan is a 'Trojan Horse' for even more ancillary non-agricultural development in future and how this can be prevented.
- The social benefits of the proposed private visitor centre are far outweighed by the resulting harm to the enjoyment of the countryside by users of the right of way. The prominent factory style buildings and car parks in an elevated position, together with the widening works to Hencote Lane would be environmentally damaging. Hence the site is not sustainable.
- The proposal is contrary to the NPPF. Paragraph 23 of the Framework supports local tourism and leisure developments which support the character of the countryside, and which this application demonstrably does not. Paragraph 56 requires that decisions should aim to respond to local character and respect the identity of local surroundings and materials. The reverse is the case here. Under Paragraph 123 planning decisions should aim to identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their educational and amenity value, as is the case here.
- The proposals do not accord with policies in the Core Strategy and SAMDev Plan relating to tourism, diversification of the rural economy and design that is appropriate to its rural location.

Other Issues

- This application should be determined by the Central area Planning Committee.
- The planning documents contain a number of inaccuracies including the misidentification of hills and other landscape features visible from the application site, spelling errors and incorrect labelling of roads.
- Should the application be approved, the council consider using its powers to enforce controlled hours of the Visitor Centre and production work from the Winery and other restrictions that might make the duration of the works more bearable.

3 letters have been received supporting the proposals. The following points are made:

Principle

- As a local who walks the lane several times a year I fail to see the vast number of people objectors are claiming will be affected I think the proposal is very sound and would be of benefit to the area.

- This appears to be a high quality proposal, based on a novel, but economically viable change of land use which will benefit the local economy and have minimal impact on the road issues in the area - which already need attention anyway.

Design and visual impact

- Having visited wineries across Europe and North America I would add that most wineries are far less intrusive than the objectors would have you believe. It would be several years before a winery would be productive as there are no vines planted yet.
- The building seems in scale with the nearby farms in height and width, if the footprint of individual blocks is rather larger. I congratulate the designers for their elevations which have pleasing proportions and avoid being a major intrusion into the skyline when viewed in any direction, and on their choice of materials which at same time champion modern design and reduce the visual impact even further. I would only suggest that the Council work with the architects to ensure that the materials specified are the lowest reflectivity versions to reduce the visual intrusion to the minimum.
- Many of the comments have centred on the loss of view, however the drawings suggest the impact would be minimal. In fact, the addition of visitor facilities would enable users to linger longer and enjoy it more.
- The applicant's existing residence and landscaping is extremely tasteful and maintained to a high standard, so I would expect the commercial buildings would follow suit – and would be wholly appropriate for a working landscape, which is what the Shropshire countryside is, not a museum.

Highways and access issues

- Ellesmere Road is narrow and gently curving where the access road is planned to join it. The Highways team should conduct a careful assessment and require further improvements where these might be required. The Council should ask the developers to ensure that the public continue to have access to the same views they wish to exploit for their customers, perhaps by creating an area of verge with benches overlooking the area marked 9 on the landscaping masterplan.
- The issue of access off Ellesmere Road needs serious consideration. If this development can bring the spotlight onto the current inadequate speed controls and enforcement in the area, then that would be a bonus. It needs an overhaul, regardless of whether the proposed development goes ahead or not - but this should not be used as a convenient excuse to reject the planning application.
- There are agricultural land uses that generate more traffic and larger vehicles than a vineyard. The anticipated scale of the attraction (judging by the car parking provision) is unlikely to be the driver for huge visitor numbers, so it wouldn't appear to impact too much on current vehicle numbers in the area.

Economic benefits

- The purpose of this development appears admirable in that it will provide

employment directly and indirectly by making Shrewsbury an even more attractive destination for visitors and holidaymakers.

- The project will act as a proof of concept for what could become a valuable source of diversification for many farms in Shropshire.
- Overall, I would welcome this development as part of ensuring continued economic growth within both Shrewsbury and the surrounding countryside.
- As a resident of Ellesmere Road and user of Hencote Lane for dog-walking, I would anticipate the proposed development being great asset for the area, particularly for economic and job creation reasons.

Ecology

- The development will safeguard in perpetuity an area of agricultural land overlooking the old riverbed SSSI.

Other issues

- Reference made in some of the objections to the proximity to a children's playground to the proposed development would appear to be a 'red herring' as this is the most under-used resource I've ever seen. I pass it regularly and it is almost always totally empty. The only time it had regular use was when gypsies moved into the site. Any perceived impact there need to be kept in perspective.

CPRE

On behalf of CPRE Shrewsbury I would like to restate our original objections. Whilst some attempts have been made to address issues raised, the application remains contrary to CS17 which states that any development must 'Protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors'. The proposed buildings are still in an elevated position which will have a significant impact on the appearance of the crest of this hill changing and damaging its unique value.

5.0 THE MAIN ISSUES

The main planning issues concern the following:

1. Principle of development.
2. Siting, scale and design of the development.
3. Visual impact, amenity and landscaping.
4. Traffic and transport.
5. Impact of the proposed development on the amenities of local residents.
6. Ecology.
7. Drainage.
8. Heritage Impact.

6.0 OFFICER APPRAISAL

6.1 Principle of Development

- 6.1.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations."

The Development Plan consists of the adopted Shropshire Core Strategy 2011 and the SAMDev Plan (adopted 17th December 2015).

- 6.1.2 The issue of principle, therefore, concerns the compatibility of the proposed development with the planning policy framework set out in Section 4 of this report, and in particular consideration of whether or not it constitutes sustainable development that should be granted planning permission. The proposed development will be considered against these policies in more detail in this section of the report, against each of the issues listed above.
- 6.1.3 The application site lies outside the defined settlement boundary in an area of countryside where the principle of development falls to be considered under Core Strategy CS5, CS6, CS13, CS16 and CS18. Policy CS5 aims to protect the countryside from unwarranted development for its own sake.
- 6.1.4 Other material planning considerations also have to be taken into account when assessing the proposals. One such material planning consideration is the National Planning Policy Framework (the Framework). In March 2012, the Framework replaced all previous PPG's and PPS's and confirmed the Coalition Government's commitment to a presumption in favour of sustainable growth and development. In terms of decision making, this means approving developments that accord with the development plan 'without delay' and, where the development plan contains either no relevant policies or where those policies are out of date, granting planning permission unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted'.
- 6.1.5 The Framework sets out a presumption in favour of sustainable development. There are three dimensions to this, namely: an economic role, a social role and an environmental role. These roles are mutually dependent.
- 6.1.6 The Core Strategy, supported by the SAMDev Plan, sets out a sustainable development strategy for the County that is based upon a settlement hierarchy (policies CS1, CS3 and CS4). In general, this identifies the most sustainable locations for new development placing Shrewsbury and the market towns and key centres at the top. The rural areas outside of these centres will also accommodate growth with sustainable settlements identified through a series of Community Hubs and Community Clusters being the principal focus for sustainable development. New development outside of these settlements falls to be considered against policy CS5 which is concerned with managing new development in the countryside and defined Green Belt.
- 6.1.7 The application site is situated on land that is outside of the nearest settlement of Shrewsbury within the open countryside. Therefore, it will not comply with policies CS1, CS3 or CS4. In respect of policy CS5, developments on sites that 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. In particular, small-scale new economic development diversifying the rural economy, including farm diversification schemes where

applicants are able to demonstrate the need for and benefit of the proposed development, will be supported. In these cases, new development will be expected to take place primarily within recognisable named settlements or be linked to other development and business activity where this is appropriate.

- 6.1.8 Policy CS5 also supports in principle agricultural-related development in the rural areas, although large-scale proposals will be required to demonstrate that there are no unacceptable adverse environmental impacts. In addition, sustainable rural tourism, leisure and recreational proposals which require a countryside location will be supported where they are in accordance with policies CS16 and CS17. This policy is complemented by Policy MD7b of the adopted SAMDev Plan, which supports new economic development in the countryside. Planning applications for agricultural development will be permitted where it can be demonstrated that the development is:
- a. of a size/ scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise or business that it is intended to serve;
 - b. Well designed and located in line with CS6 and MD2 and where possible, sited so that it is functionally and physically closely related to existing farm buildings; and,
 - c. There will be no unacceptable impacts on environmental quality and existing residential amenity.
- 6.1.9 Policy CS13 sets out to positively develop and diversify the Shropshire economy, supporting enterprise and seeking to deliver sustainable economic growth and prosperous communities. Emphasis will be placed on promoting the county as a location for business investment recognising the environment and quality of life as unique selling points. Shrewsbury is to be developed as the main growth point for business and the food and drink production and processing sectors will be particularly supported. This policy also lends support to farming for food production and supporting rural enterprise and diversification of the economy especially where associated with agricultural and farm diversification, forestry, green tourism and leisure, food and drink processing and promotion of local food and supply chains where they accord with policy CS5.
- 6.1.10 Policy CS16 supports high quality sustainable tourism, cultural and leisure development that enhances the vital role that these sectors play for the local economy, where there are benefits for local communities and visitors and which is sensitive to the county's intrinsic natural and built environments. The policy places particular emphasis on supporting new tourism development and cultural and leisure facilities that are appropriate to their location and which enhance and protect the existing offer within Shropshire. One such category relates to developments that enhance the value of local food, drink and crafts. The policy also lends support to development schemes aimed at diversifying the rural economy for tourism, cultural and leisure uses that are appropriate in terms of their location, scale and nature, which retain and enhance existing natural features where possible and do not harm Shropshire's tranquil nature.
- 6.1.11 Policy MD11 of the SAMDev Plan complements Policy CS16. Tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meets the requirements in Policies CS5, CS16, MD7b, MD12, MD13 and relevant local and national guidance.

- 6.1.12 Policy CS17 is concerned with ensuring new development does not adversely affect the county's environmental assets. New development should contribute to local distinctiveness having regard to the quality of the county's environment, including landscape, biodiversity and heritage assets.
- 6.1.13 The adopted Sustainable Design SPD (Part 1) (2011) is concerned with ensuring new development incorporates sustainable design and construction principles and that resource and energy efficiency and renewable energy generation are adequately addressed and improved where possible.
- 6.1.14 Paragraph 28 of the Framework supports sustainable development that promotes economic growth in rural areas. Local policies should do the following: support the sustainable growth and expansion of all types of business and enterprise in the rural areas, including well designed new buildings; promote the development and diversification of agricultural and other land-based rural businesses; and support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors which respect the character of the countryside.
- 6.1.15 The development proposal relates to a new wine-making venture in the rural area to the immediate west of the built-up edge of the town of Shrewsbury. It involves the formation of a new vineyard, which constitutes an agricultural enterprise, and the creation of a new multifunctional centre comprising a wine processing and bottling plant with associated facilities including a visitors' centre, restaurant and events/function room. The application describes the venture as being a tourism and leisure related project linked to an agricultural operation, being the propagation of vines and the production of wine from the grapes grown on the site. It is intended to become a visitor attraction in its own right, albeit on an appointment-only basis. Policy CS5 supports developments of this nature. The proposal is considered to be large-scale in character and therefore the applicant is required to demonstrate that there are no unacceptable adverse environmental impacts associated with the development. These are considered later in this report.
- 6.1.16 The visitors' centre, restaurant and events/function room facilities are intended to be ancillary to the overall use of the site as a vineyard and winery, even though the intention is to allow their use for private functions such as conferences and weddings. They are proposed to complement the experience and will be managed through a strict appointment-only basis. In this way, the site can be effectively managed so that neighbour amenity and local highway safety will not be unduly compromised.
- 6.1.17 The applicant has explained that the development proposals are founded on market research comparing 14 award-winning UK vineyards. Offering events space for corporate training, weddings and other private functions is a popular feature, reflecting a strong correlation between the success of the wines and the overall quality of the visitor experience. However, in many cases, there is awareness that the opportunities for events or private hire are being under-exploited, coupled with an aspiration to do more of this in the future, with the vineyards targeting this business reporting reasonably good demand. A third already operate a calendar of events, as well as being successful destinations for weddings, corporate events and private functions, and another third are in the process of setting up events

space to target these markets. The remainder do not run events at all, being focused solely on production or employing a more 'open access' visitor attraction model. The proposition at Hencote is to provide these facilities on an exclusive use basis, making it a relatively unique proposition in the vineyard market.

- 6.1.18 In addition, whilst the quality of the wines is undoubtedly a key selling point, a sense of place and a strong relationship to the land is also essential. The visitor must therefore be exposed to the direct connection between the vineyard and the wine produced on the site. Vineyard tours will inevitably be a key feature of the visitor experience, and this will involve a significant educational aspect in relating the wine produced at Hencote back to the Shropshire landscape. This simply would not be possible without locating the proposed development on the vineyard.
- 6.1.19 From an economic perspective, Shropshire already has a strong reputation for premium, locally-produced food and drink, and the visitor economy is another key 'opportunity sector' identified in the Council's Economic Growth Strategy. Hencote Vineyard will help to widen that appeal even further by developing new high quality, locally-produced products for markets both nationally and internationally, as well as helping to further diversify the tourism offer, increase visitor numbers and grow visitor spending in the local economy.
- 6.1.20 The project represents a significant long term privately-funded investment in the local area, which will sustain agriculture on the site long term, and generate new land-based employment opportunities. It will also support local construction jobs, and create significant numbers of new service jobs, employing around 25 full-time staff, rising to a seasonal peak of 60 during the harvest period. There will also be supply chain benefits in connection with the supply and maintenance of wine producing equipment, courier services delivering wine purchased online, and consumables. Furthermore, Hencote Vineyard will offer corporate entertainment opportunities to other local businesses, and develop reciprocal relationships with related businesses in the locality, such as hotels and other complementary premium food and drink manufacturers.
- 6.1.21 It is considered that the policy framework outlined above lends support in principle to this proposal. The design and siting of the building and environmental impacts referred to in policy MD7b (b) and (c) will be considered in more detail later in this report.

6.2 **Siting, Scale and Design of the Development**

- 6.2.1 Section 7 of the Framework is concerned with promoting good design and re-affirms previous national guidance that permission should be refused for development of poor design. It is necessary for new development to function well, establish a strong sense of place, have a suitable balance between built form and space, respond to local character and history, create a safe and accessible environment and be visually attractive. It also states, however, that permission should not be refused for development because of concerns about incompatibility with an existing townscape (notwithstanding effects on designated heritage assets, which may justify a refusal), especially where that development promotes high levels of sustainability. It requires that new developments make a positive contribution to their surroundings. In terms of design and layout, the form of the

proposed development has been described above in Section 1.

- 6.2.2 Policy CS6 of the Core Strategy is concerned with delivering high quality sustainable design in new developments that respect and enhance local distinctiveness. This is further bolstered by Policy MD2 of the emerging SAMDev Plan. In summary, these policies expect new development to be designed to be sustainable in the use of resources, including during the construction phase and future operational costs, reduced reliance on private motor traffic, be respectful of its physical, landscape setting and context and to incorporate suitable mitigation in the form of materials and landscaping. Significantly, Policy MD2 allows for appropriate modern design and promotes “embracing opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style.”
- 6.2.3 The new building has been designed in a contemporary style using modern materials rather than as a pastiche, following pre-application discussions with the local planning authority. It has a relatively low profile assisted by its flat roof which is important given its elevated position within the landscape.
- 6.2.4 The applicant has explained that an important aspect of developing the new winery and visitors’ centre is to be able to take full advantage of the views to the south-east, south and south-west from the site.
- 6.2.5 The Planning Statement states that the building is situated at the top of and on the widest part of the upper slope and is orientated to allow for the wide panoramic views from the visitor centre. The siting also seeks to benefit from the framing of the visitor centre by retaining the existing mature trees and dense hedgerows on the upper slope with views out across the vines.
- 6.2.6 The more functional winery building is deliberately located to provide a backdrop to the visitor centre where all of the built elements sit as low lying buildings in harmony with the overall landscape. Due to its function as a processing facility, it has deliberately been designed to have a low key utilitarian appearance. Given the function of the winery and visitor centre the applicant recognised an opportunity to reflect this quality in a contemporary building that is clearly modern but still in keeping with the surrounding context of the site.
- 6.2.7 The contemporary approach accommodates a wide variety of openings that reflect the internal function: long, low level windows to the production building and high, wide windows to the visitors centre which take full advantage of the southerly panorama. The design is influenced by its surroundings in that it is a low and linear structure, composed of elements rather than one single block, located on the natural plateau to the north of the site in keeping with the existing horizontal topography of the landscape.
- 6.2.8 The building and the site in general have been designed using sustainable principles. These include the following:
- The east to west orientation of the main building blocks also allows to create a courtyard sheltered from cold northern winds.

- The main entrance provides level access from the courtyard and represents the point of arrival into the reception space.
- The setting of the building includes large numbers of new trees to create a woodland parkland setting within the immediate environs of the building.
- Improving the biodiversity value of the site through additional native planting and retention of existing trees
- In order to maximise the views to the south while trying to achieve a pure floor to ceiling glazed facade, a deep cantilevered roof approach has been adopted.
- This type of cantilevered approach serves to frame the facade as a 'picture frame' to appreciate the surrounding landscape whilst also serving to shelter the glazing from the hot summer sun and allowing the warmth of lower winter sun to enter into the building.
- The materials for the reception link consist of high quality smooth render and slim line glazing. The entrance / reception link is emphasised to identify its function as the point of arrival for guests and visitors and as the physical connection between two built elements with fundamentally different internal uses.
- The approach is clearly marked with a bridge feature over a reflective pool at the entrance to accentuate the sense of arrival.
- The reception is visually permeable with large glass screens to create a legible inviting entrance space.
- Materials consist of dark grey zinc cladding and large glazed panels.
- The production facility is enclosed with recessed strip windows to allow glimpses to the interior space and the wine making process.
- The materials consist of vertical metal cladding and strip glazing all above a coursed stonework plinth.
- The building will seek to accommodate the widest range of people with a variety of sensory impairments, physical disabilities and medical needs. The proposal should satisfy and exceed all current DDA legislation and best practice guidance.
- Careful planning will be undertaken to ensure safe and easy access for people with disabilities, people with young children and the elderly.
- Staff and visitor parking will be in-line with current planning policy providing disabled parking spaces in close proximity to all building entrances.

6.2.9 Paragraph 56 of the Framework attaches great importance to design of the built environment. Good design is a key component of sustainable development. The Framework advises planning policies and decisions should not seek to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. In determining applications, great weight should be given to outstanding or innovative designs which help to raise the standard of design more generally in the area. It is clear that the Government is supportive of contemporary design of an appropriate scale and in the right location. Policies CS6 and MD2 of the Core Strategy and SAMDev Plan respectively establish the criteria for assessing whether or not a development constitutes sustainable design.

6.2.10 In particular, these policies allow for modern design that take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style.

- 6.2.11 The site is close to but quite separate from a range of traditional farm buildings at Hencott Farm to the west of the site. The degree of separation is such that a building of contemporary design and of low height could fit into the landscape in this location without creating a visual discord. It is considered that the proposed building is of appropriate scale and siting in terms of its relationship with Hencott Farm and will not compete with the more traditional appearance and setting of the latter.
- 6.2.12 The addition of landscaping along the western site boundary will assist in reinforcing the distinction between the two sites. The key to successful integration will be the quality of construction materials, external lighting and landscaping. The materials to be used and a lighting scheme should be the subject of appropriate pre-commencement conditions requiring submission of material samples and a detailed lighting plan for approval.
- 6.2.13 In respect of the other components of sustainable design set out in Policies CS6 and MD2, the proposals include a sustainable drainage scheme, level access for users of the facilities, high levels of energy efficient construction methods (this will be addressed through the Building Regulations) and has been designed to be highly energy efficient. The new building is reasonably significant in terms of size. However, the overall site area extends to 13.80 hectares with approximately 22,000 vines having already been planted on 8.50 hectares. This is a substantial site and it is anticipated that the facility will in time yield approximately 80,000 bottles of English sparkling wine annually. It is considered that the size of the proposed building is appropriate in this context and is in accordance with Policy MD7b (a). Subject to appropriate conditions referred to above, it is considered that the siting, scale and design of the proposed development is in accordance with Policies CS6, MD2 and MD7b.

6.3 **Visual impact and landscaping**

- 6.3.1 The Framework places high value on the importance of enhancement of the natural environment, especially valued landscapes. It asserts that the aim should be to encourage the effective use of land by re-using land that has been previously developed where practical. Policies CS6 and MD2 state that development should be designed to respect the character of the surrounding landscape and opportunities should be taken to promote a positive sense of place which will include appropriate levels of high quality landscaping within all new developments.
- 6.3.2 The design of the building and its relationship with the site and wider area has been considered above. It is likely that the building will be visible in views from beyond the site and the contemporary appearance of the building will contrast with the more traditional styling of the buildings at Hencott Farm. However, the distances involved and the additional landscaping proposed should lessen this impact to an acceptable degree.
- 6.3.3 One aspect that has the potential to be visually harmful concerns the impact of internal lighting as seen through the large feature window on the south facing elevation upon longer distance views. This could be harmful given the elevated position of the building. The applicants are aware of this and have agreed to a condition that requires further details to be submitted and agreed prior to

development commencing on site.

- 6.3.4 The preferred access along Hencote Lane will entail the creation of a number of passing bays, as required by the Highway Authority. Amended drawings have been submitted demonstrating how these may be provided within the boundaries of the lane and without obstructing the route of the public footpath. The visual impacts of these alterations are not considered to be especially harmful.
- 6.3.5 The proposed new access road (option 2) is also of potential concern. At present, the route of the road over the rising land is particularly visible from Ellesmere Road. The line of the road is exposed and has the potential to cause harm to the visual amenity of the area. The submitted landscaping plan shows this road to be formed of buff coloured asphalt and will be the subject of parkland tree planting along its length, comprising oak and beech species, with substantial additional tree planting on the land to either side on this more exposed area near the entrance. The route of the road will also be the subject of cut and fill to provide a usable gradient. The entrance itself will include a curved 1m high estate-style metal fence that will extend along the road frontage. Behind this will be planted a new native species thorn hedge. The 1m high metal gates will be positioned approximately 20m back from the nearside edge of the carriageway to enable delivery vehicles and passenger vehicles to stand clear of the highway whilst entering the site. The entrance will incorporate the requisite visibility splays. The form and layout of the entrance will resemble that of a traditional estate entrance and has been significantly toned-down in comparison to the previous submission. In its amended form it is considered to be acceptable in principle.
- 6.3.6 The route of the new road will have to be filled along its initial length due to the sloping topography. The submitted drawings show that this will be substantial in terms of the depth of 'cut and fill' required to achieve a sensible gradient. This appears to be as much as 3.85 metres in places. Although subject to grading and planting, this would appear as an engineered feature within what is presently an open field and would remain exposed in part to views from various parts of Ellesmere Road. The area along the western side of Ellesmere Road is predominantly rural in character and the formation of this road together with the substantial formal and imposing entrance would cause some harm to that character.
- 6.3.7 Further information including more detailed cross sections of the proposed alternative access drive has been submitted for consideration. These show the extent of cut and fill to be significant across the hillside which will be at its most pronounced parallel to Ellesmere Road where it is also most publicly visible. Parts of the slope will be re-graded by excavating the hillside to a depth of up to 5.385m and building up the ground levels in other areas lower down the slope close to Ellesmere Road by up to 3.85m, in order to achieve a reasonable gradient for the new road. This fill will be subject to sowing with a wildflower mix in order to blend in with the existing field.
- 6.3.8 The applicant has explained that the level of the road cannot be reduced although it is possible to smooth out the fill profile at its most pronounced point. It is emphasised that the section showing the maximum level of fill extends for only 10-

15 metres to the west, where it is quickly taken up by the existing slope. This is demonstrated by the additional sections shown on the additional drawings. Furthermore, the revised LVIA acknowledges that there would be some initial impact, but that over time, as the planting, wildflower and grassing establish, the landscape would "heal" in visual terms and the medium to long term view of the road would be perceived as part of the normal landscape. The road won't block any existing views due to the height of the trees to the east and south; it will simply change the form of the landscape and introduce some new elements, which will be screened by hedging along the road and integrated by tree planting, careful contouring and enhancements to biodiversity.

- 6.3.9 Notwithstanding the views of the applicant expressed above, concerns remain about the impact that the new driveway would have upon the landscape. The route will be visible through the trees along the roadside to the south as well as from the north. Additional landscaping along the Ellesmere Road-side boundary and along the edges of the new driveway will eventually assist in its integration within the landscape. However, this will take a considerable amount of time to be realised and will only ameliorate the impact of the road rather than effectively screen it.
- 6.3.10 Whilst this new drive is proposed as an alternative to the preferred option of utilising Hencote Lane; if the existing Lane cannot be used for legal reasons then this alternative will be the fall-back option. Its impact on the landscape weighs against the development and this will have to be considered in the planning balance taking into account other economic, social and environmental impacts of the development.

6.4 Highways and access issues

- 6.4.1 The initial application proposed using Hencote Lane to access the development incorporating improved visibility splays and passing bays along part of its length. However, due to potential ownership difficulties (a local landowner claims ownership of the lane and will not consent to additional use or physical alterations to it), an alternative means of access has been proposed. This comprises a new point of access onto Ellesmere Road some 65m south of the Hencote Lane junction and a new driveway that curves its way across land within the applicant's ownership up the slope towards the proposed development. Negotiations are continuing in relation to the use of Hencote Lane and this will be the only access and egress route to and from the site if successfully resolved.
- 6.4.2 The visitor access to the new winery and visitor centre via Hencote Lane would be from a driveway off Hencote Lane through the vines on the upper plateau of the site. Visitor traffic and production traffic are separated to enhance the overall experience and increase safety at the winery. The visitor car park is located to the east of the winery and set amongst a new orchard. Visitors would arrive at the winery from the car park through a courtyard between the wine production building and the visitor centre.
- 6.4.3 The Highway Authority commented on the initial proposals and, whilst there were no objections in principle to accessing the site via the lane, concerns were expressed in respect of the visibility splay on the north side of the junction on

Ellesmere Road and to the depth and width of the proposed passing bays along the lane. Other concerns involved traffic speeds along Ellesmere Road and additional survey data in this regard were requested together with a Travel Plan Statement. These have since been received and are undergoing analysis and assessment by the Highway Authority.

- 6.4.4 Further clarification regarding guest events has been provided linked to a green travel plan. It is anticipated that guest events will be held on an irregular basis outside peak travel times, and will typically attract up to 60 people, although there is
- 6.4.5 capacity for 100. The nature of the events, which will naturally involve the consumption of alcohol, will mean that the numbers of guests driving themselves to/from the site is likely to be comparatively small. Those that do drive to the site are much more likely to car share or use taxis. Also, because events will be pre-booked, it is more likely that organised transport will be provided to and from local hotels and/or designated collection points. Similarly, as organised events typically have a set start and finish time, so traffic flows will be more predictable and focused.
- 6.4.6 In addition, as part of the booking process, Hencote Vineyard will discuss with the event organisers how guests will travel to the site, and provide advice on transport options in order to encourage sustainable travel and reduce the number of vehicles arriving at the site. This will not only minimise any traffic impacts, but also help to make the guest experience as simple and enjoyable as possible.
- 6.4.7 For these reasons, the number of vehicles travelling to and from the site is expected to be far fewer than the total number of visitors might otherwise suggest. Nevertheless, it is recognised that during events, when vehicle numbers will be at their highest, parking and circulation will need to be managed. A one-way route is therefore proposed to ensure that traffic enters and leaves the site as efficiently as possible (as detailed in the submitted Transport Statement and illustrated in the Design and Access Statement).
- 6.4.8 In the event that the alternative access arrangement detailed previously in this letter should need to be implemented, this one-way route would still operate (as detailed in the enclosed addenda to the Transport Statement and Design and Access Statement).
- 6.4.9 In addition, guest events will be scheduled so as not to coincide with other site activities that might generate significant traffic or involve large vehicles, such as the harvesting of the grapes, deliveries of bottles or consumables, or the dispatch of deliveries to customers. This is because those activities are not really compatible with a premium visitor experience, but also to avoid any conflict between vehicles using Hencote Lane and the service yard. Staff working these events will arrive before and depart after any guests, and associated deliveries will also take place beforehand.
- 6.4.10 In total it is estimated that no more than 40 cars will arrive at the site for an event. However, this does not take into account the potential for staff working these events to car share or get a lift to the site, which will be encouraged, and could further reduce the number of vehicles arriving at the site.

- 6.4.11 The sale of wine on site will be closely linked to the visitor experience, which will be on a pre-booked, exclusive use basis. There will be no 'drop in' trade.
- 6.4.12 In total, there are 44 car parking spaces proposed (24 in the visitor car park and a further 20 in the service yard). There are also 2 disabled parking spaces within the courtyard area. This level of provision is considered to meet the demands of the development but, if necessary, staff could park in the yard of the proposed maintenance building. Cycle parking will be incorporated in the visitor car parking area, providing covered space for six cycles to be utilised by both staff and guests.
- 6.4.13 The Highway Authority has confirmed that the amended details, including those relating to the alternative access, are acceptable from a technical perspective and will provide safe access to and egress from the site, subject to the suite of recommended conditions.

6.5 **Impact on the PROW**

- 6.5.1 Hencott Lane is on the route of a public footpath 95 and the preferred access route will run along it. This will involve widening of the Lane in certain areas. The PROW Officer has expressed some concerns about the proposals in respect of the potential impact upon the local footpaths; one of which runs along Hencote Lane itself.
- 6.5.2 There appears to be a view that the proposed gated entrance to the site would obstruct the footpath. The applicants have considered these comments and have clarified that there will be no obstruction caused by the development. They have stated that there is no intention to erect gates across the designated footpath. Gates are proposed in the north-east and north-west corners of the Vineyard, on land to the south of Hencote Lane where there are already existing field gates. These would not cause any obstruction to the public footpath. Under the alternative access arrangement, the existing field gate in the north-east corner of the site would be closed up, and a new access created further to the west. Again, this would not obstruct the public footpath, which at this point routes through the field to the north, and not along Hencote Lane.
- 6.5.3 It is considered that neither of the two proposed accesses would be likely to directly affect the public right of way that runs along Hencote Lane.

6.6 **Drainage and Flood Risk**

- 6.6.1 The Framework is concerned with climate change and its effects. It is particularly concerned about locating new development in areas that are at low risk of flooding and are capable of being developed without contributing to flood risk elsewhere. A key element of this is ensuring the development can be drained effectively.
- 6.6.2 Policy CS18 of the Core Strategy requires developments to integrate measures for sustainable water management to reduce flood risk, to avoid adverse impacts upon water quality and quantity and to provide opportunities for biodiversity, health and recreation enhancements. Policy MD2 of the SAMDev Plan encourages the incorporation of sustainable drainage techniques in new developments. Policy MD8 refers to the provision of water treatment infrastructure and the need to consider

impacts on water quality and on the sewerage network.

- 6.6.3 The application is accompanied by a full Flood Risk Assessment which takes into account the presence of the former course of the River Severn to the south. The site of the development on the upper slopes of the hillside lies in Flood Zone 1, which is the lowest risk category.
- 6.6.4 The proposed buildings and access and parking areas will be located 26m above the 1 in 1000 year flood event levels, according to the Environment Agency Flood Map for the area.
- 6.6.5 Groundwater information has been acquired from the British Geological Survey and the ground conditions are anticipated to be impermeable and not applicable for infiltration techniques. The groundwater level at the site is anticipated to be 30m below ground level. Flooding from groundwater is therefore considered to be low. The site is also at low risk from sewer and reservoir flooding with no public sewers present within 200m of the site boundary.
- 6.6.6 A high level surface water drainage strategy has been developed as part of the FRA. The strategy utilises Sustainable Drainage System techniques to control runoff rates and enhance the water quality of the surface water before discharge to the ordinary watercourse. The strategy proposes the use of porous asphalt, filter drains, oil interceptors, detention basin and Stormcell Storage modules. In detail, the following strategy has been devised:
- The visitors car park will utilise porous asphalt that allows runoff to filtrate through a permeable sub-base, infiltrate to the ground if possible or conveyed to the detention basin. Porous asphalt could be replaced with filter drains, if not applicable for the site.
 - The surface water from visitors' access road will be treated through filter drains where pollutants will be removed before being discharged to the detention basin.
 - At the service and maintenance yards conventional pipe drainage will be utilised to convey water to oil interceptors where carbohydrates and silt can be collected.
 - Stormcell storage will underlay the winery courtyard and paved terrace at the rear, where water can be stored for later release or use. Stormcell will be located beneath the winery courtyard and will receive surface runoff from the roof of the main building and treated runoff from the service yard. The water will be stored for later release to the detention basin. A flow control flap will control the levels within the basin.
 - The runoff from the maintenance yard will pass through a filter drain where pollutants can be removed and then conveyed to Stormcell B, underlying the paved terrace at the rear of the main building. Stormcell B will provide attenuation for the surface runoff from the lawn area. The runoff will be later released to the watercourse through the main outlet pipe.
 - It is proposed that the water stored in Stormcell B could also be used for irrigation of the gardens southwest of the main building.
 - The detention basin will allow infiltration of water and attenuation during flood events. The basin and Stormcell storage system should be sized to

provide an overall volume of 350m³ and therefore accommodate the 1 in 100 year 6hr event including allowance for climate change. The runoff can then be released at controlled rates to the ordinary watercourse through the main outlet pipe.

6.6.7 The development is located in an area where mains sewerage systems do not exist. Therefore, treatment of foul sewage will be through the provision of Package Treatment Plant (PTP) on the site. This will cater for any foul water from the development and waste fluid from the winery. Drainage runs will be at a depth that allows gravity drainage wherever possible and all associated infrastructure will be sited away from tree root protection areas. The treated water will be taken to the old river bed course at the foot of the hill, in accordance with the Flood Risk Assessment. The applicant has confirmed that the next stage following any grant of planning permission is to enter detailed discussions with the Environment Agency to obtain the necessary Environmental Permit.

6.6.8 The Environment Agency has been consulted on the proposals but has not provided a response. However, the Council's Drainage Engineer has commented and has no objections subject to the imposition of appropriate drainage conditions in relation to disposal of both foul and surface water. It is proposed that these are attached to any grant of planning permission. As such, it is considered that the proposed development is in accordance with Policies CS18 and MD2.

6.7 **Impact of the proposed development on the amenities of local residents**

6.7.1 The Framework is particularly concerned with the impact that new development may have on the amenities of local residents. Amongst the core land use planning principles that it embodies, those that affect this particular issue include the need to secure high quality design and a good standard of amenity for all existing and future occupants.

6.7.2 The nearest residential properties that may be affected by the proposed development are located to the east on Hencote Lane. The White House and Cross Hill Farm are situated a considerable distance away from the application site and are effectively screened from it by the presence of trees and hedgerows. The proposed development is unlikely to have a direct impact in terms of visual intrusion or overlooking due to the degree of separation and the intervening landscape features. The most likely impact on these two properties will arise from traffic during the construction phase. This may be addressed through a suitable construction management condition controlling hours of deliveries and construction activity as well as keeping the Lane clear of construction vehicles and materials.

6.7.3 Other potential impacts may arise from future lighting on the site. A condition is also proposed that requires submission and implementation of an appropriate lighting scheme.

6.7.4 Another source of disturbance to local residents is likely to arise from the use itself once operational. The development includes a restaurant and events facility which is intended to host weddings. There is the potential for noise and disturbance if these include amplified music and extend late into the night. The views of the Council's Public Protection Team have been sought in this regards. These will be

reported separately to Members at the committee meeting. In the meantime, it is recommended that conditions controlling the hours of construction activity including deliveries, the hours of use of the facility and the use of amplified music be attached to the grant of planning permission to prevent unreasonable levels of harm to local residents.

6.8 **Ecology**

- 6.8.1 The Conservation of Habitats and Species Regulations 2010 requires local authorities to give due weight to the presence of protected species on a development site. Planning permission may be granted provided there is no detriment to the maintenance of the species population at favourable conservation status in their natural range. The Regulations advise that if any detriment would be caused by the proposed development, planning permission should only be granted provided:
- There is no satisfactory alternative; and
 - The development is in the interests of public health and safety, or other imperative reasons of over-riding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- 6.8.2 The Framework places high importance on protection of biodiversity interests and new development should minimize impacts on biodiversity. Planning permission should be refused where significant harm from a development cannot be avoided.
- 6.8.3 Policies CS12 and MD12 of the Core Strategy and SAMDev Plan respectively are concerned with the conservation and enhancement of the district's biodiversity resources. New development will be expected to contribute a net gain in biodiversity where appropriate. Any adverse impacts upon designated sites will be resisted unless they are unavoidable and can fully mitigated.
- 6.8.4 The development site occupies a green field site close to a number of mature trees. The site itself is of limited ecological importance, as explained in the Ecological Appraisal Report. The Council's Ecologist has agreed that the site's ecological importance is limited to potential bat foraging around the existing trees and recommends that any grant of planning permission includes a condition requiring provision of six bat boxes.
- 6.8.5 Of greater significance is the potential impact that the development may have on a Local Wildlife Site (LWS), The Old River Bed Shrewsbury (non SSSI – Hencott Section). Shropshire Wildlife Trust commented by email dated 27th October 2015 that measures to intercept run-off water and material from the vineyard may be necessary and they welcome the proposed enhancement to the Local Wildlife Site and riparian areas. The Council's Ecologist acknowledges the management proposals set out for the LWS itself, which are welcomed, and recommends a detailed management plan should be conditioned.
- 6.8.6 Concern has also been raised about the potential for surface water run-off from the vineyard affecting the Local Wildlife Site. The applicant's consultant has stated that the runoff from the vineyards will not have a significant chemical content that could affect the quality of the receiving water. Vine pesticide inputs are much lower than other crops whereas the use of insecticides is avoided. Fertilisers are not

commonly used, as nitrogen levels are aimed to be kept low in vineyards. When fertilisers are used, they are sprayed directly as foliar feeds rather than spreading on land, reducing the chance of runoff.

6.8.7 It should be highlighted that the vineyard is effectively an agricultural activity which is not development, as far as Section 55 of the Town and Country Planning Act 1990 is concerned. There is no control that the local planning authority can impose as a result. This is a matter for the Environment Agency. The Council may only concern itself with drainage matters relating to the proposed development itself and potential pollution that arises from it. An appropriate condition will be added should planning permission be granted. Nevertheless, the applicant is aware of the concerns raised by the Council's Ecologist and is prepared to take steps to address the issue. A suitable informative may be added to the planning permission in this regard.

6.9 **Heritage Impact**

6.9.1 Section 12 of the Framework places high importance on the conservation and enjoyment of the historic environment. The site is not situated in a Conservation Area and nor does it contain any listed buildings. The Conservation Officer has commented on the scheme and has no objections in principle to the proposals. The external colour and materials proposed for the development will be crucial to its successful integration into its surroundings and conditions relating to the prior approval of all building details, materials and finishes as well as hard and soft surfaces, landscaping and enclosures have been recommended.

6.9.2 The Council's Archaeologist has also commented on the scheme and considers that there is low-moderate potential for currently unknown archaeological deposits or features to be present on the proposed development site. An Archaeological Desk-Based Assessment has been submitted to address the requirements set out in paragraph 128 of the Framework. The Archaeologist recommends that a phased programme of archaeological work be made a condition of any planning permission for the proposed development, including the route of the proposed new road. This should comprise a field evaluation, in the form of a geophysical survey and, subject to the results, targeted trial trenching up of any anomalies identified, followed by further mitigation as necessary.

6.9.3 Subject to these conditions, the proposed development is therefore considered to be compliant with Policies CS6 and CS16 of the Core Strategy and MD2 and MD13 of the SAMDev Plan.

6.10 **Comparison with the Pre-application proposals**

6.10.1 In response to comments received, the applicant was requested to explain any changes that had taken place between the initial pre-application concept and that formally submitted for planning permission. A copy of the video presentation used to explain the proposals at the pre-application stage has been provided, which demonstrates that there has been no substantive changes to the original scheme in the interim, other than a more contemporary design for the external appearance of the buildings and the introduction of the visitor car park. This presentation states that the development will be "*offering events space for... corporate training, weddings and other private functions*", with the built development comprising both

wine production *and* visitor facilities.

- 6.10.2 The conceptual arrangement drawings in the video presentation also show the proposed visitor facilities positioned to the south, linked to the wine production area by a combined reception and retail space. The contemporary design for the building was later presented to officers at a subsequent pre-application meeting, which resulted in the eventual scheme submitted for approval.
- 6.10.3 The differences between the two concepts relate primarily to the appearance of the building and the provision of a customer car park, rather than to the intended use of the building. The pre-application submission stated an intention to include a visitor centre use in addition to the wine production facility. The advice proffered noted that “the only part of the proposed business that is not strictly ‘required’ in planning terms is the intention to encourage visitors to the facility as a whole, but this is clearly an essential part of the overall business plan, and in any case would clearly be an interesting addition to the tourism offer in the local area, bringing with it some clear knock on local economic benefits”.
- 6.10.4 The proposal to involve visitors to the site in a managed and controlled manner, as well as facilitating functions within the premises, is not new and is consistent with other similar commercial vineyards, including that located at Wroxeter.

7.0 CONCLUSION

- 7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.1.2 The National Planning Policy Framework provides for a presumption in favour of sustainable development. The site is an isolated one in the open countryside where new development is to be strictly controlled under the provisions of the adopted Development Plan. However, new economic development is supported in principle by the Framework, the Core Strategy and the SAMDev Plan, subject to the environmental impact of the development being acceptable.
- 7.1.3 The proposed development will deliver a number of economic benefits, including new private investment in the county amounting to approximately £5,000,000. The construction phase will provide employment directly and indirectly, including spin-off benefits for local suppliers. The facilities are likely to provide employment for local people in the vineyard and winery, restaurant, visitors’ centre and events space. Other benefits accruing from the development are likely to include providing increased business for local visitor accommodation and other local services.
- 7.1.4 From a social perspective, the development will provide an additional tourist attraction that provides educational and service facilities. These will be on an appointment basis only, but will still contribute to the quantum of local visitor attractions in the Shrewsbury area.

- 7.1.5 The proposed development will have an environmental impact in the form of change in the landscape and especially in the form of the proposed alternative access arrangements. The proposed alternative access arrangements are likely to have an adverse impact upon the landscape in the short term and the mitigation measures will take a reasonably long time to take effect. This is a negative effect and weighs against the development. However, this needs to be balanced against other more positive effects derived from the development, including the environmental benefits. These include retention of existing trees on the site, a management plan for the Local Wildlife Site, implementation of a comprehensive landscaping plan, all of which have a positive environmental effect. In addition, the economic and social benefits in the form of new investment within the rural area and others considered in the main body of this report.
- 7.1.6 Having carefully considered the proposal against adopted planning policy and guidance, taking into account all other material considerations, on balance it is considered that the proposed development would not have an unreasonably unacceptable impact upon the wider environment and that any negative impacts identified could be overcome by the imposition of appropriately worded planning conditions. It will deliver economic, social and environmental benefits associated with new investment in the rural area, design and materials of high quality along with biodiversity enhancements.
- 7.1.7 Subject to appropriate conditions, the development is unlikely to adversely affect the amenities of local residents in terms of loss of privacy or through noise and disturbance. It can also be safely accessed.
- 7.1.8 The proposals are on balance considered to represent sustainable development in accordance with the provisions of the Framework and the Policies set out below.
- 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

National Planning Policy Framework:

The following paragraphs are considered to be relevant:

7, 14, 17, 28, 56, 58, 115, 128 and 141.

Shropshire Adopted Core Strategy:

Policies CS1, CS5, CS6, CS13, CS16, CS17 and CS18.

Shropshire Adopted SAMDev Plan:

Policies MD2, MD7b, MD11, MD12 and MD13.

RELEVANT PLANNING HISTORY: None relevant

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=dates&keyVal=NNBQE4TDK0800>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr Dean Carroll

Appendices APPENDIX 1 – Recommended Planning Conditions
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APPENDIX 1

Planning Conditions

1. Time limit
 2. Approved drawings etc
 3. Materials
 4. Drainage
 5. Landscaping
 6. Highways
 7. Only one access
 8. Ecology
 9. Archaeology
 10. Restrictions on use
 11. Hours of use
 12. Lighting plan etc
 13. Restricted to private use only
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 following approved plans and drawings:
 - 1560-21-SL-02 Site Location Plan B
 - 1560-21-ST-03 Proposed Site Plan B
 - 1560-24-GD-01 Proposed Ground and Basement Floor Plans
 - 1560-31-GE-01 Proposed Elevations
 - 1560-32-GE-01 Proposed Sections and Maintenance Building
 - 1560-24-RF-01 Proposed Roof Plan
 - 1629-PL-P-01Rev A Landscape Master Plan
 - 1629-PL-P-02 Rev A Proposed Landscape Plan
 - 1629-PL-P-03 Rev A Proposed Entrance Gates and Boundary Railing
 - 1629-PL-P-04 Rev O Proposed Entrance Gates and Boundary Railing
 - 1629-PL-P-05 Rev O Landscape Plan Eastern Side
 - 1629-PL-P-06 Rev A Landscape Sections Alternative Access Route
 - 15002/003 Road improvements 1
 - 15002/004 Road Improvements 2
 - 15002/005 Visibility Splays

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

3. No development shall take place until samples of materials to be used in the construction of the external surfaces of the development, including all facing bricks, render, stonework, roofing materials, paving and surfacing materials and colour finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

Reason: To ensure the materials are appropriate in the interests of visual amenity.

Access Option A – Derived Solely via Hencote Lane.

4. Prior to the commencement of building operations relating to the Winery and Visitor Centre building the highway improvements shown on Drawing No's 15002/003 Rev A and 1500/004 Rev B shall be fully implemented in accordance with a specification to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a satisfactory means of access routing to the site.

5. Prior to the development hereby permitted full engineering details showing the visibility splay improvement at the junction of Hencote Lane/Ellesmere Road, indicatively shown on Drawing No. 15002/005 Rev, shall be submitted to and approved in writing by the Local Planning Authority; the approved details shall be fully implemented prior to the development being first brought into use.

Reason: In the interests of highway safety.

Access Option B – New Access onto Ellesmere Road.

6. Prior to the development hereby permitted being first brought into use the access points to Hencote Lane shall be implemented in accordance with Drawing No.1629_PL_2015 Rev A.

Reason: To provide a satisfactory means of access to the site.

7. Prior to the development hereby permitted being first brought into use the car parking and servicing areas shall be laid out and surfaced in accordance with the approved details.

Reason: To provide adequate parking to serve the development.

8. Notwithstanding the access details shown on Drawing No. 1629_PL_P_04 and prior to the commencement of development full engineering details of the junction layout onto Ellesmere Road together with the provision of visibility splays of 2.4 x 79 metres shall be submitted to and approved in writing by the Local Planning Authority; the approved details shall be fully implemented prior to the development being first brought into use.

Reason: In the interests of highway safety.

9. The Travel Plan Statement dated November 2015 shall be implemented in accordance with the contents and actions set out in the approved document. The Travel Plan Statement shall come into effect upon the development being first brought into use and shall remain in force for the lifetime of the development.

Reason: To promote sustainable transport in the interests of reducing carbon emissions and promoting health benefits.

10. The development hereby permitted shall not be first brought into use until one of the following has been completed:
- a) The proposed improvements to Hencote Lane have been carried out in accordance with the details hereby approved; or
 - b) The alternative access road and junction onto Ellesmere Road has been constructed in accordance with the details hereby approved. Thereafter all development traffic shall only enter and exit the site via the alternative access road.

Reason: For the avoidance of doubt and to ensure satisfactory access.

11. The hereby approved development shall not commence until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-
- a). the method and duration of any pile driving operations (expected starting date and completion date);
 - b). the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
 - c). pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
 - d). the arrangements for prior notification to the occupiers of potentially affected properties;
 - f). the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
 - g). a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;
 - h). details of wheel washing facilities. All construction vehicles shall have their wheels cleaned before leaving the site;
 - i). a scheme for recycling/disposal of waste resulting from the construction works;
 - j). the parking of vehicles of site operatives and visitors;
 - l). the loading and unloading of plant and materials;
 - m). the storage of plant and materials used in constructing the development;
 - n). the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; and
 - o). installation and maintenance of wheel washing facilities.

All works shall be carried out in accordance with the approved details. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

Reason: In the interests of highway safety and local amenity.

12. No facilities or buildings on the site, including recreational, entertainment and retail facilities shall be used for any purpose other than for, or ancillary to, the primary use of the development as a winery/vineyard.

Reason: To restrict the use in accordance with the spatial policies of the Core Strategy and SAMDev Plan and the National Planning Policy Framework.

13. The use hereby permitted shall not be open outside the hours of: 0800 hours and 0000 hours Monday to Friday, 0800 hours and 0030 hours on Saturdays; and 0800 hours and 2330 hours on Sundays and Bank Holidays.

Reason: In the interests of local residential amenity.

14. Amplified music shall only be permitted within the building between the hours of 0900 hours and 2200 hours on any day. Amplified music shall not be played outside of the building at any time.

Reason: In order that the amenities enjoyed by the occupants of the adjacent dwellings shall not be injured.

15. Prior to the first use of the winery visitor centre details of a minimum of six bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to the first use of the building.

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

16. 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.

17. A habitat management plan shall be submitted to and approved by the local planning authority prior to the occupation of the development. The plan shall include:

- a) Description and evaluation of the features to be managed, which shall include the Old River Bed Local Wildlife Site as well as the application site;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management, to include water pollution control measures;

- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) 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);
- g) Personnel responsible for implementation of the plan;
- h) 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.

18. No development or clearance of vegetation shall take place until a scheme of landscaping has been submitted and approved. The works shall be carried out as approved, prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the local planning authority, unless the local planning authority gives written consent to any variation. The submitted scheme shall include:

- a) Planting plans, including wildlife habitat and features (e.g. hibernacula)
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- c) 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)
- d) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- e) Implementation timetables

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

19. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable approved in writing by the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

20. 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 control potential light pollution in the interests of local visual amenity and to minimise disturbance to bats, a European Protected Species.

21. Development shall not commence on site until full details of foul and surface water drainage have been submitted for the written approval of the local planning authority. The approved drainage scheme shall be implemented in full prior to the first occupation of the development.

Reason: In the interests of satisfactory drainage for the site and to prevent pollution of adjoining land including the adjacent Local Wildlife Site.

22. Development shall not commence until full details of all external plant and apparatus, including air conditioning and extraction equipment, to be used in the development have been submitted for the written approval of the local planning authority. The approved details shall be implemented and retained in the approved form before the approved development is first brought into use, unless the local planning authority agrees in writing to any variation in advance.

Reason: In the interests of visual and residential amenity.

23. No development approved by this permission shall commence until the applicant, or their agents 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 Planning Authority prior to the commencement of works.

Reason: The site is in an area of potential archaeological significance.

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.

Informative

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. Works within 30m of a badger sett may require a Badger Disturbance Licence from Natural England.

The site should be subject to an inspection for badger setts by an experienced ecologist immediately prior to the commencement of works on the site.

Informative

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.

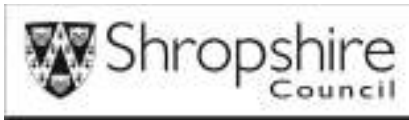
Informative

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 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 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.

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Committee and date

Central Planning Committee

4 March 2016

Development Management Report

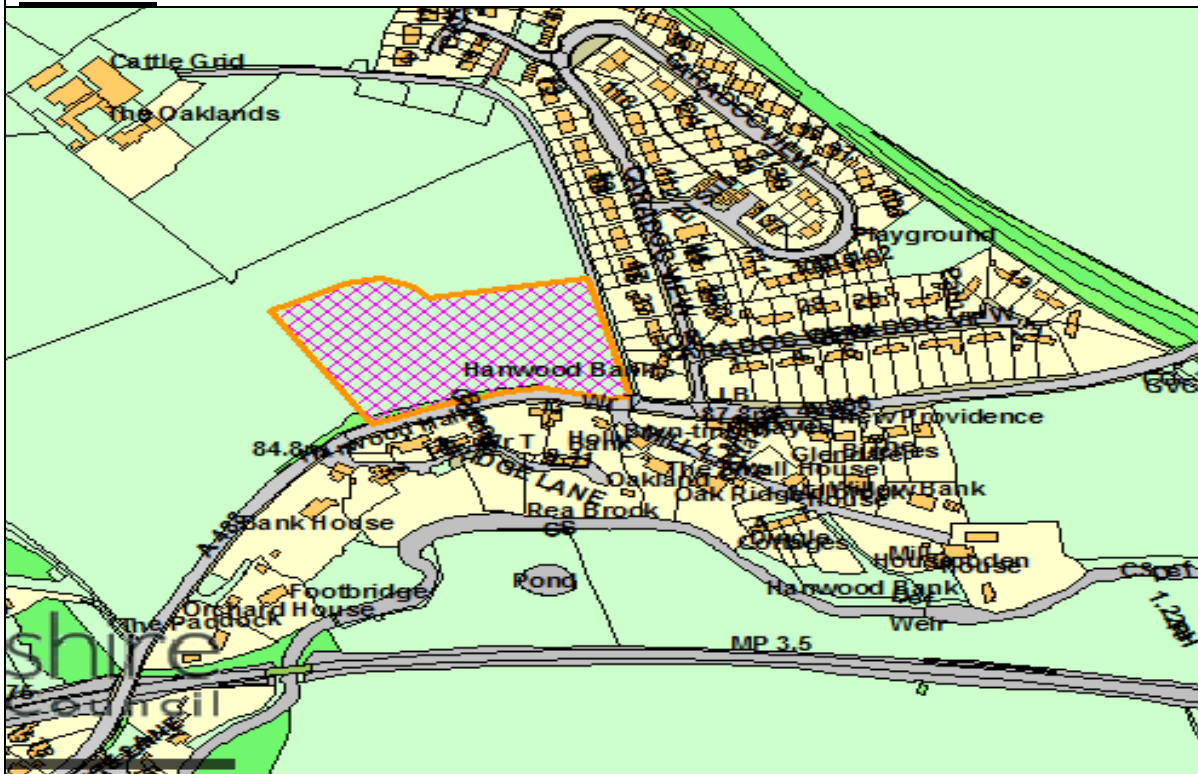
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 15/04119/REM	Parish: Great Hanwood
Proposal: Reserved matters pursuant to outline permission ref: 13/04967/OUT for the erection of 20 dwellings to include appearance, landscaping, layout and scale (amended description).	
Site Address: Proposed Residential Development West Of Caradoc View Hanwood Shropshire Shropshire	
Applicant: Shropshire Homes Ltd	
Case Officer: Nanette Brown	email: planningdmc@shropshire.gov.uk

Grid Ref: 344803 - 310137



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

REPORT

1.0 THE PROPOSAL

1.1 This application is seeking planning permission for the reserved matters (appearance, landscaping, layout and scale) relating to an earlier approved outline planning permission (13/04967/OUT). The application has been amended to show the provision of 20 houses (9 detached, 8 semi-detached and 3 terraced properties) providing a range of 2, 3, & 4 bedroom properties and with areas of open space located centrally and across the frontage of the site. The proposed designs incorporate brick built dwellings with tiled roofs consisting of a mixture of house types.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site consists of part of an agricultural field set to the north of the A488 at Hanwood Bank, to the west of Caradoc View. To the north and west of the site lie more fields and to the south of the site, beyond the A488 are housing that is set on sloping ground that slopes down away from the road in a southerly direction.

2.2 The application site itself is set on sloping ground, running downhill from north to South towards the A488. The southern boundary with the A488 is currently defined by a hedge. The A488 is subject to a 30mph speed limit as it passes the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Whilst Great Hanwood Parish Council have submitted a view neither supporting or objecting to the application they have raised concerns that express opinions 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, vice chairman agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

SUDS – No objection

The proposed surface water drainage details, plan and calculations should be submitted for approval prior to the approval of the Reserved Matters as per

Drainage Condition 4 and 7 on Outline Application 13/04967/OUT.

The FRA and outline drainage details are acceptable, though the use of soakaways should be investigated in the first instance for surface water disposal. Confirmation is required that percolation tests have been investigated. Further to our comments dated 27 December 2013, the detailed drainage details, plan and calculations should be submitted for approval.

Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas. The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development.

Highway gullies are typically designed to accept flows up to the 5 year rainfall event only, with exceedance flows being generated beyond this return period. Confirmation is required that the gullies will be able to convey the 100 year plus 30% storm to the proposed surface water drainage system. From the Thomas Consulting response dated 2 February 2016, the assumptions for gully spacing's in the carriageway are typically based on a 5 year storm.

Information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility should be provided.

Calculations should be provided demonstrating that the appropriate adjustment for climate change has been built in to the surface water network design.

Using the cover levels shown on drawing T17800/15/115 Rev D as a guide, it would appear that exceedance generated by the 100 year plus 30% storm will flow from the site via the development access. Confirmation is required where exceedance will flow to or how it will enter the attenuation system.

SC Parks And Recreation – No objection

Under Shropshire Council's current planning policy regulations, the Open Space Interim Planning Guidance adopted 11th January 2012, all development should provide 30sqm of public open space per bedroom.

The inclusion of public open space is critical to the continuing health and wellbeing of the local residents. Public open space meets all the requirements of Public Health to provide space and facilities for adults and children to be both active physically and mentally and to enable residents to meet as part of the community.

SC Affordable Houses

The affordable housing contribution proforma accompanying the application indicates the correct level of contribution and/or on site affordable housing provision

and therefore satisfies the provisions of the SPD Type and Affordability of Housing, however the plot numbers of the affordable dwellings need to be confirmed as does the tenure.

SC Highways – No objection

Landscaping, Layout and scale – no objections

This assessment has been based on the submitted amended Proposed Site Plan – drg.no. HO-P-01X rev.F.

The full engineering details for the proposed new estate road, and adjacent road (A488) improvements (pedestrian crossing point and traffic management) have not been submitted as part of this application. Therefore the specific details and specifications for this new infrastructure have not been checked or approved.

It is highly likely that there will be items which will need to be amended prior to construction, in order for this proposed new infrastructure to be adopted, in the future, as ‘highway maintainable at public expense’.

It is considered that such matters can be dealt with through the normal Section 38 & 278 Agreement approval processes, without significantly affecting any other planning or environmental considerations Submitted suggested conditions and informatives

Hanwood Parish Council – Comments

Submitted 28/1/16

Great Hanwood Parish Council notes the amendments to the site layout addressing the provision of open space and is satisfied this now meets the appropriate standard.

The Parish Council notes with concern the comments of the Highways engineers that no details have yet been submitted or approved for the proposed road improvements the A488, (pedestrian crossing point and traffic management), which are a key concern for local residents. The Parish Council would wish to see the detailed highway improvements proposals and have an opportunity to comment before the planning application is determined.

The Parish Council remains concerned that drainage will be an issue but support the condition suggested by Highways that no drainage be permitted to discharge onto or over the A488. This would alleviate the concerns of residents who have previously suffered flooding to the south of the A488.

Submitted 29/10/15

The Parish Council is concerned that the developer has failed to provide details of percolation tests with his application for approval of reserved matters. The site has well documented problems with rapid run-off rates, leading to flash flooding of

properties on Mill Road. There are concerns that the road gully at the south eastern corner of the development site has insufficient capacity to cope with existing surface water and is likely to be overwhelmed during high rainfall events, particularly during the construction phase. Shropshire Council is urged to withhold permission until satisfactory details of drainage are provided.

The Parish Council is also concerned that the proposed new footpath along the A488 appears to narrow significantly at the entrance to the junction with The Oaklands access road. This will be the only access from the development to the existing development of Caradoc View, which provides children's play facilities, and to the Shrewsbury bound bus service. In view of the poor compliance with the 30mph speed limit and the high incidence of HGVs on the A488, the full width of the new footpath should be maintained along its whole length, to encourage the use of sustainable methods of transport. The removal of the projecting hedge would not only widen the new footpath but would also improve visibility for vehicles emerging from The Oaklands access road. Alternatively, the provision of a pedestrian access directly from the proposed area of open space in the south-east corner of the site would give direct access to the public footpath running along The Oaklands access road. It is not clear whether the existing field gate will be retained for this purpose.

It is noted that the developer has submitted a revised plan showing proposed open space provision. An area to the west of plot 11 has been added to meet the minimum POS requirement; however the area is separated from the two main areas of open space at the front of the development and will be largely hidden from view. This is likely to encourage anti-social behaviour in this area and therefore fails to adhere to the guidelines of the adopted IPG for open space provision. The Parish Council would prefer to see sufficient open space provision on site, but if this is not possible, the developer may wish to consider whether suitable provision can be made nearby.

The IPG requires that the developer includes details of the landscaping proposed and how the land will be maintained in the long term. This has not been provided.

The Parish Council has great concern about the safety of the proposed pedestrian refuge on the A488. The position proposed does not appear to give sufficient visibility to either pedestrians or drivers. The Council would wish to see a light controlled pedestrian crossing at a suitable point to serve this development and the existing properties in Hanwood Bank. This has long been a critical objective of the community and the Parish Council would not wish to see additional street furniture introduced that might restrict the installation of a suitable light controlled crossing in this area.

4.2 - Public Comments

9 letters of objection from 5 addresses summarised as follows:

Principle

There are insufficient public amenities to support further dwellings in this part of the village;

Layout/Visual Impact

the natural beauty of the village would be further eroded by further construction; the amended plans would appear to deal with the open space question; the view from Oaklands Grange will be adversely affected by this development, blocking out part of the view of the Long Mynd. The proposed estate road layout is such that the development could also be expanded north which would impinge into the green grazing fields to the north of the site. Again this would reduce the views of the surrounding country side, remove several hedge rows and impact on the public footpath to the northwest of the site. If planning permission is granted then the proposed development layout should be changed to prevent further expansion to the north of the site.

Drainage

There will be increased risk of flooding to properties in Mill Lane, Hanwood Bank and Bridge Lane from increased surface water run-off and overflowing storm drains at Mill Lane, which will also have to take the surface water drain from the new development; additional protection for residents is needed especially during the construction phase; there should be a surface water drainage ditch on the north side of the A488 from the development westwards to Red Lane; the additional foul drainage from this development would increase the pressures on the existing inadequate main sewer on the A488; there are well documented issues with the sewers serving The Caradoc estate;

Highway Safety

Access onto the A488 (main road through Hanwood) from existing access points are already difficult and fraught with danger on the bend just to the West of Caradoc View; another access on that same section of road seems ill advised – existing residents have a daily struggle to exit their properties without accident; cars already seem to ignore the 30mph on that stretch and vision is poor; the proposed pedestrian refuge would not be safe the line of vision for vehicles approaching is poor and those exceeding the speed limit will be on the refuge before they realise it is there; the 30 mph signage on the A488 is currently inadequate; Access to the site would be dangerous as the speed limits are not adhered to or enforced in this part of the village; vision to the west and east is limited and traffic leaving the estate will be at risk from unseen vehicles when joining the A488 Construction and resident traffic will also reduce the views to the west from Caradoc View and Oaklands Lane and so increasing the risk to these residents

5.0 THE MAIN ISSUES

Principle of development**Appearance, landscaping, layout and scale****Open Space****Highway and Access****Drainage****Ecology****Residential Amenity****6.0 OFFICER APPRAISAL****6.1 Principle of development**

6.1.1 The principle of residential development of this site has been accepted with the grant of outline planning permission ref:13/04967/OUT. The point of access onto the A488, a 30mph road that runs through Hanwood accords with that shown on the illustrative site layout and approved access details as set out in the previous outline consent. The precise surface water drainage details, the provision of the site access and landscape management plan of open spaces other than private gardens are all matters covered by conditions on the outline consent requiring the approval of details by the local planning authority. Condition 4 of the outline consent also required details of the number of units, means of enclosure of the site and drainage of the site to be submitted concurrently with the first submission of reserved matters. The matters for consideration in this reserved matters application are solely those relating to the layout, appearance, scale, landscaping and access.

6.2 Appearance, landscaping, layout and scale

6.2.1 The National Planning Policy Framework (NPPF) at section 7 places an emphasis on achieving good design in development schemes. This is reflected in Core Strategy policy CS6 which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

6.2.2 Layout -

The submitted scheme has been amended with the total number of dwellings reduced from 21 to 20 dwellings. This total now corresponds with that stated on the approved outline consent. The layout consists of small cul-de-sacs and shared driveways leading off one central site access taken from the adjacent road, the A488. Most of the proposed dwellings will face south towards the A488. The proposed area of public open space is now shown to be located within a central position within the site. It is considered that the proposed site layout is acceptable.

6.2.3 Design and Scale –

The proposed dwellings are two storeys in height and would reflect the scale of the predominately two storey dwelling set to the east and south of the site. The proposed designs for each plot do vary in their detailing across the site and reflect the more modern elements found within the existing housing in Hanwood. It is considered that the designs proposed are suitable for this location. Final details of the bricks, tiles and render for the houses have been requested from the agents, but these details can be required by condition if needed.

6.2.4 Landscaping-

The submitted site plan indicates proposed planting details for the site, including native mixed species hedging to the site boundaries and specimen tree planting around the edges of the site including silver birch, hornbeam, crab apple and plum trees. Open spaces to the road frontage will contain some of this planting whilst the central open space would be laid to grass. It is considered that the proposed landscaping around the site would be acceptable.

6.3 Open Space

6.3.1 A site plan indicating and confirming the proposed open space for the development (an area of 1991.1sqm) has been submitted, with the open area provided to be located along the road frontage with the A488 and also within the central area of the site. The agents for the application have confirmed that this area will be offered for adoption to Shropshire Council or remain private, the details for which will be secured and submitted for approval by the requirements of condition 8 of the outline planning consent. This condition requires a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens to be submitted to and approved by the local planning authority prior to the occupation of the first dwelling. The condition also requires that the landscape plan shall be carried out as approved and retained thereafter.

6.4 Highway and Access

6.4.1 The means of the access to the site were considered as part of the outline planning consent. Condition no. 6 of the outline consent requires that prior to the commencement of the development full engineering details of the site access works, new access road, existing highway/road works, structures, foot/cycle ways, surface water drainage, street lighting and carriageway markings/signs, shall be submitted to and approved by the planning authority. It also requires that the works shall be fully implemented in accordance with the approved details prior to the development hereby permitted being first brought into use.

6.5 Drainage

6.5.1 SC Drainage/SUDs officers have confirmed that the submitted FRA and outline drainage details are acceptable. They confirm that detailed surface water drainage details, plans and calculations should be submitted for approval as required by condition 7 of the outline consent and have also raised the following queries

seeking confirmation:

- Confirmation that percolation tests have been carried out and their results;
- That appropriate allowances for urban creep have been considered;
- Confirmation that the gullies will be able to convey the 100 year plus 30% storm to the proposed surface water drainage system;
- Information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility should be provided.
- Calculations should be provided demonstrating that the appropriate adjustment for climate change has been built in to the surface water network design.
- Using the cover levels shown on drawing T17800/15/115 Rev D as a guide, it would appear that exceedance generated by the 100 year plus 30% storm will flow from the site via the development access. Confirmation is required where exceedance will flow to or how it will enter the attenuation system.

6.5.2 In response the agents have confirmed that

- Calculations of percolation rates have been provided;
- 100% allowance for urban creep has been included within the surface water drainage calculations for roof and parking spaces;
- The roads have not yet been designed with details of any vertical profile or contours to enable a full design the highway drainage to be confirmed. Road and drainage design will comply with the Shropshire Design Guide as below:
 1. Gullies will be provided so that a maximum area of 200 sqm drains to each gully.
 2. The spacing between gullies will be less than 50m.
 3. Gullies will be provided upstream of road junction and pedestrian crossings.
 4. Maximum length of gully connections will be 20m.
- The surface water drainage system will be offered for adoption to Severn Trent who will maintain the system. Gullies and gully connections will be offered for adoption to highways.
- The surface water system has been designed to store surface water up to the 1 in 100 year return period with a 30% allowance for climate change. A weir wall is set in the final manhole with the top of the wall set at the maximum water level. Rainfall events beyond 1 in 100 years + 30% climate change will overtop the weir wall and not flood the site.

The agent has been asked to confirm where the exceedance will flow to or how it will enter the attenuation system.

- 6.5.3 The final surface drainage plans have not been confirmed as the layout plans for the development not yet been approved as part of this planning application. Full details of the final drainage scheme will be submitted under the requirements of condition 7 of the outline consent for the site, so that SC drainage officers can approve these details prior to the development taking place.

6.6 Ecology

- 6.6.1 An ecological report was submitted as part of the outline planning consent application and no objections were raised by SC Ecologists as part of that application. Informatives were added to the outline consent advising applicants about potential presence of wild birds and badgers.

6.7 Residential Amenity

- 6.7.1 Officers are satisfied that due consideration has been given to siting, scale, design, orientation, and separation distances such that the scheme will not give rise to any unacceptable consequences to future residents in terms of amenity issues; with the provision of adequate private garden areas and parking provision to serve each individual dwelling.

7.0 CONCLUSION

- 7.1 The principle for residential development has been agreed. The Appearance, Landscaping (Including Open Space), Layout and Scale of the proposed development are considered to conserve and enhance the natural and built environment and is appropriate in scale, density, pattern and design taking into account the sites location within Hanwood. Accordingly it is considered that proposal is in compliance with the development plan and can be made acceptable by the attachment of conditions.

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:
CS4, CS6, CS9, CS11, CS17, CS18
MD3, MD7a, MD12

RELEVANT PLANNING HISTORY:

13/04967/OUT Outline planning application for up to 20 dwellings (indicative) to include access
GRANT 10th February 2015

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 15/04119/REM
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Roger Evans
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. 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

2. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
Reason: To ensure that the external appearance of the development is satisfactory.

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

3. 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.
4. 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.

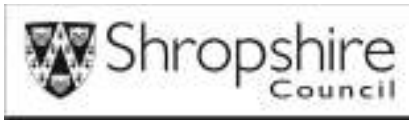
Informatives

1. This planning permission notice must be read in conjunction with the outline decision notice reference 13/04967/OUT granted 10th February 2015 where additional conditions are attached.
2. 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 that is attached to outline planning permission ref: 13/04967/OUT.
3. In order to make the properties ready for electric vehicles, charging point installation isolation switches must be connected so that a vehicle may be charged where off road parking is provided. The following condition is therefore proposed should this application be granted approval:
An independent 32 amp radial circuit isolation switch must be supplied at each property for the purpose of future proofing the installation of an electric vehicle charging point.

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.

Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles."

4. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.
5. 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.



Committee and date

Central Planning Committee

4 March 2016

Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 15/04627/REM	Parish:	Shrewsbury Town Council
Proposal: Reserved Matters pursuant to outline permission reference 14/00743/OUT for residential development to include appearance, landscaping, layout and scale		
Site Address: Proposed Residential Development West Of Bryn Road The Mount Shrewsbury Shropshire		
Applicant: Shropshire Homes Ltd		
Case Officer: Luke Ashley	email: planningdmc@shropshire.gov.uk	

Grid Ref: 347572 - 313267



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

Recommended Reason for Approval

REPORT

1.0 THE PROPOSAL

1.1 The proposal seeks approval for the reserved matters, including appearance, landscaping, layout and scale. The application follows the granting of consent at appeal for application 14/00743/OUT.

2.0 SITE LOCATION/DESCRIPTION

2.1 The 2.2 hectare site is classified as Grade 3 agricultural land located in the Shrewsbury Conservation Area to the north of A458 (The Mount) which is subject to a 30mph speed limit providing access into Frankwell and the town centre from the western side of the town. The site shares a boundary with the vehicular access to the Mountwood Park residential development to the west. The remainder of the western boundary is defined by a public footpath which curves round to proceed in a northerly direction following the course of the river. Further, the western boundary is shared with the domestic curtilages of 5 residential properties on Bryn Road. To the south of The Mount, the site is opposite The Mount petrol garage, Bells Croft park-home development and five residential properties. The site is located in Flood Zone 1 which is classified as being of the lowest probability of flooding risk (less than 1 in 1,000 annual probability of river flooding - <0.1%).

It should also be noted that the site occupies an elevated position when viewed from The Mount and as such parts of the site appear much higher than the parallel public highway. The properties facing the site and set on the opposite side of the main road are also elevated in their position with views currently provided across to the open fielded area beyond.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 The Local Member has requested that the application is presented as committee, in line with and as set out in Part 8 of the Shropshire Council Constitution.

4.0 Community Representations

- Consultee Comments

SC Parks And Recreation – no objections raised however attention was given to the provision of 30sqm of usable recreational public open space / bedroom

SC Ecology - A change in tree species proposed for planting is recommended alongside an informative in relation to badgers.

SC Rights Of Way – no comments to add to those already made on the outline consent. For the avoidance of doubt the consultation response to which this relates stated; FP 34 (part of 'The Severn Way' long distance footpath) runs along the riverside towpath abutting the north eastern boundary of the site identified as shown on the 1:2500 scale plan attached. The footpath will not be affected by the application.

SC Public Protection – Specialist – no objections subject to a condition relating to noise insulation of the proposed dwellings.

SC Archeology (Historic Environment) – no objections raised.

SC Affordable Houses - The accompanying affordable housing proforma notes the provision of 4 affordable units as part of the development i.e. 20% , which is correct. Clarification is required in terms of tenure and plots numbers. There will be a requirement for at least two of the affordable units to be rented tenure in accordance with adopted Policy.

SC Conservation – an initial holding objection was received however due to an amended site layout and alterations made to the house type at Plot No.1 (Burley option) the holding objection has been removed and the following comments have since been received;

I have reviewed the latest revisions to the proposed scheme including the revised house design for Lot 1. Overall the revisions address a number of the concerns we raised in our earlier comments regarding screening and landscaping, boundaries and enclosures and these matters should be implemented by way of conditions to help mitigate any visual impact that the proposed house designs may have on the street scene. Conditions requiring the submission of further detail on external materials, detailing and finishes should also be imposed and these details assessed and agreed prior to commencement of the relevant works on site.

Shrewsbury Town Council;

The Planning Authority are aware that the Town Council objected to this development at outline and members have been somewhat surprised by the

decision of the Inspector to grant approval. Members would wish to bring to the attention of the Planning Authority the Inspector's conditions as to approval of outline and question whether these reserved matters have taken cognisance of those conditions. This site is of great importance to the town in terms of its vistas being on one of the major gateways to the town but also from the river.

The site is also hugely important in terms of a natural habitat for the area. The topography of the land is such that these properties shall have an overbearing impact on the area and the scale of the buildings together with what members feel unnecessary brick walls surrounding the properties creates an overly urban feel to an area which is a location where country meets and transforms into town.

As ever members are always conscious about drainage and of late has had to take an even greater interest in drainage schemes. The geology reports are such that SUDs scheme that we have come to expect cannot be used on this site. But that does not give carte blanche to see run off from the site directly into the River Severn. We spend too much time determining whether the river has an impact on any development; in this case we feel that consideration needs to be given as to the impact this development has on the river and its ability to mitigate from flooding further downstream where we have to protect the town from flooding.

Whilst we accept that development will be inevitable we would wish to see less density and mass and a greater cognisance of the natural habitat on site and its ability to continue to thrive. We would also wish to see pathways through the site which would allow residents to enjoy the Severn Way and potentially provide those with disabilities and mobility problems great access to the river footpaths.

- Public Comments

8no. objections have been received locally from a number of neighbours, details of which have been précised below;

- ② The details of the buildings design do not represent a sustainable environment for this and future generations. The carbon footprint of these larger than average detached properties is substantial.
- ② The vertical and horizontal scale of the individual properties proposed to sit on top of the Mount ridge to the west of the site with floor levels starting at a recommended 150mm above the existing ground levels will result in plots 1 to 8 starting at **more than 75m** above sea level, this will result in an adverse visual impact (dominating the skyline, rising above all other buildings in Shrewsbury) on the locality with significant and demonstrable negativity to the character and appearance of the Mount Conservation area

- ② with approximately half of the proposed properties on the non-porous west side where sustainable urban drainage systems (SUDS) are a contraindication and therefore can't be employed, the surface water run off could overburden the River Severn doing exactly that:- exacerbating flood potential downstream
- ② The sewer network on A458 The Mount is already overburdened and has a recent history of flooding onto the road, therefore what provision is in place to mitigate further system failure?
- ② The plans to date, show no suggestions to enhance the public right of way, i.e. that of the Severn Way as was mentioned as a condition in the appeal document In fact the surface water run off shown on the proposed site plan TM-P- dated 2/10/15 as a broken yellow line, comes to a vague end at the back of plots 4 and 5. This could result in a very muddy water logged public footpath at the bottom of the steps on the Severn Way.
- ② Looking at the proposed site plan dated 02/10/15 we need far more screening adding to the existing trees around the southern perimeter because the floor levels of proposed properties 'Purbeck' and 'Amberley' in particular will result in their ground floor windows being level with the bedroom windows of the established detached properties on the south side of the site along the Mount A458, SY3 8PD
- ② Understand that existing trees, hedges and shrubs are planned for protection but what are the protection plans 'post development? For the new planting?
- ② Considering this proposed development is going to be on conservation land I believe it requires bespoke ideas concerning plot boundaries not the usual "Shropshire homes" 'signature boundary treatment', of building 1.8m (6 foot) high brick walls and fences
- ② Please could you add conditions in relation to reducing noise pollution for the local residents surrounding the site during the construction period, as this is a residential area. Could it be conditioned to only allow machine working and heavy outside work to between 0800hrs and 1900 hrs on weekdays, 0900 and 1600hrs on Saturdays and no working on Sundays.
- ② Does the site design comply with comments made by the parks and recreation department: "Under Shropshire Council's current planning policy regulations, the Open Space Interim Planning Guidance adopted 11th January 2012, all development should provide 30sqm of usable recreational public open space per bedroom.

- ② The land is sloping and uneven. It would take merely a glance to realise that it is unsuitable in its current state. Any development would involve massive alteration to the land causing untold damage to both the area itself and the surrounding area. There would be a risk of landslides with houses collapsing even if strengthening measures were taken.
- ② Such a development would overlook some properties and the nearer houses would be able to view some properties
- ② The height of the properties could obstruct light plunging the rear of some properties, plunging them into darkness
- ② The development would mean increased traffic and the danger of cars parking on the Mount or queueing to access the site. Site vehicles would obstruct a busy street leading into and out from the Town Centre causing congestion and risks of accidents. Being opposite a petrol station with vehicles coming in and out of there this is an increased risk.
- ② The noise of construction would cause a massive problem for those nearby and the noise pollution would make their lives unbearable on a daily basis. The nature of the alteration required on the land would mean a lot of digging and re-enforcing on top of the normal building noises.
- ② A development would destroy the habitat of many animals such as foxes, rabbits, squirrels, bats and numerous bird species. Hedgerows and trees which are very old would be destroyed. These could be replaced but would take years to grow back. This would destroy natural habitats and conservation.
- ② There have been previous applications to build on this land. On each occasion common sense prevailed and no building has been done. It is urged that you to look at these and agree with the recommendations of previous officers. There is nothing in this application that is an improvement on previous applications. The council agreed this on the last application but it was over turned on appeal. No reason was provided for this and this leaves this decision open to scrutiny
- ② There is a real danger of these houses being built and left unsold for ages. There is also a danger of the cost to the developer. The sheer amount of work to make the land suitable for housing could easily be underestimated and the houses could be left half finished and derelict.
- ② The land proposed for development directly overlooks our property because it is significantly higher. Judging from the site plan there is a

proposal to retain most of the trees that would give us some privacy but I hope that officers and councillors will consider making the developer plant more trees and shrubs to preserve our privacy. In particular there is a need for trees to be planted between the Mount and Amberley 1 where there will only be a hedge to preserve our privacy

- ② Looking at the site it seems that the houses have been packed in nearer the road and an area of open ground has been left at the rear. This seems very strange. Surely it would be better for future residents if the houses were concentrated to the rear the land thereby making it easier to create a proper barrier between the road and new residents and creating more privacy for houses on the other side of the road who will be overlooked.

Shrewsbury Civic Society;

- ② We are concerned about this application and had objected previously. Our previous objections have not been overcome in this REM application. At this point we are in agreement with the Town Council, whose comments make a good summary.
- ② We would also wish to see a reduction in the visual impact of the dwellings closest to The Mount We regret the incursion into the green sleeve that follows the River and the use of such a prominent site on a main route into the town. This development will bite into a precious and historic area and impair the riverside views which aid Shrewsbury's distinctiveness.

5.0 THE MAIN ISSUES

Visual impact and landscaping and impact upon conservation area
Siting, scale and design of structures
Residential Amenity

6.0 OFFICER APPRAISAL

6.1 Visual impact and landscaping and impact upon conservation area

- 6.1.1 The principle of developing this site has already been accepted via the approval of this application at appeal and the loss of this area of undeveloped land is therefore not considered inappropriate. The determination of this application shall however take into account how the development will ensure that the surrounding natural and built environment is taken into account through the development proposal, and how the buildings and other urban forms relate to the wider context.

The proposed site is situated within the Mount Conservation Area. The proposal therefore has to be considered against Shropshire Council policies CS6 and CS17

and with national policies and guidance including PPS5 Historic Environment Planning Practice Guide and section 12 of the National Planning Policy Framework (NPPF). Special regard has to be given to preserving or enhancing the character or appearance of the Conservation area as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Policy CS2 of the core Strategy states that in recognition of the special character of the town and its particular environmental challenges, the development of the town will have regard to the promotion, conservation and enhancement of the town's natural and historic features, heritage assets, green corridors and spaces, and environmental quality, including the corridors of the River Severn and its tributaries, the town centre and the registered battlefield.

NPPF Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

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

NPPF Paragraph 137 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Core Strategy Policy CS6 states that;

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness.

It further states that that all development:

Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance.

Core Strategy Policy CS17 goes further in regard to protecting heritage assets and

states that all development proposals shall protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment [and] contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets.

SAMDev Policy MD2 states that to respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set. As such, new development should respect the existing pattern of development, both visually and in relation to the function of spaces, retain and enhance important views and landmarks and respond appropriately to local environmental and historic assets, in accordance with MD12 and MD13

SAMDev policy MD12 states that the Council will encourage development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition. Policy MD12 sets out in detail the level of protection offered to Shropshire's natural assets. Natural assets include: biodiversity and geological features; trees, woodlands and hedges in both rural and urban settings; the ways in which the above combine and connect to create locally distinctive and valued landscapes, including the Shropshire Hills Area of Outstanding Natural Beauty and the contribution all of the above make to visual amenity.

Policy MD13 states that heritage assets are a finite, non-renewable resource and great care must therefore be taken when determining applications which result in a loss of significance, either partial or total. Proposals adversely affecting either the significance or setting of designated or non-designated heritage assets will therefore be rejected unless the harm to the significance of the asset is outweighed by the public benefits of the proposal and there are no satisfactory alternatives.

A substantial proportion of the objections received relate to the impact that the proposal would have upon the surrounding conservation area in relation to the resultant height of the dwellings. As the land to the rear would be characterised as undulating in appearance, recognition is given to the fact that parts of the site do indeed occupy an elevated position when viewed from the main road. The main area of concern in particular centres upon plots 4, 5, 6, 7, 8 & 9 with these set on the highest parts of the plot.

To address this issue it is noted that from the drawings submitted there is a mature and substantial boundary separating the site from the main public highway and the neighbouring dwellings along The Mount. The submitted drawings also show that this boundary will be strengthened by the additional planting of native species and the neighbouring dwellings facing onto the application site are themselves raised above the main public highway. Further still, the applicant has opted to set the proposed dwellings in a manner by which plots 6 and 8 come the closest to the main road, with the remainder set further back within the site and also set at an

oblique angle when views are taken from surrounding vantage points.

In this regard it is therefore considered that the overall impact made by the central grouping of buildings is on the main mitigated by the proposed boundary treatment and from the buildings having been set off from the public highway. Views taken from the front elevations of the dwellings facing the application site are in themselves set back and it is not considered that these buildings are in themselves harmful when viewed from these existing dwellings.

The dwellings sited at plots 1, 2, 10/11, 12/13, and 14 – 20 are set at a lower elevation within the application site and as such have less of an impact upon the wider conservation setting. Through negotiation with the applicant the larger Amberley house type sited on plot No.1 has been superseded by a smaller house type (Burley option). This dwelling faces oncoming traffic along The Mount and resembles a typical large detached dwelling, appropriate in scale and form to that of its surrounding context.

Plots 10/11 and 12/13 are smaller in nature and provide design elements which turn on both the front and side elevations when accessing the main site entrance. These dwellings provide a recognisable nodal point and form an entrance into the new estate which is clear and follows a traditional approach to estate design. Such nodes are recognised elements of good urban design and use traditional methods of attracting views into and out of the development site.

The surrounding houses along The Mount are made up of more substantial villas set to the east of the application site, and more modest dwellings and single storey detached bungalow style properties directly adjacent to the site. In this regard it is considered that there is a mix of property styles in the general vicinity, all of which benefit from large garden areas, open landscaping and a clear distinction between the public and private realm. The applicant has chosen to use this design ethic within the build of the scheme and the built form replicates this ethos throughout the site.

Although the properties represent a modern take on the Georgian villa, the scale and form of these buildings are considered appropriate. Large garden areas are provided throughout, whilst those with a smaller footprint represent an appropriate mix of building styles. The larger buildings have a masculine appearance but this is also considered appropriate bearing in mind that the surrounding older properties along the Mount take a bold and imposing approach in terms of their design. Furthermore, the winding street pattern leading to both the east and the west of the site opens up the central area and provides views out towards the River Severn and the countryside beyond. As such it is considered that the initial impact made by the development both maintains the design ethos attributed to this part of the Mount Conservation Area and enhances the available views and vistas beyond it.

6.2 Siting, scale and design of structures

6.2.1 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 58 states that planning decisions should aim to ensure that developments:

- ② will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- ② establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- ② optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- ② respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- ② create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- ② are visually attractive as a result of good architecture and appropriate landscaping.

Local planning policies CS6, CS17, MD1, MD2 and MD13 are also relevant to this section and have been outlined above.

The internal layout of the estate replicates the none linear approach that has been taken to the historic layout of the wider conservation area. Buildings have been designed so that the fascia follows the return on corners and an active street frontage is provided on all aspects of each building. The internal boundary treatments have been softened following concerns raised by both local residents and from the planning officer, with the result being that the previous iteration has been improved upon. Brick dominated boundaries would have produced a brutal internal feel to the development however these have now been broken up or interspersed with recesses where planting is now provided. This is now evident to the rear of plots 18 – 20 and in the alterations made to plots 4 and 5, whereby the buildings now face in a northerly aspect. This has allowed for the elongated brick wall having been broken up and softer boundary treatments along this side elevation now proposed.

The central open area is also considered as being an important aspect of the development in that it creates an open aspect within the site which could otherwise

have been built upon. This area provides the necessary public open space that is required within developments of this scale whilst providing an access path to the Severn Way footpath.

Residential Amenity

- 6.3 Objection has been received which relates to the potential for overbearing and overlooking in relation to the properties directly facing the development site. Whilst it is recognised that buildings located within the site would provide windows that look out and over land belonging to the dwellings opposite the site, these front garden areas are already visible from the main public highway and are not considered private in any respect. Further still, the front facing windows belonging to these dwellings are set at a more than adequate distance from the windows provided within plots 4, 5, 6 and 8 and a loss of privacy would not result. This view
- 6.3.1 is further supported by the additional planting that is proposed along the entire southern boundary of the development site.

In regards to overbearing and overshadowing, the development site is set to the north of these properties and the shadow created would not be considered as being undue. Once more, the set back away from the site boundary further removes any overshadowing or overbearing that could ensue.

7.0 CONCLUSION

- 7.1 The proposed development has already been accepted in principle and as such the only course for this assessment to take is in respects of the design of the proposal and its impact upon the character of the surrounding conservation and any affect upon residential amenity. In this regard it is the Planning Authorities consideration that there would not be any significant adverse impacts of the proposal that would outweigh the benefits. The proposal would not result in the loss of any significant trees, and have no adverse highway or ecological implications. Subject to conditions being imposed the new dwelling are considered appropriate in terms of scale, form and massing and the proposal would also lead to an enhancement of the site in terms of its visual appearance. It is therefore considered that the proposal accords with Shropshire Core Strategy policies CS6, CS11, and CS17, SAMDev policies MD1, MD2, MD12 and MD13 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:

- ② 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.
- ② 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.

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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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework
CS2 - Shrewsbury Development Strategy
CS6 - Sustainable Design and Development Principles

RELEVANT PLANNING HISTORY:

14/00743/OUT Outline application for residential development (to include access) REFUSE 6th May 2014

15/04627/REM Reserved Matters pursuant to outline permission reference 14/00743/OUT for residential development to include appearance, landscaping, layout and scale PDE

Appeal

14/02153/REF Outline application for residential development (to include access) ALLOW 8th December 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 Peter Nutting

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. 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

2. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
3. Before work commences on the construction of the dwellings, garages and screen walls, and before the final surfacing is applied to access roads and parking areas, details of the colour, form and texture of the proposed external materials for these structures, roads and areas 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.

Reason: To ensure that the external appearance of the development is satisfactory and in character with the surroundings, in the interests of the visual amenities of the area.

4. Where the landscaping plans illustrate the planting of Swedish birch, Alder 'Imperialis' and Sweet Gum trees as proposed for planting on open space areas, these specimens shall be replaced with native species, such as English Oak where spaces allows, and in smaller areas the fruit trees recommended within the Ecology report submitted by Star Ecology, such as crab apple, damson or wild cherry. Such details shall be submitted as part of a revised planting schedule prior to the commencement of development and implemented prior to the first occupation of the dwellings hereby approved.

Reason: To comply with the aims and objectives of the Environmental Network.

5. A construction method statement shall be submitted to and approved in writing by the Local Planning prior to the commencement of any development under the terms of this permission.

Reason: To protect the amenities of the nearest residential properties during the construction phase.

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

6. Before the first occupation of the dwellings hereby approved, glazing with high noise reducing properties shall be installed in all properties on facades facing the The Mount. The affected windows shall be insulated in accordance with a scheme agreed with the Local Planning Authority.
Reason: In the interests of amenity.

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

7. All existing roadside hedgerows, with the exception of where the access is to be created, shall be protected, retained and maintained to the satisfaction of the local planning authority for the duration of any development works and for 5 years thereafter.

Reasons: To safeguard the visual amenities of the area

8. Hours of working for the construction phase shall be restricted to 07.30 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturdays. There shall be no construction work on Sundays, Public or Bank Holidays.

Reason: To protect the amenities of the nearest residential properties during the construction phase.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2, Part 1 in it's entirety; shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.

10. Windows shall be recessed by 55 mm unless otherwise agreed in writing by the LPA.

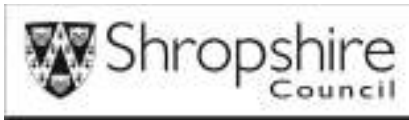
Reason: To ensure that the external appearance of the development is satisfactory.

Informatives

1. 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.
2. 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.

3. 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. The applicant is advised that the conditions attached to the outline consent (14/00743/OUT), excluding those relating to the submission of reserved matters, are still in force and compliance with these conditions is necessary to ensure that the development remains consistent with the aims and objective of the Development Plan, and further still to ensure that the proposal is considered legal. All conditions that require details to be submitted prior to the commencement of development / first occupation will remain in force until said details have been formally discharged by the Local Planning Authority.
5. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.
6. 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. Works within 30m of a badger sett may require a Badger Disturbance Licence from Natural England. The site should be subject to an inspection for badger setts by an experienced ecologist immediately prior to the commencement of works on the site.
7. 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.
8. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.



Committee and date

Central Planning Committee

4 March 2016

Development Management Report

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

Summary of Application

Application Number: 15/04988/FUL	Parish:	Wroxeter And Uppington
Proposal: Erection of three bay part open fronted detached garage/store to include roof mounted solar panels; siting of an external air source heat pump; formation of driveway and turning area; alterations to existing vehicular access		
Site Address: 3 Charlton Hill Wroxeter Shrewsbury Shropshire SY5 6PS		
Applicant: Mr A Richardson		
Case Officer: Mandy Starr		email: planningdmsw@shropshire.gov.uk

Grid Ref: 359083 - 308211

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

REPORT

1.0 THE PROPOSAL

1.1 The proposal is erect a three bay part open fronted detached garage/store to include roof mounted solar panels; siting of an external air source heat pump; formation of driveway and turning area; alterations to existing vehicular access on land at 3 Charlton Hill Wroxeter which currently has a detached dwelling and collapsed garage on it. Materials are indicated as being timber cladding with a slate roof on the frontage, whilst at the rear facing onto track would be a brick wall.

1.2 The second part of the scheme is to enlarge the existing hole in the boundary hedge and create a new vehicular entrance and driveway from the unclassified road which would be just south of the existing track's entrance off the highway which is opposite No 1 Charlton Hill. Access to the garage would be from this new entrance drive which would have the first 6m laid down to tarmac with the rest of it as gravel. The existing entrance drive to the old garage would remain unaffected

1.3 Planning permission was granted in October 2015 under 15/02038/FUL for the erection of a replacement dwelling and detached garage and external works. This development has not been implemented

2.0 SITE LOCATION/DESCRIPTION

2.1 The application refers to the site of a detached residential property located between the villages of Donnington and Eaton Constantine in the open countryside. It is one of small group of properties clustered around a junction known as Charlton Hill. This site is around 0.4ha in size in a rectangular plot which currently contains a detached dwelling and associated but partially collapsed garage and outbuildings within the curtilage. Beyond No 3 is No 4 Charlton Hill which is sited in a similarly large plot.

2.2 There is an existing vehicular access that leads to garage which is situated halfway down a track that leads to the north of the site just beyond the entrance to the dwelling itself. The recent permission would involve the demolition of the existing dwelling and its replacement further to the east towards the highway, but the plans indicated that the original garage would remain.

2.3 The current proposed garage would be sited in roughly the same area as the previous permitted garage; except that what is now proposed is larger to accommodate a covered parking area and higher than the previous scheme. In addition the proposed building would be used to house the associated plant such as the air source heat pump and solar panels.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 Following the formal objection from the Parish Council, the officer contacted the Division Member and discussed the case issues.

3.2 Councillor Wild has raised concerns about this case due to the planning history of the site. Planning permission was granted for a large replacement dwelling, garage block and a new access. The vehicular access was originally proposed to be off the adopted highway but following objections from the Parish Council who raised concerns that the location of the new access to the site would be very hazardous so close to a blind bend it resulted in negotiations to relocate the access off the existing track instead.

Therefore this current application which now seeks to erect a larger garage plus create a new vehicular access onto the adopted highway in the same place that was objected to last time should now be determined by the Planning Committee.

4.0 Community Representations

4.1 **SC Highways:**

The site adjoins a rural unclassified road. The Highway Authority is of the view that the original position of the access to serve the dwelling under the outline application (15/02038/FUL drawing no. 1650D23) is preferable to the use of the existing access under the current application. The 'existing' access is however considered to be acceptable for the prevailing highway conditions to serve as a means of access to the dwelling and raise no objection to the principle of the proposal.

Recommendation

No objection – subject to conditions and informatives

SC Public Protection

Having considered this application and location I have no pollution concerns and therefore no objection

SC Tree Officer:

This proposal does not appear to affect any protected or important amenity trees. I have no objection to the removal of a section of the roadside hedgerow to facilitate the new access. Mitigation new planting is shown on the submitted plan.

4.2

- Public Comments

Wroxeter and Uppington Parish Council:

The Parish Council objects to this application as it has reverted back to the access originally submitted in the planning application for this dwelling. The parish council objected to this access previously.

The application was advertised by notices at the site and two neighbours were individually notified. No representations have been received.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Core Strategy 'CS5 Countryside and Green Belt' applies in this location. It states that new development in the open countryside will be strictly controlled in accordance with national planning policies and such proposals will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. There is significant emphasis on achieving quality and sustainability of design with regard to local design and materials.

6.1.2 CS6 deals with Sustainable Design and Development Principles. This requires that all development is designed to a high standard which respects and enhances local distinctiveness and which mitigates and adapts to climate change. This will be achieved by requiring all development to be sustainable and incorporate appropriate energy efficiency and renewable energy generation. The development should also protect, conserve and enhance the natural, built and historic environment and be appropriate in scale, pattern and design taking into account the local context and character having regard to national and local design guidance.

6.1.3 Under the requirements of the Shropshire Sites Allocations and Management of Development (SAMDev) Plan, which was adopted on 17 December 2015, Policy MD2 is considered relevant here which deals with Sustainable Design. This requires that for a development to be considered acceptable it must achieve local aspirations for design in terms of visual appearance and how a place functions as set out in local community led plans and it must also contribute to and respect local distinctive or valued character and existing amenity value by a number of specific criteria such as responding to the form and layout of the existing development and the way it functions including building heights, lines, scale etc. It must also reflect local characteristic architectural design and details.

6.2 Siting, scale and design of structure

6.2.1 The proposed garage would be larger than the permitted garage both in terms of height and length. The permitted garage shows a ridge height of 5.9m high, whereas what is now proposed would be 7.4m high and with an eaves height of 3.8m. Although this scheme does not refer to the permitted replacement dwelling as being implemented, it still could be; as there would be just about sufficient space to site it between the existing cottage and the proposed garage location. However the permitted plans show the dwelling ridge height would be 7.9m high which is only slightly higher than as the proposed garage.

6.2.2 This would normally be considered unfortunate as ancillary outbuildings should be clearly read as being subordinate to dwellings and not compete with them in terms of height. But this has to be balanced against the proposed additional plant room that would be sited at the rear of the garage building. In addition a shallower roof pitch would be considered out of keeping with both the existing dwelling if it is to be

retained or the replacement dwelling and any solar gain from the roof panels would be reduced as well.

6.2.3 The garage would also have a larger footprint of 75m² compared to the 54m² as permitted in October, so the additional covered parking area and plant room would add some 21m² more to the overall bulk and massing of the garage. Again this has to be weighed against the applicant's proposals to include a plant room and solar panels, plus a new borehole for water so as to make the development more sustainable.

6.2.4 The second part of the scheme involves the creation of a new vehicular access through the hole in the hedge and across the grass verge directly onto the highway itself. This access would create a new driveway and turning area leading to the garage.

6.2.5 The existing vehicular access leading to the old garage would remain as intact and a footpath would be constructed to link the new driveway to the existing dwelling.

6.3 Visual impact and landscaping

6.3.1 The application site is quite level but exposed due to the limited height of the hedgerow that forms the boundary of the site and due to its position on top of a hill. To the northeast beyond the track is a shelter belt of mixed species semi-mature trees. The existing dwelling whilst quite tall is set back from the front field along the track leaving the remains what was the original garden and field in front visible to the road. From the officer's site visit the original curtilage of the dwelling is still intact along with the paddock in front.

6.3.2 The proposed garage building would be materially larger than the permitted scheme and if the existing dwelling is to be renovated and not replaced, then this new garage would sit in a both a much more isolated location as well as being much more prominent than the previous scheme. It would therefore have a much greater impact on the landscape; especially as the existing hedgerow is quite low.

6.3.3 It is considered that in addition to the increased floor area and ridge height; if the replacement dwelling was not built, then the new garage would be some 20m away from the original dwelling house. Due to the clear separation distance between the two buildings there is concern that the garage could be converted into a habitable accommodation in the future thereby creating a second planning unit here. To ensure that this would not happen in the future, it is felt important to impose a condition so that the garage remains ancillary to the dwelling.

6.3.4 It is noted that the Council's Tree Officer has not objected to the removal of part of the trackside boundary hedge to accommodate the building subject to a new hedge being planted beyond. In addition, there is a suggestion that new planting will be carried out at the corner of the site near the track. No details of the planting have been submitted, so this would be dealt with via a condition.

6.3.5 As for the proposed new access, this would involve the loss of more of the hedgerow being removed to achieve the necessary sight lines. Tarmac would be laid for the first 6m with gates leading to the gravel drive beyond, but no details of

the type of gate have been submitted.

- 6.3.6 It should be noted that when the original proposal was submitted the driveway was shown as being in this location, but as both the Parish Council and the highways raised some comments, negotiations took place and the access was relocated back to its original position off the track.
- 6.3.7 The Parish Council made the following comments when 15/02038/FUL was considered last May:
“It was felt that the location of the proposed new access to the site would be very hazardous, emerging onto the lane so close to a blind bend to the north and we would look to a more satisfactory solution being agreed before the application is allowed. Our own view was that a possible solution would be to provide access to the lane at the north east corner of the site, adjacent to the point where the estate track meets the lane. If carefully configured, we believe this would offer much improved visibility with a good sight line in both directions along the lane”
- 6.3.8 It is therefore considered unfortunate that the proposal has now been submitted to create the same new vehicular access to the site here again. However it would appear that the highway authority does not object to the scheme and have recommended approval subject to conditions being imposed.
- 6.3.9 Whilst the new access is not ideal bearing in mind the previous negotiations to ensure that the previous one used the private track, there has been no formal highway objection, so therefore it would be difficult to refuse it on highway grounds, nevertheless the highway itself is narrow and it understood that passing vehicles tend to speed along it.
- 6.3.10 The scheme is therefore finely balanced with the concerns of both the height of the new garage/store building against the permitted replacement dwelling or the refurbishment of the existing dwelling with the creation of a new vehicular access and driveway off the highway instead of the unadopted track. Had the previous garage not been permitted, then this new building would be more objectionable due to its height and remoteness from the original dwelling, but as both the permitted garage and replacement dwelling can still be implemented, the issue is what harm does the new garage/store cause to the landscape when a garage has already been permitted in this same location.
- 6.3.11 The garage would still be lower than the height of the permitted dwelling and would be built of blockwork with timber cladding and brickwork and a slate roof to house the solar panel array. Even though the height would be increased from 5.9m to 7.4m high, no accommodation is shown in the roofspace. In addition the new floor area is specifically required for the plant required to facilitate the development with space for a tank and well head for the new borehole. The air source heat pump would be sited just to the east of the building as well.
- 6.3.12 It is also clear that in addition to the existing dwelling there are a number of poor quality outbuildings to the east, so that if permission were granted, then a condition could be imposed requiring the removal of the existing garage and other outbuildings prior to the occupation of the new garage to remove the clutter.

- 6.3.14 Turning to the proposed new vehicular access, it is noted that there is an existing hole in the hedge and evidence can be seen that this has been used as a field access for the previous occupiers who appear to have raised birds within an enclosed run to the west of the house. Although there is no gate or hardstanding, this access was obviously used on an occasional basis in the past. As highways do not object, it is not felt that this can be refused on highway grounds. It is therefore appropriate to impose a condition requiring the hedgerow to be retained around the site to be grown up to provide better screening for the development in the future.
- 6.3.15 Overall subject to the imposition of conditions to remove the existing poor quality garage and to ensure that the boundary hedgerow is grown up to a height in excess of 3m that these measures would provide sufficient weight to recommend approval of the application.

7.0 CONCLUSION

- 7.1 It is considered that the siting, scale and design of the proposed garage/store is acceptable and would have no material adverse impact on the character and appearance of the locality. A safe means of access would be provided and there would be no adverse impact on highway safety. The proposal is considered to be compliant with Core Strategy policies CS5, CS6 and MD2 of the Shropshire Sites Allocations and Management of Development (SAMDev) Plan and subject to appropriate conditions is considered acceptable.

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:

National Planning Policy Framework 2012

National Planning Policy Guidance 2014

Core Strategy:

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

Shropshire Sites Allocations and Management of Development (SAMDev) Plan

MD2 Sustainable Design

RELEVANT PLANNING HISTORY:

15/02038/FUL Erection of replacement dwelling and garage, relocation of access and associated external works GRANT 26th October 2015

15/04988/FUL Application documents can be found on Shropshire Council Planning website

11. Additional Information

[View details online:](#)

List of Background Papers
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Claire Wild
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 commence on site until a scheme of hard and soft landscaping has been submitted to and approved by the Local Planning Authority; the details of which shall include
 - (a) indications of all existing trees on the land including the height of the boundary hedgerow
 - (b) details of any to be retained together with measures for their protection in the course of the development
 - (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within and overhanging the site in relation to the proposed buildings, roads and other works;
 - (d) confirmation that the boundary hedgerow would be allowed to grow to a height in excess of 3m and that any gaps will be planted up with suitable native hedgerow species.
 - (e) details and drawings of the new gates to be erected across the driveway

All soft landscaping comprised in the approved details shall be carried out in the first planting and seeding season following the completion of the garage. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme of works to be agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory landscaped setting in this prominent location and for the protection of existing important landscape features.

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

4. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

5. The alterations to the existing access layout, internal driveway, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved plan drawing no.1650D23A prior to the new garage being occupied/brought into use. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety.

6. Within three months of the completion of the garage building, the existing garage that is sited to the west of the existing dwelling shall be removed and all materials removed from the site.

Reason: To ensure a satisfactory landscaped setting and in the interests of visual amenity.

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

7. The access apron shall be constructed in accordance with the Council's specification as follows; 20mm thickness of 6 mm aggregate surface course, 40 mm thickness of 20 mm aggregate binder course and 200 mm thickness of MOT type 1 sub-base and shall be fully implemented prior to the dwelling being occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

8. The garage hereby approved shall not be used as living accommodation. The garage shall only be used for purposes incidental to the enjoyment of the residential dwelling known as 3 Charlton Hill Wroxeter.

Reason: To safeguard the residential character and amenity of the area.

Informatives

1. 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 2012 paragraph 187
2. This planning permission does not authorise the applicant to: construct any means of access over the publicly maintained highway (footway or verge) or carry out any works within the publicly maintained highway, or authorise the laying of private apparatus

within the confines of the public highway including any a new utility connection, or undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway. The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

3. Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework 2012

National Planning Policy Guidance 2014

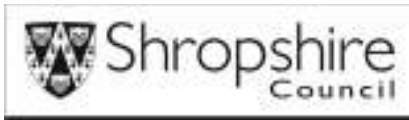
Core Strategy:

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

Shropshire Sites Allocations and Management of Development (SAMDev) Plan

MD2 Sustainable Design



Committee and date

Central Planning Committee

4 March 2016

Development Management Report

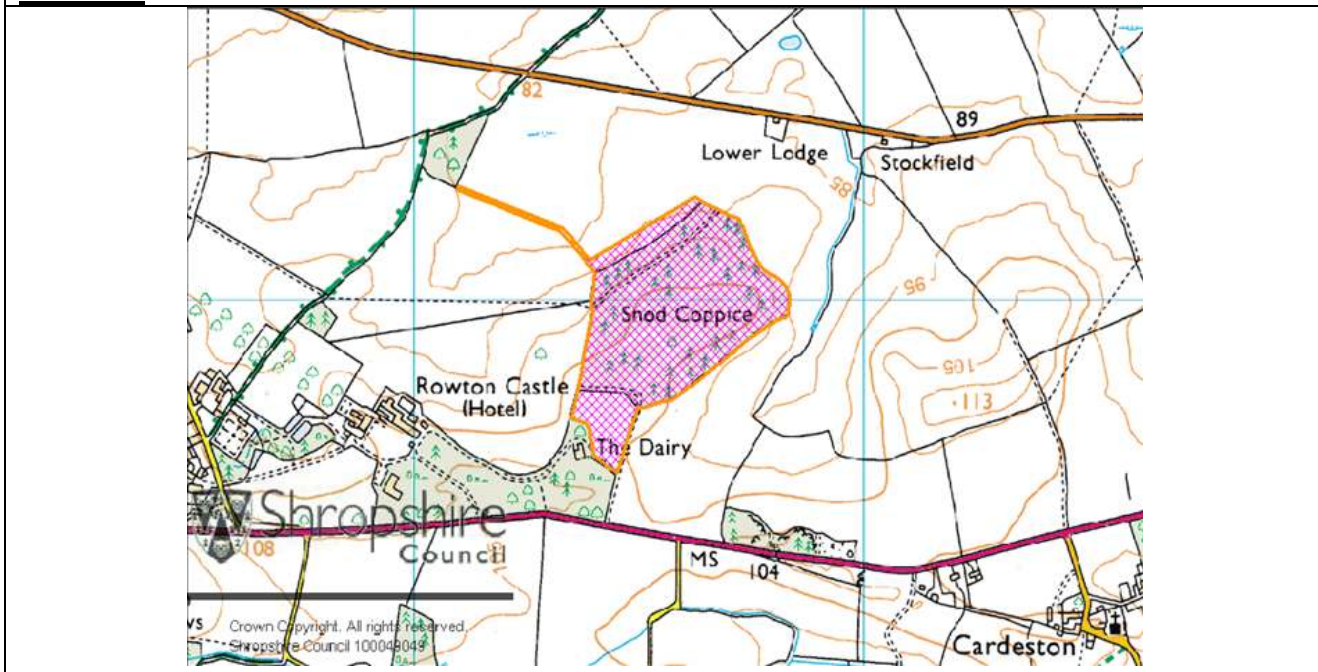
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 15/05011/EIA	Parish:	Alberbury With Cardeston
Proposal: Erection of two poultry rearing buildings, four feed bins and other ancillary buildings, landscaping including ground modelling and tree planting.		
Site Address: Land At Snod Coppice Rowton Shrewsbury Shropshire		
Applicant: Rowton Growers Ltd		
Case Officer: Kelvin Hall	email: planningdmc@shropshire.gov.uk	

Grid Ref: 338557 - 313011



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

REPORT

1.0 THE PROPOSAL

- 1.1 The planning application seeks permission for the extension of the existing poultry rearing development at Snod Coppice. The existing development comprises four large poultry rearing buildings, seven feed bins and a biomass boiler shed. The proposed development would include the erection of two additional poultry sheds, four feed bins and other ancillary buildings, together with landscaping including ground modelling and tree planting. The existing development has capacity for 179,000 birds in the four sheds. The proposed development would increase the capacity of the site by 96,000 birds to 275,000 bird places.
- 1.2 Each poultry shed would be constructed with a solid concrete floor, metal portal frame and roof and side wall cladding. They would have a shallow pitched roof and measure 94.71 metres x 24.68 metres with a ridge height of 4.84 metres. The fan outlets would protrude from the roof plane to a height of 5.75 metres. The biomass boiler building would be positioned between the existing and proposed poultry buildings. It would measure 23.63 metres x 11.63 metres, with an eaves height of 3.95 metres and 5.56 metres to ridge. It would house a 600kW biomass boiler and include space for woodchip storage.
- 1.3 The four feed bins would be positioned on concrete plinths between the proposed sheds. They would be 8.94 metres high and 3.5 metres in diameter. It is proposed that the colour of the buildings and feed bins would be reserved for agreement with the local planning authority. A concrete service pad would be constructed at the south-western side of the proposed poultry buildings, to be used for manoeuvring of HGVs.
- 1.4 Production process: Prior to the crop cycle the sheds would be pre-warmed to 31⁰c in preparation for chick delivery. Chicks would be 'thinned' when they reach around five weeks old. This would involve the catching and transport of a proportion of chicks over a two day period. When the birds are around six weeks old the remainder would be caught and removed from the site. Bird catching and removal would take place during the day time and night time over two days. At the end of the growing period the used litter would be taken away and stored in fields off-site prior to spreading on agricultural land. Wash down and disinfection would then take place ready for the next crop. The wash water would be collected in underground tanks before being spread to agricultural land. The biomass boiler would provide heat for the poultry sheds, using wood chip or straw as fuel.
- 1.5 As detailed in section 6.1.1 below, the planning application is accompanied by an Environmental Impact Assessment (EIA), and this includes a detailed set of reports assessing the potential impacts of the development. The scope of the EIA is based upon formal advice provided by the local planning authority in a Scoping Report issued in November 2015.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located at Snod Coppice, approximately 10km to the west of Shrewsbury and 1km to the north-west of Cardeston. Snod Coppice is an area of unmanaged, principally coniferous woodland covering an area of approximately 13.5

hectares. The proposed development would be sited adjacent to the existing sheds, on land which currently forms part of the woodland. The development would be surrounded by existing woodland cover.

- 2.2 The application site covers an area of approximately 15 hectares. This encompasses the area of proposed built development (approximately 1 hectare) together with the surrounding woodland and an area to the southwest proposed for landscaping (approximately 1.5 hectares).
- 2.3 The site is location in a rural area which includes scattered isolated properties. The nearest residential properties to the proposed buildings are The Dairy, approximately 320 metres to the south-west, and Lower Lodge, approximately 350 metres to the north-east. Rowton Castle is located approximately 600 metres to the south-west, and the complex includes a number of Listed Buildings as detailed in section 6.6 below. The Castle Country Club, a health and fitness club, is located approximately 670 metres to the south-west. Access to the site would be gained via the track to the existing poultry buildings which connects to the A458 trunk road approximately 450 metres from the site.
- 2.4 The woodland surrounding the proposed buildings, Snod Coppice, is designated as a Plantation on Ancient Woodland Site (PAWS).

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposals comprise Schedule 1 EIA development and the Council's Scheme of Delegation requires that such applications are determined by Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Alberbury with Cardeston Parish Council** The Parish Council supports this application as it is fulfilling an urgent need for more livestock production and providing local jobs.
- 4.1.2 **Environment Agency** No objections.

Environmental Permitting Regulations: The proposed development will increase bird numbers on the site from 170,000 to 275,000. This is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed.

Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will

take action in-line with our published Enforcement and Sanctions guidance.

For the avoidance of doubt we would not control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters. For information the site currently operates under an Environmental Permit for its intensive poultry operations. A variation to the Permit has been submitted in consideration of the increase to bird numbers.

Flood Risk: The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off

Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance. We would also refer you to our West Area Flood Risk Standing Advice – 'FRA Guidance Note 1: development greater than 1ha in Flood Zone 1' for further information.

Manure Management (storage/spreading): Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership. Information submitted within the Design, Access & Planning Statement proposes that poultry manure will be removed from the buildings, loaded directly into sheeted trailers and transported off site. The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields.

Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. The Agency has produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

The construction phase in particular has the potential to cause pollution. Site operators should ensure that measures are in place so that there is no possibility of contaminated water entering and polluting surface or ground waters. No building material or rubbish must find its way into the watercourse. No rainwater contaminated with silt/soil from disturbed ground during construction should drain to the surface water sewer or watercourse without sufficient settlement. Any fuels and/or chemicals used on site should be stored on hardstanding in bunded tanks.

- 4.1.3 **SC Drainage** The surface water drainage proposals in the FRA and Drainage Strategy are acceptable in principle, however SuDS applicability for the area is infiltration plus treatment and the site lies within a groundwater Source Protection Zone 3. Further details of drainage details are required, and can be dealt with by planning condition (see condition in Appendix 1).

4.1.4 **Natural England** No objections.

This application is in close proximity to the River Severn at Montford Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Other advice: We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application. It is recommended that further information is sought from the appropriate bodies.

Protected Species: We have not assessed this application and associated documents for impacts on protected species. Natural England's Standing Advice should be referred to as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England.

Biodiversity enhancements: This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Attention is drawn to Section 40 of the Natural Environment and Rural Communities Act (2006) and the need to have regard to the purpose of conserving biodiversity.

4.1.5 **SC Ecologist** As this is an extension to existing site no objection is raised providing appropriate conditions are on the decision notice and are enforceable.

The poultry farm currently has capacity for 179,000 birds across four sheds. The proposed poultry extension will increase the capacity to approximately 275,000 bird places.

The proposed site is currently unmanaged commercial coniferous plantation woodland designated as Planted Ancient Woodland. Indigo Planning has reviewed historic OS maps and has stated that the area of ancient woodland to be lost to the proposed development amounts to 0.139ha. The net woodland loss is 0.995ha.

The applicant is proposing to gradually manage the removal of conifers with a 30 year plan to convert back to lowland broadleaf woodland – creation of priority habitat. Compensation for the net loss of woodland will additionally be provided by the creation of new woodland (minimum 1.24 ha) connecting with ancient woodland to the south of

Snod Coppice. A 330m length of native hedgerow will be planted to form connection between Snod Coppice and the woodland to the north. A soil translocation exercise will be undertaken. Soil will be translocated from the areas for the proposed poultry units to the area of proposed new woodland planting. Please refer to - Snod Coppice Woodland Enhancement plan prepared by Aspect Ecology drawing number 3893/ES1, dated November 2015.

A full ecological restoration plan and environmental construction management plan is required to be submitted to and agreed in writing by the local authority prior to the commencement of works on site. Works shall be carried out as agreed. The plan shall include (but not be restricted to) full details regarding woodland/hedge planting, detailed 30 year plan for woodland restoration, control measures for Himalayan Balsam, and a detailed soil translocation plan.

Conditions should be imposed on the decision notice relating to a habitat enhancement plan and landscaping scheme to ensure the implementation of all mitigation works proposed in the environmental statement in respect of the woodland site and woodland enhancement areas (see Appendix 1).

Badger: Five badger setts have been recorded within the site. Sett 1 is an active main sett with four entrances in use. Sett 2 is considered likely to form an active outlier sett. Sett 3 is considered likely to form a small active annex sett. Sett 4 is considered to be an active subsidiary sett. Sett 5 is considered to form an inactive outlier sett.

The proposed site also provides foraging and commuting for badgers. There will be no works within 30m of the badger setts. Aspect Ecology considers that the setts are unlikely to be affected by the development.

A Badger method statement will be followed. Update badger survey and badger method statement will to be submitted to the local planning authority prior to works commencing on site (see Appendix 1).

Nesting Birds: A condition should be imposed requiring the provision of woodcrete nest boxes (see Appendix 1).

Bats: A condition should be imposed to require the erection of bat boxes and the submission of a lighting plan for any external lighting (see Appendix 1).

Designated Sites: The proposal is for an extension of an existing poultry site. Natural England has formally responded with no objection based on the potential impact that the proposal may have on Nationally/European designated sites.

The Environment Agency has provided the Ammonia Screening Assessment Output for the proposed poultry extension (via Kevin Heede). Shropshire Council, under Regulation 61 in the Habitats Regulations, can rely on the 'evidence and reasoning' of another competent authority. Shropshire Council can therefore use the EA modelling from the permit to complete the assessment of air pollution impacts. All sites within 10km of the proposed poultry extension (except Snod Coppice) screen out below the agreed thresholds.

Development that results in the loss or degradation of Planted Ancient Woodland would not normally be supported by SC Ecology and would be considered contrary to the principals of the Shropshire Local Development Framework; adopted core strategy policies CS6 & CS17 and to the principles of sustainable development. The proposed application does provide creation of priority habitat and will result in the restoration and management of a Planted Ancient Woodland. A net woodland area gain of 1.24 hectares and increased connective between surrounding woodlands by hedgerow linkage is believed to enhance the area for biodiversity.

4.1.6 **SC Trees** No objections subject to conditions.

The application seeks to construct 2 poultry rearing buildings and associated infrastructure within an area of woodland designated as a PAWS site. The site already supports 2 similar buildings and operational land.

Currently the woodland is planted with a coniferous crop, which is nearing maturity. The premise of the application is that the impact to the PAWS will be minimised where possible and any loss will be mitigated or offset through woodland improvement measures. This will allow for a betterment of the site, which would otherwise degrade if it was left to continue being managed as a commercial plantation. The applicant has submitted a comprehensive arboricultural impact assessment and woodland improvement plan.

Having reviewed these documents, it is considered that the proposed works will result in a long term improvement of the woodland and will significantly increase its conservation and landscape benefits, offering a nett gain to the wider community. It is recommended that the implementation of all mitigation works proposed in the environmental statement in respect of the woodland site and woodland enhancement areas is a condition of granting planning permission.

4.1.7 **Historic England** Do not wish to comment in detail, but offer the following general observations. Conditions should be imposed requiring your Council's prior approval of all landscape and planting works, and of the external details, materials and finishes of the buildings, and of the management regime for the surrounding planting. The advice of your Council's Historic Environment Conservation Team on this proposal should be followed in full. It is recommended that the application is determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

4.1.8 **SC Archaeology** A Heritage Statement is included as Appendix 4 of the Environmental Statement. We confirm that this satisfies the requirements of Paragraph 128 of the NPPF and Policy MD13 of the emergent SAMDev component of the Local Plan. The Statement finds that there is low potential for archaeological remains to be present on the site. We concur with this assessment and on this basis we no further comments to make with respect to archaeological matters.

4.1.9 **SC Conservation** The Heritage Statement is satisfactory and we have no further comments to make in terms of historic environment matters. I would however direct you to the recommendations provided by Historic England in terms of imposing conditions regarding landscape and planting works and their continued maintenance and

management, and the approval of external details, materials and finishes of the new buildings, and would request that relevant conditions to cover these matters are added to the decision notice.

4.1.10 **Highways England** No objections.

4.1.11 **SC Highways** No comments. The planning application seeks to develop land currently served from an existing vehicular access to the Trunk Road network – highway consideration should be sought from Highways England, who are the Highway Authority for trunk roads.

4.1.12 **SC Public Protection** No comments to make.

4.1.13 **Shropshire Fire Service** No comments.

4.2 **Public comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition, 46 residential and other properties in the local area have been individually notified. No public representations have been received.

5.0 **THE MAIN ISSUES**

- Environmental Impact Assessment
- Planning policy context; principle of development
- Siting, scale and design; impact upon landscape character
- Landscaping and ecology
- Local amenity considerations
- Historic environment considerations
- Traffic and access considerations
- Drainage and pollution considerations

6.0 **OFFICER APPRAISAL**

6.1 **Environmental Impact Assessment**

6.1.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 specify that Environmental Impact Assessment (EIA) is mandatory for proposed development involving the intensive rearing of poultry where the number of birds is 85,000 or more. The proposed development would increase the number of birds reared at the site by 96,000, and as such it is EIA development. Shropshire Council provided a formal scoping opinion to the applicant in November 2015 (ref. 15/04295/SCO) setting out the matters that would need to be included in any EIA for the proposed development. The planning application is accompanied by an Environmental Statement, as required by the 2011 Regulations.

6.2 **Planning policy context; principle of development**

6.2.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Material considerations include the National Planning Policy Framework (NPPF), and this advises that the purpose of the planning system is to contribute to achieving sustainable development (para. 6) and establishes a presumption in favour of sustainable development (para. 14). One of its core planning principles is to proactively drive and

support sustainable economic development (para. 17). Sustainable development has three dimensions – social, environment, and economic. In terms of the latter the NPPF states that significant weight should be placed on the need to support economic growth through the planning system (para. 19). The NPPF also promotes a strong and prosperous rural economy, supports the sustainable growth and expansion of all types of business and enterprise in rural areas, and promotes the development of agricultural businesses (para. 28). The NPPF states that the planning system should contribute to and enhance the natural and local environment (para. 109) and ensure that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity should be taken into account (para. 120).

- 6.2.2 The proposed development is located in an area of countryside, and Core Strategy Policy CS5 states 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, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74). Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be placed on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with industry such as agriculture.
- 6.2.3 The application states that the economic benefits of the proposed development include the investment in the agricultural industry and a rural business; and job opportunities. The application states that the proposed development would require the equivalent of 1.5 additional full time workers. Other employment would include feed delivery and poultry collection drivers, and cleaning and manure removal teams.
- 6.2.4 The above policies indicate that there is national and local policy support for development of agricultural businesses which can provide employment to support the rural economy and improve the viability of the applicant's existing farming business. In principle therefore it is considered that the provision of a poultry unit development in this location can be supported.
- 6.2.5 However policies also recognise that poultry units can have significant impacts, and seek to protect local amenity and environmental assets. These matters are assessed below.
- 6.3 Siting, scale and design; impact on landscape character**
- 6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. It is noted that the site is not located within an

area designated for landscape value.

- 6.3.2 A Landscape and Visual Impact Scoping Report has been submitted as part of the EIA/ This provides an assessment of potential impacts of the proposal, and concludes that landscape and visual impact is not a topic that needs to be assessed as part of the EIA process. The Scoping Report notes that the existing site and proposed extension is located entirely within Snod Coppice, a dense area of mixed woodland. In addition it notes that there are no public rights of way through Snod Coppice and as a consequence there are no visual receptors that would be affected by the proposed development. The Scoping Report acknowledges that the proposal would involve the removal of trees. However it states that these are non-native trees that are not characteristic of the local landscape, and that the removal of these trees would not be visible from anywhere outside Snod Coppice. It concludes that it is unlikely that there would be any adverse effects on landscape character or visual amenity beyond the confines of Snod Coppice.
- 6.3.3 Officers concur with the findings of the Scoping Report. The dense woodland surrounding the application site restricts views of the site from public viewpoints or residential properties in the vicinity, including the A458 and The Dairy, and Rowton Castle. The potential impacts arising from the removal of woodland are discussed below. However, it is not considered that the removal of trees from the site would result in the proposed development being visible beyond the woodland. As such it is not considered that the proposal would adversely affect the landscape character or visual amenity of the area.

6.4 Landscaping and ecology

- 6.4.1 Core Strategy Policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan Policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Para. 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity. It states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland unless the need for, and benefits of, the development in that location clearly outweigh the loss. Further, that if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then permission should be refused.
- 6.4.2 Snod Coppice is woodland which is dominated by non-native conifer plantation. The dominant species is European larch, with less frequent species comprises Norway spruce, Douglas fir, and Scots pine. The majority of the woodland is designated as a Plantation on Ancient Woodland Site (PAWS). This is an ancient woodland site where the semi-natural woodland has been replaced with a plantation.
- 6.4.3 The Environmental Statement includes a comprehensive arboricultural impact assessment and woodland improvement plan. Ancient woodland is defined as any woodland that has been wooded continuously since at least 1600AD. The arboricultural assessment considers that much of the woodland is not in fact ancient woodland, as a 1956 plan shows that more than half of the wooded area had been cleared at that time. It states that this is consistent with the age of the replanted trees, of around 50 years.

- 6.4.4 The proposed development would require the removal of an area of woodland of 1.18 hectares. Most of this woodland is within an area which the 1956 plan shows to be clear of woodland at that time. The applicant therefore contends that most of the woodland to be removed is not ancient. The application states that the total area of PAWS woodland to be removed amounts to 0.139 hectares, which is 3.3% of the total ancient woodland area at Snod Coppice.
- 6.4.5 Mitigation and compensation: The application proposes comprehensive management of the entire retained woodland area at Snod Coppice. This would include the phased removal of the predominant coniferous forestry species back to lowland broadleaf woodland, a priority habitat, and the control of bracken and bramble. The application states that this would increase light levels to the woodland floor which will promote the development of understorey and woodland flora species.
- 6.4.6 The application also proposes that a new area of native species deciduous woodland is planted to the south-west of Snod Coppice, to connect the existing woodland to another area of ancient woodland. This new woodland would have an area of 1.15 hectares. Further connectivity would be provided through the planting of a 330 metres length of native hedgerow. In addition an area of wildflower grassland would be planted between the new woodland and the existing access track, and measures to control an area of Himalayan Balsam are proposed.
- 6.4.7 Following discussions with Officers regarding proposals to mitigate for the loss of woodland, the applicant has submitted a Framework Habitat Management Plan which provides an outline of the management proposals for the area. This is intended to form the basis of a more detailed management plan, to be produced should permission be granted. The Plan notes that at present the PAWS is in unfavourable and declining ecological condition due to the dominance of non-native conifers and lack of recent management. It states that the existing woodland is considered to be of moderate to high value at the local level, but that given the lack of management this value is expected to decline as the tree crop reaches maturity. Restoration of the retained woodland would take place over an approximate 30 year period, on a phased basis. The area of new woodland planting and wildflower grassland would be subject to long-term management.
- 6.4.8 It is anticipated that a management company would be formed to implement the management plan, funded by revenue generated by the proposed development. Officers consider that the Framework Habitat Management Plan provides a satisfactory outline of the mitigation and compensation measures that would be undertaken at the site. It is considered that the imposition of planning conditions requiring the submission, approval and implementation of a more detailed management plan, would be the appropriate means of securing satisfactory compensation and mitigation measures at the site over the long term. These conditions can also require the periodic monitoring and review of the management plan.
- 6.4.9 Other ecological issues: The submitted ecological report identifies that there are five badger setts within the site. A planning condition can be imposed to require that an updated risk avoidance method statement is submitted for approval, to ensure protection of badgers, as recommended by the Council's Ecologist. Additional

conditions can be attached to the decision notice to require the provision of bird and bat boxes. It is proposed that lighting would be provided by 1 no. metal halide lamp above the main door of each shed. This would be used solely during bird catching at night. Further details of the proposed lighting can be provided as part of a planning condition, to ensure that it minimises disturbance to bats, as recommended by the Council's Ecologist. An ammonia screening assessment has been undertaken by the Environment Agency in relation to the proposed development. This has concluded that no further detailed assessment is required in relation to potential air pollution impacts of the proposal on any designated ecological sites in the wider area.

Notwithstanding the proposed removal of woodland from the Plantation on Ancient Woodland Site, it is considered that the mitigation and compensation measures proposed would result in an overall enhancement to biodiversity in the area. As such the proposed development can be supported in relation to Core Strategy policy CS17, SAMDev Plan policy MD18 and para. 118 of the NPPF.

6.5 Local amenity considerations

6.5.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. The nearest residential properties to the site are more than 300 metres away. Noise emissions from the proposed development would be attenuated by the existing large poultry sheds at the site, and also by the woodland. The Council's Public Protection Officer has raised no concerns regarding the proposals, and the Environment Agency has advised that issues relating to emissions of noise and odour would be addressed through the Environmental Permit which will need to be issued for the site. The Agency confirm that action would be taken should the site operator fail to meet the conditions of the Permit. The submitted Environmental Statement notes that there have been no instances of complaints regarding noise or odour since the Environmental Permit was issued in 2007. Officers consider that the proposal includes an appropriate separation distance between the poultry sheds and residential properties to ensure that appropriate safeguards against noise or odour issues can be taken.

6.6 Historic environment considerations

6.6.1 Core Strategy Policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan Policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting. Paragraph 134 of the NPPF requires that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In addition, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission which affects the setting of a Listed Building, the local planning authority shall have special regard to the desirability of preserving the setting.

6.6.2 The Environmental Statement incorporates a heritage assessment which evaluates heritage assets in the vicinity and assesses potential impacts and opportunities for mitigation. The application site lies within an area of historic and archaeological interest, particularly in relation to the Rowton Castle estate to the south-west. Rowton Castle is located approximately 600 metres to the south-west. The Castle, together with

an attached stable courtyard, is a Grade II* Listed Building. Other listed buildings within the Castle complex are the Tower House and adjoining courtyard walls (Grade II) and a Terrace retaining wall and Tower (Grade II). Rowton Lodge (Grade II) approximately 570 metres to the south-west. A Grade II Listed milestone is located approximately 340 metres to the north.

- 6.6.3 The proposed development provides for the removal of some woodland within the central part of Snod Coppice. Other than this, the existing woodland would be retained, albeit that it would be restored to deciduous species over a 30 year phased period. It is considered that there would be sufficient tree cover to ensure that the development would not be visible from surrounding heritage assets, and would not affect their setting. Matters relating to landscaping and external materials, as raised by Historic England and the Council's Conservation Officer, can be agreed as part of appropriate planning conditions.

6.7 Traffic and access considerations

- 6.7.1 Traffic to and from the site would utilise the existing established access to the A458 trunk road. A Technical Note has been submitted with the Environmental Statement which provides a review of the existing traffic conditions on the A458 and potential impacts that may result from the proposed development. This has been based upon an automated traffic count of flows on the A458.

- 6.7.2 The traffic report states that the most traffic to and from the site would occur during depopulation days. During these days the increase in traffic on the A458 arising from the proposed development would be between 0.09% and 0.13%. It states that this change in flow is well within the day-to-day variation of flow on the highway network and would be a negligible increase over existing traffic conditions.

- 6.7.3 Highways England has raised no objections to the proposed development on the grounds of impact upon highway safety. It is considered that the existing access is satisfactory in terms of width and visibility to accommodate the additional traffic that would be generated by the proposed development.

6.8 Drainage and pollution considerations

- 6.8.1 Core Strategy Policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity.

- 6.8.2 Surface water drainage: The site is located within Flood Zone 1, indicating that the risk of surface water flooding is low. The submitted Flood Risk Assessment states that on site surface water attenuation would be provided by French drains and soakaways between the sheds. It states that the detailed drainage design would be informed by infiltration tests. The Council's Drainage Officer has confirmed that this is acceptable in principle, and that detailed measures can be dealt with by planning condition. An appropriate condition is included in Appendix 1.

- 6.8.3 Foul drainage: Dirty water would be generated as part of the process of washing out the floors of the poultry sheds at the end of each cycle. It is proposed that a slot drain would be installed at the entrance doors to the sheds, to collect dirty water and direct it to a holding tank. This holding tank would also accommodate dirty water from a wash down of the yard area, controlled by a diverter valve. It is considered that this is

acceptable in principle. The Environmental Permit would provide detailed control over pollution prevention measures incorporated within the design of the development.

7.0 CONCLUSION

7.1 The proposal to erect two poultry sheds, four feed bins and a biomass boiler building at Snod Coppice would represent an appropriate expansion of the existing broiler poultry business. The proposed development would be sited a sufficient distance from sensitive receptors to ensure that potential issues relating to noise and odour can be avoided. Additional controls would be provided as part of the Environmental Permit. In addition the existing woodland around the site would ensure that adverse impacts upon landscape character and the setting of nearby heritage assets would not arise. The proposal would result in the removal of part of the overall woodland area at Snod Coppice, which is designated as Plantation on Ancient Woodland Site. Nevertheless the proposal incorporates a number of measures which would mitigate and compensate for this loss. These include the long-term management of the whole of the woodland area to restore it on a phased basis from non-native coniferous plantation to deciduous woodland, and the planting of native woodland. These habitat management measures would provide significant biodiversity enhancements and on balance it is considered that they would provide a satisfactory level of compensation for the impacts resulting from the loss of ancient woodland. Overall it is considered that the proposal can be accepted in relation to Development Plan policies and other material considerations and that the grant of planning permission subject to the conditions set out in Appendix 1 can be recommended.

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10.1 Relevant Planning Policies

10.1.1 Shropshire Core Strategy

- Policy CS5 (Countryside and Green Belt)
- Policy CS6 (Sustainable Design and Development Principles)
- Policy CS13 (Economic Development, Enterprise and Employment)
- Policy CS17 (Environmental Networks)
- Policy CS18 (Sustainable Water Management)

10.1.2 SAMDev Plan

- Policy MD2 (Sustainable Design)
- Policy MD8 (Infrastructure Provision)
- Policy MD12 (Natural Environment)
- Policy MD13 (Historic Environment)

10.2 Central Government Guidance:

10.2.1 National Planning Policy Framework (NPPF): The NPPF states that one of the core planning principles is that planning should support the transition to a low carbon future and

encourage the use of renewable resources (para. 17). Amongst other matters, the NPPF: supports a prosperous rural economy, and states that plans should promote the development of agricultural businesses (Chapter 3); promotes good design as a key aspect of sustainable development (Chapter 7); supports the move to a low carbon future as part of the meeting of the challenges of climate change and flooding (Chapter 10); states that the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to unacceptable levels of soil, air, water or noise pollution (Chapter 11). The NPPF states that local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and recognize that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, and should approve applications for renewable or low carbon energy if its impacts are (or can be made) acceptable (para. 98).

10.3 Relevant Planning History:

15/04295/SCO Extension To Existing Poultry Farm, Scoping Opinion 26th November 2015

SA/96/0737 Erection of 2 agricultural buildings for the production of poultry together with low profile feed bins, incinerator, gas tank, underground storage tank and ancillary works, permitted 14th November 1996

SA/02/1193/F Erection of 2 no. poultry broiler units, low profile feed bins, gas tanks and ancillary works, permitted 15th April 2003

11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) The application ref. 15/05011/EIA and supporting information and consultation responses.
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr David Roberts (Loton)
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 until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (which ever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

4. No development hereby permitted shall take place until details of the external materials and colour treatment of all plant and buildings have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details, and retained as such for the lifetime of the development.

Reason: To ensure an acceptable appearance to protect the visual qualities of the area, and as such these details need to be approved prior to the development proceeding in order to ensure a sustainable development.

5. No development shall take place until a habitat management plan has been submitted to and approved in writing by the local planning authority. The plan, to be based upon the aims and objectives of the Framework Habitat Management Plan dated February 2016, shall provide for habitat management over a 30 year period, and shall include:
 - a) Description and evaluation of the features to be managed;
 - b) Aims and objectives of management;
 - c) Preparation of a works schedule, including 30 year plan, an annual work plan, and the means by which the plan will be rolled forward annually;
 - d) Personnel responsible for implementation of the plan;
 - e) details of the monitoring and review of the plan.

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, and compensate for the loss of woodland.

6. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out as approved. The submitted scheme shall include:
- a) Planting plans, including wildlife habitat and features (e.g. bird and bat box locations)
 - b) Written specifications (including operations associated with soil translocation)
 - c) 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).
 - d) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
 - e) Implementation timetables

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

7. 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 the development site to which this consent applies immediately prior to work commencing. 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. If the survey indicates the presence of any Badger Setts within 30 metres of the site then prior to the commencement of the development a detailed mitigation plan shall be submitted for the approval of the Local Planning Authority. The mitigation shall be undertaken in accordance with this approved plan.

A Risk Avoidance Method statement for badgers shall be updated based on the additional survey work undertaken and submitted to the local planning authority. Works shall be undertaken as agreed.

Reason: To ensure the protection of badgers.

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

8. 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

9. Woodcrete nest boxes with a 32mm hole diameter (a minimum of 5) should be provided in newly created woodland for cavity-nesting species to replace loss of mature trees.

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

10. A total of 5 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on site prior to the 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

11. No construction works shall be undertaken outside of the following hours: 0800 and 1800 Monday to Friday; and 0800 to 1300 on Saturdays. No such works shall take place on Sundays or bank holidays.

Reason: To protect the amenities of the local area.

Informatives

1. 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.
2. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy and saved Local Plan policies:

Policy CS5 (Countryside and Green Belt)

Policy CS6 (Sustainable Design and Development Principles)

Policy CS13 (Economic Development, Enterprise and Employment)

Policy CS17 (Environmental Networks)

Policy CS18 (Sustainable Water Management)

SAMDev Plan policies:

Policy MD2 (Sustainable Design)

Policy MD8 (Infrastructure Provision)

Policy MD12 (Natural Environment)

Policy MD13 (Historic Environment)

3. Advice from the Council's Drainage Officer:

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

1. The surface water drainage proposals in the FRA and Drainage Strategy using french drains and soakaways are acceptable in principle, however, SuDs applicability for the area is Infiltration PLUS treatment and the site lies within a groundwater Source Protection Zone 3. Surface water run-off must be treated through a filtration unit prior to entering the soakaways and also pass through a silt trap or catchpit prior to entering the soakaways to reduce sediment build up within the soakaways.

Percolation tests and the sizing of the french drains/ 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 20% for climate change. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted for approval.

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.

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.

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.



Committee and date

Central Planning Committee

4 March 2016

Development Management Report

Schedule of Appeals and Appeal Decisions As at 4 March 2016

LPA reference	14/03575/OUT
Appeal against	Appeal Against Refusal
Appellant	Mr John Lakelin
Proposal	Outline application (all matters reserved) for the erection of one dwelling
Location	Proposed Dwelling To The South Of Grove Lane Pontesbury Shrewsbury
Date of application	08.08.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	22.12.2014
Date of appeal	20.05.2015
Appeal method	Written Representations
Date site visit	24.11.2015
Date of appeal decision	03.02.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	14/05742/OUT
Appeal against	Appeal Against Refusal
Appellant	Morris Property
Proposal	Outline application (access, layout for approval) for mixed residential development; formation of a vehicular access and associated infrastructure (revised scheme)
Location	Development Land Adj Oaklands Holyhead Road Montford Bridge Shrewsbury
Date of application	23.12.2014
Officer recommendation	Grant Permission
Committee decision (delegated)	Committee
Date of decision	14.04.2015
Date of appeal	01.05.2015
Appeal method	Hearing
Date site visit	01.12.2015
Date of appeal decision	11.02.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	15/01382/FUL
Appeal against	Appeal Against Refusal
Appellant	Monkmoor Fish Bar
Proposal	Erection of one terraced dwelling
Location	Land Adjacent To 1B Racecourse Avenue Shrewsbury
Date of application	27.03.2015
Officer recommendation	Refusal
Committee decision (delegated)	Committee
Date of decision	17.07.2015
Date of appeal	14.08.2015
Appeal method	Written Representations
Date site visit	15.12.2015
Date of appeal decision	01.02.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	14/05176/FUL
Appeal against	Appeal Against Refusal
Appellant	Mr C Lowe
Proposal	Erection of a detached 3 bedroom dwelling
Location	106 Primrose Drive Shrewsbury
Date of application	17.11.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	24.04.2015
Date of appeal	23.10.2015
Appeal method	Written Representations
Date site visit	26.01.2016
Date of appeal decision	05.02.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	15/04047/PMBPA
Appeal against	Appeal Against Refusal
Appellant	Mr David Edwards
Proposal	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use
Location	Goosehill Bowbrook Shrewsbury
Date of application	21.09.2015
Officer recommendation	Planning Permission Required
Committee decision (delegated)	Delegated
Date of decision	16.11.2015
Date of appeal	26.01.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	14/05676/OUT
Appeal against	Appeal against Refusal
Appellant	Messrs. Davies
Proposal	Outline planning application (all matters reserved) for mixed residential development
Location	Proposed Residential Development North Side Of Station Road Dorrington Shrewsbury
Date of application	19.12.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	14.07.2015
Date of appeal	14.01.2016
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	15/03793/FUL
Appeal against	Appeal Against Refusal
Appellant	Mr Roger Millward
Proposal	Erection of detached 4-bay garage
Location	Castlehill House Harley Shrewsbury
Date of application	02.09.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	03.02.2016
Date of appeal	14.02.2016
Appeal method	Householder
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	15/04035/FUL
Appeal against	Appeal against Refusal
Appellant	Galliers Homes
Proposal	Erection of 15 No. dwellings, new access road, link footpath and landscaped public open space
Location	Land East Of Bicton Lane Bicton Shrewsbury
Date of application	17.09.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	17.12.2015
Date of appeal	06.01.2016
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

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Appeal Decision

Site visit made on 24 November 2015

by Louise Nurser BA (Hons) Dip Up MRTPI

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

Decision date: 03 February 2016

Appeal Ref: APP/L3245/W/15/3035687

Land Adjacent to Grove Cottages, Grove Lane, Pontesbury, Shrewsbury SY5 0UW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr John Lakelin against the decision of Shropshire Council.
 - The application Ref 14/03575/OUT, dated 07 August 2014, was refused by notice dated 22 December 2014.
 - The development proposed is the erection of detached single storey dwelling.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The appeal was submitted in outline with all matters reserved. Nevertheless, submitted drawings no. F39.1A and 2A indicates the possible location of the dwelling which I have taken into account in my consideration of the appeal.
3. I note that the appellant refers to the construction of ten high quality homes within the Design and Access Statement which accompanied the application. However, I have treated this reference to have been in error as elsewhere in the document reference is made to one dwelling: the description on the application form refers to one property, and the application was determined as such.
4. Since the application was submitted, and the appeal made the Site Allocation and Management of Development (SAMdev) Development Plan Document has been adopted¹. Both parties have been given the opportunity to comment on the implications of this, including the conclusion that the Council was able to demonstrate a five year supply of deliverable housing, to my consideration of the appeal which I have taken into account.
5. There was dispute between the parties whether the site lies within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). However, following my request to the Council for a copy of a plan to illustrate whether the site lay within the AONB, it is clear that this is the case. This plan has been copied to the appellant.

¹ December 17 2015.

Main Issues

6. The main issues are whether in the context of national policy and adopted local planning policy, the proposed development is appropriate on this site; and the effect of the development on the character and appearance of the wider area with particular reference to its location within the AONB.

Reasons

Location

7. Paragraph 49 of the Framework refers to the requirement for housing applications to be considered in the context of the presumption in favour of sustainable development, which paragraph 14 describes for decision-taking, as approving development proposals that accord with the development plan without delay unless material considerations indicate otherwise.
8. The appeal site lies in open countryside outside of the Key Centre of Pontesbury as defined by Policy S12 of the recently adopted SAMdev. As such, the proposed development falls to be considered in line with Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (CS) March 2011, which, whilst it predates the publication of the Framework, is broadly consistent with its policies: restricting new build housing to that which is appropriate to the countryside such as that related to essential rural requirements, or affordable housing. Therefore, in line with Paragraph 216 of the Framework I am able to afford it significant weight. In addition, Policy MD3 of the SAMdev which relates to the delivery of windfall housing on unallocated sites requires development to accord with Policy CS5.
9. The proposed open market dwelling does not satisfy any of the exceptions for rural housing set out in Policy CS5 of the CS. Therefore, I conclude that the proposed development would be contrary to Policies CS5 of the CS, and Policy MD3 of the SAMdev, and the objectives of the Framework.

Character and appearance

10. Grove Lane is characterised by a number of sporadic developments of housing which are set within the wider agricultural landscape. The appeal site is located just within the boundary of the AONB. It forms part of a large field, bound by hedgerows, with standard trees set within them, which provides an attractive aspect to the partially wooded hills in the distance and the gently sloping fields in the immediate locality. The farmed countryside with a patchwork of fields mainly laid to pasture is identified as an element of significance within the Management Plan for the AONB².
11. Paragraph 115 of the Framework makes it clear that the Government places great weight on the importance of conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty. Policies CS6, and CS17 of the CS set out the requirement to conserve and enhance the natural environment of the AONB. Policy MD12 of the SAMdev lists a number of criteria to consider development within the AONB, including the requirement to avoid its loss or damage.

² Shropshire Hills Area of Outstanding Natural Beauty Management Plan 2014- 2019 Text Version as Approved March 2014- Page 9

12. I note that the appellant considers the proposed development would be shielded from view by the existing hedge. However, this would not adequately screen the property, and the paraphernalia associated with domestic living such as parked cars, gardens and washing lines, all of which would have a detrimental visual impact on the rural character of the AONB.
13. Consequently, the introduction of an additional domestic property into an open field in the open countryside, albeit all matters are reserved, and therefore the design of the proposed development is not before me, would result in the increased suburbanisation of Grove Lane which with its narrow hedged single carriageway is predominantly rural in character, and clearly makes a significant contribution to the existing character of the AONB. This would result in an unacceptably adverse impact on the character and appearance of the wider landscape.
14. I conclude that this proposal for one open market bungalow would be contrary to policies CS6, CS7 and MD12 of the SAMdev, which seek to conserve and enhance the landscape and scenic beauty of the AONBs.

Other matters

15. I am aware that the appellant has stated the intention to contribute to the provision of funding for affordable housing through a S106 obligation. However, I do not have a copy of any such agreement before me. Nonetheless, as I am dismissing the appeal for other reasons this has not impacted on my consideration of the appeal.
16. The case has been made that the appeal site is located lies between two residential properties. However, I do not consider that the proposed development could be considered to be an infill development as it would be set within an open field. Moreover, even if it were this would not overcome the fundamental policy objections to the proposed development. I note that the Council has allowed developments which the appellant considers to have been similar. However, I do not have the full details of the developments allowed, including the policy context. Irrespective of which, I have considered the proposed development on the basis of the evidence before me and on its own individual merits.
17. I have been referred to a number of benefits of the scheme. The construction of the property would result in a limited economic benefit to the local economy through direct and indirect employment as a result of the construction of the property, together with a benefit to the local economy through the patronage of the local facilities by future occupants, and a boost to the housing supply. I note that the appellant is based locally and intends to use his local workforce. Future occupants would also make a limited contribution to the local economy, and the social aspect of sustainability through the use of the substantial array of local facilities within Pontesbury, including regular bus services to other settlements which are considered to be in close proximity to the proposed development.
18. However, whilst the construction of the dwelling will have a short term benefit I accord these wider benefits limited weight as there is no evidence before me that such development could not take place in locations which accord with the adopted spatial strategy, which includes development in the substantial settlement of Pontesbury.

19. I am aware that the Highway Authority has not objected to the proposal, and the appellant proposes to utilise sustainable drainage within the scheme. However, neither of these matters weighs positively, as development would not be allowed were it to result in severe highway safety issues or result in flooding elsewhere.

Conclusion

20. The Framework is clear that the specific policies relating to development within Areas of Outstanding Natural Beauty must be satisfied³. As set out above I have concluded that the proposal would not conserve the landscape or scenic beauty of the AONB.
21. Moreover, the proposed development would be contrary to the Policies CS5, CS6 and CS17 of the CS and Policies MD3 and MD12 of the SAMdev.
22. For the reasons set out above I conclude that the appeal should be dismissed.

L. Nurser

INSPECTOR

³ The Framework paragraph 14 footnote 9

Appeal Decision

Hearing held on 1 December 2015

Site visit made on 1 December 2015

by Louise Nurser BA (Hons) Dip Up MRTPI

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

Decision date: 11 February 2016

Appeal Ref: APP/L3245/W/15/3028981

The Oaklands, Holyhead Road, Montford Bridge, Shrewsbury SY4 1EE

- 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 Steve Pummell (Morris Property) against the decision of Shropshire Council.
 - The application Ref 14/05742/OUT, dated 22 December 2014, was refused by notice dated 9 April 2015.
 - The development proposed is proposed residential development including access. All other matters reserved.
-

Decision

1. The appeal is dismissed.

Application for costs

2. Before the Hearing an application for costs was made by Mr Steve Pummell (Morris Property) against Shropshire Council. This application is the subject of a separate decision.

Procedural matters

3. The application was submitted in outline, with only access to be determined at this stage. However, from the plans before me it was clear that the applicant had intended to apply for layout as well. The Council determined the application on this basis. Therefore, following confirmation at the Hearing, notwithstanding the description set out in the banner heading I have determined the appeal on the basis that the proposed development is in outline, with details of vehicular access and the layout of 34 dwellings submitted for approval now. Details of appearance, landscaping, and scale are reserved for later consideration.
4. A previous proposal for an identical scheme was dismissed on appeal in December 2014 ¹on the grounds that the proposal did not make adequate provision for affordable housing in line with Policy CS11 of the Council's Core Strategy² adopted March 2011 (CS). However, the reasons for refusal by the Council related to loss of agricultural land, impact on social sustainability, and

¹ APP/L3245/A/14/2225192

² Shropshire Local Development Framework: Adopted Core Strategy March 2011

the need to travel to access services. I also note that the Inspector referred to determining the appeal principally in relation to the Framework³.

5. Following the submission of the current appeal the appellant submitted a signed and dated Deed of Agreement pursuant to Section 106 of the Town and Country Planning Act 1990, between the land owner and Shropshire Council relating to the provision of affordable housing in conformity with Policy CS11 of the CS.
6. In addition, since the appeal was submitted the Examining Inspector's Report⁴ (EIR) into the Examination of the Site Allocation and Management of Development (SAMdev) Development Plan Document has been published. All parties were aware of its publication prior to the Hearing, and that the plan was scheduled to be adopted on the 17 December 2015. During the Hearing the parties discussed the impact of the imminent adoption of the plan, as recommended to be modified by the Examining Inspector. Therefore, whilst the plan was adopted following the closure of the Hearing this has not raised any policy considerations which have not previously been explored.
7. Within the Statement of Common Ground agreed between the Council and the appellant both parties referred to additional written evidence which was to be submitted relating to the sustainability of the development. Following clarification at the Hearing it was confirmed that no further evidence had been submitted.
8. During the Hearing, I accepted two Inspectors' reports into S78 appeals⁵, a copy of the Montford Parish Plan⁶ together with a draft amendment, as well as a map, and associated decisions, setting out the location of approved developments, including a resolution to approve, at Montford Bridge West. Following discussion amongst the parties I concluded that no parties would be prejudiced by my taking them into account in my deliberation of the appeal before me. In addition, I was furnished with a copy of Policy CS1 (CS) and a copy of Policy MD3 of the SAMdev, without any track changes, as had been recommended to be adopted within the EIR.
9. At the Hearing the appellant accepted that in the context of the proposed development, the Council had a 5 year supply of deliverable housing.

Main Issue

10. From what I have read, seen and heard the main issue is whether the scale of the proposed development is consistent with the principles of sustainable development, having regard to local and national policy.

Reasons

11. The approximately 3 hectare site lies immediately adjacent to the village of Montford Bridge within a roughly triangular shaped field used for arable farming, which I understand has been made difficult as a result of the construction of the bypass. However, at the time of my site visit the site was being farmed.

³ APP/L3245/A/14/2225192 Paragraph 4

⁴ Report on the Examination Into the Site Allocations and Management of Development (SAMdev) Plan 30 October 2015

⁵ APP/L3245/W/15/3001117 and APP/L3245/W/3003171

⁶ Montford Parish Plan 2005 and update September 2015.

12. The land gently slopes towards the A5 bypass to the east which provides links to Shrewsbury and beyond. There is an extant outline planning permission⁷ for five houses on the site which would extend the built form of the village further west along Holyhead Road.
13. Similarly, the proposed development for 34 houses would also extend the village along Holyhead Road (albeit access to the houses would be to the rear). However, it would also include three small cul de sacs of development which would wrap around the rear of the disused quarry, and existing housing which fronts Holyhead Road.
14. The presumption in favour of sustainable development is at the heart of the National Planning Policy Framework. Notwithstanding that presumption, Paragraph 2 of the Framework reiterates that planning law requires that applications for planning permission must be determined in accordance with the development plan. Both positions are tempered by the requirement to consider if material considerations indicate otherwise.
15. Paragraph 14 of the Framework states that for decision-taking the presumption in favour of sustainable development means approving development proposals that accord with the development plan without delay.
16. Shropshire is a predominantly rural county. The development plan for Shropshire consists of the CS and the SAMdev. The CS sets out the broad strategy for the distribution of housing and the adopted SAMdev provides detailed policies to implement its vision. Policy CS1 of the CS sets out three tiers of development, Shrewsbury, the Market Towns and Key Centres, and the remaining rural areas. A key aspect of the plan is that the remaining rural areas are to become more sustainable through 'rural rebalance'. This allows rural settlements which do not possess a wide range of services, such as Montford Bridge West, to develop at an appropriate scale, accepting that the relative sustainability of a location within the rural areas can differ, and in line with Paragraph 55 of the Framework, promote sustainable development where it will enhance or maintain the vitality of rural communities.
17. The EIR is clear that the approach taken within CS4 of the CS where local people have been involved to inform the scale and type of development within Community Clusters and Hubs, is in accordance with the core planning principle set out in Paragraph 17 of the Framework that planning should be genuinely plan led, empowering local people to shape their surroundings⁸. Moreover, the approach reflects the requirement to take account of the difference roles and character of different areas.
18. The settlement of Montford Bridge is defined as a Community Cluster under Policy MD1 of the SAMdev where development including open market housing is appropriate. I note that the site had been promoted as a site within the SAMdev process but has not been taken forward due to concerns relating to the scale of proposed development⁹.
19. Under Policy S16.2 (xii) of the SAMdev, a guideline figure of approximately 10 additional dwellings over the plan period to 2026 is considered to be appropriate within, and adjacent to, the village. Sixteen houses (including five

⁷ 13/0464/OUT

⁸ Paragraphs 33- 35 of the EIR.

⁹ Paragraphs 7.1, 8.17 and 9.8 of the Design, Access and Planning Statement Les Stephan Planning Ltd.

which relate to part of the appeal site) already have planning permission, or the principle has been agreed, at Montford Bridge West, and the Council and the appellant confirm within the Statement of Common Ground (SoCG) that this figure should not be seen as a ceiling. This general approach is consistent with recent planning appeal decisions¹⁰, as well as the conclusion drawn by my colleague in relation to this site. Of these, additions to the housing supply three additional schemes have been granted since the previous appeal.

20. Policy MD3 of the SAMdev whilst supporting the principle of windfall housing sets out a positive attitude towards the construction of housing, and makes explicit within section 2 that the settlement housing guideline is a significant policy consideration. These guidelines have been set following community consultation and examination¹¹. As policies MD3 and S16.2 (xii) of the SAMdev are now adopted, this is a substantial change in circumstance since the appeal was submitted and my colleague's dismissal of the previous appeal solely on the basis of the lack of a signed Unilateral Undertaking relating to the provision of affordable housing.
21. At the Hearing there was considerable discussion relating to the apparent tension between the presumption in favour of sustainable development which is set out in criteria v) of Policy MD3, and the requirement to consider the cumulative impact of the number of developments in a settlement. I note from the EIR that the Examining Inspector concluded that there was no conflict and that it was appropriate that the cumulative impact of a development be assessed, in addition to the economic, social and environmental role of a particular scheme¹².
22. It is agreed between the Council and the appellant that Montford Bridge West is a sustainable location for development. My colleague, when considering the previous appeal, concluded that future occupants would have access to a wide range of services and facilities sufficient to meet their future needs¹³. Consequently, as no changes in circumstances have taken place, other than that additional housing has been approved, the sustainability of the location remains unchanged.
23. However, the proposed development must be determined in the context of the adopted development plan. I have been referred to the location of the appeal site falling outside of the settlement. However, as Montford Bridge West has no defined boundary within the SAMdev, and as Policy S 16.2 (xii) refers to development being appropriate adjacent to the village, I do not consider that this is relevant to my consideration of the appeal. As such, the general principle of housing adjacent to the village would not be contrary to Policy CS5 of the CS which relates to development within the countryside and Green Belt.
24. At my site visit I took the opportunity not only to visit the site but also the wider area. This confirmed to me that in the terms of a rural settlement and one in which the concept of 'rural rebalance' allowed development, that the scale of development proposed within the adopted plan appeared to be at the appropriate quantum. Further limited development, including on greenfield land, such as the development types set out in Policy S16.2 (xii) could be

¹⁰ APP/L3245/W/15/3001117, APP/L3245/A/2225192, 3003171

¹¹ EIR paragraph 144

¹² Ibid paragraph 145

¹³ APP/L3245/A/14/2225192 paragraph 28

absorbed by the village. Such development would be in accordance with the positive approach to development referred to within Paragraph 4.17 of the Explanation to the policy. Indeed, it is clear as planning permissions have been granted that this positive approach towards development is being implemented.

25. However, the proposed development would be of a substantially larger scale and quantum of development. When combined with the existing committed housing developments within the village this would result in around 45 dwellings¹⁴. This would run contrary to the policies of the plan which determine the appropriate levels and type of development. This plan led approach is emphasised in policy MD3 of the SAMdev which is couched in terms of windfall development having regard to the specific locational housing policies of the development plan, which includes the appropriate scale of development.
26. At the Hearing there was discussion as to the character of the settlement which lies with an area of mixed farming. There was a surprising lack of unanimity as to whether it was a linear or nucleated village. It appeared to me that development of a variety of ages and styles was focused to the north of Holyhead Road. This extended as ribbon development north along Montford Bridge. The housing is of a mixture of ages, but none of it, as far as I am aware is subject to any specific historic designation. Alloe Brook, which is the only cul-de-sac development north of the river, was I understand built on a brownfield site. The River Severn provides a clear boundary to the cluster with what appears to be older development, including the Wingfield Arms located over the bridge to the south. However, this is easily accessible by foot along the Holyhead Road.
27. The proposed development, which was described as 'estate development' at the hearing would be located on a site which would rise towards the A5. Consequently, as a result of its location this would be visible when entering the village from the west over the A5 as well as from Holyhead Road. Policy CS6 of the CS requires development to respect and enhance local distinctiveness. Whilst I am aware that details of landscaping, design, and scale would be considered at reserved matters stage the layout, and location of the scheme is before me. In the context of the adopted SAM dev policy S16.2 (xii) I consider that the scale and type of development would be contrary to the plan and result in significant harm to the locational strategy of the development plan whose approach has recently been confirmed through the EIR and subsequent adoption of the SAMdev.
28. To conclude the proposed development would be contrary to Policies CS1, CS4 and CS6 of the CS, and Policies MD1, MD3 and S16.2 (xii) of the SAMdev, and as such would not be consistent with the principles of sustainable development.

Other matters

29. Plan 13065-03 G does not extend the red line to allow public access to the area of proposed public open space set out in the drawing. However, the Council confirmed that, whilst this would be a positive benefit to the scheme, in itself it would have not formed a reason for refusal.

¹⁴ As the proposals include outline permissions the exact numbers are unknown.

30. Matters have been raised in relation to the wider development strategy for Shropshire. However, it is not my role to consider this which has been determined within the EIR.
31. I have been referred to a number of appeals both before and during the Hearing. However, I have carefully considered the applicability of the appeals to the one before me, and have concluded that whilst they are comparable in some instances that none of them relate to proposals which were determined following the adoption of the SAMdev. Moreover, I have carefully considered the evidence before me and determined the proposal on its own individual merits.
32. I note that the proposed development would result in the loss of Grade 3 agricultural land but as I am dismissing the appeal for other reasons this has not been determinative in my consideration of the proposed development.
33. I am aware that the proposed development was refused by the Council contrary to the planning officer's recommendation. However, this has not affected my consideration of the appeal which I have determined in line with Paragraph 12 of the Framework that proposed development that conflicts with an up-to-date Local Plan should be refused unless other material considerations indicate otherwise.

Planning Balance and Conclusion

34. The proposed development would boost the housing supply and provide for on-site affordable housing together with a contribution for off-site affordable housing. In addition, the growth in the population would provide additional patronage to support local bus services and the local facilities including the Public House, and additional CIL revenues of around £300,000, £30,000 of which would be directly received by the local community. In addition, a substantial area of public open space would be created on the site of the former quarry. These benefits of the proposed development would be experienced locally and weigh in favour of the proposal.
35. Moreover, the proposed development would generate New Homes Bonus, Council Tax payments, as well as direct and indirect, albeit short term, economic benefits through the construction of the houses. However, these benefits would not be dependent on the houses being constructed on this site and therefore I accord these limited weight in my consideration of the appeal.
36. The settlement has no school or shop. However, it benefits from a regular bus service to Oswestry and Shrewsbury, and includes a public house which is located the other side of the bridge. A village hall and church are located to the south of the bypass, whilst Shrewsbury is accessible by a continuous footway. Primary schools are located at the nearby settlements of Bicton and Nestcliffe. Whilst in common with many rural settlements, it does not provide for a wide range of services, its sustainability attributes have been considered to be appropriate for its role as a Community Cluster as defined by the SAMdev. Since the previous appeal was determined on this site, the cumulative impact of the proposed development together with the those which have been granted planning permission, or have been resolved to be permitted, would be such as to result in unsustainable environmental and social impacts, such as the effect on the character of the area through a significant increase in new developments, as well as an increase in journeys, as well as

the introduction of development at a scale contrary to the incremental growth set out in Policy S16.2 (xii) in the SAMdev.

37. Given the statutory requirement to determine the appeal in accordance with the development plan as a whole I consider that the benefits of the scheme do not outweigh the harm in allowing this development which would be contrary to the requirement of the Framework to deliver land in the right place. Therefore, for the reasons set out above, I conclude, on balance, that the appeal should not succeed.

L Nurser

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Eddie West MCD MRTPI	Shropshire Council
Andy Gittins	Shropshire Council

FOR THE APPELLANT:

Steve Pummell	Morris Property
Rob Mills	Les Stephan Planning Ltd
Helen Howie MRTPI	Berrys
Joanna Stephens	

INTERESTED PERSONS:

Ian A Hutchinson	Clerk to Montford Parish Council
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DOCUMENTS SUBMITTED AT THE HEARING

- 1 Appeal decision APP/L3245/W/15/3001117
- 2 Appeal decision APP/L3245/W/15/3003171
- 3 Montford Parish Plan; March 2005
- 4 Montford Parish Plan Update 2015 Clerk's Suggested First Draft
- 5 Copy of CS1 Shropshire Local Development Framework: Adopted Core Strategy March 2011
- 6 Bundle of decision notices and Committee report¹⁵ accompanying map setting out locations of planning permissions granted at Montford Bridge, Shrewsbury.
- 7 Decision Notice Refusal of outline planning permission 14/00518/OUT 16 June 2014, Development Land Adj Oaklands, Holyhead Road, Montford Bridge, Shrewsbury.

¹⁵ 14/01728, 13/04429/OUT, 13/0464/OUT, 13/01193/OUT, 14/02964/OUT

Appeal Decision

Site visit made on 15 December 2015

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 1st February 2016

Appeal Ref: APP/L3245/W/15/3132669

Land adjoining 1B Racecourse Avenue, Monkmoor, Shrewsbury, Shropshire, SY2 5BU

- 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 Sav Marneros against the decision of Shropshire Council.
 - The application Ref 15/01382/FUL, dated 25 March 2015, was refused by notice dated 17 July 2015.
 - The development proposed is described as "erection of a terrace house adjoining 1B Racecourse Avenue, Monkmoor".
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Shropshire Site Allocations and Management of Development Plan (SAMDev) was adopted on the 17 December 2015 which was after the Council issued its decision to refuse planning permission and the submission of this appeal. All parties have had the opportunity to comment on the change in status of this document in terms of the relevance to their case.

Main Issue

3. The main issue is the effect on the character and appearance of the surrounding area.

Reasons

4. Racecourse Avenue is a residential street comprising a mix of semi-detached and terraced properties, with low front boundary treatments and intermittent landscaping. The properties have a range of frontage widths and some variation between the use of brick and render, but are broadly consistent in terms of their hipped roof design, height and build lines. The general harmony of appearance in the street scene is only interrupted by the presence of single storey garages immediately to the side of the appeal site. These are located within the curtilages of Nos. 40 and 42 Monkmoor Road respectively and are accessed from Racecourse Avenue.
5. The appeal site is a narrow plot adjacent to the recently constructed 1B Racecourse Avenue which extended the previous semi-detached properties of Nos. 1A and 3 Racecourse Avenue into a row of three terraced properties. The terrace currently has a balanced appearance as the hipped roof design and

- build lines were maintained by No 1B. The appeal proposal comprises the erection of a one bedroom terraced dwelling to the side of No 1B. The remainder of the appeal site would comprise a front and rear garden area, together with a shared parking area to the frontage with No 1B.
6. It is common ground between the main parties that the appeal site is a sustainable location for new dwellings and the principle of development is therefore consistent with Policies CS1 and CS2 of the Shropshire Local Development Framework Core Strategy (CS), adopted March 2011. However, the appeal proposal should be considered relative to compliance with other relevant policies including the sustainable design and development principles identified in CS Policy CS6 and SAMDev Policy MD2.
 7. The position and layout of the proposed dwelling is influenced by the narrow width and tapered depth of its plot, together with the canopy spread of a Beech Tree located adjacent to the front boundary of the appeal site. To account for the shape of the plot, prevent impact to the tree and provide off street parking, the development would incorporate a part set back to its frontage and reduced depth. The resultant design would create two hipped roof forms of different height and width that would be lower than the ridge height of the roof of No 1B and the remaining terrace.
 8. The proposed dwelling would be accessed from the side and therefore would have the appearance of an extension to No 1B rather than an independent dwelling when viewed from the front. The overall width of the proposed dwelling would be comparable to No 1B and the reduced height of the roof forms would reduce its overall massing. However, the different width of the two parts of the stepped frontage of the dwelling, together with the varied height and profile of the hipped roof forms would be viewed as a complicated, incongruous and overly cramped addition to the adjoining terraced properties. As a consequence, the appeal proposal would disrupt the existing balanced appearance of the terrace which is a characteristic feature of properties in the street scene.
 9. The prominence of the development in the street scene would be reduced when viewed in the context of the different roof forms of the adjacent garages and screening offered by the Beech tree at the side. However, the harmful relationship to the terraced properties would be evident when viewed from the front of the property on Racecourse Avenue. The proposal would therefore significantly harm the character and appearance of the terrace and the surrounding area.
 10. The addition of hardstanding to the front of the appeal site and No 1B would create off street parking spaces for the dwellings. The dwellings on Racecourse Avenue generally have driveways to the side. However, I observed examples of more extensive areas of hardstanding to frontages in the local area. Furthermore, the similarity of arrangements proposed to a recently approved scheme at No 6 was also brought to my attention. I therefore consider that a limited area of hardstanding to the front of the site for off street parking and parking of vehicles would not appear out of place. Nevertheless, the absence of concern relating to the proposed hardstanding does not outweigh the harm otherwise identified.
 11. The appellant has provided evidence of examples of other properties nearby on Crowmere Road which comprise of smaller internal floor areas and garden

amenity space than the appeal proposal. However, it is apparent from the evidence before me and observations during my visit that these examples do not replicate the circumstances of this case or justify the harm identified. The harm arising from the proposal would relate to its design and relationship to the character and appearance of its surroundings, rather than the effect on living conditions of future occupants in terms of living space and garden area created.

12. I conclude that the proposed development would significantly harm the character and appearance of the surrounding area due to its incompatible design. The proposal would, therefore, conflict with the requirements of the relevant Policy CS6 of the CS and Policy MD2 of the SAMDev which taken together seek to ensure new development is of a high quality and responds appropriately to the architectural design, form and layout of existing development and the streetscape. These policies are consistent with those of the National Planning Policy Framework.

Other Matters

13. I note that the Council raised no concerns with respect to highway safety, the effect on living conditions of occupiers of neighbouring properties and impact upon the Beech tree, given any related effects could be resolved by condition. Based on the evidence before me including the submitted plans, together with observations during my site visit, I have no reason to take a different view.
14. A unilateral undertaking has been provided by the appellant in seeking to comply with Policy CS11 of the CS through a financial contribution to affordable housing. In this respect, I note the Council's concerns relating to its effectiveness, including errors and omissions relating to the obligations upon the owner. Furthermore, as the unilateral undertaking has not been signed and executed, I give limited weight in this decision to its presence. I do not propose to pursue this matter any further as I intend to dismiss this appeal based upon the substantive issue of the character and appearance of the surrounding area.
15. The potential benefit of the proposal as a starter home and the contribution it would make to balancing the size, type and tenure of local housing stock are given positive weight in this decision. I have also taken into account the absence of local opposition, together with support from the Town Council and a Local Member. Nevertheless, these matters and the scale of benefits relating to a single dwelling do not justify the identified harm to the character and appearance of the surrounding area which would arise from the development.
16. The appellant has expressed concern relating to the Council's approach in considering the planning application. However, this matter has no effect on the planning merits of the proposal or the outcome of this appeal.

Conclusion

17. For the reasons given above and taking all other matters into consideration, I conclude that this appeal should be dismissed.

Gareth Wildgoose

INSPECTOR

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Appeal Decision

Site visit made on 26 January 2016

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 5 February 2016

Appeal Ref: APP/L3245/W/15/3137117

106 Primrose Drive, Sutton Park, Shrewsbury

- 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 C Lowe against the decision of Shropshire Council.
 - The application Ref 14/05176/FUL, dated 13 November 2014, was refused by notice dated 24 April 2015.
 - The development proposed is erection of a new 3 bedroom detached house.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are (i) the effect of the proposal on the character and appearance of the area; and (ii) the effects on the living conditions of the occupiers of 104 and 106 Primrose Drive with regard to privacy and outlook.

Reasons

Character and appearance

3. The appeal site comprises part of the rear garden of No 106 Primrose Drive which is a detached house set within a modern estate of other detached and semi-detached dwellings. The frontages of the majority of properties are generally open and this is notable around the junctions where tertiary roads meet Primrose Drive. The overall effect is one of a spacious residential area.
4. The existing separation distance between the rear elevation of No 106 and the flank wall of No 104 is typical of that found within the estate where this juxtaposition of dwellings arises. The introduction of a new dwelling into the rear space would significantly reduce No 106's rear garden depth and result in a greater concentration of built form within this part of Primrose Drive. This would have an adverse effect on the current spacious character of the area.
5. Furthermore, the width of the proposed dwelling would not provide sufficient relief between the front elevation and the side boundaries to prevent the impression of it being cramped on its plot.
6. The appeal scheme would therefore run counter to policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy (2011) (CS) that,

amongst other things, requires development to safeguard the built environment and take into account local context and character.

Living conditions

7. The proposal would result in a reduction of the rear garden area of No 106 and whilst I recognise that the overall grounds around the dwelling are relatively extensive, given the open plan layout of the estate, it is only the rear garden that provides any privacy. Consequently, I am not persuaded that the overall amount of garden land would mitigate the loss of a significant amount of private rear amenity space although I accept it would still maintain an adequate area for sitting out, drying laundry and for children's play.
8. However, the proximity of the proposed dwelling's flank wall to the rear elevation of No 106 would result in it being omnipresent and overbearing when looking out of the rear habitable rooms and when using the rear garden. This would result in a severe, adverse and therefore unacceptable effect on the outlook of No 106's occupiers and the enjoyment of their private amenity space.
9. For these reasons, the proposal would run counter to CS policy CS6 that also seeks to safeguard residential amenity.
10. Turning to the effects on No 104, which is a semi-detached dwelling, the existing single-storey garage on its eastern side would ensure that an adequate separation distance between the two dwellings would be maintained. There would be no fenestration on the proposed dwelling's western flank thereby preventing the potential for direct overlooking.
11. Further, the proposed dwelling would match the building line of both the front and rear elevation of No 104, and the effects would be no different to those arising from the relationship that it currently shares with its adjoining dwelling. I am not therefore convinced that the effects on the living conditions of No 104's occupiers would be unduly harmed.

Other matter

12. The appellant has submitted a Unilateral Undertaking (UU) that makes provision for a contribution to affordable housing. Whilst representing a potential benefit of the appeal scheme, this is not sufficient to outweigh my serious concerns set out in relation to the main issues. Furthermore, as I am dismissing the appeal, I do not need to assess the acceptability of the UU for the intended purpose or the Council's justification for its necessity.

Conclusion

13. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector