



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

Date: Monday, 14 March 2016

Committee:
North Planning Committee

Date: Tuesday, 22 March 2016

Time: 2.00 pm

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

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

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

Members of the Committee

Arthur Walpole (Chairman)
Paul Wynn (Vice Chairman)
Joyce Barrow
John Cadwallader
Gerald Dakin
Steve Davenport
Pauline Dee
Roger Hughes
Vince Hunt
David Lloyd
Peggy Mullock

Substitute Members of the Committee

Nicholas Bardsley
Karen Calder
Steve Charmley
Peter Cherrington
Andrew Davies
Ann Hartley
Simon Jones
Brian Williams
Thomas Biggins
Vacancy

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 257717

Email: emily.marshall@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 North Planning Committee held on 23rd February 2016, attached, marked 2.

Contact: Shelley Davies on 01743 257718.

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is Thursday, 17th March.

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 Valnorver, 26 Leek Street, Wem, Shrewsbury, Shropshire (15/04233/FUL) (Pages 7 - 36)

Erection of 2no dwellings with garages and access.

6 Land To North Of Knockin Hall Farm, The Avenue, Knockin, Shropshire, SY10 8HQ (16/00015/EIA) (Pages 37 - 60)

Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping

7 Land South Of Old Mopsis Way, Morda, Shropshire (15/04152/REM) (Pages 61 - 72)

Approval of Reserved Matters (layout, appearance and landscaping) pursuant to permission 13/03846/OUT for the erection of 10 no. single storey dwellings; formation of parking and vehicular access

8 Land South Of Hermitage Farm, Shrewsbury Road, Hadnall, Shropshire (15/05061/REM) (Pages 73 - 86)

Approval of Reserved Matters (appearance, landscaping, layout and scale) pursuant to outline application 14/01872/OUT for mixed residential development (28 dwellings) to include discharge of conditions 1, 6, 7, 8, 9, 10 and 11

9 Appeals and Appeal Decisions (Pages 87 - 132)

10 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at

2.00 pm on Tuesday 19th April 2016, in the Shrewsbury Room, Shirehall, Shrewsbury.

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Committee and Date

North Planning Committee

22nd March 2016

NORTH PLANNING COMMITTEE

**Minutes of the meeting held on 23 February 2016 in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND
2.00 - 3.35 pm**

Responsible Officer: Shelley Davies
Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillor Arthur Walpole (Chairman)
Councillors Paul Wynn (Vice Chairman), Joyce Barrow, John Cadwallader, Gerald Dakin, Pauline Dee, Roger Hughes, Vince Hunt, David Lloyd and Peggy Mullock

109 Apologies for Absence

An apology for absence was received from Councillor Steve Davenport.

110 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 26th January 2016 be approved as a correct record and signed by the Chairman subject to the following addition to Minute 104:

Councillor Pauline Dee as local Ward Councillor, explained that she would make a statement in relation to the item, then leave the room and take no part in the debate or the vote in accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1).

111 Public Question Time

There were no public questions, statements or petitions received.

112 Disclosable Pecuniary Interests

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

Councillor Roger Hughes declared that there was a perception of bias in relation to planning application 15/05463/VAR, Removal of Condition No. 3 attached to Planning Permission NS/03/00825/FUL dated 9 October 2003 to allow the annex to be occupied by a third party as an independent dwelling, Castleton, Cemetery Road, Market Drayton. Councillor Hughes stated that he would leave the room during consideration of the application.

**113 Castleton, Cemetery Road, Market Drayton, Shropshire, TF9 3BG
(15/05463/VAR)**

(In accordance with his declaration made at Minute 112, Councillor Hughes left the room during consideration of this application.)

The Principal Planning Officer introduced the application for the removal of Condition No. 3 attached to Planning Permission NS/03/00825/FUL dated 9 October 2003 to allow the annex to be occupied by a third party as an independent dwelling and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Mr Peter Richards, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In response to queries from a Member, the Principal Planning Officer confirmed that the 1.8 metre fence would be sufficient to prevent overlooking from the 2 ground floor windows and that permitted development rights would be removed.

Having considered the submitted plans for the proposal, the majority of Members expressed their support for the proposal contrary to the Officer's recommendation.

RESOLVED:

That planning permission be granted contrary to the Officer's recommendation subject to:

- The applicant entering into a S106 agreement to secure an affordable housing contribution; and
- The remaining conditions attached to Planning Permission NS/03/00825/FUL dated 9 October 2003 being re-imposed.

For the following reason:

Members were satisfied that the development provided sufficient amenity space for both properties, contributed to a varied local housing stock and considered that any adverse impact in relation to overlooking was outweighed by the benefits identified.

114 The Hollies, Dovaston, Kinnerley, Oswestry, Shropshire (12/03866/FUL)

(The Chairman, as the local Ward Councillor for this application vacated the Chair and the Vice-Chairman, Councillor Paul Wynn presided for this item.)

The Principal Planning Officer introduced the application for the reposition of previously approved replacement dwelling (previous ref 06/14437/FUL). Members' attention was drawn to the Schedule of Additional letters which contained information

in relation to a draft legal agreement to rescind the 2006 consent without compensation. It was added that the draft legal agreement would need to be checked by the Council's Solicitor if Members were minded to approve the application.

Councillor Charles Green, on behalf of Kinnerley Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

- The site had been the subject of a long planning history;
- The comments of Kinnerley Parish Council as contained in the Officer's report in relation to how altering the position of the cottage would change the landscape of the area were emphasised; and
- Reference was made to the 2006 planning consent conditions which required original materials to be re-used and it was requested that if this was no longer possible equivalent materials should be used to reflect the appearance and character of the original cottage.

The Principal Planning Officer circulated a copy of the previous planning consent and noted the relevant conditions that could be re-imposed if Members were minded to approve the application and felt this was necessary.

Debate ensued with the majority of Members expressing the view that the proposal would alter the local street scene of the area and felt that the applicant had not provided sufficient reasons to justify why the dwelling should not occupy the original footprint.

Having considered the submitted plans for the proposal, the majority of Members expressed their objection to the proposal contrary to the Officer's recommendation.

RESOLVED:

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

Members were not satisfied that sufficient reasons had been provided to justify siting the replacement dwelling on a different footprint to the dwelling which it replaces contrary to the policies MD7a of SAMDev and the Councils Type and Affordability of Housing Supplementary Planning Document and to do so would be out of character with the local area taking into account the local vernacular and built form and would therefore be contrary to Guideline G3 of the Kinnerley Parish Design Statement.

115 Gobowen Methodist Chapel, Chirk Road, Gobowen, Oswestry, Shropshire (15/05302/FUL)

The Technical Specialist Planning Officer introduced the application for the conversion of the school room adjoining the former chapel to one dwelling. Members' attention was drawn to the information contained within the Schedule of Additional letters which noted that further planning conditions were recommended and alteration to condition 3 regarding the detailing of the proposed development.

Mr Paul Jones, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

- He was in support of the application as he did not wish to see buildings such as chapels left empty;
- Although it was not possible for the development to allow off-road parking, the issues regarding vehicles parking along the side of the building needed to be addressed; and
- He noted that concern had been raised in relation to the upstairs room and the roof terrace.

In accordance with Rule 6.1 of the Council Procedure Rules contained in Part 4 of Shropshire Council's Constitution, Councillor Robert Macey addressed the Committee as the local Ward Councillor, during which a number of points were raised including the following:

- The application had attracted a lot of local interest due to the location of the site, which was very prominent from the roundabout;
- He supported the concerns of the Parish Council relating to the lack of off-road parking; and
- The upstairs space and roof terrace raised concern as the area would be difficult to screen.

In response to a query from the Chairman, the Technical Specialist Planning Officer further explained the Highways comment noting that although off-road parking would be preferred, the use of the building as a dwelling would reduce the number of vehicle movements compared to its former use as a chapel and therefore a highways objection could not be sustained.

Having considered the submitted plans the Committee unanimously expressed their support for the Officer's recommendation.

RESOLVED:

That planning permission be granted in accordance with the Officer's recommendation subject to:

- The Conditions set out in Appendix 1; and
- The applicant entering into a S106 agreement to secure an affordable housing contribution.

116 Gobowen Methodist Chapel, Chirk Road, Gobowen, Oswestry, Shropshire (15/05303/FUL)

The Technical Specialist Planning Officer introduced the application for the conversion of the former chapel to one dwelling. Members' attention was drawn to the information contained within the Schedule of Additional letters which noted that further planning conditions were recommended and alteration to condition 3 regarding the detailing of the proposed development.

In accordance with Rule 6.1 of the Council Procedure Rules contained in Part 4 of Shropshire Council's Constitution, Councillor Robert Macey addressed the Committee as the local Ward Councillor. He noted that he had concerns in relation to parking issues as there was only one parking space for a 4 bedroom dwelling.

Having considered the submitted plans the Committee unanimously expressed their support for the Officer's recommendation.

RESOLVED:

That planning permission be granted in accordance with the Officer's recommendation subject to:

- The Conditions set out in Appendix 1; and
- The applicant entering into a S106 agreement to secure an affordable housing contribution.

117 Appeals and Appeal Decisions

RESOLVED:

That the appeals and appeal decisions for the northern area be noted.

118 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee would be held at 2.00 p.m. on Tuesday 22nd March 2016, in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:



Committee and Date
 North Planning Committee
 22nd March 2016

Item
5
 Public

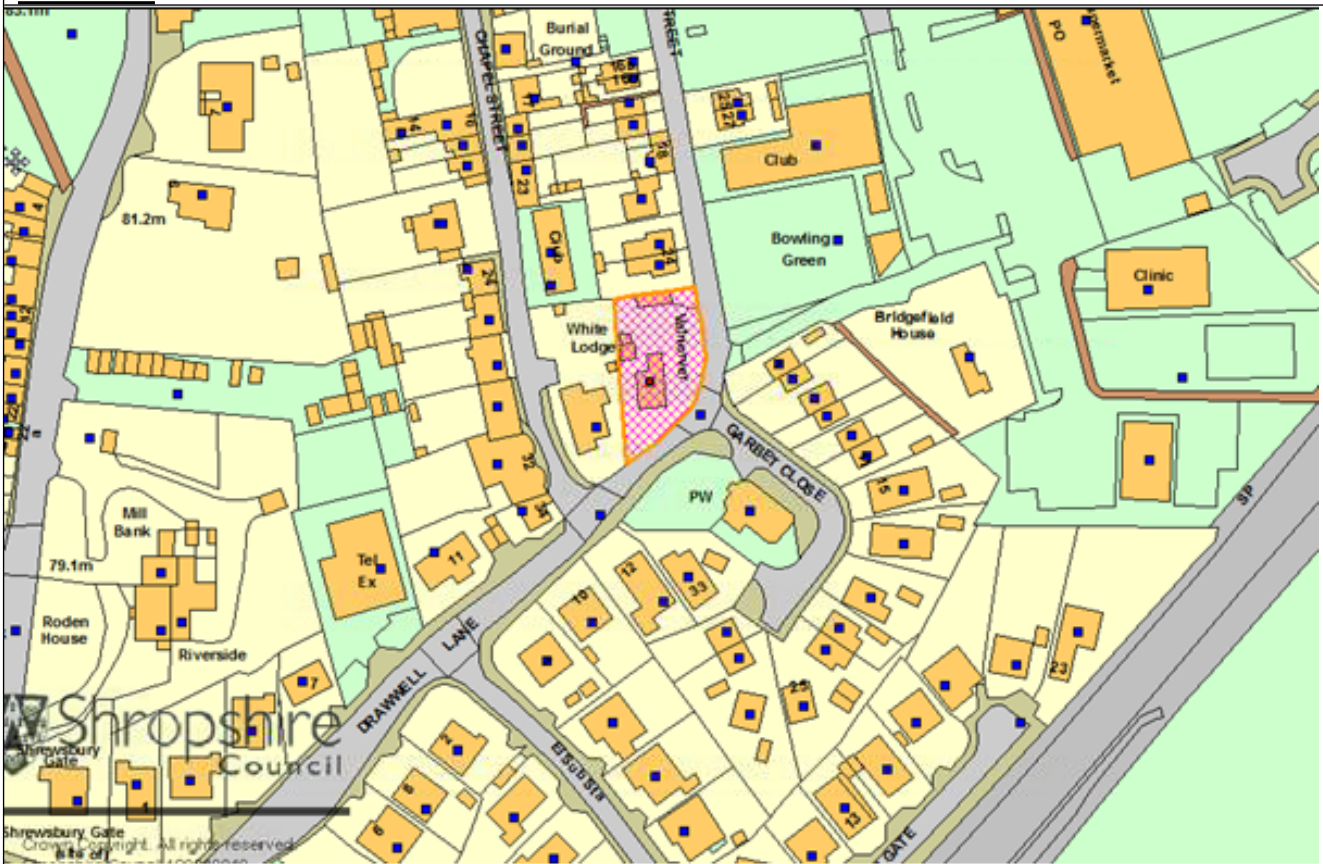
Development Management Report

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

Summary of Application

Application Number: 15/04233/FUL	Parish:	Wem Urban
Proposal: Erection of 2no dwellings with garages and access		
Site Address: Valnorver 26 Leek Street Wem Shrewsbury Shropshire		
Applicant: Ashvale Contracting Ltd		
Case Officer: Jane Preece	email: planningdmne@shropshire.gov.uk	

Grid Ref: 351374 - 328754



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Recommendation:- That planning permission be granted subject to the prior signing and completion of a S106 agreement and to the conditions set out in Appendix B.

REPORT

1.0 THE PROPOSAL

1.1 The site relates to Valnorver, Leek Street, Wem. Planning permission has previously been granted for the erection of two dwellings (bungalows with basement garaging) on this site following the demolition of the existing bungalow, together with alterations to the access in October 2012.

1.2 This application seeks full planning permission for the erection of two dwellings with garages and accesses. The application is a re-submission following the withdrawal of an earlier application ref: 15/01263/FUL in September 2015.

1.3 The application was previously considered by the North Planning Committee at its meeting on 26th January 2016 and was the subject of a site visit. Councillors resolved to defer consideration of the application and raised concerns about the layout of plot 2, the associated garage position and access provision. Amended plans have since been received to respond to those concerns.

2.0 SITE LOCATION/DESCRIPTION

2.1 Valnorver is a timber bungalow constructed of lapboard and roof tiles in poor condition on a corner plot within Leek Street, Wem. The site is located in a largely residential area close to Wem High Street. The site is accessed from a one way street off Wem High Street to the north, and it is set at a higher level than the adjacent highway. There is a shed and a garage on the site, with the garage attached to the northern boundary wall. The existing access is to the north eastern corner of the site.

2.2 The site lies within the development boundary of the market town of Wem and is also within the Wem conservation area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Deferred from previous committee. The Town Council object and a request to refer the application to committee for consideration has been made by the Local Member.

4.0 Community Representations

4.1 Consultee Re-consultation comments

4.1.1 **SC Ecology** – Previous comments still stand, ie request to include informatives relating to nesting wild birds and bats.

4.1.2 **SC Conservation** – Following previous comments made in relation to this development, I note the amendments made in the latest revisions. Whilst plot 2 addressing the corner of the highway in this location was considered beneficial it was also acknowledged that there is no set pattern of layout within this part of

Leek Street and as such it is not considered that the impact of this revised siting is detrimental to the character and appearance of the Conservation Area. In addition, the design details proposed are broadly the same as previously amended, and subject to appropriate conditions as indicated in our response of 10th December 2015 no objections are raised. In light of this it is considered that special attention has been paid to preserving the character of the Conservation Area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as the NPPF, local Policies CS6 and CS17, and MD13 of the adopted SAMDev plan.

4.2 Public Re-consultation Comments

4.2.1 Wem Town Council- Object. Wem Town Council considered the amended plans for the following application 15/04233/FUL – Valnorver.

However the Council wishes to maintain its original objection to the application as they consider that the amendments made by the applicant are not sufficient enough to warrant the Council removing its objections. It is the opinion of the Town Council that the site is more suited to a single dwelling.

4.2.2 Public representations – One re-consultation representation of objection has been received as follows:

'We note the revisions to the Applicants most recent proposals included on drawing ASH/01 - Revision D (submitted on February 5th 2016). The main amendments include

- The repositioning of house 'Plot 2'; and the redesign of the internal layout, and external elevations to this house.*
- The re-positioning of the garage outbuilding to house 'Plot 2'.*

We welcome the re-positioning of the garage outbuilding.

The proposed drawings do not include the proposed Street Scene South & East Elevations which were included on previous submission drawings. These elevations were helpful to understand the relationship of the existing and proposed dwellings in proximity to the site. Would it be possible for the Applicant to include these elevations for the current proposals?

The proposed drawings do not include the over-all height of the proposed house units. Previous submission drawings included heights from ground level to eaves, and from ground level to the proposed roof ridge. Would it be possible for the Applicant to include these overall dimensions on the current proposals?

We still consider the proposed designs to be of poor quality (particularly the articulation and arrangement of the external house elevations) and still feel that this is an overdevelopment of the site.'

5.0 THE MAIN ISSUES

- 5.1 The main issues were discussed in detail within the previous officer committee report presented to Committee on 26th January 2016. That report is attached as Appendix A.
- 5.2 This report is to be treated as an addendum to the January committee report (Appendix A) and discusses the amended proposals now submitted by the applicants agent in response to the concerns of Councillors expressed at the previous committee meeting. In the main, those concerns revolved around the layout of plot 2, the associated garage position and access provision.
- 6.0 **OFFICER APPRAISAL**
- 6.1 **Siting, design, access and amenity**
- 6.1.1 Amended plans have been submitted and these are detailed on drawing number ASH/01 Rev D. The proposed amendments include for:
- 6.1.2
- The re-positioning of the dwelling on plot 2 to face Leek Street, rather than being on an angle and the handing of the dwelling so that the chimney is on the south elevation (as per plot 1);
 - Modifications to the design and fenestration of both dwellings (plots 1 and 2). The rear gable feature has been deleted and all first floor windows removed from this rear (west) elevation. The internal accommodation has also been re-arranged and ground floor and first floor window added within the southern elevation of plot 1 to serve a dining room and bathroom respectfully and a first floor window inserted with the southern elevation of plot 2 to serve an en-suite.
 - The re-positioning of the garage and associated access to serve plot 2 to the north side of the dwelling on plot 2.
- 6.1.3 The neighbouring objector has commented that the revised plans do not denote the height of the dwellings to the eaves and ridge. However, the plans are to scale and to clarify the amended proposals also include an increase in both the formerly denoted eaves and ridge heights from 4.1m to 4.9 and 7.1m to 7.9 m respectively.
- 6.1.4 In addition the proposed street scene has been deleted from the drawing. However, the site plan continues to denote that the existing general ground levels are to be reduced by 500mm, save for the strip adjacent to the western boundary hedge line. Here the existing ground level is to be retained. It is intended that this will safeguard the root system of the shared boundary hedge.
- 6.1.5 The amended plans have been subjected to re-consultation with the Council's Conservation and Ecology Officers, the Town Council and neighbours.
- 6.1.6 Both the Conservation and Ecology Officers are satisfied that the amended proposals present no adverse impact from the historic and natural environment perspective. In this context, it is therefore considered that the amended proposals continue to accord with the relevant national and local policies.

6.1.7 The Town Council continue to object as previously and, in addition to the neighbour at White Lodge, consider the proposal to represent over development. In response officers would reiterate the discussion given in sections 6.3 and 6.4 of the original committee report (please refer to Appendix A). To that discussion officers would add that the revised layout lends a greater sense of private amenity space to serve plot 2, whilst the increase in height is not considered by officers to be overbearing and is balanced against the removal of the rear gable feature and the first floor windows positioned therein. Furthermore, the re-location of the garage from adjacent to the boundary with White Lodge to the north side of the proposed plot 2 dwelling addresses the proximity issue, which was a previous concern of the neighbour, a point welcomed in the neighbour re-consultation comments given in section 4.2 above.

6.1.8 In addition to the scale and density issues, officers would add that the revised layout particularly addresses the concerns of Members with regard to the proximity of the access point serving plot 2 to the junction opposite and in relation to the curved alignment of the road. The revised access point is now more centrally located within the site, fronting onto Leek Street. The relocation of this access, together with the lowering of the site levels and compliance with recommended highway conditions will allow for an increased measure of visibility.

6.1.9 Turning to the impact of the amended scheme on neighbours amenity and the objector at White Lodge in particular, then on balance the amendments will provide some improvement. The rear gable feature has been removed and there are now no first floor windows within the rear elevation of either dwelling which will overlook White Lodge. The detached garage serving plot 2 has also been removed from the southern part of the site (adjacent to the dividing boundary) and relocated to the north side of the proposed dwelling, thus addressing the neighbours' proximity concern. Although the height of the dwellings has been increased slightly, (not prompted by officers or Members), officers are of the opinion that the increase will not appear be too overbearing having regard to the town centre location and the intended lowering of the site levels. On balance overall, officers are satisfied that the scheme as now amended, will not result in an unacceptable loss of privacy or light to main habitable room windows of neighbouring development, and overall the latest amended plans are considered an improvement in relationship to the site and the previous proposal deferred from the January Committee.

7.0 **CONCLUSION**

7.1 The site occupies a suitable location where residential development is considered acceptable in accordance with development plan policies and in accordance with national planning policy requirements and sustainable objectives of the NPPF.

7.2 The proposal will provide an affordable housing contribution in accordance with an identified need for the area and in accordance with Core Strategy policy CS11 and the Councils adopted Housing SPD and has the potential to provide financial contributions under CIL towards infrastructure provision in accordance with Core Strategy policy CS9.

- 7.3 It is considered that the development (as amended) will be of an acceptable siting, scale and design that will not cause a significant negative impact upon the character and appearance of the area or the historic environment or have an unacceptable adverse impact on the residential amenities of neighbouring properties, subject to compliance with recommended planning conditions, which includes a condition with regards to floor levels, and it is acknowledged that the proposed plans indicate reducing the site level by 0.5 metres. This is considered acceptable as is the overall proposed heights of the development on site.
- 7.4 The development (as amended) overall with consideration to the location will provide satisfactory access and parking arrangements, again subject to compliance with recommended planning conditions.
- 7.5 It is considered that the site can be provided with satisfactory foul and surface water drainage arrangements and that the requirement to conditionally provide surface water drainage details for prior approval will safeguard against flooding.
- 7.6 Development will not cause a significant negative impact upon ecology.
- 7.7 Overall, it is considered that the proposal meets with the housing policies and general requirements of the NPPF and otherwise complies with policies CS1, CS3, CS6, CS9, CS11, CS17 and CS18 of the adopted Shropshire Core Strategy 2011; Shropshire Council's Supplementary Planning Document: Type and Affordability of Housing 2012; SAMDev policies MD2, MD12 and MD13 and the National Planning Policy Framework.
- 7.8 Accordingly, approval is recommended subject to the completion of a S106 agreement to secure the affordable housing contribution and the imposition of appropriate planning conditions.
- 7.9 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.

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.

APPENDIX A



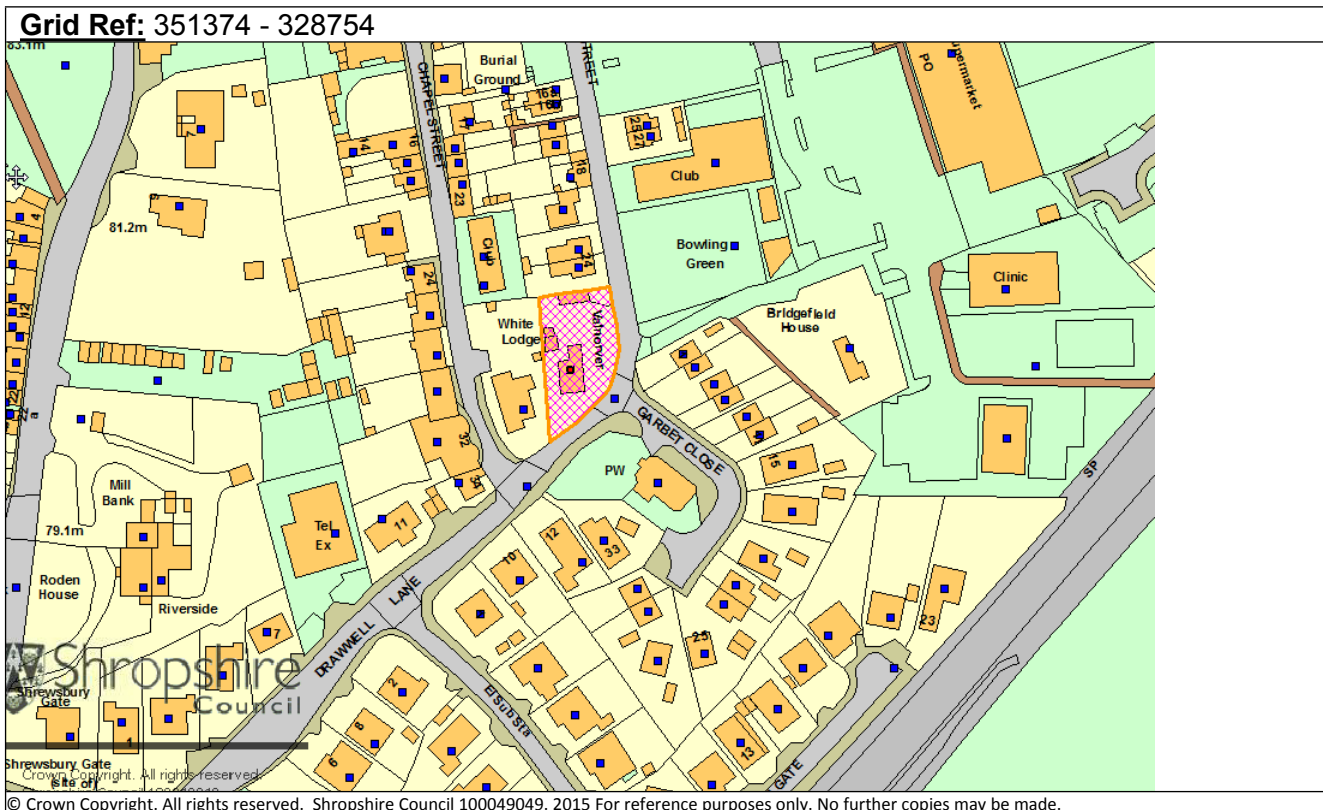
Committee and date North Planning Committee 26 th January 2016	Item 6 Public
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Development Management Report

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

Summary of Application

Application Number: 15/04233/FUL	Parish: Wem Urban
Proposal: Erection of 2no dwellings with garages and access	
Site Address: Valnorver 26 Leek Street Wem Shrewsbury Shropshire	
Applicant: Ashvale Contracting Ltd	
Case Officer: Jane Preece	email: planningdmne@shropshire.gov.uk



Recommendation:- That planning permission be granted subject to the prior signing and completion of a S106 agreement and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of two dwellings with garages and accesses at Valnorver, Leek Street, Wem. The application is a re-submission following the withdrawal of an earlier application ref: 15/01263/FUL in September 2015.
- 1.2 Planning permission has previously been granted for the erection of two dwellings (bungalows) on this site following the demolition of the existing bungalow, together with alterations to the access in October 2012.
- 1.3 The current proposal details two detached, 2 storey/3 bed properties, handed in their design and living accommodation layout. Each dwelling will be served by an access onto Leek Street and a single detached garage.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Valnorver is a timber bungalow constructed of lapboard and roof tiles in poor condition on a corner plot within Leek Street, Wem. The site is located in a largely residential area close to Wem High Street. The site is accessed from a one way street off Wem High Street to the north, and it is set at a higher level than the adjacent highway. There is a shed and a garage on the site, with the garage attached to the northern boundary wall. The existing access is to the north eastern corner of the site.
- 2.2 The site lies within the development boundary of the market town of Wem and is also within the Wem conservation area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council object and a request to refer the application to committee for consideration has been made by the Local Member.

4.0 Community Representations

4.1 Consultee Comments

- 4.1.1 **SC Archaeology (Historic Environment)** – No objection in principle.

Background to Recommendation: The proposed development site lies within the historic core of Wem and lies adjacent to the presumed line of the town's medieval defences. The site was subject to an archaeological field evaluation by Castlering Archaeology in 2012, which indicated that the archaeological potential of the site was lower than initially suspected at that time. However, there remains some potential for other archaeological features or deposits may exist beyond the areas that were

investigated in 2012.

RECOMMENDATION: In view of the above and paragraph 141 of the NPPF, recommend a programme of archaeological work, to comprise an archaeological watching brief during ground works, be made a condition of any planning permission.

- 4.1.2 **SUDS** – Original comments: No objection. Drainage details, plan and calculations could be conditioned for prior approval if planning permission were to be granted. Recommend conditions accordingly.

Re-consultation comments: No objection. Drainage details, plan and calculations could be conditioned if planning permission were to be granted. Recommend conditions accordingly.

Further re-consultation comments: The internal first floor layout changed will not alter our Drainage Comments dated 9 December 2015.

- 4.1.3 **SC Affordable Houses** – Additional information required. As an open market housing proposal, the Core Strategy requires the development to contribute towards the provision of affordable housing. The detail of this requirement is contained in Core Strategy Policy CS11 together with Chapter 4 of the Council's adopted Supplementary Planning Document on the Type and Affordability of Housing.

The exact contribution is dependent upon the affordable housing rate applicable at the date of submission of a full planning application or reserved matters in the case of an outline application. This rate is reviewed annually.

The current affordable housing contribution rate for this area is 10% and as such a proposal for 1 new open market dwelling would be liable to make a contribution equivalent to 1 x 0.10 of a whole affordable unit (1 x 10%). As this level of contribution is less than a whole unit, it is translated into a cash sum paid by the developer as an off-site Affordable Housing Contribution used by the Council fund the delivery of affordable housing provision elsewhere in the area.

As part of the application process the applicant should be requested to complete and submit an Affordable Housing Contribution Proforma so that the correct level of their contribution can be calculated and agreed.

Re-consultation comments: 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.

- 4.1.4 **SC Highways DC** – Original comments: No objection. Recommend conditions relating to visibility splays, access and parking arrangements, access apron construction and requiring a Construction Method Statement for prior approval before any development, including any works of demolition, take place.

Comments: The site has previously had the benefit of approval for the erection of two properties under application reference 12/01096/FUL. The development now under consideration whilst maintaining the number of units has changed in respect of each

of the properties being served by a separate access, plot 1 via the existing access and plot 2 by a new access located at the southern extremity of the site road frontage.

The new access arrangement loses the potential highway gain of relocating the existing access slightly further away from the lateral boundary with no.24 and the potential improvement to the line of sight that drivers of vehicles will have emerging from the access. Given that the access serves an existing property the situation is not changing as a result of the proposal and therefore a highway objection to the continuing use of the access for a single dwelling could not be sustained.

The formation of the new access to serve plot 2 is located at the opposite extremity of the site road frontage and subject to a visibility splay being provided around the inside of the apex of the bend as previously sought in connection with the earlier approval 12/01096/FUL, it is considered that an acceptable line of sight for the prevailing highway conditions could be provided. The provision of a visibility splay around the full length of the site road frontage will provide an improvement to the existing highway situation in terms of improving visibility around the bend.

As with the earlier applications the proposal does not assign two clear parking spaces for each of the properties. The second place would be reliant on the proposed garages being retained solely for parking of vehicles and not ancillary domestic storage. Given the proximity of the site to the town centre it may be considered acceptable to accept the reduced parking provision.

Re-consultation comments: In respect of the submission of the amended details on 13.11.15 the Highway Authority continues to raise no objection to the granting of consent and recommends the imposition of the conditions as sought in the earlier consultation response dated 09.11.15. In respect of condition no.2 the drawing reference number should however be amended to ASH/15/01 Rev 01 to accord with the submission of the revised details.

Informative - Where the formation of or alteration of an access apron will require works to cross the highway verge, the applicant or their contractor will require a 'Licence to work on the highway' prior to commencing. Please advise the applicant that details of this, the fee charged and the specification for the works is available on the Council's website.

Background - Highway Authority Consultation response dated 09.11.15

4.1.5 **SC Conservation** – Original comments: Amendments required.

Background to recommendation: The site lies within the Wem Conservation Area, albeit on the edge. The area surrounding the site is characterised by a mixture of building styles and ages but there are a number of listed buildings in close proximity, along Chapel Street.

A previous application for two bungalows was approved in 2012 following negotiations regarding the details of the proposed dwellings. I note the application that was made earlier this year was withdrawn.

Details: Following amendments being made to the previously withdrawn scheme (for two, two storey dwellings), no objections were raised to this withdrawn application

since the dwellings proposed, albeit two storey, had been reduced and simplified with more appropriate detailing and proportions to ensure the dwellings were not considered to be at odds with the character or appearance of the Conservation Area. The scheme now proposed is similar in design, with a revised porch design, added chimneys and plinth details. However, stone headers and sills would be preferred for the size of opening shown rather than the arched brick headers and sills shown.

The previous proposal included attached garages which are now detached and located to the side/rear of the properties with two separate accesses instead of a central access. Whilst there is no objection in principle to this element of the proposal, the design details of these structures should be enhanced in line with the previous attached garages i.e. design detailing to reflect the dwellings, central opening doors as opposed to up and over metal doors. The garages appear to be very narrow, but assume they comply with standards for garage widths.

In addition to the above, both plots have been re-positioned. Whilst there is no objection to the angled positioning of plot 2 given that the plot is sited on a corner and the proposal goes some way to addressing the road as it goes around the plot similar to White Lodge off Chapel Street, both properties are now further forward than previously proposed. As a consequence of this position the proposed dwellings will be more prominent in the street scene but as there is no set pattern of road edge or set back properties in Leek Street, it is not considered to be sufficiently detrimental to the character of this part of the Conservation Area to merit an objection on these grounds. However, it is considered that the northern plot could be set back more in line with the adjacent Edwardian semi-detached properties next door.

General design comments:

- The scale of the window on the west elevation, ground floor, is wrongly proportioned when compared to others of the same design in the proposed dwellings.
- The window positions at first floor level west elevation (bedroom 4 and bathroom) should be revised within the external elevation – at present they appear too close to the edge of the gable – it is likely to help by also reducing the width of the bathroom window.
- General care and attention should be taken to ensure that windows and doors (not dormers) have headers and sills (as appropriate) no matter their size etc. This should be revisited when revisions are being carried out.
- Vernacular detailing of chimneys – usually internal not external, and the upper part is too narrow in dimension to given visual enhancement.

Recommendation: Amendments will be required, as noted above. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, in accordance with Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraphs 131-132, 134 and 137 of the NPPF, CS6 and CS17 (Shropshire Core Strategy) and MD13 of the emergent SamDev Policy.

Re-consultation comments: Further to our comments of 11th November, amended plans have been submitted which address the issues raised with regard to the window

proportions and positioning, headers and sills, chimneys and garage doors. Whilst it is noted that the northern plot hasn't been set back, as indicated within the previous response there is no set pattern of road edge or set back properties in Leek Street and the positioning of the property is not considered to be sufficiently detrimental to the character of this part of the Conservation Area to merit an objection on these grounds. In light of the amended details it is considered that special attention has been paid to preserving the character of the Conservation Area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as the NPPF, local Policies CS6 and CS17 and MD13 of the emergent SAMDev. Subject to conditions relating to materials and finishes, no objections are raised.

Conditions:

C02: Sample panel

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

The samples required shall include the erection of a sample panel of brickwork, including mortar, of at least 1 metre square, on site for the approval of the Local Planning Authority.

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

C08 - Window Recess

The window frames and doors of the proposed development shall be constructed of timber, painted white and set back a minimum of 55mm from the edge of the brickwork around the window opening.

Reason: To ensure that the development is of a design sympathetic to the locality.

D03 - Enclosures (boundary wall details)

JJ05 - Gutters and Downpipes

JJ07 - Roof Details

JJ09 - Heads and Sills

JJ20 ' Joinery

Further re-consultation comments: The amendments proposed do not appear to have any notable impact with regard to the Conservation Area, though the comments relating to UPVC windows are noted. Whilst timber would be preferential, the context of the site and the modern construction of the buildings is also taken into account. With this in mind if the proportions and appearance of the windows and doors are acceptable then the use of UPVC may not be considered to be detrimental to the Conservation Area in this location. However, having looked at the submitted link I am unable to find the 'Conservation' range referred to, with none of the casement windows viewed appearing to be acceptable. I am aware that there are certain companies that produce well proportioned slimline flush fitting windows, such as Evolution for example. I would recommend that the applicant undertakes further investigation into such products and provides more details either through the application or as part of a condition.

- 4.1.6 **SC Ecology** – No objection. Recommend informatives advising of the legislation protecting nesting wild birds and bats are included on the decision notice.
- 4.1.7 **Wales and West Utilities** – Wales and West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promotor of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

4.2 **Public Comments**

- 4.2.1 **Wem Town Council** – Object. Wem Town Council to strongly objects to this application for the following reasons;

1. The proposals constitute serious overdevelopment of a small site within the Conservation area and will destroy the street scene of part of the historic town centre.
2. Proximity of the proposed garage (garage plot 2) in relation to White Lodge (specifically the habitable Living Room window)
3. Overlooking issues from proposed first floor rear Bedroom 4. These bedrooms would look across rear garden to White Lodge resulting in loss of privacy.
4. Proposed garages are not large enough for a car (with doors open), which raises a question about their use. More likely that the houses would be extended to connect to these buildings at a later date resulting in potential dwelling space in close proximity to White Lodge boundary.
5. Impingement on rights to daylight/ sunlight. The 25 degree line of unobstructed daylight is drawn from wrong position (not from habitable Living Room window)
6. Size of proposed Bedrooms 3 and 4. Questionable as to whether these meet minimum space standards. Indicative of poor design standard.
7. House design proposals are not in-keeping with Lifetime Homes Standards.
8. The proposed access arrangements are not suitable as vehicles would need to reverse onto road on a corner.
9. Extent of earth excavation and removal of earth from the site would have negative environmental impact locally and wider.
10. Councillors have very serious concerns that the lowering of the ground level will have an adverse impact upon the existing retaining wall and upon adjacent properties. Proposed modifications to the boundary wall could not be built without removing half of the root structure of the existing hedge. The proposed section indicates a change in level across the boundary which would require a new retaining wall on the boundary location; this in turn would result in damage to the root structure of the boundary hedge. The existing boundary wall and hedge are believed to be within the ownership of White Lodge.
11. Insufficient outside space for a family home.

The Town Council would request that this application is referred to both your Conservation Officer and Archaeological department for comment. In addition to this if Officers are minded to recommend approval of this application it be referred to the Northern Planning Committee for consideration and that Committee undertake a site visit to actually view the location and the adverse impact this proposed development would have upon the locality and adjoining neighbours.

Re-consultation comments: Awaited at time of writing report.

4.2.2 **Public representations** – Four representations of objection have been received. The main points of objection relate to:

- Loss of daylight/sunlight and overshadowing
- Proximity of proposed garage giving rise to unacceptable sense of enclosure
- Overlooking and loss of privacy
- Poor quality design
- Proposed buildings are not in keeping with older houses in the street
- Lifetime homes standards
- Parking/highway safety/traffic. On a very narrow part of Leek Street and unsafe
- Retention of existing boundary hedge
- Inconvenience to existing properties during construction
- Overdevelopment/houses are oversized for plot
- Wem infrastructure already stretched, including limited school places
- Excavation could cause landslide

At the time of writing one objection has been received in response to re-consultation on the amended plans. The representation acknowledges the attempt to address issues but objections remain relating to:

- Still concerned about proximity of unit 2 garage in relation to outlook from/daylight to lounge window of White Lodge. Garage could be reduced in height or omitted from scheme to overcome this concern.
- Scheme seems to break the line of the established street scene of Leek Street. Whilst appreciate this increase rear gardens it does emphasise that the development is too large for the site. A scheme reduced in scale could maintain the established street scene.

(The full content of all representations received are available to view on line)

5.0 THE MAIN ISSUES

- Principle of the development
- Affordable housing and CIL
- Design, scale and impact on the historic environment
- Impact on neighbours and residential amenity
- Access and parking
- Ecology
- Other Issues

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The site lies within the development boundary of the market town of Wem where adopted Core Strategy policies CS1 and CS3 support the provision of residential

development in principle and where the redevelopment proposals for this urban site meet the sustainable objectives of the NPPF.

- 6.1.2 Recently adopted SAMDev policies MD1, MD3 and S17.1 continue and build on the approach in the Core Strategy Policies. Whilst the site is not an allocated site it does sit within the development boundary and is classed as windfall development which satisfies the sustainable credentials of both SAMDev policies S17.1 and MD3 and the NPPF in principle.
- 6.1.3 Furthermore, planning permission for the residential development of the site has previously been granted under planning permission reference 12/01096/FUL, dated 5th October, 2012. That consent proposed the demolition of the existing bungalow on the site and its replacement with two bungalows, with basement garaging.
- 6.1.4 As such there is no policy objection to the provision of new housing on the site in principle. The acceptability of the scheme therefore revolves around the issues raised by the details of the scheme and through the consultation process. These issues are discussed further below.

6.2 **Affordable housing and CIL**

- 6.2.1 Affordable housing - Core Strategy Policy CS11 and the Type and Affordability of Housing SPD require all open market residential development to contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The affordable housing contribution is payable on one dwelling given that there is a net increase of one property. A completed affordable housing proforma has been provided by the applicants' agent. The Councils' Housing Enabling and Development Officer is satisfied that the completed proforma indicates the correct level of contribution. In accordance with adopted policy the applicant is required to enter in a section 106 legal agreement to secure the contribution prior to any planning permission being granted.
- 6.2.2 Community Infrastructure Levy - Core Strategy Policy CS9 requires all new housing to financially contribute to the provision of infrastructure with certain exceptions. This is done through the Community Infrastructure Levy. The contribution is dealt with outside of the planning process and after development commences and is used to pay for infrastructure identified as local priorities. However, it is a material consideration in the determination of the application. In this context a CIL Form O has been submitted with the application. As section 5 of the submitted form has not been completed then it is not clear whether the applicant intends to pursue any exemption or relief from CIL. If the development qualifies for some form of relief from CIL then it would deliver little or no benefit to the community in respect of infrastructure provision. As the CIL issue is one to be administered by the Council's CIL Team aside from the planning process this matter will be dealt with by the CIL Team.

6.3 **Design, scale and impact on historic environment**

- 6.3.1 Policies CS6 and CS17 of the Core Strategy together with the adopted Housing SPD seek to ensure that all development protects and enhances the historic environment and is appropriate in scale, density, pattern and design taking into account the local

context and character.

- 6.3.2 SAMDev policies MD2 (Sustainable Design) and MD13 (Historic Environment) are closely related to CS6 and CS17 in their concern for enhancing local design and protecting heritage assets.
- 6.3.3 The submitted scheme has been assessed against the above policy requirements, in addition to the requirements set out at a national level in the NPPF and in consultation with the Councils' Historic Environment Team.
- 6.3.4 Archaeology - The proposed development site lies within the historic core of Wem and adjacent the presumed line of the town's medieval defences. Based on a previous archaeological evaluation by Castlring Archaeology in 2012, the Council Historic Environment Archaeologist is satisfied that determination of the application can be made with a condition imposed on any planning permission requiring a programme of archaeological work, to comprise an archaeological watching brief during ground works. In this context the proposal is capable of complying with adopted Core Strategy policy CS17, emerging SAMDev policy MD13 and the NPPF is so far as it relates to archaeological matters.
- 6.3.5 Historic built environment – As the site is within the Wem Conservation Area the Council's Conservation Officer has commented on the application. The Conservation Officer initially raised some concerns over general design details relating to fenestration, the chimney detail and the garaging. However, these concerns have satisfactorily been addressed with the submission of amended plans. In response to the amended plans the Conservation Officer is now in a position to support the scheme, subject to the imposition of recommended conditions in relation to matters of external materials and details. Despite objections received to the contrary the Conservation Officer is of the opinion that the development (as amended) will have no significant harm on the character and appearance of the area.
- 6.3.6 Some discussion is given by the Conservation Officer as to the siting of the dwellings further forward on the site than previously proposed and their potential impact on the street scene in this regard. However, to insist that the properties are set further back on site would diminish the rear private amenity space afforded to the proposed dwellings and take the built development closer to the neighbouring dwelling at the rear, raising additional issues. The Conservation Officer acknowledges that as there is no set pattern of road edge or set back properties in Leek Street, then the siting of the dwellings it is not considered to be sufficiently detrimental to the character of this part of the Conservation Area to merit an objection on these grounds. In fact, when measured off the plan, both new dwellings will be set back just over 3 m from Leek Street, which is comparable to the Edwardian house to the north.
- 6.3.7 On the basis of the above, it is therefore considered that, subject to the conditional approval of details as recommended by the Conservation Officer, the amended development proposals will cause no significant harm to the character and appearance of the built and historic environment in this locality and are in line with the design objectives of adopted Core Strategy policies CS6 and CS17; SAMDev policies MD 2 and MD13; the Councils' adopted Housing SPD and the NPPF.
- 6.3.8 Boundary wall – In response to concerns raised supplementary advice has been

sought and received from the Conservation Officer in relation to the boundary wall as follows:

- 6.3.9 *With regard to the boundary wall ... I understand that this is to be retained as part of the development and whilst it is acknowledged that the existing lightweight timber lean-to garage is to be removed, it is the responsibility of the developer onsite to ensure the structural stability of the wall is not compromised through the works. In addition the developer will need to ensure that they adhere to the relevant building regulations and an informative would be attached to the permission in this regard. Finally I am also of the view that the replacement attached garage will provide improved stability for the wall compared with that existing, if indeed stability is an issue.*
- 6.3.10 *However, in light of the concerns raised I would recommend that the developer is made aware that the wall is considered an historic feature of the Conservation Area and that it is their responsibility to ensure its structural integrity is not compromised through the demolition/construction process. This could be through an attached informative.'*
- 6.3.11 Scale and density - Turning to the matter of scale and density objections have been received on the grounds of overdevelopment. Accounting for the town centre setting and the space about dwellings now proposed, including external private amenity/garden areas, drives and on-site parking/garaging provision, officers are satisfied that the scheme does not represent unacceptable overdevelopment.
- 6.3.12 To expand, the proposal is for two, 2 storey dwellings in a residential area of mixed two and single storey development, the historic built development in the locality generally being higher than a single storey. Whilst the property to the immediate rear may be a bungalow which presently sits on a raised ground level similar to the site, as part of the proposals the ground level of the site is to be lowered by around 500mm more consistent with the adjoining street level. Furthermore, the first floor accommodation will incorporate the use of dormer windows and gable projections, which allows the achievement of a lower eaves and roof ridge height, ie 4.1m and 7.1m respectively as shown on the plans. In terms of height it is not therefore considered that the development will be overbearing or unduly out of keeping with the locality. Otherwise, each dwelling occupies a footprint of around 70 sq m set within a site totalling around 679 sq m. To reiterate each of the dwellings will be provided with private drives/parking/garaging (each garage occupies a footprint of around 23 sq m), front gardens (being set back just over 3 m from Leek St) and a private rear garden of between 6m to 8 m in depth.
- 6.3.13 During the consideration of the previously withdrawn application officer concerns were expressed to the agent about the overdevelopment of the site. However, having regard to the factors discussed above and taking into consideration the surrounding urban context and setting, officers do not concur with objectors that proposal constitutes unacceptable overdevelopment in relation to this current revised scheme. In order to control the any future development of the site associated with the residential development a condition can be imposed removing permitted development rights to extend and erect structures within the curtilages.
- 6.3.14 Additional design matters – Additional objections have been lodged by the Town

Council and neighbours on the grounds of 'poor design', with particular reference to non compliance with the 'Lifetime Homes Standards'; the limited size of the garages, rear bedrooms and external amenity space for family homes and the lack of sustainable design features. The agent has retorted that the design meets the Lifetime Homes Standards and at 3 m wide x 6 m long the size of the proposed garages is average for a single garage. A condition can be imposed to ensure the garages are retained for parking and incidental needs and not converted to additional living accommodation without the grant of further planning permission. Officers are satisfied with the outdoor amenity space, as discussed in the paragraphs relating to scale and density above, and as the dwellings will need to be constructed in accordance with current building regulations, then it is accepted that the construction will incorporate sustainable design techniques relating to energy efficiency and the use of resources.

6.3.15 As regards internal space standards then the Local Planning Authority has no adopted standards. The Council's Housing Officers are understood to use the space standards used by the Homes and Communities agency which for a 3 or 4 bed, 5 bed space house should be 85-95 sq m. The proposed dwellings equate to approximately 105 sq m measured internally and so would appear to satisfy those standards.

6.3.16 However, the DCLG did provide technical space standards in March 2015 which gives a slightly larger house area for a 4 bed 5 person house of 97 sq m + 3 sq m of storage and room sizes of 7.5 sq m and a minimum width of 2.15m for a 1 bed space bedroom and at least 11.5 sq m and a minimum width of 2.75 m for one 2 bed space bedroom and a width of 2.55 m for every other 2 bed space bedroom. The agent was advised that the submitted proposals did not appear to comply fully with these space standards but that the space standards could be achieved with some internal reorganisation and particularly if the revisions sought to reduce the number of bedrooms to 3 as discussed in section 6.4.4 below were secured. Amended plans have consequently been received reducing the number of bedrooms from 4 to 3 (and in so doing increasing the bedroom sizes to acceptable provision).

6.4 **Impact on neighbours and residential amenity**

6.4.1 Core Strategy policies CS6 and CS17, together with the Housing SPD seek to ensure that development does not have unacceptable consequences for neighbours and residential amenities.

6.4.2 During the consideration of the previously withdrawn scheme officer concerns were also expressed to the agent in relation to potential overshadowing and overlooking, particularly in relation to the neighbouring property 'White Lodge'. The current re-submission attempts to address those concerns. However, objections have still been lodged by neighbours and the Town Council on the grounds of loss light and privacy.

6.4.3 Loss of light and overshadowing – Comments and evidence has been provided by objectors and responded to by the agent regarding the issue surrounding the potential loss of light and overshadowing. The main concern rests with the proximity and height of the proposed structures to existing residential development and the potential for those structures to affect the light levels currently enjoyed by neighbouring residents. Officers have considered the evidence provided by all parties, including reference to the Building Research Establishment (BRE) 25 degree rule, and have arrived at the

view that the proposed dwellings and associated garaging will stand at an acceptable height (above the reduced ground level) and a sufficient distance away from neighbouring properties such that not unacceptable loss of light should occur to existing main habitable room windows that would warrant refusal. It is accepted that some loss of light may occur in comparison with the existing situation but the issue is whether the loss is so adverse or detrimental to justify a reason for refusal solely on these grounds. Taking all the points that have been raised into consideration officers are of the opinion that refusal on the grounds of loss of light and overshadowing is not justified and the proposals are considered capable of complying with adopted planning policy in this context.

- 6.4.4 In light of the amended scheme the objectors at White Lodge have acknowledged that the revisions attempt to address some of their concerns in relation the potential loss of daylight to and the overshadowing of their property. However, they remain very concerned about the proximity of the proposed garage serving unit 2 reducing light to their living room window and request that consideration be given to reducing its height or deleting it from the scheme. The proposed garage is a single garage with a pitched roof. It measures 2.26m high to the eaves, 3.5 m high to the ridge and will be set down 0.5m below the existing land level, meaning only a small portion of the upper wall will protrude above the boundary hedge in addition to the roof plane (which slopes away from White Lodge). In addition, when measured off the plan, the garage will stand over 5 m away from White Lodge and not 3.5 m as specified by the objector. In the circumstances, and further having regard to the fact that that the neighbouring window said to be affected is understood to be a secondary window, then officers do not considered that the proposed garage will adversely affect neighbouring amenity to a significant degree.
- 6.4.5 Loss of privacy – It is not considered that the proposed development will give rise to unacceptable overlooking to the properties on the opposite side of Chapel Street due to the distances involved and the presence of a public highway. However, whilst the submitted plans represented an improvement on the previously withdrawn application, it remained to be considered that the proposed dwellings would be so sited and orientated such that the rear bedroom and bathroom windows would overlook certain habitable room windows, roof lights and the private garden area of White Lodge at close range. To overcome the potential overlooking issue presented by the windows, officers therefore recommended to the agent that the plans were further amended by losing a bedroom, re-arranging the internal accommodation and altering the associated fenestration. In response amended plans have been received which do reduce the number of bedrooms from 4 to 3 and re-arrange the internal accommodation. The window previously intended to serve bedroom 4 has therefore been omitted from the rear elevation. Within the rear elevation there is now only one first floor window and that is to serve the bathroom and will be obscure glazed. The side window within bedroom 3 has been retained but the outlook from this window in the direction of White Lodge is at an obscure angle such that significant adverse overlooking should not occur.
- 6.4.6 In the circumstances, having regard to the revisions now put forward, officers are now satisfied that the amended scheme is capable of complying with adopted policy and without resulting in unacceptable consequences for neighbouring residential amenities in compliance with CS6, CS17 and the Housing SPD.

6.5 Access and parking

6.5.1 The existing property is served by a single access directly onto Leek Street and is positioned within the local speed limit of 30 mph. The replacement of this access with a much wider access to serve two properties on the site has previously received approval under application reference 12/01096/FUL. The current proposal differs in the fact that the submitted plans detail two separate accesses to serve each of the two plots - plot 1 via the existing access and plot 2 by a new access located at the southern extremity of the site road frontage.

6.5.2 Objections to the application on access and parking grounds have been lodged by neighbours and the Town Council. However, the Highway Authority has been consulted on the proposed access and parking arrangements and does not share these objections. The Highway Officers comments are given in section 4.1 above. In the professional opinion of the Highway Officer there is no objection to the proposal that would warrant a reason for refusal from the highway perspective. With planning conditions in place as recommended by the Highway Officer relating to visibility splays, access and parking arrangements, access apron construction and requiring a Construction Method Statement for prior approval before any development, including any works of demolition, take place, then it is considered that the proposal is capable of compliance with adopted policies in relation to highway issues.

6.5 Ecology

6.5.1 The Councils' Natural Environment Team has been consulted on the application and has raised no objection on ecology grounds. The Council's Planning Ecologist simply recommends that an informative be added to any permission issued to advise the applicant of the legal protection afforded to nesting wild birds and bats. With the informative in place, the application is considered to comply with Core Strategy policies CS6 and CS17, emerging SAMDev policy MD12 and the requirements of the NPPF in relation to ecological safeguarding matters.

6.6 Drainage

6.6.1 Core Strategy Policy CS18 (Sustainable Water Management) and the NPPF require that development will integrate measures for sustainable water management to reduce flood risk and avoid an adverse impact on water quality. For foul drainage disposal the development will be expected to connect to the mains sewer. As regards surface water disposal, the Councils Drainage Engineer is satisfied that satisfactory surface water drainage details can be secured through imposing conditional requirements for prior approval. On this basis the proposal is considered to capable of complying with Core Strategy Policy CS18 and the NPPF in drainage terms.

6.7 Other matters

6.7.1 Hedge – One of the concerns of the Town Council and the neighbour relates to the impact of the excavation work on the root system of the hedge. Firstly, the agent has provided an extract of a legal document to demonstrate that the boundary hedge dividing the site from White Lodge is in joint ownership. Secondly, it is not proposed to excavate up to the line of the hedge. The proposed site plan shows a retaining wall distanced from the hedge by approximately 1m in order to 'preserve hedge roots'.

Officers are satisfied that if a retaining wall is built 1m out from the hedge base and the existing levels retained then this would be sufficient volume of soil for the roots to be retained and the hedge not damaged. The planning authority has no legal protection over garden hedges and so ultimately any damage that did occur would be a private matter for the parties involved.

- 6.7.2 Inconvenience during construction work – Any inconvenience experience during development works is beyond the reasonable control of the planning authority, although an hours restriction can be imposed on any consent issue to ensure any unreasonable noise and disturbance does not occur during unsocial hours.
- 6.7.3 School places – The site lies within the development boundary of the town where small windfall development such as this is expected to take place and without placing undue pressure on existing infrastructure, including school places.
- 6.7.4 Extent and impact of excavation work - Any implications in respect of the structural integrity of existing boundary walls and land stability following excavation work again falls outside the reasonable control of the local planning authority. Structural and stability issues would no doubt be addressed as part of any subsequent building regulations application.
- 7.0 **CONCLUSION**
- 7.1 The site occupies a suitable location where residential development is considered acceptable in accordance with adopted development plan policies and in accordance with national planning policy requirements and sustainable objectives of the NPPF.
- 7.2 The proposal will provide affordable housing in accordance with an identified need for the area and in accordance with Core Strategy policy CS11 and the Councils adopted Housing SPD and has the potential to provide financial contributions under CIL towards infrastructure provision in accordance with Core Strategy policy CS9.
- 7.3 Amended plans have been received which satisfactorily overcome the overlooking and room size issues that have been identified within this report. It is considered that the development (as amended) is of an acceptable siting, scale and design that will not cause a significant negative impact upon the character and appearance of the area or the historic environment or have an unacceptable adverse impact on the residential amenities of neighbouring properties, and all subject to compliance with recommended planning conditions.
- 7.4 Despite objections to the contrary the development it is considered the proposed development will provide satisfactory access and parking arrangements, again subject to compliance with recommended planning conditions.
- 7.5 It is considered that the site can be provided with satisfactory foul and surface water drainage arrangements and that the requirement to conditionally provide surface water drainage details for prior approval will safeguard against flood risk.
- 7.6 It is considered that the development will not cause a significant negative impact upon ecology.

- 7.7 Overall, it is considered that the proposal meets with the housing policies and general requirements of the NPPF and otherwise complies with policies CS1, CS3, CS6, CS9, CS11, CS17 and CS18 of the adopted Shropshire Core Strategy 2011; Shropshire Council's Supplementary Planning Document: Type and Affordability of Housing 2012; SAMDev policies MD2, MD12 and MD13 and the National Planning Policy Framework.
- 7.8 Accordingly, approval is recommended subject to the completion of a s106 agreement to secure the affordable housing contribution and the imposition of appropriate planning conditions.
- 7.9 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.

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

Core Strategy, Emderging SAMDev and Saved Policies:

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD12 - Natural Environment

MD13 - Historic Environment

Settlement: S17 - Wem

SPD Type and Affordability of Housing

D7 - Parking Standards

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

CS6 - Sustainable Design and Development Principles

CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

H5 - Infilling, Groups of Houses and Conversions in Market Towns and Main Service Villages

RELEVANT PLANNING HISTORY:

12/01096/FUL Erection of two dwellings following demolition of existing bungalow; alterations to access GRANT 5th October 2012

15/01263/FUL Erection of two detached dwellings with garages following demolition of existing bungalow (revision to previous permission 12/01096/FUL) WDN 9th September 2015

Appeal

12/01994/COND Erection of two dwellings following demolition of existing bungalow; alterations to access WTHDRN 29th November 2012

11. Additional Information

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 Pauline Dee

Cllr Chris Mellings

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. Construction works shall not take place outside 07:30 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In order to maintain the amenities of the area.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

Reason: This condition is a pre-commencement requirement because the development site is known to have archaeological interest.

5. Notwithstanding the drainage, details no development shall take place until a scheme of 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.

6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials

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

Reason: This condition is a pre-commencement condition to avoid congestion in the surrounding area and to protect the amenities of the area.

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

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

8. Notwithstanding the details shown on the approved plans, no development approved by this permission shall commence until details of the proposed finished floor levels have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of safeguarding the residential and visual amenity of the area.

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

9. All foul drainage shall be directed to the mains foul sewerage system prior to the occupation of the dwelling.

Reason: To ensure the proper drainage of the site and to minimise the risk of pollution.

10. Visibility splay around the site road frontage shall be provided at a setback distance of 1.8 metres into the site. All growths and structures within the 1.8 metre depth shall be lowered to and thereafter maintained at a height not exceeding 0.9 metre above the adjoining carriageway level and shall be fully implemented prior to the dwellings being occupied.

Reason: To provide a measure of visibility from the new access in both directions along the highway in the interests of highway safety.

11. The amended access and parking shall be satisfactorily completed and laid out in accordance with the approved 1:200 site plan drawing no. ASH/15/01 Rev B prior to the dwellings being occupied. The approved parking 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.

12. 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.

13. Prior to installation, full details of the design, materials and height of all proposed boundary enclosures of the site shall be submitted to and agreed in writing by the Local Planning Authority. The boundary treatments shall be installed in accordance with the agreed details prior to the occupation of the buildings hereby approved and shall thereafter be retained and maintained in situ.

Reason: In the interests of visual amenity and to safeguard the character of the conservation and local area.

14. All gutters, downpipes, soil and vent pipes and other external plumbing shall be of cast iron or cast aluminium.

Reason: To safeguard the architectural and historic interest and character of the area.

15. Details of the roof construction including details of eaves, undercloaks ridges, valleys and verges shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be carried out in complete accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the area.

16. Details of the materials and form of the heads and sills to new openings in the external wall(s) of the building(s) shall be submitted to and approved in writing by the Local Planning Authority before any works commence. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the area.

17. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.

Reason: To safeguard the architectural and historic interest and character of the area.

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

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-

- extension to the dwelling
- free standing building within the curtilage of the dwelling
- addition or alteration to the roof
- any windows or dormer windows

Reason: To enable the Local Planning Authority to manage the development in accordance with adopted planning policy and to safeguard the character and visual amenities of the area.

19. The garages hereby approved shall not be used for any purpose other than for the parking of private vehicles and those incidental to the enjoyment of the property hereby approved but not including use as living accommodation.

Reason: To safeguard the residential character of the neighbourhood and to ensure the provision of adequate off-street parking accommodation to avoid congestion of adjoining streets by parked vehicles.

20. The window frames and doors of the proposed development shall be set back a minimum of 55mm from the edge of the brickwork around the window opening.

Reason: To ensure that the development is of a design sympathetic to the locality.

21. The first floor bathroom and en-suite windows in the rear and side elevations shall be permanently glazed with obscure glass and shall thereafter be retained as such. No further windows or other openings shall be formed in the side and rear elevations at first floor level.

Reason: To preserve the amenity and privacy of adjoining properties.

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Committee and Date

North Planning Committee

22nd March 2016

Item

6

Public

Development Management Report

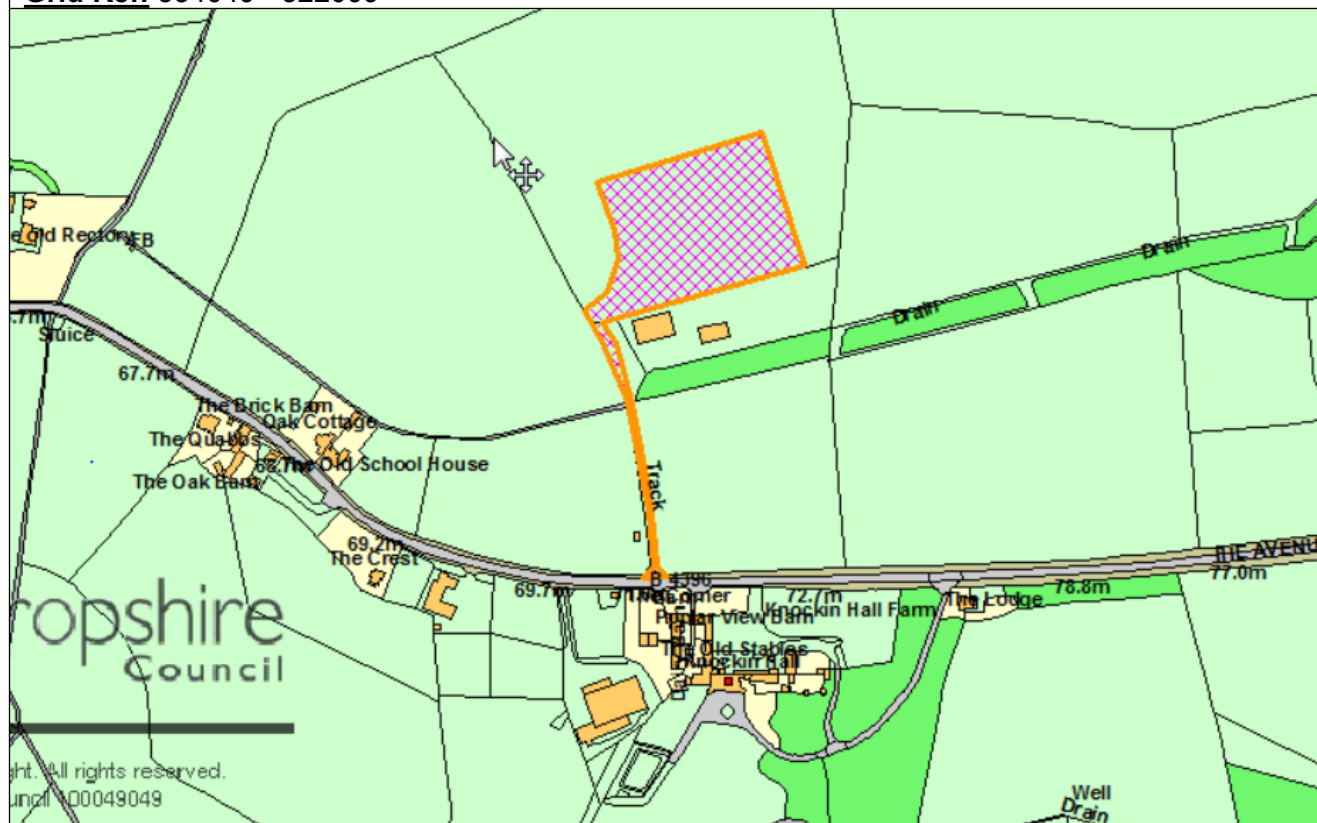
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 16/00015/EIA	Parish:	Knockin
Proposal: Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping		
Site Address: Land To North Of Knockin Hall Farm The Avenue Knockin Shropshire SY10 8HQ		
Applicant: G R Moseley & Son		
Case Officer: Philip Mullineux	email: planningdmnw@shropshire.gov.uk	

Grid Ref: 334049 - 322009



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Recommendation: Delegated authority to the Head of Planning Services to grant planning permission for the proposed development subject to the conditions as set out in Appendix 1 and any modifications to these conditions if considered necessary by the Head of Planning Services.

REPORT

1.0 THE PROPOSAL

1.1 The application is made in 'full' and proposes construction of two poultry sheds, five feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping on land at Knockin Hall Farm, Knockin, Oswestry, Shropshire.

1.2 The application is accompanied by an Environment Statement, which includes sections on highways and transportation assessment, amenity impact, ecology, noise, heritage impact, landscape and visual impact, odour impact, arboriculture assessment, and flood and drainage assessment. Also supporting the application is a Design and Access Statement, planning policy statement, site location plan, block plan, and set of proposed elevation and floor plans. Also accompanying the application are details with regards to the proposed diversion of a public footpath that passes through the site.

1.3 The application falls into the remit of the Town and Country Planning (Environmental Impact Assessment), England and Wales) Regulations 2011 (as amended) Schedule one development, and as such an Environmental Statement is mandatory to accompany any planning application for development on site. The threshold for schedule one development is 85,000 broiler birds, this application proposes housing for up to 100,000 birds on site. As such the application was advertised by the Council as development accompanied by an Environmental Statement.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site which covers an area of approx. 1.57 hectares is located on land on the opposite side of the B4396 highway to the farmstead known as Knockin Hall Farm and forms part of a field laid down to grass and this field is located to the rear of some modern farm buildings which are accessed via an existing track some 200 metres in distance from the B4396. The land is classed as grade 3 agricultural land. The site forms part of a traditional family farming enterprise covering an area of 122 hectares, (300 acres), the main farming enterprises being livestock rearing with cattle and sheep with some arable production.

2.2 The site is surrounded by agricultural land in the control of the applicants and nearest dwellings to the site are approx. 230 metres to the south, on the opposite side of the nearby B4396 highway. The village of Knockin is located approx. 530 metres from the site.

2.3 The poultry houses will each measure 24.69 metres x 97.90 metres. The total floor area for each shed will be 2,417.15 m². Eaves and ridge height will be 2.65 metres and 4.85 metres respectively. Each of the new houses will have the

potential to accommodate 50,000 “standard” broilers. Also proposed are five feed silos will have a capacity of 30 tonnes and measure 6.6 metres in height and 2.8 metres in diameter. A further feed bin and water tank will be situated on the yard area. The proposed biomass boiler building and associated woodchip storage area is located to the rear of the buildings, (when viewing from the direction of the nearby public highway onto which access from the site will be obtained). It is also proposed/suggested to install solar panels to the roof of one of the broiler buildings southern elevation. Whilst much smaller in footprint the overall height of the biomass boiler and wood chip building is higher than the proposed poultry units.

- 2.4 Information submitted in support of the application indicates that the broilers will be brought onto site as day old chicks. The 42 day growth period will enable 7 crop cycles per annum with an average six day turn around per crop, in order to clean out and prepare for the next crop of birds to be reared on site. Stocking on site will be in accordance with the welfare of broiler chickens as covered by the Welfare of Farmed Animals, (England) (Amendment) Regulations 2010. This sets limits on stocking densities to include a maximum of 38kg/square metre.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposal is for schedule one development in accordance with EIA Regulations and therefore Committee consideration is mandatory in accordance with the Council’s scheme of delegation.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Parish Council** – Knockin Parish Council have responded to the application indicating they have resolved to support the planning application as the Parish Council considers that the proposed units will have a minimal impact on residents of the parish. However should the application be approved the Parish Council would like a condition placed on the applicant that they must ensure that the development is properly screened from adjacent properties including The Old School House.

- 4.1.2 **The Environment Agency** raises no objections. The response indicates:

Environmental Permitting Regulations: The proposed development comprises 100,000 birds, which 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.

An application for a EP has been submitted. An ammonia screening was carried out by the Environment Agency on the 10 November 2015. The result was that the proposal screened out from requiring ammonia modelling. 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.

The submitted noise and odour modelling documents are comprehensive and predict that the proposed development is unlikely to have a significant environmental impact on sensitive receptors located nearby.

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.

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 Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act 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. We have 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.

The drainage plan is comprehensive and meets the best Available Technique. The site should not impact on the quality of nearby watercourses.

4.1.3 **Natural England** raises no objections.

4.1.4 **Historic England** raises no objections. Their response indicating:

The proposed poultry shed development is approximately 350 meters west and within the setting of Knockin Castle Scheduled Ancient Monument (National Heritage List for England UID: 1019304) and within 150 metres of Knockin Conservation Area, which includes a number of listed buildings, curtilage listed buildings and non-designated built heritage assets which characterise the settlement.

The use of visually recessive finishes on buildings and the implementation of the proposed landscape scheme would reduce the impact on the setting of Knockin Castle and Knockin Conservation Area. Thus, if the proposal is granted permission, we recommend that the prior approval of all building materials by Shropshire Council's Conservation Officers and the full implementation and maintenance of the landscape scheme should be required by condition.

The advice of Shropshire Council's Conservation Officer and Archaeological Adviser should be sought and implemented in full.

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

4.1.5 **SC Archaeology** raises no objections the response indicating:

The proposed development site is located within c. 350m east, and within the setting, of the Scheduled Monument of Knockin Castle: a motte and bailey castle immediately east of St Mary's Church (NHLE ref. 1019304). The proposed development is located within a field that was called Coney Green (HER PRN 03722) at the time of the Tithe Award Map for Knockin Parish of 1839. There is also a complex of cropmark features, which includes a ring ditch of likely Early Bronze Age date (HER PRN 02170), within the field immediately to the west of the proposed site, together with a significant number of other cropmark sites of likely prehistoric date within a 600m radius of it. However, the results of an archaeological geophysical survey have been submitted as an appendix to the Environmental Statement which does not identified any anomalies of likely archaeological interest on the proposed development site. On this basis, the archaeological potential of the proposed development site is considered to be low.

The Senior Conservation and Design Officer for the north area will provide comments on matters relating to any impacts on the settings of the Knockin Conservation Area and Listed Buildings. The following comments are therefore confined to archaeological matters. Chapter 8 of the Environmental Statement covers matters relating to the historic environment and is supplemented at Appendix 5 by a Heritage Impact Assessment by Richard K Morriss and a Geophysical Survey report by Archaeological Services Durham University. It is therefore confirmed that the Environmental Statement satisfies the requirements set out in Paragraph 128 of the NPPF and policy MD13 of the emergent SAMDev

component of the Local Plan with regard to the archaeological interest of the proposed development site itself and the impact on the setting of the Scheduled Monument.

Both the Heritage Impact Assessment and the Visual Assessment (Appendix 4 of the Environmental Statement) indicate that the proposed development site will be screened from the Scheduled Monument, which is itself also partially covered by mature mixed woodland, by the intervening landform and tree cover. As a consequence, Heritage Impact Assessment concludes that the proposed development will have no impact on the setting or significance of Knockin Castle.

In their consultation response of 28 January 2016 Historic England raises no objection to the proposed development. They do, however, recommend that suitable conditions regarding landscaping and prior approval of materials and finishes are included. Appropriate conditions are therefore recommended below. In view of recommendations contained in the Heritage Impact Assessment and in line with Paragraph 141 of the NPPF, it is advised that a programme of archaeological work be made a condition of any planning permission for this part of the proposed development. This should comprise an archaeological watching briefly during initial soils stripping and ground reduction operations.

4.1.6 SC Conservation Manager (Built Environment) raises no objections, the concluding:

‘It is considered that the level of development shown in the application should not cause unacceptable harm to the Designated, non-designated heritage assets and their settings, but that further future development may depending on the additional infrastructure amendments which it then may attract.

No objection is made, but in concurrence with Historic England’s comments, the materials and finishes of the proposed buildings, structures, solar panels, access alterations and landscaping should be such that further limit the impact on the collection of heritage assets around the site. Sensitive and appropriate landscaping scheme and its future management and retention, to ensure that the level of screening is not lost, will be necessary. This relates to the existing woodland immediately to the south of the site, the hedgerows to the west, one running north south and the other east west give further visual separation between the site and the heritage assets.’

Suggested Conditions:

- Materials for use on the buildings and access arrangements.
- Additional landscaping to help mitigate the visual impact of the buildings within the wider setting of heritage assets and within the wider landscape. This should include a management plan to ensure maintenance of the screening measures put in place for this application and those existing too.
- Solar panels should be matt black with black frame to panels.

4.1.7 SC Land Drainage raises no objections. The response indicates:

The proposed surface water drainage in the Flood Risk and Drainage Assessment is acceptable. If planning permission will to be granted, a drainage condition

should be attached to ensure that the approved drainage schemes are implemented before the site is used. The proposed surface water drainage schemes shall be installed in accordance with the approved drainage plan and details prior to the first use of any of the buildings hereby approved.

4.1.8 **SC Public Rights Of Way Manager** raises no objections commenting:

This team are in receipt of an application to legally divert Knockin Public Footpath 7, which will be directly affected by the proposed development. The agent has been advised that the extent of the diversion will likely need to be reconsidered, following responses from consultees on the current field edge proposals. I await a response on how they intend to proceed

4.1.9 **SC Public Protection** raises no objections. The response indicates:

Having considered the noise and odour assessments I do not consider it likely that a significant detrimental impact is likely as a result of this development subject to vehicle movements at night taking place as stated in the noise assessment (no more than 2 HGV movements in an hours within night time hours of 23:00 - 07:00). a result I have no objection to the proposed development.

4.1.10 **SC Fire Services** has responded indicating 'no comment'.

4.1.11 **SC Planning Ecologist** raises no objections. The response recommends the attachment of the following conditions and informative' to any approval notice issued.

Bats

The proposed and recommended additional tree planting around the boundaries of the field will ultimately improve connectivity for foraging/commuting bats. Bat boxes erected on mature trees around the field boundaries or on the edges of the shelter belt would also greatly improve roosting opportunities on and around the site. Recommends conditions.

Nesting Birds

Recommends a condition and informative to enhance the site for nesting birds.

Badgers

Informatives should be on the decision notice.

Reptiles

Any storage of piles of materials and excavated earth on the site should be kept to a minimum and away from the field boundaries to deter reptiles from using them for temporary cover but as all suitable reptile habitat will be retained, protected and enhanced it is considered there will no negative impacts on reptiles as a result of the proposals. Recommends informatives.

Designated Sites

The proposed application is for 100,000 bird places. SC Ecology has requested the ammonia screening assessment output from the Environment Agency. The Habitats Regulations enables Shropshire Council, under Regulation 61, to rely on

the 'evidence and reasoning' of another competent authority when completing their assessment (providing they agree with them). Shropshire Council can therefore use the modelling that the EA has provided to complete their HRA.

European sites in 10km, SSSI's within 5km and Local Sites within 2km have screened out below the critical load thresholds. The EA have concluded that detailed modelling is not required to support this application.

SC Ecology is satisfied that the proposed application is unlikely to have a significant effect on the internationally/nationally/local important interest features of the sites assessed, alone or in combination with other plans or projects. A Habitat Regulation Assessment matrix is attached with this response. The HRA matrix must be included in the Planning Officer's report for the application and must be discussed and minuted at any committee at which the planning application is presented.

Natural England must be formally consulted on Shropshire Council's HRA and the potential impact that the proposal may have on Nationally Designated Sites. Comments must be received and taken into consideration prior to a planning decision being granted.

4.1.12 **SC Highways Manager:** No response received.

4.2 **Public Comments**

4.2.1 One letter of comment has been received from a member of the public who lives in close proximity to the site. The letter states no objections to the proposed development. However consideration is required to additional tree and hedgerow planting in relationship to the proposed development. Concerns are also raised with regards to night time security lighting on site and traffic movements and particularly during the night time in relationship to noise.

4.2.2 A letter of comment has also been received on behalf of Oswestry and District Civic Society. The letter raises no objections in principle, but requests consideration to the following:

- Further screening at the site and in particular on the western side, as the proposed development is considered large in scale.
- Consideration to long term management of the site in relationship to further plantings as well as existing on site.
- Consideration to the recreational needs of the public and in particular in relationship to the nearby public footpath.
- Adequate consideration to amenity issues and management, such as odour produced on site.
- Energy use on site and conservation and the installation of solar PV is welcomed.

4.2.3 A letter of comment has also been received on behalf of The Ramblers. The letter indicates that the proposed development will be seen from a public footpath and that the applicants must realise that unless the proposed line for the footpath diversion is sensibly fenced off, walkers will cross the grass field by the shortest available route once construction work is complete.

5.0 THE MAIN ISSUES

- Environmental Impact Assessment
- Principle of development
- Siting, scale and design of structure
- Visual impact and landscaping
- Public and residential amenity
- Ecology
- Drainage
- Public highway access.
- Historic environment and archaeology issues.

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. As such the current proposal is EIA development. The planning application is accompanied by an Environmental Statement, as required by the 2011 Regulations.

6.1.2 The Environmental Statement in support of the application makes reference to a sequential site selection, (alternative locations), as set out in chapter 3 of the Environmental Statement and Officers consider detail as set out on site selection is considered satisfactory with consideration to the farming business concerned and the location and impacts etc.

6.2 Planning policy and principle of development

6.2.1 The National Planning Policy Framework (NPPF) 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 enterprises 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 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 above policies indicate that there is strong 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 as a diversification to the existing agricultural business it is to be associated with can be supported. Policies 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 of structures and landscape and visual impact.

- 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 The application site is located to the rear of a range of existing agricultural buildings in the control of the applicants, otherwise the site is immediately surrounded by farmland in the control of the applicants. With consideration to the location and surrounding land topography, the principle of the buildings in relationship to scale and design is considered acceptable subject to consideration with regards to external colour of all development on site.
- 6.3.3 The application is accompanied by a landscape and visual impact assessment as part of the Environmental Statement and this concludes that *'the landscape and viewpoint assessment has only identified limited views of the site from certain locations. This has been used to inform the landscaping recommendations. The views are restricted by the topography of the area and the site itself, and existing landscape features including the existing buildings and tree belt immediately to the south. Views from public roads are limited by roadside hedges and structures and there are limited views from public footpaths apart from the path running directly past the site. There buildings should not be visible from Knockin or nearby residential properties apart from to the north-east although these views are more distant and can mitigated by appropriate landscaping. The setting of the local heritage assets will not be significantly affected by the proposed development as there are very limited views from these towards the application site'*.
- 6.3.4 The surrounding landscape is characterised by fields with hedgerow boundaries, which are rather open and thin in places, there is also small copses of native woodland, and a particular feature to the site is the row of 'Popular trees' that

separates views into the site from the adjacent public highway. Adjacent to the site is a range of agricultural buildings and these are located between the site and the adjacent popular trees and the public highway, There are within the surrounding area dwellings outside of the control of the applicant, however these are not immediately adjacent to the site, and whilst it is acknowledged that ‘broiler units’ can have a significant impact on the character of the surrounding landscape, in this particular instance with consideration to the overall scale of the proposed development, location and impact on the landscape’s character and its visual amenity, it is considered that the development including the feed silos as proposed can be integrated into the surrounding landscape satisfactorily with further landscape mitigation in the form of tree and in particular hedgerow planting, some of which is considered necessary in order to strengthen existing hedgerows on land in the applicants control. As such it is considered necessary to attach a condition to any approval notice issued in order to ensure adequate ‘native plantings’ landscaping is carried out in order to mitigate the development in to the surrounding landscape to an acceptable level, which will also overall contribute towards enhancing the overall rural character of the area. It is noted that whilst not objecting to the principle of the development, this is an issue raised by the Local Parish Council and an occupant of a nearby dwelling. It is also considered necessary to attached to any approval notice issued a condition with regards to floor levels.

6.3.5 With consideration to the above-mentioned, the overall economic benefits to the business concerned, production of local food and further landscape mitigation as discussed, the development is considered acceptable in relationship to siting, scale and landscape and visual impact and as such on balance in accordance with the overall aims and objectives of the NPPF, Policies CS5, CS6 and CS17 of the Shropshire Core Strategy and relevant policies of the SAMDev.

6.4 **Public and residential amenity**

6.4.1 The odour Impact assessment submitted as part of the Environmental Statement in support of the application indicates that the nearest residential receptors are located approximately to the south of the site off the B4396 at The Ave (Knockin Hall, and The Lodge) at a stand-off of approximately 200m, and to the west of the Site within the centre of Knockin at a stand-off of approximately 580m.

6.4.2 The National Planning Policy Framework in paragraph 122 states that ‘local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.’

6.4.3 The applicants will need to obtain from the Environment Agency an Environmental Permit in order to operate the proposed development from the site. This will control issues in relationship to odour, on site noise etc which are issues that can have an impact on residential amenity. The Environment Agency’s response to the application, raises no objections indicating that the applicants have applied for an Environmental Permit in order to operate from the site and this will cover issues such as on site noise, emissions and waste generated on site and their management, the permit will also covers issues of concern in relationship to

surrounding residential amenity. An odour management plan will also form part of the Environmental Permit. The response also refers to planning advice as set out in the NPPF.

- 6.4.4 Management operations are as outlined in the EA response. Also as noted earlier in this report Natural England and the Council's Public Protection Manager do not raise any objections. It is also noted that no objections have been received from the Local Parish Council or members of the public in relationship to this matter. It is considered that information submitted in support of the application, as part of the Environmental Statement, is acceptable in relationship to residential amenity and public protection, and the environmental permit issued and regulated by the Environment Agency will control these elements. The development in relationship to residential amenity issues in relationship to relevant policies is considered satisfactory.
- 6.4.5 The permit issued and monitored by the Environment Agency only covers on site activities and therefore manure movements off the farming unit concerned will not be covered by the permit and as such it is recommended that a condition is attached to any approval notice issued in order to ensure that any manure removed off site is done so in sealed and covered containers/trailers. With consideration to distances to dwellings outside the control of the applicants, (approx. 200 metres), it is also recommended that a condition is attached to any approval notice issued restricting feed delivery times. It is noted that the Public Protection Manager, whilst not raising any objections to the proposal, comments that night time vehicles movements to and from the site should be restricted. With consideration to roadside properties within the vicinity of the site it is considered necessary with regards to feed deliveries which are usually noisy during unloading into feed silos. However the properties are located alongside a 'B Class' public highway over which there is no control over vehicle movements and as such it is not considered necessary to control all vehicle movements such as transportation of birds from the site, a chore usually carried out during night-time for operational and bird welfare reasons. It is recommended that an informative note is attached to any approval notice issued in order to remind the applicants of their duty to show consideration to night time noise in relationship to overall vehicle movements.
- 6.4.6 Manure disposal and storage. Detail in support of the application indicates that the manure will be exported off the farm in sealed and covered trailers. The response from the Environment Agency discusses this aspect of the proposal indicating that under the environmental permitting regime 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 spread, so long as this is done so within the applicants land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to analyse the manure twice a year and the field soil (once every five years) to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. Any plan submitted would be required to accord with the Code of Good Agricultural Policy (COGAP). Therefore it is considered that the Environmental Permit that the proposed business will require in order to operate, will address issues in relationship to manure storage and disposal on site. Clearly when manure leaves

the permitted holding it then becomes outside of the permit regime for the specific holding and as such as indicated above, it is recommended that a condition is attached to any approval notice if members are mindful to approve the application, in order to ensure all manure moved off the intensive poultry site is done so in sealed and covered trailers as proposed. It must also be noted that the Council's Public Protection section has statutory powers to deal with any proven amenity issues as a result of the development.

- 6.4.7 On balance the proposal is considered acceptable in relationship to surrounding residential amenity issues, the applicants will require an environmental permit for the operations as proposed from the EA. As such the proposal on balance is considered to be in accordance with relevant policies of the Shropshire Core Strategy, the Council's SAMDev and the National Planning Policy Framework on issues in relationship to residential amenity and public protection.
- 6.5 **Ecological issues.**
- 6.5.1 The application is accompanied by an ecological assessment and the conclusions to the reports are considered satisfactory. A Habitat Regulations Assessment has been carried out and this is attached to the report as appendix 2 for reference purposes.
- 6.5.2 Natural England and SC Ecology raise no objections and the latter recommend the attachment of conditions to any approval notice issued with regards to wildlife protection, external lighting in relationship to bats, nesting provision and on site landscaping. Also recommended are the attachment of informatives' in order to remind the applicants/developer with regards to the provisions of the Wildlife and Countryside Act 1981, and badger protection.
- 6.5.3 On ecological issues the proposal is considered acceptable and in accordance with Policy CS17: Environmental Networks of the Shropshire Core Strategy and other relevant local plan policies as well as the National Planning Policy Framework and the SAMDev.
- 6.6 **Drainage**
- 6.6.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity.
- 6.6.2 A flood risk assessment as part of the Environmental Statement was submitted in support of the application and its conclusions are considered acceptable. It is noted that the Environment Agency raises no objections to the proposed development. The site is located within flood zone one, (least risk). The response refers to the flood risk assessment submitted in support of the application (water resources report), and defers to the Council's Land Drainage Manager for further consideration on flood and drainage issues.
- 6.6.3 The Council's Land Drainage Manager has responded to the application raising no objections indicating that the drainage proposals in the Drainage and Flood Risk Assessment submitted in support of the application are considered acceptable. The response recommending the attachment of a condition to any approval notice

issued with regards to drainage schemes being carried out as indicated in detail submitted in support of the application.

6.6.4 On flooding and drainage issues the proposal is considered acceptable and in accordance with Policy CS18 of the Shropshire Core Strategy, the SAMDev and the NPPF.

6.7 **Public Highway access**

6.7.1 The site is accessed via a short farm track in the applicant's sole control directly off the B4396. Access to the strategic road network is accessed along the B4396 to Llyncllys Crossroads where vehicles can join the A483 and thereafter the A5 Trunk Road at Mile End Roundabout. Information in support of the application indicating suitable access arrangements to the site from the adjacent B4396 highway, by means of the upgrade of an existing field access which includes consideration to acceptable visibility splays. Cumulative impacts with other land uses within the immediate surrounding area are also considered acceptable, during construction on site and the operation of the business once established.

6.7.2 The Transport Assessment submitted as part of the Environmental Statement indicates that the site is located on a high standard highway network, which is considered to have adequate capacity for the likely small increase in traffic generated by the proposal. The assessment has given consideration to the level of the proposed traffic movements likely generated by the development against the likely traffic on the B4396 and the wider highway network. The development itself proposes a small increase in vehicle movements. The increase in vehicle movements of 44 out of 48 days of the cycle will have no impact on the local highway as the increase will likely be less than 1 per day against the existing movements along the local highway network. It is perhaps the peak events that will have the greatest impact on the local road network as during the bird removal and manure clearance there will be up to 13 movements per day – however bird collections occur when the highway is used least intensively. The majority of bird removal therefore occurs when the likely baseline movements are lower on the network and there is very little doubt that they could be safely and conveniently catered for on the highway. This assessment as a worst case assesses a scenario which includes all tractors and trailers manure movements during the day. This peak event would be suitably accommodated on the existing road networks. The manure removal, being dispersed locally on nearby farms and land owned by the applicant will not have a significant impact. The application proposes improvements to the existing field and farm barn access to which it is proposed to be used for public highway access to the development and improvements as proposed are considered acceptable. To the west of the entrance to the site, alongside the field boundary with the highway, is a mature tree, whilst this is situated within the visibility splay distance to the west, overall with consideration to visibility and land topography, and layout of the access approach to the public highway, retention of this tree is acceptable as it does contribute positively to the overall setting and character of the wider landscape.

6.7.3 It is considered that public highway access to the site is acceptable whether vehicles travel from the site in either a westerly or easterly direction alongside the adjacent B4396 to which the access to the site will be connected to. No significant impacts are expected regarding pedestrians, cyclists or public transport

- 6.7.4 As a result of the proposal there will clearly be a small increase in traffic. Based on the analysis provided in the applicants assessment, there does not appear to be any significant transport related reasons to warrant refusal to the application and this includes consideration to the on site biomass boiler which forms part of the application. It is noted that the Council's Highways Manager has not responded to the application and as such an update will be presented to Committee on highway matters.
- 6.7.5 It is concluded that the vehicle movements generated by the development can be accommodated on the existing highway network and that there will be limited impact of no significance in relationship to the existing public highways. As such the conclusions of the Highways Statement submitted in support of the application are shared by Officers who on balance consider the proposed development to be in accordance with Policies CS5 and CS6 of the Shropshire Core Strategy, the SAMDev and the NPPF in relationship to highway and transportation matters.
- 6.8 **Historic environment considerations**
- 6.8.1 Shropshire Core Strategy Policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. 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, special regard has to be given to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which it possesses and preserving or enhancing the character or appearance of the Conservation Area as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.8.2 The application is accompanied by an Heritage Impact Assessment as part of the Environmental Statement and this concludes that the impact on designated and non-designated heritage assets within or adjacent to the proposed development site, or the settings of such assets, through the proposed development will range from none to negligible. On the available evidence, the archaeological potential of the site is also considered to be fairly low – it seems to have been an open field for centuries and there are no obvious traces of earthworks that could be associated with the former possible use of the site as a warren. However, given the amount of entries in the Shropshire HER for the parish a degree of caution is needed in coming to such an assessment. The National Planning Policy Framework, as a general rule, recommends approval of development unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. On the available evidence there appear to be, in heritage terms, no such adverse impacts.
- 6.8.3 The nearest listed buildings to the site are the grade II listed Knockin Hall and Knockin Hall Farmhouse and associated farm buildings many of which have been converted to residential use. The nearby St. Mary's Church in Knockin is also grade 2 listed. The village of Knockin also has a designated Conservation Area.
- 6.8.4 It is considered that information submitted in support of the application, in relationship to impacts on heritage assets, is acceptable. English Heritage in their

response to the application have commented that the development is approximately 350 metres west and within the setting of Knockin Castle Scheduled Ancient Monument (National Heritage List for England UID: 1019304) and within 150 metres of Knockin Conservation Area, which includes a number of listed buildings, curtilage listed buildings and non-designated built heritage assets which characterise the settlement. The response from English Heritage raises no objections but recommends consideration to conditions to be attached to any approval notice issued with regards to external construction and landscaping in order to mitigate the development into the surrounding countryside. The Council's Conservation Manager shares similar conclusions recommending conditions with regards to landscape mitigation, and external colour of development on site to be attached to any approval notice issued.

6.8.5 It is noted that the County Archaeology Manager raises no objections to the proposal, and consideration has been given in relationship to the Scheduled Monument of Knockin Castle. With consideration to the Archaeology Manager's response and in relation to Paragraph 141 of the NPPF, it is recommended that a condition is attached to any approval notice issued in order to ensure the implementation of a programme of archaeological work in accordance with a written scheme of investigation prior to the commencement of works on site.

6.8.6 With consideration to the above-mentioned in relationship to the historic environment, the proposed development is considered acceptable with conditions attached to any approval notice as discussed above and in the section of this report on landscape and visual impact. As such on balance in relationship to the historic environment the proposal considered to be in accordance with Core Strategy Policy CS17, Policy MD13 of the SAMDev and the NPPF in relationship to historic and archaeology matters of interest.

7.0 CONCLUSION

7.1 The proposal is for two intensive broiler units, five feed silo's and yard area, biomass boiler and wood chip storage area and access improvements in order to house up to 100,000 broilers on site.

7.2 It is acknowledged that the development as proposed is significant in scale and will have an impact on the landscape, however it is considered on balance with consideration to the location, size and scale and cumulative impacts, that this will not be an adverse effect and with consideration to the economic benefits to the business concerned and production of local food with further landscape mitigation in the form of 'native plantings', strengthening of existing hedgerows and consideration to the external colour of all the development on site, to be acceptable in principle. Impacts on designated and non designated heritage assets is also considered acceptable with landscape mitigation as discussed. Public highway access matters are considered acceptable, as the site is ideally located in relationship to satisfactory and adequate access to the surrounding public highway network. Residential amenity and privacy issues in general are considered acceptable, with conditions attached to any approval notice issued as discussed in this report.

7.3 The development raises no adverse concerns from any of the statutory consultees to the application, or from the local Parish Council. The applicants will need to

obtain from the Environment Agency an environmental permit in order for the site to operate and this will control issues on site, in relationship to odour, noise and residential amenity etc.

7.4 The findings and conclusions as indicated in the Environmental Statement submitted in support of the application are considered on balance acceptable.

7.5 As such the proposed development is considered acceptable and in accordance with relevant policies as set out in the Shropshire Core Strategy, the SAMDev, the National Planning Policy Framework and other relevant planning guidance. The recommendation is therefore one of approval subject to conditions as attached to this report.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

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

10.0 Relevant Planning Policies

10.1 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)
- Policy CS19 (Waste Management Infrastructure)

10.2 Central Government Planning Policy and Guidance

National Planning Policy Framework (NPPF): 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 Site Allocations and Development Management (SAMDev) document:

Relevant policies include:

- MD2 (Sustainable Design)
- MD7b (General Management of Development in the Countryside)
- MD12 (Natural Environment)
- MD13 (Historic Environment).
- MD14 (Waste Management Facilities)

10.4 relevant planning history:

OS/02/12358/LBC Conversion of redundant farm building range to form four dwellings GRANT
15th April 2003

OS/97/10010/LBC Alterations and refurbish 2 no existing staff bedrooms to be brought into full main house use GRANT 15th December 1997
13/03772/FUL Erection of a single plot affordable 2 bed detached dwelling including detached double garage GRANT 12th September 2014

11. Additional Information

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 Arthur Walpole

Appendices
APPENDIX 1 – Conditions
APPENDIX 2 – HRA

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 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 development site is known to have archaeological interest.

4. Prior to any development on site detail will be submitted to the Local Planning Authority and approved in writing with regards to a scheme of landscaping and these works shall be carried out as approved and refer to the application site and land as outlined in blue on the plan submitted in support of the application. The submitted scheme shall include:

- a) Planting plans, including new native hedgerows, tree copses, wildlife habitat and features (e.g. bird and bat boxes)
- b) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties).
- c) Details of trees and hedgerows to be retained and measures to protect and enhance these from damage during and after construction works
- d) Implementation timetables
- e) Management plan
- f) Any species failing in the first five years will be replaced with a similar species and size.

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

5. 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.

6. Prior to the commencement of development, a detailed plan showing the levels of the existing site, the proposed slab levels of the buildings approved and a datum point outside of the site shall be submitted to and be approved in writing by the Local Planning Authority and the development will be carried out in accordance with the approved plans.

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

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

7. Manure will be removed off the application site, (as outlined on the site plan submitted in support of the application), in sealed and covered trailers.

Reason: In consideration of the amenity of the surrounding area.

11. No timber to be used in relationship to the biomass boiler on site will be stored outside of the biomass boiler building.

Reason: In consideration of the visual and amenity impact.

APPENDIX 2 – HRA

Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

16/00015/EIA

Land To North Of Knockin Hall Farm

The Avenue

Knockin

Shropshire

SY10 8HQ

Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping.

Date of completion for the HRA screening matrix:

25th January 2016

HRA screening matrix completed by:

Nicola Stone

Planning Ecologist

01743-258512

Table 1: Details of project or plan

Name of plan or project	16/00015/EIA Land To North Of Knockin Hall Farm The Avenue Knockin Shropshire SY10 8HQ Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping.
Name and description of Natura 2000 site	European Designated Sites within 10km: SAC Montgomery Canal The Montgomery Canal SAC is a partially restored but largely unused waterway. It runs for approximately 36 kilometres from near Berbechan (three kilometres north-east of Newtown) to the English border at Llanymynech. It supports the largest, most extensive population of floating water-plantain <i>Luronium natans</i> in lowland Britain. Annex II species that are a primary reason for selection of this site: <ul style="list-style-type: none"> • Floating Water Plantain <i>Luronium natans</i> Ramsar Midland Meres and Mosses (Phase 2) Morton Pool & Pasture The chief interest of Morton Pool Midland Meres and Mosses Ramsar Phase 2 (3.72ha) is the fen and carr vegetation around it. Uncommon plant species in this habitat include bird cherry <i>Prunus padus</i> , alder buckthorn <i>Frangula alnus</i> and marsh fern <i>Thelypteris thelypteroides</i> . It is included in the Ramsar Phase for its Open Water, Swamp, Wet Pasture and Carr habitats with the plant species <i>Thelypteris palustris</i> . NB For completeness the SSSI's within 5km and local sites within 2km are listed below: SSSI's within 5km SSSI Crofts Mill Pasture SSSI Lin Can Moss SSSI Montgomery Canal, Aston Locks - Keeper's Bridge Local Sites within 2km LWS Knockin Heath
Description of the plan or project	Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being	N/A

assessed could affect the site (provide details)?	
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Statement

SC Ecology has contacted the Environment Agency in order to receive a copy of their Ammonia Screening Assessment. Kevin Heede has provided this via email dated 22nd January 2016.

The relevant thresholds have been agreed between Natural England and Environment Agency for use with the Environment Agency detailed emissions model:

- Emissions of ammonia under 4% of the critical level for a European Designated Site (within 10km)
- Emissions of ammonia under 20% of the critical level for a SSSI (within 5km)
- Emissions of ammonia under 50% of the critical level for a local wildlife site or ancient replanted woodland (within 2km)

Any emission under these thresholds is not considered 'significant' by Environment Agency and Natural England and is considered to have no in-combination effects.

All designated sites have screened out below the critical level of ammonia. The EA has stated that detailed modelling is not required to support this application.

The Significance test

Based on the Ammonia Screening output which has been provided by the Environment Agency, and using the modelling and thresholds agreed by Environment Agency and Natural England, there is no likely significant effect of the proposed activity under planning application reference *16/00015/EIA at Land To North Of Knockin Hall Farm, The Avenue, Knockin, Shropshire SY10 8HQ for the Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping* on European Designated Sites within 10km.

The Integrity test

There is no likely effect on the integrity of European Designated Sites within 10km from planning application *16/00015/EIA at Land To North Of Knockin Hall Farm, The Avenue, Knockin, Shropshire SY10 8HQ for the Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping*.

Conclusions

The Habitat Regulation Assessment screening process has concluded, supported by the evidence from Environment Agency, that there is no likely significant effect and no likely effect on integrity of the European Designated from planning application reference *16/00015/EIA* on any European Designated Site in 10km.

An Appropriate Assessment is not required and there is no legal barrier under the Habitat Regulation Assessment Process to planning permission being issued in this case.

Guidance on completing the HRA Screening Matrix**The Habitat Regulation Assessment process**

Essentially, there are two ‘tests’ incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the ‘significance test’ and the other known as the ‘integrity test’ which must both be satisfied before a competent authority (such as a Local Planning Authority) may legally grant a permission.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site,
must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context ‘likely’ means “probably”, or “it well might happen”, not merely that it is a fanciful possibility. ‘Significant’ means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009).

Habitat Regulation Assessment Outcomes

A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted.

Duty of the Local Planning Authority

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulation Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the ‘significance’ test and the ‘integrity’ test before making a planning decision.



Committee and Date

North Planning Committee

22nd March 2016

Item

7

Public

Development Management Report

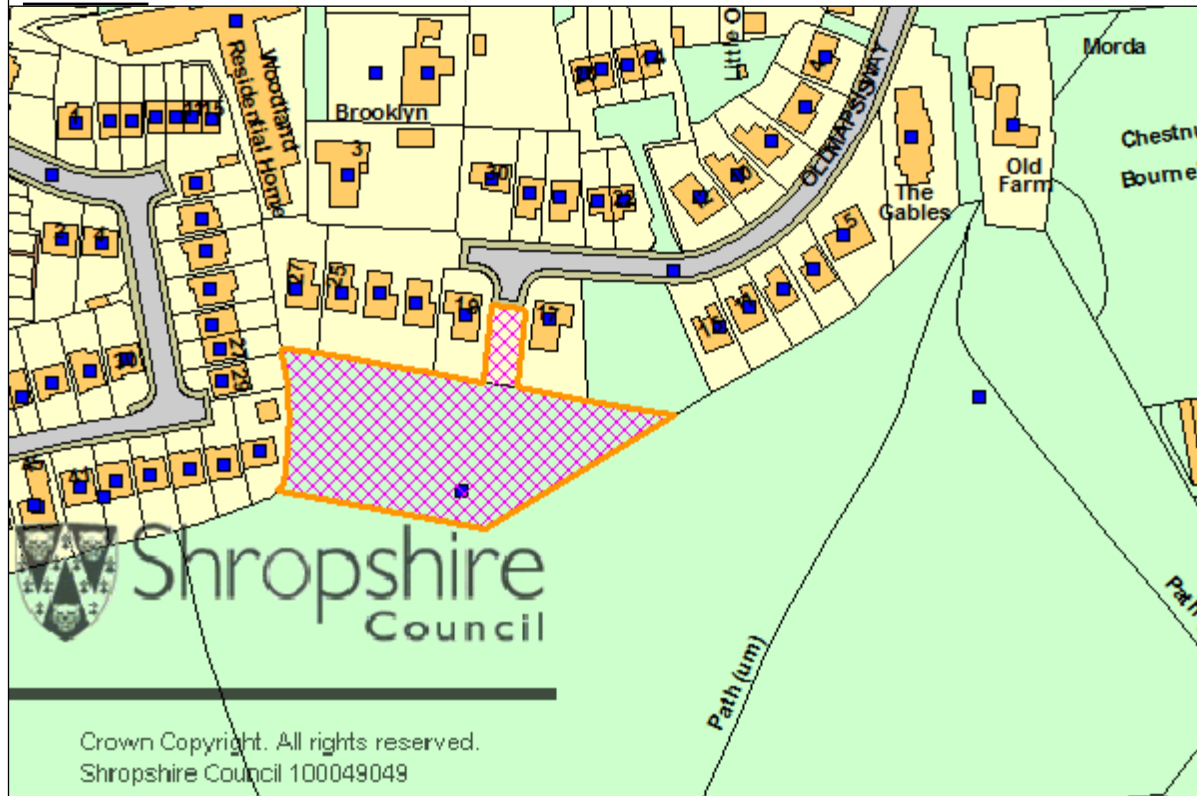
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 15/04152/REM	Parish:	Oswestry Rural
Proposal: Approval of Reserved Matters (layout, appearance and landscaping) pursuant to permission 13/03846/OUT for the erection of 10 no. single storey dwellings; formation of parking and vehicular access		
Site Address: Land South Of Old Mapsis Way Morda Shropshire		
Applicant: Mrs Elizabeth Burton		
Case Officer: Mark Perry	email: planningdmnw@shropshire.gov.uk	

Grid Ref: 328557 - 327598



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

REPORT

1.0 THE PROPOSAL

1.1 This proposal involves the construction of 10 single storey bungalows as an extension to an existing modern housing estate. Outline planning permission was granted in December 2013 (13/03846/OUT) where, appearance, landscaping and layout were all reserved for later approval. The outline planning consent therefore only established the principle of 10 dwellings, its access and the scale of the development on the site. This application is therefore to consider all of the outstanding reserved matters (layout, appearance and landscaping)

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located outside any development boundary, this is because under SAMDev Morda is neither a hub or a cluster and as such the whole settlement is classed as open countryside for the purposes of planning policy.

2.2 Access to the site would be provided off the existing turning head, where a gap was created in the adjacent development to allow access to the field and to maintain the opportunity for future built development.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The local member and the chair of the planning committee consider that the Parish Council have raised material planning issues that warrant the application being determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Parish Council

At the meeting of Oswestry Rural Parish Council held on **26 January 2016** it was resolved to continue to object to the application and the comments submitted on 28 October 2015 were still relevant. Following a review of the re-consultation documents the following comments were made:

- The Council raised serious concerns regarding the proposal of a single waste storage area. It was considered it could attract vermin, be a health hazard, attract

fly tipping and detrimentally impact on the amenity of the existing neighbouring property.

- The Council has been advised that there is an official footpath running through the site. The Council requests this be investigated.

- The Council requests that should the application be approved it is conditional that once started, the development completes within a 2 year period. This is to avoid the potential of partially developed properties remaining unfinished for an unacceptable period of time.

At the meeting of Oswestry Rural Parish Council held on **27 October 2015** it was resolved to object to the application. The Council has serious concerns regarding the site levels when compared to other properties in the vicinity. The Council does not support the proposed approach and would request the site is levelled to the lowest point and a retaining wall placed around the site where necessary. This is to reduce any adverse impact to the amenity and privacy of neighbouring properties.

4.2 **Highways**

The proposed parking provision has been provided in accordance with the outline permission condition and included 3 visitor spaces. The trees on the eastern side of the private drive prevent a continuous unobstructed pedestrian link between the proposed properties and the existing footway facility on Old Mapsis Way. The trees should be removed and a more direct continuous link designed across the turning head to the opposite side of the cul-de-sac adjoining parking space no.4.

In addition no refuse bin storage area has been considered, and the applicant may wish to liaise with Council's Waste Collection Team to address this. It may also be advisable to consult with them as to whether or not the refuse lorry is able to turn within the proposed private drive turning head.

4.3 **Parks and Recreation**

The layout of the 10 single storey dwellings should not obscure the views from the current Community Orchard Open Space provided at Old Mapsis Way, looking out to the south. Indeed some of the development land adjoining the POS should be added to the Community Orchard to create a rather larger space for the local community to enjoy. The minimum POS requirement would be 30m² per bedroom.

4.4 **Affordable Housing**

A development of 10 dwellings would need to provide 1 affordable dwelling on site in accordance with the SPD.

4.5 **Drainage**

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 on Outline Application 13/03846/OUT.

4.6 **Archaeology**

Note Condition 6 of planning permission ref. 13/03846/OUT. No further comments to make.

4.7 Severn Trent Water

No objection subject to condition.

4.8 Conservation

No comments to make on the application.

4.9 - Public Comments

Representations received from 3 individual addresses commenting on the following issues:

To many buildings on the site

There is no infrastructure to support more housing.

Overlooking

Impact upon human rights

Impact upon highway safety

Increased traffic

Impact on outlook

Long term maintenance of the landscaping

Impact on archaeology

Risk from contaminated land

Refuse collection area should be appropriately constructed

In sufficient/ inadequate parking area

Small gardens

Design/ layout

Impact on wildlife

Council now has a 5 year supply

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 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment

and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity and ensure sustainable design and construction principles are incorporated within the new development.

6.1.2 The principle of 10 units on the site has already been established along with the means of access by virtue of the outline planning consent.

6.2 **Scale, Density and Design**

6.2.1 Old Mapsis Way is a relatively modern development of mainly detached 2 storey dwellings. As the road reaches the turning head the existing development changes to bungalows with a private shared driveway continuing straight ahead serving 5 bungalow which have their rear gardens backing onto the application site. The proposed development also consists of small single storey bungalows which are considered to be in keeping with the context of the site. The proposed bungalows are small 2 bed units with open plan kitchen, dining, and lounge areas measuring 49 sqm gross internal floor area. This is smaller than the bungalows on the neighbouring development and therefore the proposed development is at a higher density in terms of the number of dwellings per hectare. Despite the density of the development it will still provide good sized rear gardens and space for the parking and turning of vehicles. Each of the units will have 2 parking spaces available; this is in accordance with condition 8 of the outline planning permission. The parking area will be provided in a communal arrangement on the northern side of the proposed bungalows.

6.2.2 The levels of the site climb away from the proposed access in a westerly direction with the land climbing steeply towards the north western corner. The proposed bungalows will gently follow this incline in the same way that the existing bungalows to the north do. The applicant has provided full levels surveys and site sections to show how the proposed development will relate to the existing levels and the levels of the surrounding development.

6.2.3 The application demonstrates that the western most existing bungalow on Old Mapsis Way (no.27) has a ridge height of 107.7 and the proposed western most bungalow will be 107.9, this equates to the ridge height of the proposed dwelling being 20cm higher than the existing neighbouring bungalow. The difference between existing and proposed ridge heights reduces towards the east to the point where the ridge height of no's 19 and 21 Old Mapsis Way would be 10cm above the nearest proposed bungalow. As such, the plans indicate that at the most there would be a 20cm difference between the ridge heights of the proposed and existing bungalows.

6.2.4 Across the site the western most proposed bungalow would be 3.4 m higher than the eastern most proposed bungalow. This is only 0.5m different to the change in heights of the existing bungalows on Old Mapsis Way where there is a change of 2.9m from no.27 down to no.17.

6.2.5 To the west of the application site there are two storey dwellings on Cae Onan,

these sit on an even higher level than the application site.

6.2.6 It is acknowledged that there is a significant change in levels across the site, however this is comparable to the change in levels that the existing neighbouring development experiences. As such the development of the site would not appear out of context with its surroundings. The steepest part of the site is in the north western corner and adjacent to the neighbour's boundary fence. This area will remain as an open area as it is too steep to be used as part of the parking area. An appropriate condition will be imposed to secure an appropriate landscaping scheme and to ensure the long term maintenance of the area. An appropriately landscaped area will contribute positively to the overall appearance of the development.

6.2.7 Morda contains a wide mix of dwelling types, ages and styles. This site is on the edge of the village adjacent to another modern development. The site, or the surrounding area is not within a conservation area or any specific designation. However, policy CS6 still requires developments to be design to a high quality which respects and enhances local distinctiveness. The original submission was for a very poorly designed development of identical bungalows. In negotiation with Officers the applicant has made some changes to the scheme in an attempt to introduce some visual interest and variety. It is considered on balance that the proposed development is of an acceptable design and would not have a detrimental impact upon the character and appearance of the locality.

6.3 **Impact on Neighbours**

6.3.1 The neighbours most affected by the proposal are those directly to the north who have their rear gardens backing onto the site. The neighbours either side of the access road have a dual aspect with the front doors facing towards the proposed access road. The minimum separation between the rear elevations of the existing properties to the front elevations of the proposed dwellings would be 21.5 metres, this is measured from the conservatory of no.17 rather than the main part of the neighbour' dwelling. The other properties on Old Mapsis way have separation distances of around 28 metres which is in excess of the 21m figure often used as a best practice minimum.

6.3.2 The existing neighbours are likely to experience some small amount of noise from the manoeuvring of cars and the shutting of car doors as the parking area will be directly behind their garden boundary. It will be a noise that neighbours do not currently experience but it is considered that given the small number of dwellings proposed it would not be to such an extent where it detrimentally impacts upon the neighbour's enjoyment of their gardens. Any noise generated would only be at a level that is typical of any other housing estate.

6.4 **Highway Safety**

6.4.1 Representations received from neighbours relate to increased traffic and highway safety. The access to the dwellings would be off an existing turning head off the existing estate road. When the rest of the estate was built this section of the road was built to such a standard firstly to provide a turning area but to also potentially provide access to the application site. The proposed development would increase

the number of vehicles using the estate road but this would not be to such an extent where it adversely impacts upon the free flow of traffic or the safety of highway users. The junction between the existing estate road and the main highway network is considered suitable to accommodate the small increase in vehicle movements as a result of the development proposed.

- 6.4.2 Following the comments made by the Council's Highways officer the applicant has detailed that a bin holding area will be created at the eastern end of the site where occupants will position their bins on the day of collection. This will allow the refuse truck to reverse into the application site as it turns around at the end of Old Mapsis Way. Bins will only be in this position for a temporary period after which residents will return the bins back closer to their properties.
- 6.4.3 The Highways Officer also requested a continuous unobstructed footpath into the development. The revised plans show a continuation of the existing footpath from the turning head and pedestrians will be able to cross the parking area and through the wide gaps created in the line of parked cars. The originally submitted scheme which was commented upon by the highways Officer required pedestrians to pass through the small gaps in between tightly parked cars. A condition will be imposed to ensure that the trees shown on the submitted plan are not provided and the footpath remains unobstructed.
- 6.4.4 By providing gaps in between the parked cars and providing an increase in landscaping has necessitated the loss of the visitor spaces originally proposed, however the revised parking provision of 20 spaces still complies with the condition attached to the outline consent.

6.5 **Affordable Housing**

- 6.5.1 The S106 attached to the outline planning permission required affordable units to be provided in accordance with the adopted SPD which is current 10% provision. In accordance with the S106 the applicant will need to provide a scheme for the affordable dwellings detailing location, tenures etc prior to the commencement of development.

6.6 **Archaeology and Contamination**

- 6.6.1 The issue of the archaeological value of the site and any contamination of the land was considered at the time of the application for outline planning permission. Of these issues were covered by planning conditions numbered 6 and 7 which both require further information to be submitted and approved by the Council.

6.7 **Other matters**

- 6.7.1 The Parish Council have commented on a public footpath that may cross the site. To clarify the nearest public right of way is a footpath which crosses the field to the south east, this is approximately 60 metres away from the edge of the application site.
- 6.7.2 The Parish Council have requested that a condition be imposed requiring the

development to be completed within 2 years of starting. The use of such a condition would not meet the tests of being reasonable or enforceable as set out in the Planning Practice Guidance notes.

- 6.7.3 The Council's Parks and Recreation Officer has stated that the dwelling should not obscure views from the adjacent Community Orchard. This Orchard does not have any special statutory designation. The gardens of the eastern most bungalow will back onto this orchard. Although the proposed development will be clearly visible from the Orchard it will generally maintain its view across the open fields although partially obstructed by any boundary treatments proposed.
- 6.7.4 The Council's Parks and Recreation Officer has state a minimum requirements of 30m sq of public open space per person. However, policy MD 2, paragraph 5 of SAMDev states that, "For developments of 20 dwellings or more, this should comprise an area of functional recreational space for play, recreation, formal or informal uses including semi-natural open space". It is considered that the size and type of development, which is only for 10 bungalows and where it includes reasonable sized private gardens and area of landscaping/ planting, there is not a requirement for any other formal public open space to be provided.

7.0 CONCLUSION

- 7.1 The principle for residential development has been agreed as part of the outline consent. It is considered that the proposed design and layout of the bungalows will respect the rural character of the area and of the adjoining housing estate and will not impact upon the amenities of any neighbours. The proposed access will provide adequate visibility in both directions for emerging vehicles and a suitable level of off street car parking and manoeuvring space is provided within the development. It is therefore considered that the proposed development complies with policies CS6 and CS17 of the adopted Core Strategy.

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

Core Strategy and Saved Policies:
 CS6 Sustainable Design and Development Principles
 CS17 Environmental Networks
 MD2 Sustainable Design

RELEVANT PLANNING HISTORY:

13/01675/OUT Outline application for the erection of 10 semi-detached bungalows to include access and scale REFUSE 2nd August 2013

13/03846/OUT Outline application (access & scale) for the erection of ten single-storey dwellings; formation of parking area and vehicular access GRANT 20th October 2014

Appeal

13/02067/REF Outline application for the erection of 10 semi-detached bungalows to include access and scale DISMIS 27th January 2014

11. Additional Information

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 Joyce Barrow
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. Notwithstanding the details submitted, a continuous footpath shall be provided from the eastern side of the existing turning head into the proposed development. The design and construction of any roadways, footways, accesses shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied (which ever is the sooner).

Reason: This detail is required prior to commencement to ensure a satisfactory means of access to the highway.

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

3. Prior to first occupation of the development the refuse collection area shown on the approved plans shall be provided and remain available for such for the lifetime of the development. The collection area shall be constructed in accordance with a specification to be submitted to and approved in writing by the local planning authority.

Reason: to ensure the provision of a satisfactory refuse collection area.

4. No above ground works shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule, timescales and maintenance schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

5. Prior to the above ground works commencing 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

6. Construction works shall not take place outside 0730 hours to 1600 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In order to maintain the amenities of the area

7. The development hereby permitted shall not be occupied until the car parking shown on the approved plan has been provided, laid out and hard surfaced. The area shall thereafter remain free of any obstruction for the lifetime of the development.

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

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Committee and Date

North Planning Committee

22nd March 2016

Item

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Development Management Report

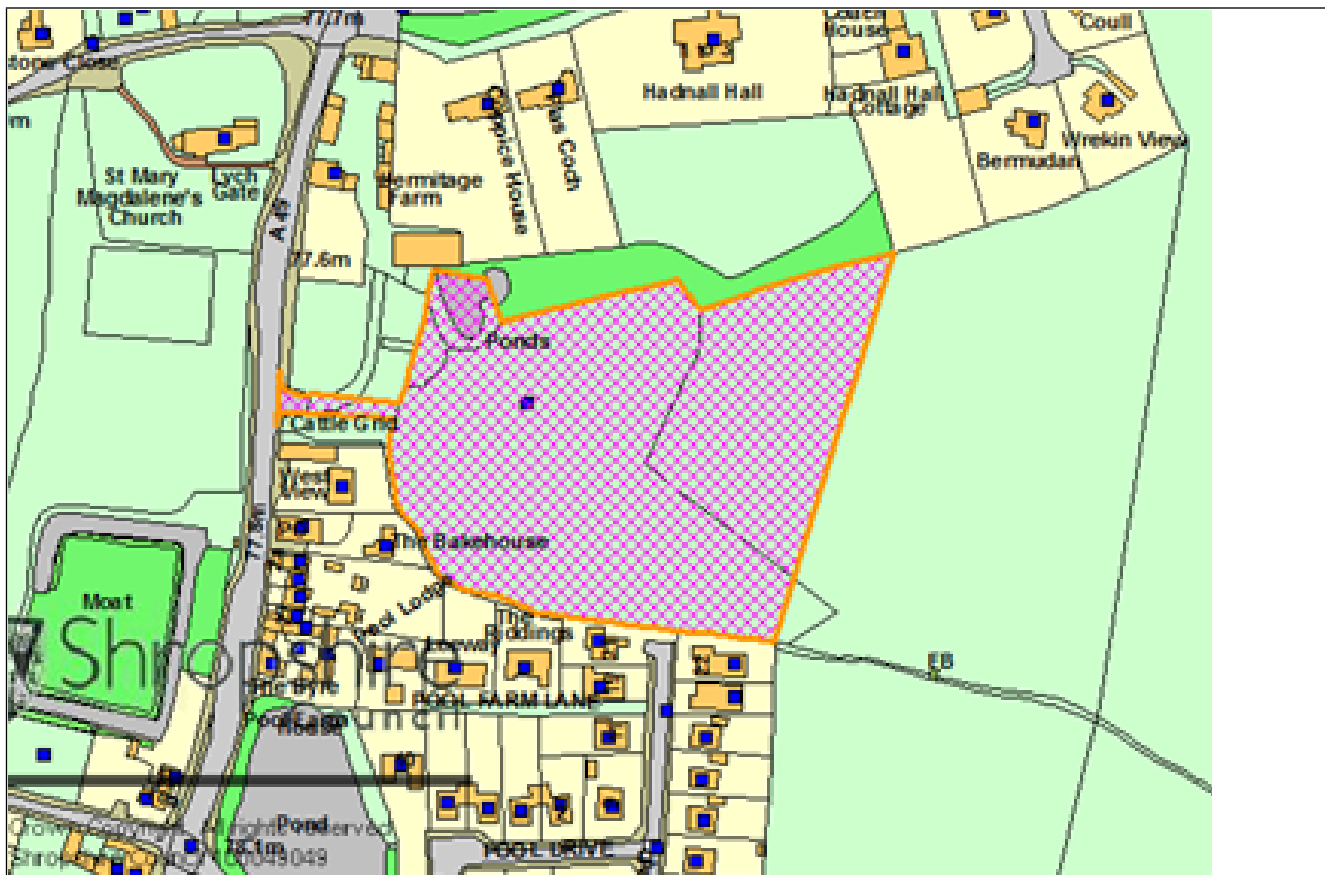
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 15/05061/REM	<u>Parish:</u>	Hadnall
<u>Proposal:</u> Approval of Reserved Matters (appearance, landscaping, layout and scale) pursuant to outline application 14/01872/OUT for mixed residential development (28 dwellings) to include discharge of conditions 1, 6, 7, 8, 9, 10 and 11		
<u>Site Address:</u> Land South Of Hermitage Farm Shrewsbury Road Hadnall Shropshire		
<u>Applicant:</u> Galliers Homes Ltd		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 352309 - 319962



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Recommendation:- That members resolve to approve the application subject to the conditions in Appendix 1 and give officers delegated approval to issue the decision on receipt of a satisfactory landscaping scheme and to amend conditions accordingly if the revised landscaping scheme is not received by the committee date.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to approval of Reserved Matters (appearance, landscaping, layout and scale (condition 1) pursuant to outline application 14/01872/OUT for mixed residential development for 28 dwellings. The proposal also includes details required to be submitted at the Reserved matters stage under conditions 6 (Tree protection plan), 7 (Access), 8 (Roads), 9 (FRA), 10 (Surface water drainage) and 11 (Ground levels).

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is an agricultural field to the East of the A49 within Hadnall that is associated with Hermitage Farm. To the South of the site are residential properties on Pool Road and Pool Farm Lane, to the West of the site is the rear of properties that front the A49, to the East is open fields and to the North are the rear gardens of properties that front Hall Drive including Hadnall Hall. There is a large Oak tree in the centre of the site and mature trees to the Northern boundary and a pond in the North West corner.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 When the Outline application was decided at committee members resolved to approve the application subject to all matters reserved for later approval being determined by Committee, subject to any objections being received. Although the Parish Council has not objected to the application four letters of objection have been received from local residents.

4.0 **Community Representations**

4.1 - **Consultee Comments**

4.1.1 **SC Highways: Recommendation**

Approval of Reserved Matters:

- Appearance: N/A
- Landscaping: No comment
- Layout: No Objection – subject to the development being constructed in accordance with the approved layout and the suggested conditions & informatives
- Scale: No Objection – the proposed scale of development is considered acceptable from a highway perspective.

Discharge of Conditions:

Cond.1. – as above

Cond.6 – N/A

Cond.7 – Do Not Discharge – on the grounds that the details submitted are insufficient to assess the suitability of the design and proposed specification

Cond.8 – Do Not Discharge – on the grounds that the details submitted are insufficient to assess the suitability of the design and proposed specification

Cond.9 – N/A

Cond.10 – N/A

Cond.11 – N/A

Observations

The principle of this development has previously been approved (14/01872/OUT) therefore the highway comments are solely related to the details submitted, for the Approval of Reserved Matters and the Discharge of Conditions requested, from a highway perspective. The submitted engineering plan in respect to the main access, new roads, footways, individual property accesses, surface water drainage, street lighting, street furniture, etc. does not include sufficient detail and/or specifications, in order for a full engineering appraisal of the proposal. Therefore, conditions 7 & 8 should not be discharged at this time. In addition, conditions and informatives have been suggested to be included with any forthcoming consent to inform the developer of the appropriate requirements and processes required when pursuing the construction of this development.

4.1.2 **SC Drainage:** The proposals are acceptable therefore drainage Conditions 9, 10 and 11 can be discharged.

4.1.3 **SC Affordable Housing:** The design and access statement refers to an affordable housing contribution of 4.2 which is correct for this area. The 4 x 2 bed bungalows

will be for affordable rent, which meets some of the identified need in the parish.

- 4.1.4 **SC Trees:** 25 Jan (comments on revised plans): is pleased the applicants now intend to keep the veteran tree as a feature. The landscape plan should be amended to include a low ankle rail around the tree's root protection area (shown on the TPP as Tree Protection fence 2), and inside this area the turf removed and bark mulch applied to the original level. No additional planting should be provided in this area which would be competition for the veteran tree and detract from it as a feature. There would be scope for some additional tree planting to the sides of plot 15 and 16 if considered appropriate - either shrubs or smaller ornamental trees. Is happy with the remaining landscape mixture of native shrubs and ornamental trees.

2 Feb: If the amended landscape plan shows the mulched area and low fence around the retained veteran tree as a feature and the woodland edge planting of native shrubs and Silver Birch adjacent to plot 15 /16 as shown, is happy to support the landscape scheme.

- 4.1.5 **SC Ecology:** The great crested newt habitat protection, creation and enhancement strategy must be submitted before the landscaping scheme can be approved.

The wildflower seed mixes should be supplied. The veteran oak tree in the middle of the field should be retained on biodiversity grounds.

A landscaping scheme has been submitted for approval. Great crested newts (GCN) were recorded in 2014 in the pond on site. A mitigation licence in respect of great crested newts will be required for the development. As part of the licence application a mitigation strategy will need to be put forward to set out habitat protection, enhancement and creation.

The open space adjacent to this pond is shown to have an attenuation pond created to be planted with Germinal seed mix WFG9 'wetland and pond areas' and planting of a 'Neutral Soil' mix. The existing trees around the pond are not shown on the landscape plan but a new native shrub mix is indicated.

No information has been provided on the habitat creation/enhancement aspect of the GCN mitigation strategy except for construction of hibernaculum. The enhancement of the pond and open space as GCN habitat is required to compensate for loss of the habitat on the remainder of the application site. In addition the timing and other details of the attenuation pond should be considered as this excavation work is extremely close to a GCN pond presents a risk.

The pollarded oak tree in the middle of the field is indicated for removal on the landscape plan. Veteran oak trees are known to support the largest number of invertebrates of any native tree and of course will provide excellent bird nesting sites (Southwood, T.R.E. (1961) The numbers of species of insect associated with various trees. J. Animal Ecology 30: 1-8). On biodiversity grounds retention of this tree is recommended.

- 4.1.6 **SC Parks and Recreation:** 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 proposed development does indicate that it meets the above requirement. However, the POS design layout does not provide one usable recreational open space as set out in the policy. The POS is split by the access road which is not conducive to the use of recreational open space, particularly by children.

Consideration should be given to extending the POS from the attenuation pond on the northern boundary and relocating units 27 & 28 into the allocated 958m² POS area. The 83m² POS should be incorporated into unit 1 curtilage to stop any antisocial behaviour and reduce future grounds maintenance costs.

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.

- 4.1.7 **SC Waste Management:** Satisfied that refuse vehicles can access the main road that makes up this estate. Plot 24 will need to bring bins down to main road for collection as we cannot access the private drive.

4.2 - Public Comments

- 4.2.1 Four letters of objection have been received summarised as follows:

- Proximity of proposed houses resulting in overbearing buildings, overlooking, loss of privacy and loss of light.
- Further information is required in relation to boundary/screening materials to be used. Wooden fencing will be unsightly against the Victorian cattle rails in situ but equally planting of young hedgerows will also provide little screening
- Concerned about fencing around or across the pond and impact on wildlife
- Removal of the vintage oak tree in the centre of the field
- Removal of existing trees sited adjacent to proposed plots 11 & 12
- Impact of street lighting and house lights on bats in the nearby woodland
- Access to and future maintenance of the existing watercourse to the South of the site
- Existing flooding and poor surface water drainage of the site which will be exacerbated by buildings and hard surfacing
- Suggestion to link up the existing laybys on the A49 (Shrewsbury Road)
- Access to the site (particularly when turning right) will be dangerous due to speed and volume of existing traffic.
- Additional traffic will exacerbate existing difficulties in accessing Shrewsbury Road
- The schools and GP are already over subscribed
- No need for additional houses as there are new houses in the village still not sold

- 4.2.2 **Hadnall Parish Council:** Makes the following observations and comments;

1. Road Safety considerations.

The recent traffic survey identified that the average speed through the village was in excess of 30mph. The Parish Council expressed a preference for a mini traffic island as opposed to the proposed use of the existing site entrance. This would

have made a safer right turn and slow traffic within the village, importantly just before the village shop / post office where cars frequently park along the side of the road.

The Parish Council envisage that the provision of additional parking will be provided by connecting the two lay-bys on the A49 heading north in the future. The community led plan presently in progress is likely to support this. This will have a material impact on the access to Hermitage farm and we would ask the highways department to consider this proposal and provide a view on the appropriateness of the proposed access at this stage.

2. Flood Management.

The site is an identified flood risk on Pluvial Flood Map and the surrounding roads have experience flooding. Concerns have been expressed about the drainage into the gully running eastwards from the road behind West View, the original of which is unknown. The gully often floods and does not flow freely. The parish would like confirm whether any storm water will be diverted to the gully and who will be responsible for the maintenance of the gully.

3. Trees.

The parish council would welcome the opinion SC Trees as to whether it is necessary to remove the tree adjacent to plot 11 & 12

5.0 THE MAIN ISSUES

Principle of development
 Layout, scale and appearance
 Impact on residential amenity
 Access, estate roads and parking
 Trees, landscaping and open space
 Ecology
 Drainage
 Developer contributions - AHC and CIL

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principle of development including the means of access to the site has been established by the Outline application. The purpose of this Reserved Matters application is to determine whether the layout, scale and appearance of the development and landscaping of the site is acceptable.

6.2 Layout, scale and appearance

6.2.1 There are a variety of housing types, scale and plot sizes within Hadnall, some directly facing the main road and some off side roads and on mini estates. The public view of the majority of the site is screened by existing housing and the development of this field would be virtually unnoticeable when travelling along the A49 apart from the gap at the entrance to the site. This gap will however be undeveloped as the land adjacent to the road is outside of the site boundary and the land immediately behind this next to the pond is indicated to be landscaped open space. The proposal indicates a mix of house types and sizes including two storey houses and single storey bungalows and detached and semi-detached

properties. It is officers opinion that the mix of properties and the layout of the site is acceptable and that the proposed scale and design is acceptable given the context of the site and would not adversely affect the character and appearance of the locality.

6.3 **Impact on residential amenity**

6.3.1 A few residents closest to the boundaries with the site were concerned that due to the proximity of some of the houses the proposals may appear overbearing or result in overlooking, a loss of privacy and loss of light. To address these concerns the layout plans have been amended and the dwelling proposed for plot 11 is now a bungalow instead of a 2 storey house. The houses proposed for plots 1 to 6 on the South West boundary are now all in excess of 21 metres from the back of existing properties and although the gap between the proposed dwellings for plots 7 to 10 is much less (between 8 and 11 metres) as they will face the side elevations of the existing properties and will be bungalows this reduced distance is acceptable. With regard to the houses proposed for the North of the site due to the considerable distance between the existing and proposed dwellings the proposal would not result in any significant adverse impact on residential amenity.

6.4 **Access, estate roads and parking**

6.4.1 The principle of the proposed vehicular access to the proposed development site via improvements to an existing farm access onto the A49 was approved at the outline stage. In response to the Outline application Highways confirmed that the access has good visibility in both directions and had no objection to the proposal subject to conditions regarding engineering details for the formation of the access and the estate roads. Residents were concerned at the outline stage about difficulties accessing the A49 and vehicular and pedestrian safety due to the speed of traffic on this busy road and cars parked outside the shop obstructing visibility. The PC and a local resident have raised these concerns again and have suggested their preference for a mini traffic island as opposed to the proposed use of the existing site entrance and a suggestion to link up the existing laybys on the A49 to provide additional parking.

6.4.2 Both the provision of a mini roundabout and the two laybys are outside the development site and Highways have not requested any improvements or alterations to the existing highway (other than the proposed access) to make this proposal acceptable. It is therefore not reasonable to request that the developer/landowner pays for or makes alterations to the highway that have been suggested and planning regulations do not allow for conditions to be imposed requiring work to be undertaken outside of the site that do not relate directly to the application and/or are not required to make the proposal acceptable. It is considered that the proposed access to the site approved at the outline stage is acceptable and there is no requirement for additional works to the highway.

6.4.3 Highways have confirmed that the proposed access and layout and scale of development are acceptable but that the technical details required by conditions 7 and 8 are not sufficient. The full engineering and technical specification for the proposed access and estate roads will be subject to a S38 agreement and the suggested informative will provide advice on this and conditions will be imposed requiring full details to be submitted for approval prior to commencement of development.

6.4.4 Waste and recycling are satisfied that refuse vehicles can access the main access road and internal estate and that only plot 24 will need to move bins to the road on collection day as it is proposed to be accessed via a private drive.

6.5 **Trees, landscaping and open space**

6.5.1 There is a large Oak tree within the site and the initial plans submitted indicated that the tree would be removed contrary to what was indicated at the outline stage. Amended plans have now been received that indicate the tree to be retained. The tree officer is generally satisfied with the proposed landscaping but has requested that an amended landscaping scheme be provided that shows a mulched area and low fence around the retained veteran tree.

6.5.2 A revised landscaping scheme is being prepared at the time of writing this report to address the tree officer comments and also the Ecologists request for the landscaping proposal to reflect the GCN habitat protection, creation and enhancement strategy that needs to be submitted before the landscaping scheme can be approved.

6.5.3 The tree officer is satisfied with the submitted tree protection details required to be submitted under condition 6, and a condition will be imposed to ensure that it is adhered to. The PC and a local resident have enquired why one of two trees adjacent to plot 11 & 12 needs to be removed. The plans do show the removal of one of the trees and the tree officer has no objection to this. It is in any case outside of the development boundary and is not protected so could be removed without permission. It is required to be removed in order to facilitate the main surface water drain that will take surface water to the neighbouring field for disposal and tree roots could damage this main drain.

6.5.4 The layout and landscaping plan show more than sufficient open space in accordance with the guidance within Open Space IPG and MD2. Parks and Recreation have however commented that the POS design layout does not provide one usable recreational open space as set out in the policy. However the IPG does provide for a mix of recreational/informal and semi-informal open space and the semi-informal opens pace around the Oak tree that will be separated from the main open space is required in order to maintain this important feature.

6.5.5 A couple of residents have enquired about the boundary fencing proposed and whether it is suitable. The submitted landscaping plan shows a mixture of boundary treatments including 1.8m high Larch Lap Fencing, 1.8m high Close Boarded Fencing, 1.3m high Post & Rail Fencing and Hedgerow Planting. The choice of boundary treatments is considered by officers to be acceptable and will be finalised when the revised landscaping scheme is submitted.

6.6 **Ecology**

6.6.1 An ecological survey was submitted at the Outline stage and as there is a small population of Great crested newts in Pond 1 a European Protected Species licence will be required for the development. The Councils ecologist confirmed that the proposed development will not be detrimental to the maintenance of the populations of great crested newts at a favourable conservation status within their natural range, provided that a condition is imposed requiring the submission of a

habitat protection, creation and enhancement strategy prior to commencement. This is not required to be provided at this stage but as the landscaping scheme should be informed by this strategy the Councils ecologist has requested that the habitat protection, creation and enhancement strategy be submitted concurrently with the landscaping proposal and as referred to above this is due to be submitted shortly.

- 6.6.2 One resident has raised concern regarding the impact of lighting on bats in the nearby woodland. This was considered at the outline stage and a lighting condition was imposed that requires details to be submitted prior to the erection of any lighting that takes into account the advice on lighting set out in the Bat Conservation Trust booklet. The layout indicates the planting of a species-rich hedge along the new proposed eastern site boundary and this and the additional tree planting and landscaped gardens will provide longer term biodiversity value and enhancement of the site compared to its use as an agricultural field.

6.7 **Drainage**

- 6.7.1 The drainage team have confirmed that the submitted details in relation to conditions 9 (FRA), 10 (Surface water drainage) and 11 (Ground levels) are acceptable and a condition can be imposed to ensure that the proposed surface water drainage is fully implemented in accordance with the approved details prior to occupation. A resident has enquired about the brook/ditch that runs along the Southern and Western boundary behind 'West View' and the PC have commented that this gully often floods and does not flow freely and has queried whether any storm water will be diverted to the gully and who will be responsible for its future maintenance.

- 6.7.2 The agent has confirmed that in relation to the gully, the land to the North of West View is not part of this application and will be retained by the landowner. The gully is outside the development site and will be unaffected by the development as all surface water will be directed to the proposed attenuation pond on the North side of the site access road. The landowner has advised the agent that the ditch has been the victim of fly tipping with domestic rubbish (prams, children's play equipment, etc.) which has caused problems in the past. The agent has suggested that the development of the site will provide better informal overlooking which may help to reduce this problem. The agent has confirmed that the ditch to the East of West View will form the boundaries to the gardens, and will be maintained by the relevant property owners.

6.8 **Developer contributions - AHC and CIL**

- 6.8.1 Affordable housing on this site is secured by the S106 attached to the Outline permission. The proposal indicates the provision of four two bedroom bungalows and the affordable housing officer has confirmed that this will meet some of the identified need in the parish. The balance of 0.2 will be provided as a financial AHC.
- 6.8.2 The proposal will also be liable for a CIL payment. Some residents have raised concern about the capacity of the local infrastructure (including school places) to support the additional dwellings. However CIL replaces the need to seek additional developer contributions via a S106 for Education, Highway improvements or other infrastructure improvements for example and can also be used to target community

improvements identified in the LDF Implementation plan and Place plans.

7.0 **CONCLUSION**

7.1 The principle of development including the means of access to the site has been established by the Outline permission. It is considered that the proposed scale and design of the dwellings and the layout of the site is acceptable and would not adversely affect the character and appearance of the locality or adversely impact on residential amenity and therefore accords with CS6 and MD2. The submitted landscaping scheme is generally acceptable but an amended plan is expected shortly to address the few outstanding issues raised by the Tree officer and to ensure that the landscaping proposal reflects the GCN habitat protection, creation and enhancement strategy to be submitted. More than sufficient open space will be provided and the proposal would not result in the loss of any significant trees and the tree protection plan is acceptable. The proposal therefore accords with the Open Space IPG, MD2 and CS17. Drainage have confirmed that the submitted details requested to be submitted by condition 9, 10 and 11 are acceptable and although Highways are not fully satisfied with the engineering and technical details for the access and estate road required by condition 7 and 8 a further condition can be imposed on this RM application to ensure that the full details are submitted prior to commencement of development. It is therefore considered that the proposal accords with Shropshire LDF policies CS6, CS11, CS17 and MD2 and the aims and provisions of the NPPF.

8.0 **Risk Assessment and Opportunities Appraisal**

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

the County in the interests of the Community.

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and SAMDev Policies: CS6, CS11, CS17 and MD2

RELEVANT PLANNING HISTORY:

14/01872/OUT Outline application (access for approval) for mixed residential development (28 dwellings) (amended description) GRANT 4th December 2014

11. Additional Information

List of Background Papers: File 15/05061/REM
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Simon Jones
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. The submitted engineering details of the access required by condition 7 imposed on the outline consent are not approved and prior to commencement of development full engineering details of the means of access, including the layout, construction and sight lines shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the dwellings are occupied.

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

3. The submitted details of the roads required by condition 8 imposed on the outline consent are not approved and prior to commencement of development details of the design and construction of any new roads, footways, accesses together with the disposal of surface water shall be submitted to, and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented prior to the dwellings being occupied.

Reason: To ensure an adequate standard of highway and access for the proposed development.

4. Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level and completed to approved specification before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.

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

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

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

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

6. All hard and soft landscape works shall be carried out in accordance with the approved plan *TO BE COMPLETED*. The works shall be carried out prior to the occupation / use of any part of the development hereby approved. 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.

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

7. The submitted tree protection plan required by condition 6 imposed on the outline consent is approved and shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works..

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

8. The submitted drainage details required by conditions 10 and 11 imposed on the outline consent are approved and the agreed details shall be fully implemented prior to the dwellings being occupied.

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

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<u>Committee and Date</u>
North Planning Committee
22 nd March 2016

<u>Item</u>
9
Public

Development Management Report

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

SCHEDULE OF APPEALS AS AT COMMITTEE 22ND March 2016

Appeals Lodged

LPA reference	14/05007/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Chartland Developments LLP – C/O Berrys
Proposal	Outline application for residential development including formation of new access (all matters reserved)
Location	Proposed Residential Development Land North Of Bowling Club Church Lane Whixall
Date of appeal	22.02.16
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	15/03710/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	AFM Farming LLP – C/O Berrys
Proposal	Outline application for residential development of up to 37 dwellings to include means of access
Location	Land At Junction With Church Lane Soulton Road Soulton Wem
Date of appeal	24.02.16
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	14/05206/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Berrys
Proposal	Outline application (access for approval) for mixed residential development
Location	Development Land North Of Newcastle Road Woore Shropshire
Date of appeal	26.02.16
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

Appeals determined

LPA reference	14/03722/OUT
Appeal against	Refusal
Committee or Del. Decision	Decision
Appellant	Executors Of The Estate Of L Coomansingh C/O Berrys
Proposal	Outline application (access for approval) for the residential development of six open market dwellings
Location	Grove Feeds Tern Hill Market Drayton Shropshire
Date of appeal	20.11.16
Appeal method	Written Representation
Date site visit	
Date of appeal decision	24.02.16
Costs awarded	
Appeal decision	Appeal Dismissed

LPA reference	15/02538/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Richard Mclaughlin – C/O First City Limited
Proposal	Erection of four bungalows
Location	Land Off Old Chester Road Hinstock Shropshire
Date of appeal	03.12.15
Appeal method	Written Representation
Date site visit	
Date of appeal decision	25.02.16
Costs awarded	
Appeal decision	Appeal Dismissed

LPA reference	14/00910/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Edward Goff
Proposal	Outline application (all matters reserved) for the erection of 5 dwellings
Location	Land adjacent Valve House, Hindford, Whittington
Date of appeal	28th August 2015
Appeal method	Written Representations
Date site visit	
Date of appeal decision	26th January 2016
Costs awarded	
Appeal decision	Dismissed

LPA reference	14/03934/FUL
Appeal against	Non-determination
Committee or Del. Decision	
Appellant	Mr Christopher and Mrs Rosemary Horton
Proposal	Erection of 10 dwellings to include alterations to pedestrian footpath link to Cremorne Gardens; works to brick wall
Location	Church Street, Ellesmere, SY12 0HD
Date of appeal	16 th October 2015
Appeal method	Written Representations
Date site visit	
Date of appeal decision	10 th February 2016
Costs awarded	
Appeal decision	Dismissed and planning permission refused

LPA reference	14/03006/OUT
Appeal against	Refuse
Committee or Del. Decision	Committee
Appellant	Mr and Mrs Clifton – C/O Mr Peter Richards
Proposal	Outline application for the erection of 2 detached dwellings; to include means of access
Location	Proposed Residential Development Land South East Of Childs Er call
Date of appeal	21.12.15
Appeal method	Written Representations
Date site visit	
Date of appeal decision	9 th March 2016
Costs awarded	
Appeal decision	Dismissed

LPA reference	14/00236/OUT
Appeal against	Refuse
Committee or Del. Decision	Delegated
Appellant	Lazy Days Motorhomes – McDyre and Co Ltd
Proposal	Outline application (access) for mixed residential development; formation of vehicular access; demolition of all buildings and structures; associated infrastructure
Location	Lazy Days Sales Centre High Heath Hinstock Market Drayton
Date of appeal	17.04.15
Appeal method	Public Enquiry
Date site visit	
Date of appeal decision	9 th March 2016
Costs awarded	
Appeal decision	Dismissed

Appeal Decision

Site visit made on 11 January 2016

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 24 February 2016

Appeal Ref: APP/L3245/W/15/3138049

Grove Feeds, Chester Road, Tern Hill, Market Drayton TF9 2JQ

- 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 Mrs Anamarie Coomansingh (Executors of the Estate of Lynda Coomansingh) against the decision of Shropshire Council.
 - The application Ref 14/03722/OUT, dated 15 August 2014, was refused by notice dated 8 May 2015.
 - The development proposed is six open market dwellings including access and curtilage.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with access only to be determined at this stage. I have determined the appeal on this basis, treating the layout shown on the block plan as indicative.
3. Since the submission of the appeal the Council has adopted its *Site Allocations and Management of Development Plan* (SAMDev). In the light of the advanced stage of its preparation, policies from this document were referred to in the reasons for refusal along with policies from the *North Shropshire Local Plan* (NSLP) and the *Shropshire Core Strategy* (SCS). The Council have confirmed that the policies referred to from the NSLP have been superseded by the policies in the now adopted SAMDev. It is clear from the appellant's statement that they were aware of the preparation of this document and the 'Final Comments' stage gave both parties the opportunity to address any implications arising from the adoption of this document. I have determined the appeal on the basis of the national and local policies as adopted at the present time.

Main Issue

4. The main issue in the appeal is whether the proposal would provide a sustainable form of development having regard to:
 - Its location in the countryside, outside designated settlement boundaries;
 - The effect on the rural economy;
 - The effect on the character and appearance of the area; and
 - the provision of affordable housing.

Reasons

Location outside designated settlement boundaries

5. The latest update of the Shropshire Council Five Year Housing Land Supply Statement 2015 was produced following the publication of the Inspector's Report on the SAMDev and uses the methodology utilised in this report. This takes account of under delivery from the earlier part of the plan period and includes a 20% buffer for this under delivery. This indicates that Shropshire currently has a 5.53 year supply of deliverable housing land. I note the appellant's comments that the five year housing land supply is marginal, but the evidence before me is that the Council does have a five year housing land supply. As such, policies for the supply of housing can be considered up to date.
6. The appeal site forms part of an old RAF base. It contains one large old building dating from this former use (the old cinema building). This is currently used by an animal feeds processor and supplier.
7. In order to make the rural area more sustainable Policy CS4 of the SCS seeks to direct new development into Community Hubs and Clusters. These hubs and clusters are defined within the SAMDev, and it is agreed by both parties that the site is located outside any designated settlement boundaries, within the open countryside.
8. In such areas, Policy CS5 of the SCS and Policy MD7a of the SAMDev strictly control new open market housing. New housing in the open countryside is limited to that which is needed to house essential rural workers, to affordable accommodation to meet a local need, and to the replacement of existing dwellings. It is no part of the appellant's case that the appeal scheme meets any of these criteria, and so the scheme would be contrary to these policies.
9. The appellant draws attention to the acknowledged need for a high proportion of windfall development in the county, quoting from the SAMDev Inspector's Report. As a result Policy MD3 of the SAMDev indicates that as well as the allocated housing sites, permission will also be granted for other sustainable housing development, subject to other policies in the plan, including CS5, to which I have concluded the proposal would be contrary. Policy MD3 envisages housing beyond the settlement boundary, but only where the settlement housing guideline appears unlikely to be met. In this case the site is not located in the vicinity of any Community Hub or Cluster and so there is no specific settlement housing guideline against which to judge the need for development outside the boundaries. Moreover, the support is only given to sustainable housing development.
10. Although the site is not redundant it is previously developed land. The Framework gives clear support for re-using such land, provided that it is not of high environmental value (paragraph 17 and 111).
11. Whilst there is a range of employment opportunities within the area, there are few other services or facilities in the immediate vicinity and most that do exist are not within walking distance of the site. I have not been made aware of any public transport in the immediate vicinity of the site and from my own observations the nearest bus stop was some distance along the A41. Although Market Drayton contains a wider range of services and facilities, this is

approximately 8km from the site. Consequently, future occupiers would have to travel to meet all of their basic needs and would be reliant on the private car to do so.

12. The Framework acknowledges that opportunities to travel by sustainable means, and to minimise journey lengths, will vary from urban to rural areas. Notwithstanding this, future residents would need to travel some distance to meet the majority of their basic needs, and they would largely be dependent on the private car to do so. In this regard the proposal would conflict with the core planning principle in the Framework which seeks to make the fullest possible use of public transport, walking and cycling.
13. As a result the site, I consider that the site is not sustainably located, and this would outweigh any benefit of using previously developed land.

Rural Economy

14. The site is, in part, currently used by a business that serves the surrounding agricultural enterprises. Policy CS13 of the SCS recognises the importance of farming in the rural areas and seeks to support rural enterprise and the development and growth of key business sectors, including food and drink production.
15. The appeal scheme would only utilise the front part of the site. However, it would also include the demolition of the old cinema building which is located further to the rear. The appellant has indicated that this building is falling into disrepair, is not structurally suitable for conversion, and does not meet the requirements of modern businesses. Nevertheless, this building is currently being used by a business which serves other local businesses, and which the evidence indicates is a growing concern.
16. The appellant has not addressed what would happen to this existing employment use. Nevertheless, the demolition of the building used by the firm, and the fact that the illustrative block plans show only a field access would be provided to the land at the rear of site, indicate that the proposal would at least require the existing business to relocate.
17. Whilst both the Framework and local policies support the re-use of previously developed land, they also give support to the need to creating a strong rural economy. In seeking to redevelop for residential purposes a site that is currently in active use for employment, and which not only provides local jobs but supports a key business sector within the local economy, the proposal would be detrimental to the rural economy of the area. As such it would conflict with Policy CS13 of the SCS.
18. The construction of new houses would provide some work for local contractors, and spending by new residents would also be beneficial to the local economy. The scheme would also result in a Community Infrastructure Levy payment, towards local infrastructure improvements. However, given the size of the development these benefits would be limited, and would be common with developments that accord with the development strategy for the area.
19. Thus, whilst the proposal would have some limited economic benefits these would be outweighed by the harm caused to the local economy through the loss of an active employment site.

Character and Appearance

20. At present, the site is largely open grassland with some areas of hardstanding. On the other side of the A41 is a café/HGV stop but otherwise the site is surrounded by agricultural land. Although the former cinema building is a large structure, its position within the site and vegetation in the area, means that it is not a visually prominent building when travelling in either direction along the A41. Furthermore, given the presence along this main road of large agricultural and employment buildings, it does not appear out of character.
21. The development of the appeal site for housing would result in the encroachment of the built form onto land that is currently open grassland. Although not covered by any statutory or local designations the open nature of the site would be lost and the character and appearance of the site would be fundamentally altered. Whilst there are some residential properties in the vicinity close to the A41, the majority of uses that are found along the road are commercial. As a result the development would be out of keeping with the prevailing character of the area. The proposal would therefore conflict with Policies CS6 and CS17 of the SCS which seek to ensure that new development respects and enhances local distinctiveness, and protects and enhances the quality and character of the area

Affordable Housing

22. The appellant has submitted a signed Unilateral Undertaking to facilitate a contribution towards affordable housing as required by Policy CS11 of the SCS and the *Type and Affordability of Housing SPD (adopted September 2012)*. I consider that the measures within the obligation accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010, and the tests for planning obligations set out in the Framework. However, the Council have highlighted that they have a number of concerns with the drafting of the document, and so whether it could be relied upon to secure the contributions. In addition, as no title information has been supplied they are unable to confirm that it would actually bind the site or that the correct people are parties to the agreement.
23. As I intend to dismiss the appeal for other reasons, I have not pursued this matter further with the main parties. However, until the matters outlined above are resolved, I am not satisfied that the submitted Unilateral Undertaking would make adequate provision for affordable housing in accordance with Policy CS11 of the SCS. In any event, even if a new Unilateral Undertaking were to be submitted that addressed these matters, the provision of a contribution to affordable housing would not outweigh the harm that I have identified the scheme would cause.

Other Matters

24. The appellant has indicated that the proposal would result in HGVs no longer using the site access with which highways have previously expressed concerns due to the presence of a nearby lay-by on the A41. However, whilst I note that the highways authority has no objection to the scheme, the Council have stated that the current business has a satisfactory means of access to the road network. As such I give the purported highway benefits of the scheme little weight.

Overall Planning Balance

25. The Council can currently demonstrate a 5 year supply of housing land. As such, in line with paragraph 49 of the Framework, the policies for the supply of housing within the development plan can be considered up to date. These policies focus development on Shrewsbury, the market towns and other key centres. As the site is located in the open countryside, away from any designated settlement, it would not accord with this development strategy. However Policy MD3 does allow for sustainable housing development beyond settlement boundaries.
26. The Framework sets out a presumption in favour of sustainable development which should seek to achieve economic, social and environmental gains. As set out above, I consider that the limited economic benefits of the proposal would be outweighed by the economic dis-benefits that would arise from the loss of a current employment site. In terms of the social dimension the proposal would provide new housing. With regards to environmental considerations, as outlined above, I consider that although the site is previously developed land, it is not well located in terms of its accessibility, and would be harmful to the character and appearance of the area.
27. In the light of this, whilst I have given weight to the social benefits of the scheme in my decision, I conclude that in this instance they would be outweighed by the adverse economic and environmental impacts. Consequently the proposal would not represent sustainable development, and would be contrary to Policies CS4, CS5, CS6, CS11, CS13 and CS17 of the SCS and Policies MD3 and MD7a of the SAMDev.
28. Both parties have drawn my attention to other recent appeal decisions within the area for housing development beyond the settlement boundaries, some of which have been allowed and others dismissed. I do not have the full details of the circumstances of most of these appeals, although I do note that many of them relate to sites in close proximity to a settlement boundary which is not the situation here. In addition, the decisions indicate the finely balanced nature of the cases. From these it is clear is that each case needs to be judged on its own merits, on the basis of the evidence before the Inspector, and it is on this basis that I have determined this appeal.
29. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR

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Appeal Decision

Site visit made on 2 February 2015

by Declan Beggan BSc (Hons) DipTP DipMan MRTPI

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

Decision date: 25 February, 2016

Appeal : Ref: APP/L3245/W/15/3137787

Land off Old Chester Road, Hinstock, Shropshire, TF9 2SY

- 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 Richard McLaughlin of Charmford Homes Limited against the decision of Shropshire Council.
 - The application Ref 15/02538/FUL dated 11 June 2016 was refused by notice dated 19 October 2015.
 - The development proposed is described as 'Four bungalows with access'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the submission of the appeal the Council has adopted its *Site Allocations and Management of Development Plan (SAMDev)*. In light of the advanced stage of its preparation, this document was referred to in the reason for refusal along with policies from the Shropshire Core Strategy (CS). As indicated in their statement, the appellant was clearly aware of the preparation of this document and the 'Final Comments' stage gave both parties the opportunity to address any implications arising from the adoption of this document. Accordingly the SAMDev, whose policies have been found to be sound, along with the Core Strategy (CS), form the statutory development plan for the area. I have considered the appeal on this basis.

Main Issue

3. The main issue in this appeal is whether or not the proposal would provide a suitable site for housing, having regard to the principles of sustainable development.

Reasons

4. The appeal site forms part of parcel of land that is roughly rectangular in shape and up to relatively recently was used as allotments. It is situated along Old Chester road, a cul de sac which has a number of properties located along it. To the west of the site is a dwelling, to the east are more allotments, to the north is agricultural land, whilst to the south lies Old Chester road, beyond which is a copse of trees and the A41. The site lies close to, but outside the settlement boundary for Hinstock as indicated in the SAMDev, and therefore is designated as open countryside.

5. Policy CS4 of the CS sets out the Council's strategic approach to housing provision in rural settlements such as Hinstock. In order to encourage sustainable rural development policy CS4 seeks to direct new development into Community Hubs (CH) and Community Clusters. The SAMDev promotes Hinstock as a CH, and that as a guide 60 additional dwellings over the plan period to 2026 are to be provided through infilling, groups of houses, and the conversion of buildings within the development boundary of the village.
6. The appeal site is not within the development boundary for Hinstock, and consequently policies CS5 of the CS and MD7a of the SAMDev, which strictly control new open market housing, are applicable. Both policies limit new housing in the open countryside to that which is needed to house essential rural workers, to affordable housing to meet local needs, and to the replacement of existing dwellings. Whilst the appellant argues the proposed development would meet the needs of the elderly, I see no reason why this need could not be met by allocated sites within development boundary of Hinstock. The proposal is for new build open market housing and, therefore, would not be the type of scheme that would normally be permitted under the policies. Consequently the proposed development would be contrary to policy CS5 of the CS and policy MD7a of the SAMDev.
7. The appellant has drawn my attention to Policy MD3 of the SAMDev, which indicates that in addition to allocated housing sites, permission will also be granted for other sustainable development, subject to other policies in the plan and the CS, including policy CS5, to which I have concluded the proposal would be contrary.
8. Policy MD3 of the SAMDev foresees housing development beyond the settlement boundary, but only where the settlement housing guideline appears unlikely to be met. In this case the Council have indicated that currently permission has been granted for 42 dwellings. Therefore, with the plan not due to expire until 2026, it would appear that the guideline is likely to be achieved in the village from sites within its boundary, irrespective of whether those permissions are currently in outline form. I appreciate the guideline is not a maximum figure; nonetheless, at this moment in time I am not convinced it is necessary to develop land beyond the settlement boundary.
9. The appellant questions whether the Council can achieve a five year supply of deliverable new housing sites, and highlights that there has been a record of persistent under delivery in the past, and the need to make up for an existing shortfall in housing completions. SAMDev policy MD3 refers to managing the delivery of housing development. The policy makes reference to paragraph 49 of the NPPF which effectively allows housing development to take place beyond settlement boundaries if a five year supply of land is not demonstrated.
10. The assessment of an adequate supply of new housing was at the core of the SAMDev Examination, and the Examining Inspector concluded in paragraph 70 of her report that the plan addresses the housing allocations necessary to ensure delivery of the required scale of new housing consistent with the CS. I am therefore satisfied that at present, the requirements of paragraph 49 of the NPPF are met. I note the appellant's comments that the five year supply of housing land is marginal, but the evidence before me is that the Council does have a five year supply of housing land.

11. Pulling the threads of the above together, the adopted development plan for the area recognises that Hinstock is a village that can accommodate some growth, but that growth is limited to a sustainable level. That growth in the first instance is to be found within the settlement boundary of the village which has recently been found to be sound. The proposed development would not be within the settlement boundary. Notwithstanding the appellant's concerns about under delivery of housing sites, the Council can currently demonstrate a 5 year housing land supply, and the submitted evidence indicates that the village is highly likely to achieve the proposed level of growth within its settlement boundary. Accordingly, I consider that at this stage, the proposal would be contrary to the development strategy for the area.
12. The appellant argues the NPPF confirms that a five year land supply is not a ceiling on otherwise sustainable development. The NPPF, taken as a whole, constitutes the Government's view of what sustainable development means in practice for the planning system. Paragraph 7 of the NPPF identifies three dimensions to sustainable development, namely, economic, social and environmental; whilst paragraph 8 notes that these roles are mutually dependent and should not be looked at in isolation.
13. The appellant argues the proposed development would not appear incongruous in the open countryside, and that the existing development either side of it, its delineation by existing hedging, and its screening from the A41 by trees, result in the site not being perceived as part of the countryside. It is also maintained that it is not isolated from adjacent development that forms part of the village.
14. Contrary to the appellant's opinion, the development of a site which has an open nature, with four dwellings that would have a roadside frontage of some 60 metres would result in the encroachment of the built form into the countryside. Whilst I appreciate there are other dwellings along Old Chester road, nonetheless my impression of the site was that of an open rural location whether it was viewed from either end of the cul de sac. The trees and hedging that form the roadside boundary of the site, the adjacent allotment site, in addition to the copse of trees opposite the site, to my mind reinforces the fact that the immediate locality has a distinctive rural nature that is different from the built form of the village to the south east.
15. Whilst the site is not subject to any statutory or local landscape designations, nonetheless, its development with four dwellings would fundamentally alter the site's character and appearance, and extend the built form of the settlement into the countryside to the detriment of the character and appearance of the area. I attach significant weight to this environmental harm. In addition such harm would run contrary to policy CS6 of the CS which seeks to ensure, inter alia, that new development protects and enhances the natural environment and takes into account local character, and the context of the area.
16. The appellant argues that the proposed development would be no less sustainable than the SAMDev allocation HIN009, however, I do not consider it is directly comparable as that site backs onto and is hemmed in by development in the form of the A41 on one side and also Chester road, with the majority of its other boundaries adjacent to the existing built form of the village.
17. I accept the proposal would not constitute isolated development due to its proximity to the existing built up part of the village. I also accept that it would

be within a reasonable walking distance of local services that are found in the village, and where local bus services could be accessed, thereby offering the potential for travel by means other than the private motor car, which I attach modest weight to in support of the proposal.

18. The proposed development would provide some economic and social benefits. The proposed development would bring short term employment benefits during its construction phase, in addition to its residents contributing to the local economy. The proposed development would also result in a Community Infrastructure Levy (CIL) payment, the New Homes Bonus, and payment of Council Tax. However, given the scale of the scheme, these benefits would be limited, and would in any event be common with new dwellings within the development boundary.
19. The occupiers of the dwellings would strengthen and sustain the local community by using facilities such as the village shop and public house. In this respect the scheme would help to enhance the vitality of the local community. However, the contribution four dwellings would make to the vitality of the community and support it would give to local services would be very modest; I therefore attribute limited weight to any economic or social benefits in regards to sustaining the viability of the community.
20. The development of the site for four bungalows would only make a modest contribution to the overall supply of housing; I therefore attribute limited weight in regards to this social benefit.
21. I note the appellant's willingness to enter into a legal agreement in regards to contributing to the provision of funding for affordable housing through a Section 106 Obligation, in line with policy CS11, however, I do not have a signed Unilateral Undertaking before me to secure the contributions, and therefore I do not consider it appropriate to consider any social benefits which might be provided by the proposal in this respect, nor for that matter whether these contributions are necessary.
22. Consequently the proposed development would result in limited economic and social benefits. In regards to other environmental matters, the site is reasonably well located in terms of shops, services and public transport links, all of which I attribute modest weight to.
23. However, based upon the three stranded definition of sustainable development at paragraph 7 of the NPPF, and the rest of the document taken as whole, the significant environmental harm I have identified in regards to the harmful encroachment into the countryside outweighs the modest and limited weight I attach to some environmental, economic, and social dimensions of the proposal, and therefore in the overall balance, I do not consider the proposal would represent sustainable development in this regard. In addition it would not accord with the development strategy for the area which provides for growth and development in a sustainable manner.
24. The appellant maintains the development of windfall sites, such as the appeal site, is an important element of housing land supply as indicated by the supporting text to policy MD3 of the SAMDev. Policy MD3 indicates that in addition to allocated housing sites, planning permission will also be granted for other sustainable housing development subject to other policies in the plan, including policy CS5. However, as I have concluded that the proposal would be

contrary to policy CS5, and I do not consider it to be a sustainable development; it follows it would not be an appropriate windfall development as mentioned in policy MD3.

25. Consequently the proposal would not constitute a sustainable form of development having regard to the development strategy for the area that seeks to promote sustainable development, and to strictly control development in the countryside. It is therefore contrary to policies CS4, CS5 and CS6 of the CS, and the requirements of policies MD3 and MD7a of the SAMDev Plan, and it would not represent sustainable development when the NPPF is read in its totality.

Other Matters

26. The appellant draws comparisons to the policy position between the appeal proposal and an appeal allowed under Ref. APP/L3245/W/15/3029727. However I do not consider the allowed appeal is directly comparable as that decision pre-dated the publication of the Inspector's report of the SAMDev, where the Inspector referred to uncertainty as to the final form of the policies such as MD3, and consequently afforded the policies only moderate weight. Those policies in the SAMDev have since been found to be sound, and now form part of the statutory development plan for the area. The appellant also draws attention to an appeal in East Cheshire under Ref. APP/R0660/A/13/2196044, where the Inspector was not persuaded that an 18% reliance on strategic locations within five years was achievable, with the circumstances not dissimilar to the situation in Shropshire. However, I do not have full details of the appeal being referred to, and so cannot be sure that it represents a direct parallel to the current appeal proposal. In any event, each appeal must be considered on its own merits, and I have determined this appeal on the basis of the evidence as presented.
27. Whilst the appellant maintains the site, if granted permission, would be delivered in 2016, this does not justify development that is otherwise unacceptable, and contrary to local and national planning policies.

Conclusions

28. For the reasons given above, and having had regard to all other matters raised, I conclude the appeal is dismissed.

Declan Beggan

INSPECTOR

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Appeal Decision

Site visit made on 17 November 2015

by Beverley Doward BSc BTP MRTPI

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

Decision date: 26 January 2016

Appeal Ref: APP/L3245/W/15/3133018

Field adjoining Valve House, Hindford, Whittington, Oswestry, Shropshire, SY11 4NR

- 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 Edward Goff against the decision of Shropshire Council.
 - The application Ref 14/00910/OUT, dated 28 February 2014, was refused by notice dated 27 February 2015.
 - The development proposed is described as "erection of 7 dwellings (including 1 affordable)."
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above is taken from the planning application. However, the documentation submitted with the appeal indicates that the proposal was subsequently revised to reduce the number of proposed dwellings to 5. The Council dealt with the application on this basis and so shall I.
3. The planning application was submitted in outline with all matters reserved. I have dealt with the appeal on this basis. A layout plan was submitted with the planning application. However, I have taken this as being for indicative purposes only.
4. The Council's reason for refusal refers to policies of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (Core Strategy). However, in its appeal statement the Council indicated that the Shropshire Site Allocations and Management of Development (SAMDev) Plan had reached an advanced stage and that accordingly significant weight should be attached to the SAMDev Plan policies. During the course of the appeal the Inspector's Report on the examination into the SAMDev Plan was published. The Examining Inspector concluded that subject to the modifications set out in her report the SAMDev Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework (the Framework). The SAMDev Plan has now been adopted. Accordingly, along with the Core Strategy it forms the statutory development plan for the area. I have considered the appeal on this basis.

5. The appellant was afforded the opportunity to comment on the implications for the appeal of the Inspector's Report on the examination into the SAMDev Plan. Accordingly, it has not been necessary to seek further comments on the adopted SAMDev Plan. The appellant was also afforded the opportunity to comment on the Council's Five Year Housing Land Supply Statement which was updated following receipt of the Inspector's report on the examination into the SAMDev Plan.

Main Issue

6. The main issue in this case is whether the proposal for housing development in this location would comprise a sustainable form of development having regard to its effect on the character and appearance of the area and the accessibility of services and facilities.

Reasons

7. Policy CS4 of the Core Strategy seeks to enable communities in the rural area to become more sustainable. It indicates that this will be achieved by focusing investment into Community Hubs and Community Clusters, allowing development in Community Hubs and Community Clusters that provides for local needs and is of a scale appropriate to the settlement, ensuring that market housing development makes sufficient contribution to improving local sustainability through a mix of housing and by delivering community benefits in the form of contributions to affordable housing for local people and contributions to identified requirements for facilities, services and infrastructure and ensuring that all development in Community Hubs and Community Clusters is of a scale and design that is sympathetic to the character of the settlement and its environs and satisfies policy CS6 of the Core Strategy. Policy CS4 indicates that Community Hubs and Community Clusters are identified in the SAMDev Plan.
8. The supporting text to policy CS4 of the Core Strategy indicates that development will only be allowed within settlements and that for planning purposes the countryside between the settlements is not part of the cluster. It also indicates that development in Community Hubs and Clusters will be within the village or on land that has been specifically allocated for development.
9. Hindford, along with the settlements of Park Hall, Babbinswood and Lower Frankton is identified within the SAMDev Plan as a Community Cluster. In relation to this cluster no specific site allocations are proposed in Hindford, Babbinswood and Lower Frankton where only limited infill and conversions will be appropriate within the development boundary.
10. The appeal site is a field on the south western edge of the settlement of Hindford. It lies at the rear (west) of a newly constructed dwelling which fronts onto the lane and to the south of three detached dwellings which are sited about 50 metres away. To the south and west of the appeal site are agricultural fields which form part of the extensive area of open countryside beyond.
11. The proposed development of 5 houses on the appeal site would, unlike the newly constructed dwelling to the east which is located between existing buildings alongside the lane, result in the encroachment of built form beyond the south western edge of the village, which in my view forms the development

- boundary, and into open countryside. Accordingly, it would not comprise limited infill development within the development boundary of Hindford which policy S14.2 (ix) of the SAMDev Plan indicates as appropriate but rather would comprise development within the open countryside.
12. Policy CS5 of the Core Strategy indicates that new development in the countryside will be strictly controlled in accordance with national planning policies protecting the countryside. New housing is limited by policy CS5 to that which is needed to house essential rural workers, affordable housing to meet a local need and the conversion of rural buildings. In relation to essential rural workers dwellings and affordable housing to meet a local need, development will be expected to take place in recognisable settlements or be linked to other existing development and business activity.
 13. It is no part of the appellant's case that the appeal proposal would be for any of the types of housing development listed in policy CS5. Accordingly, as the appeal proposal would be located in the countryside it would conflict with policy CS5 of the Core Strategy. This policy is broadly consistent with the core planning principle of the Framework of recognising the intrinsic character and beauty of the countryside and the advice at paragraph 55 of the Framework that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities and that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.
 14. The appeal site lies at the rear of a dwelling which fronts onto the lane. However, it is readily visible from the lane and despite the well established hedgerows which form its boundaries to the north, west and south it is essentially open, albeit not covered by any statutory or local landscape designations. The development of the appeal site would result in the loss of the open nature of the site, fundamentally changing its character and appearance and extending the built form of the settlement into the open countryside to the detriment of the character and appearance of the area.
 15. Notwithstanding the layout of the three detached dwellings to the north of the site, the general pattern of development within Hindford is of linear development with properties set within their own grounds alongside the lane. I appreciate that layout is a reserved matter. However, it seems to me that any development of 5 dwellings on the site would inevitably result in a suburban type layout uncharacteristic of the existing pattern of development in the locality. Furthermore given the relatively small scale of Hindford, comprising around only 19 dwellings, the proposed development for 5 houses on the site would not be of a scale appropriate to the rural character of the area.
 16. I appreciate that Hindford is identified as part of a Community Cluster. I also appreciate that it is served by a bus service to Ellesmere and Oswestry, albeit a somewhat limited service, and that although it has no facilities other than a public house, other local services and facilities are available in the larger settlement of Whittington about 1.5km away. However, Whittington is accessed from Hindford by a relatively narrow country lane with no footway. Accordingly, it seems to me that whilst the future occupants of the proposed houses may provide some support to help maintain the local services in Whittington, they would most likely be reliant upon the private car to access

- essential services and facilities, including shopping and employment, in the larger towns of Oswestry and Shrewsbury.
17. Taking all of the above into account therefore, the appeal proposal would not be consistent with the requirements of policy CS6 of the Core Strategy. This policy indicates that the creation of sustainable places will be achieved by a number of things. These include ensuring 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 and requiring proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and the use of public transport can be maximised and the need for car based travel reduced.
 18. Policy CS6 of the Core Strategy is consistent with the core planning principles of the Framework that planning should take account of the different roles and characters of different areas recognising the intrinsic beauty of the countryside, contribute to conserving and enhancing the natural environment and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable.
 19. The appellant refers to windfall development as a key requirement of the housing land supply as indicated by the supporting text to policy MD3 of the SAMDev Plan. Policy MD3 indicates that in addition to the development of the allocated housing sites set out in the Settlement Policies S1-S18, planning permission will also be granted for other sustainable housing development subject to other policies in the plan, including policy CS5. I have concluded that the proposal would be contrary to policy CS5. Accordingly, it would not be an appropriate windfall development as provided for by policy MD3.
 20. Both parties have referred me to a number of other appeal decisions in which the issue of housing land supply has been considered, some of which have been allowed and others dismissed. All of these pre-date the publication of the latest update of the Council's Five Year Housing Land Supply Statement (5YHLSS) which was produced on 30 October 2015 following receipt of the Inspector's report on the examination into the SAMDev Plan. The latest update of the 5YHLSS uses the methodology utilised in the Inspector's report and indicates that Shropshire currently has a 5.53 year supply of deliverable housing land. The appellant has not provided any evidence to dispute this. Accordingly, on the basis of the evidence before me there is nothing to lead me to conclude that the Council does not have a 5 year supply of housing land as required by the Framework. In the light of this, and the adoption of the recently examined SAMDev Plan, the policies for the supply of housing can be considered up to date.
 21. The appeal proposal would provide some economic and social benefits. It would provide housing, initially bringing short term employment opportunities during the construction of the houses and then providing homes whose occupiers would contribute to the local economy. It would also contribute to the overall supply of housing. The scheme would also result in a Community Infrastructure Levy (CIL) payment. However, given the scale of the proposed development any benefits in these respects would be somewhat limited.

22. The occupants of the proposed houses may help support local services. However, in Hindford these are limited to the public house. Although there are some local services in Whittington the occupants of the proposed houses are most likely to be reliant upon the private car to access these and those in the larger towns of Oswestry and Shrewsbury.
23. The appellant indicates that the proposal would provide financial support for the diversification of his existing farm business thereby contributing to the local economy and providing employment opportunities. However, there is no guarantee that the proceeds from the proposed development would be invested in this way. The appellant indicates a willingness to enter into an appropriate legal agreement to ensure that the proceeds of the development would be reinvested in this manner. However, no such agreement is before me. In any event even if it were it would need to satisfy the relevant tests set out in the Community Infrastructure Levy Regulations 2010 which indicate that a planning obligation may only constitute a reason for granting planning permission if it is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. I am not satisfied that these tests would be met in this case.
24. I note the appellant's willingness to make the necessary contribution toward affordable housing in accordance with policy CS11 of the Core Strategy. However, I have not been provided with a mechanism to secure this. Therefore, it would not be appropriate to consider any social benefits which might be provided by the proposal in this respect.
25. I note that the appellant indicates that a pond and enhancement planting would be provided on the site. Accordingly, there may be some environmental benefits in terms of the biodiversity of the area. However, as I have found above, the proposal would cause material harm to the character and appearance of the settlement and the surrounding countryside. This weighs heavily against the proposal. Accordingly, the limited economic, social and environmental benefits would not outweigh the adverse impacts I have found above.

Conclusion

26. To conclude therefore, drawing together all of the above, the proposal for housing development in this location would not comprise a sustainable form of development having regard to its effect on the character and appearance of the area and the accessibility of services and facilities. It would conflict with policies CS5 and CS6 of the Core Strategy. Although Hindford is identified as a location for future housing growth as part of a Community Cluster under policy CS4 of the Core Strategy the appeal proposal would not accord with the requirements of policy S14.2 (ix) of the SAMDev Plan which indicates the type of development appropriate in Hindford as part of the Community Cluster. Furthermore, it would not comprise the form of windfall development deemed appropriate by policy MD3 of the SAMDev Plan.
27. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Beverley Doward INSPECTOR

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Appeal Decision

Site visit made on 21 December 2015

by Geoffrey Hill BSc DipTP MRTPI

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

Decision date: 10 February 2016

Appeal Ref: APP/L3245/W/15/3129922

Church Street, Ellesmere, Shropshire SY12 0HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Christopher and Mrs Rosemary Horton against Shropshire Council.
 - The application Ref 14/03934/FUL, is dated 26 August 2014.
 - The development proposed is described as "residential development of land off Church Street and Talbot Lane to create 10 new dwellings of various sizes. The proposals also include the improvement of the town's link to the Mere by creating a wider public route from the Church Street pelican crossing to the entrance of Cremorne Gardens, enlarging the opening in the brick wall to 7 to 8 metres. Drainage alterations to Rosemary Cottage will also form part of the application".
-

Decision

1. The appeal is dismissed and planning permission refused.

Planning Policy Context

2. The appellants make the point that the planning application was made in July 2014¹, before the Shropshire Sites Allocation and Management of Development (SAMDev) Plan had been adopted. The appellants argue that the appeal should be considered in the context only of the Shropshire Core Strategy, which was the operative development plan document at the time the application was made.
3. I understand the appellants' frustrations that the processing of the application and the administration of the appeal have incurred lengthy delays – all of which were beyond the control of the appellant – but with the consequence that a new development plan context (ie the SAMDev Plan) is now in place. I note the appellant's argument that the appeal should be determined against the policies which were in force at the time the application was made. However, having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, it is my duty to consider the appeal in the light of the current development policies. Also relevant in the determination of this appeal is government planning policy, as set out in the National Planning Policy Framework (NPPF).

¹ The planning application form is actually dated 26 August 2014

Main Issues

4. The appeal was made in respect of the Council's failure to issue a decision within the prescribed period. Consequently, the Council has been precluded from making a decision on the application. Although the Council has submitted a statement of case to explain its views on the proposed scheme, this does not present the Council's objections in the form of resolved or putative reasons for refusal. Consequently, there is no clearly stated focus of the Council's rationale for objecting to the proposed scheme, nor are the relevant development plan policies specifically referenced in its Statement. However, from the representations I discern that there are three main issues in this appeal:
 - i) the effect of the proposed development on the character and appearance of the area;
 - ii) the effect on the setting of nearby listed buildings.
 - iii) the effect on highway safety of traffic and safety of pedestrians.

Reasons

Character and appearance

5. The appeal site lies outside the development boundary for Ellesmere defined in the recently adopted SAMDev Plan. Accordingly, the proposed development has to be regarded as falling to be considered under the Countryside policies in the SAMDev (Policies MD7a MD7b).
6. Policy MD7a seeks to restrict new residential development in the countryside other than for essential rural workers. Exceptions may be allowed where there is proven local housing need, but the scheme under consideration in this appeal is not being put forward to meet such a need. Policy MB7d explains that part – at least – of the rationale for resisting new development in the countryside is to minimise the impact of new development and to conserve the historic landscape. These policies are consistent with and supported by Shropshire Local Development Framework Core Strategy Policy CS5.
7. The Council contends that the scheme would not be sensitive to the setting of Cremorne Gardens and the Mere. The site is within the Ellesmere Conservation Area. SAMDev Policy MD13 seeks to conserve the significance and setting of heritage assets. Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The Conservation Area includes not only the historic core of built development in the town, but also the land running down to the Mere from the town. The Mere is clearly an important open area within the Conservation area, which is appreciated for its visual amenity and leisure value.
8. The appeal site is not in truly open countryside: it is land largely behind existing frontage development, lying between Church Street and Cremorne Gardens. That is, the impact on the wider or rural historic landscape would be negligible. However, having regard to the adopted policy, it has to be regarded as part of the 'countryside'. The appeal scheme clearly would introduce development where none exists at present, and where there is no need in terms of providing accommodation for essential rural workers.

9. The appeal site is an undeveloped area – albeit part has a planning permission for use as a car park – which forms part of the setting for the Mere and the adjacent Cremorne Gardens. Development here would consolidate the present informal pattern of built development and undeveloped areas hereabouts, bringing built development closer to the Mere. This would erode the setting of the Mere and its value as a leisure and visual amenity in this part of the town. There is public access through this area, and development here would degrade the conservation area experience for pedestrians when walking between the town and the Mere.
10. I acknowledge that English Heritage (EH) had indicated that the design of the proposed dwellings could be acceptable subject to careful consideration of details, but EH did raise an objection relating to the visual relationship between houses on plots 2-5 and the boundary with Cremorne Gardens and the Mere. The appellants have suggested that this might be resolved by means of a planning condition. A revision of the site boundary and possible adjustment of land ownerships cannot be a requirement of a planning condition, and it is not clear that such an adjustment would be both acceptable and achievable were it to be set out in a 'Grampian' style condition. That is, I do not consider that this objection has been, or is realistically capable of being, resolved as part of the appeal scheme.
11. Drawing the above points together, the proposed scheme would introduce built development into the currently open and generally informal transitional area between the built up area of the town and the Mere. This would harm the character and appearance of the area in terms of it introducing development into an area now categorised as 'countryside', nor would it serve to preserve or enhance either the character or appearance of the Conservation Area, contrary to the objectives of the development plan policies.

Setting of listed buildings

12. The Council also argues the scheme would not be sensitive to the setting of the nearby listed buildings. Nos. 7, 9, 11 and 13 Church Street are listed buildings. SAMDev Policy MD13 is the relevant policy for this concern.
13. For the most part, the proposed dwellings would be set apart from these listed buildings, but the house proposed on Plot No.1 could be close enough to impact upon the setting of No.9. However, there is no clear discussion on this point in the appeal submissions and hence there is no compelling evidence to regard this as an overriding concern.
14. Concern has been raised by an interested person about the proximity of the garage for the dwelling on Plot 5 and Cremorne Cottage. It is said that Cremorne Cottage is a listed building although I have not been provided with details of its listing and what in particular about its setting needs to be respected. The proposed garage is shown to be sited within 2 metres of the corner of Cremorne Cottage, which may impinge upon the setting of the listed building. Having said that, I accept that there is scope to reposition the garage should the appeal be allowed. It is possible that this point could be covered by a planning condition if the scheme were found to be acceptable on all other grounds.

15. On this second main issue, whereas I recognise the appeal scheme has the potential to affect the setting of listed buildings, the evidence submitted is not detailed nor persuasive about which properties could be affected, how the setting(s) could be harmed, or to what extent. In which case, I conclude on this main issue that, on the evidence before me, the proposed scheme would not unacceptably harm the setting of any nearby listed buildings.

Highway safety

16. The proposed scheme shows two access points onto Church Street / Talbot Road. Church Street/ Talbot Road is a main road through the town (A495), and it carries an appreciable volume of mixed traffic, including heavy goods vehicles. Under these circumstances, it is reasonable to require new development to provide safe access points on to the highway.
17. I have not been provided with any local policies or guidance on highway safety and design of access points. However, the guidance given in Manual for Streets (MfS) is relevant. Church Street is subject to a 30 mph speed limit in the vicinity of the appeal site. Section 7 of MfS indicates that there should be clear visibility at the access in each direction of 43 metres at a point 2.4 metres back from the edge of the carriageway.
18. The main access is to the eastern end of the site, close to the present pedestrian crossing. Here the access is proposed to be 4.8 metres wide, which would be just about wide enough to allow two cars to pass, meaning that it is unlikely that vehicles would have to wait or manoeuvre on Church Street to enter or leave the site. Visibility to the east would be unobstructed, but to the west the control cabinets for the pedestrian crossing interfere with a clear view. Having said that, I accept that this access point is effectively the same as that for the approved car park use of the land. No evidence has been put before me of any accidents having happened at this access, or other safety issues relating to its use. It would therefore seem to be inconsistent to regard the presence of the control cabinets as a major objection.
19. The western access (Talbot Lane) is narrower where it runs between No.21 Talbot Street and Yolande Court, and vehicles would not be able to pass one another on this track. The approach to the access is across a wide verge between the houses and the highway and I accept that this is probably wide and deep enough for vehicles to wait for a clear passage in the event of another vehicle being on the track. However, this verge is thickly planted with shrubs which obstruct visibility to the west. There is a need for clear visibility in this direction because of the curve in Talbot Street, which itself has the potential to obscure traffic travelling towards the site from Sparbridge.
20. I acknowledge that the planting could be cut down to below a level where it would not obstruct visibility, but this is on land outside the ownership or control of the appellants, and the appellant cannot give an assurance that the vegetation will be cut down, either initially to allow the development to go ahead or that it would be subsequently maintained thereafter at an appropriately low height. I do not consider that a satisfactory resolution of this concern can be imposed or assumed through planning conditions, either directly or through a 'Grampian' style condition. Intensification of the use of this access would, therefore, represent an unacceptable risk to highway safety.

Other Matters

21. Were the appeal to be allowed and permission granted there would be an expectation that a proportion of the development would be made available as affordable housing. This would usually be secured through a planning obligation made under Section 106 of the Town and Country Planning Act 1990. The appellants have agreed to provide such an obligation were the appeal to be allowed. It is usual for a completed planning obligation to accompany firstly the planning application and subsequently the appeal submissions. I acknowledge that the absence of a completed obligation might have been addressed if the scheme was seen to be acceptable in all other respects, but not having one before me as part of the appeal submissions does add weight to the rationale for dismissing the appeal.
22. Objections have been raised by persons who live close to the site that the proposed houses would overlook neighbouring properties, such that it would interfere with their privacy. The occupants of two properties in particular have raised such concerns: No.9 Church Street and The Old Estate Yard. The house on Plot No.1 would be within 2 metres of the boundary with No.9 Church Street. There would be no windows to habitable rooms on the rear elevation of the proposed house and hence there would be no risk of overlooking or loss of privacy for the occupants of No.9. However, it is likely that the proposed house would appear uncomfortably close and overbearing for persons using the garden of No.9.
23. The House on Plot No.2 would look towards The Old Estate Yard, with some 13 metres between the facing elevations. There is a brick wall across the frontage of The Old Estate Yard which presently screens the ground floor rooms of this property. Some of the first floor rooms do look out over Plot No.2 but the design of the proposed house shows only secondary windows facing towards The Old Estate Yard. These could be required to be obscure glazed, and thereby safeguard the privacy for the occupants of The Old Estate Yard. Having regard to the relationship between buildings in the centre of Ellesmere, 13 metres separation between facing elevations is not unusual or uncharacteristic.
24. The Council's advisor on archaeological matters notes that the site is seen to have a high archaeological potential. Having regard to paragraph 128 of NPPF, and taking into account the advice that the likelihood of there being high value archaeology under this site, it is not unreasonable to require more than just a desk study to be undertaken before coming to a decision on whether to grant planning permission here. I note that a geophysical survey has been carried out and this is amongst the application documents. However, this seemingly is not sufficient to satisfy the concerns of the Council's advisor. In the absence of further information from the advisor, and in view of the fact that the proposed scheme is to be dismissed on other grounds, I do not consider that it is necessary for me to come to a definitive conclusion as to whether sufficient information has, or has not, been submitted on the archaeology of the site to justify dismissing the appeal on this point.
25. Part of the site has planning permission for use as a car park, but the car park is not surfaced and there is no built development on the land. It does not, therefore, fall within the definition of previously developed land given at

Annex 1 to NPPF. Accordingly, the fact that it can be used as a car park does not support the argument that the land should now be considered as a brownfield site, and therefore suitable for built development.

26. I acknowledge that the appeal site had been identified in the Strategic Housing Land Availability Assessment (SHLAA) which suggests that it may once have been considered a suitable candidate site for housing development. However, the SHLAA is not a policy document: it is simply part of the evidence base which contributed towards the identification and selection of preferred sites to be included in the SAMDev Plan. Clearly, it was not carried through from the SHLAA into the adopted policy document. The fact that the site had been identified in the SHLAA does not override the now adopted plan.
27. I also note the appellants' claim that the preferred housing site in Ellesmere may not come forward for development as envisaged in the SAMDev Plan. I have no conclusive evidence on this point. If allocated sites are not coming forward as envisaged in the plan this would be identified in the Annual Monitoring Report (AMR) and, if necessary, the plan can be revised. In view of the fact that the SAMDev Plan was only adopted in December 2015 a year has not yet elapsed to set the context for the AMR. On the basis of the evidence before me in this appeal, it is not appropriate for this appeal to set aside the conclusion of the Examination of the SAMDev Plan so soon after it has been adopted, nor to pre-empt the outcome of the AMR.

Overall Conclusion

28. The proposed scheme would harm the character and appearance of the area, and increased use of the western access would jeopardise conditions of highway safety. No other matters raised in support of the appeal outweigh the harm discussed above, and would not justify coming to a decision other than in accordance with the development plan. Accordingly, the appeal should be dismissed and planning permission refused.

Geoffrey Hill

INSPECTOR

Appeal Decision

Site visit made on 9 February 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 09 March 2016

Appeal Ref: APP/L3245/W/15/3138565

Land off Hillcrest Road, Hillcrest Road, Childs Ercall, Hinstock, Shropshire TF9 2DG

- 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 and Mrs P Clifton against the decision of Shropshire Council.
 - The application Ref 14/03006/OUT, dated 3 July 2014, was refused by notice dated 24 September 2015.
 - The development proposed is an outline application for the erection of 2 detached dwellings; to include means of access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with access only to be determined at this stage. I have determined the appeal on this basis, treating the layout shown on the site plan as indicative.
3. I have chosen to use the description of the development provided on the appeal form rather than that given on the application form as this provides a clearer and more succinct description.
4. I note that the Council has referenced the incorrect policy from the Site Allocations and Management of Development Plan (the SAMDev) document in its decision notice. The reference to Policy S8.2 should in fact be Policy S11.2 (iii). I have referred to the latter policy in my decision.
5. Since the submission of the appeal the Council has adopted the SAMDev. It is clear from the appellants' statement that they were aware of the status of this document, and the 'Final Comments' stage gave both parties the opportunity to address any implications arising from the adoption of this document. I have therefore determined the appeal on the basis of the national and local policies adopted at the present time.

Main Issue

6. The main issue in this case is whether the proposal would represent a sustainable form of development.

Reasons

7. The appeal site is located on part of an undeveloped open field at the south eastern extent of the village of Childs Ercall. It is adjacent to the existing properties on the east side of Hillcrest, though a triangle of land sits between this site and the boundary of the property known as Fairleigh. It sits opposite an open recreation area which includes some childrens play equipment. The two dwellings proposed would continue the linear form of development present along Hillcrest.
8. The site sits outside the development boundary for Childs Ercall as set out in the SAMDev, the south eastern extend of which ends at the boundary of Fairleigh.
9. Policy CS4 of the Shropshire Core Strategy 2011 (the Core Strategy) seeks to ensure that rural communities will become more sustainable by focusing development and investment in Community Hubs and Community Clusters. At SAMDev Policy S11.2 (iii) Childs Ercall is identified as a Community Hub which will provide for limited future housing growth of around 10 houses up to 2026. This will be delivered through infilling, groups of houses and conversions which may be acceptable on suitable sites within the development boundary.
10. As the appeal site must be considered to be in the rural area, outside either a Hub or a Cluster, Policy CS5 of the Core Strategy and Policy MD7a of the SAMDev are relevant in this case. These policies seek to strictly control development in the countryside, with new development only being permitted where this improves the sustainability of rural settlements by bringing economic and community benefits. In this respect new housing is limited to that which is needed to house rural workers, other affordable accommodation to meet local need and the replacement of existing dwellings. The appellants state that the proposed dwellings would provide accommodation for their children. However, apart from a letter of support from the Parish Council, I have not been presented with any evidence to support a case for local need, and so this development would be contrary to these policies.
11. It is also relevant to consider SAMDev Policy MD3 which states that in addition to supporting development of the allocated housing sites set out in settlement policies, planning permission will also be granted for sustainable housing development on windfall sites both within these settlements and in the countryside, particularly where the settlement housing guideline is unlikely to be met. Considerations relevant to this Policy also include the presumption in favour of sustainable development, benefits arising from the development and the cumulative impact of a number of developments in a settlement.
12. In considering the suitability of this site for a residential development of two houses I have looked at the availability of services locally and also access to services and employment elsewhere via public transport, cycling and walking. This is a small settlement of some 300 dwellings and I note that very few services are available in the village. There is a village hall and a licensed club, but the nearest primary school is in Hinstock, some 3 miles away. I have been made aware that there is a regular bus service to Drayton, Wellington and Telford. However, realistically, I consider that development in this location would inevitably lead to regular travel outside the village primarily by private car.

13. I have also looked at the key elements of sustainability as set out in the National Planning Policy Framework (the NPPF) at paragraph 7. I accept that this development would contribute to the expansion of the local population and thereby the vibrancy of the community. I also accept that there would be short term economic gain through the provision of construction jobs. A financial contribution towards the provision of affordable housing elsewhere would also be secured by way of a Section 106 Agreement. There would also be some additional revenue generated for the local Parish Council. However, given the scale of the proposed housing, any benefits in these respects would be somewhat limited. Also, the environmental impacts generated by construction on a greenfield site, the need to travel outside the village to access some key services and employment cannot be overlooked, and outweigh the limited social and economic benefits.
14. It is also relevant to consider the cumulative impact of development in Childs Ercall, in terms of recent completions and extant approvals. I note from the appellants' statement that as at 31 March 2015, 4 dwellings had been completed and 6 had outstanding planning permission. I also note objectors' references to other extant approvals in the vicinity of Childs Ercall. I therefore consider that given the limited nature of services available locally and the fact that it appears that the local target for development up to 2026 will already be exceeded, the cumulative impact of new development in this location would render further development unsustainable.
15. The Council's housing land supply figures are set out in the Shropshire Council Five Year Housing Land Supply Statement 2015. This was produced following the Inspectors report on the SAMDev, and uses the same methodology as this report, demonstrating that Shropshire currently has a 5.53 year supply of deliverable housing land. The appellants have disputed these figures and have and have presented an alternative assessment suggesting over-optimism on behalf of the Council in respect of delivery. However, on this matter it is relevant to consider *Milwood Land Ltd v SSCLG & Stafford BC* [2015] where it was found that "*In relation to five-year housing land supply, the Inspector was entitled to attribute considerable weight to the recent conclusions of the inspector who examined the local plan*". On this basis I consider that it is premature to conclude the Council are being over optimistic in their expectations. It is also relevant to again note the number of extant approvals in Childs Ercall, suggesting that SAMDev Policy MD3 is already enabling housing development locally.
16. On this basis the evidence before me is that the Council does have a 5 year housing land supply. Therefore the policies for the supply of housing can, in accordance with the NPPF at paragraph 49, be considered as up to date.
17. Both parties have drawn my attention to other appeal decisions in Shropshire relating to housing development beyond settlement boundaries, some of which have been allowed and others dismissed. I do not have the full detail of these appeals before me but note that some of them pre-date the adoption of the SAMDev which now provides greater certainty in terms of the final wording of policies and the weight which should be attached to this document. These decisions indicate the finely balanced nature of these judgements and so it is clear that each case must be judged on its own merits.

18. As noted above, the appellants have submitted a signed Section 106 agreement to provide a financial contribution towards affordable housing. This agreement accords with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010, and the tests for such agreements set out in the NPPF. This favours the scheme, but such contributions are required from all housing developments in the County, and in this case the contribution would be limited given the scale of the development. It would not, therefore, overcome the harm identified.
19. I also note that the appellants have indicated that the two housing units proposed would be a self-build project. Whilst this is to be commended, in the absence of a planning obligation, or some such other secure delivery mechanism, there is no means by which such a build project could be secured. I therefore afford this matter limited weight.

Conclusion

20. Drawing all of these strands together, in the scheme's favour it would contribute to the supply of housing and would make a modest contribution to the provision of affordable housing. However, these benefits would be in common with development located within settlement boundaries. Furthermore, these benefits would be outweighed by the fact that this site is located outside the settlement boundaries of Childs Ercall, that it has not been demonstrated that this settlement has capacity for further sustainable development, and that a case for specific local need has not been made. I therefore conclude that the proposal would not represent a sustainable form of development and would conflict with Core Strategy Policies CS4 and CS5, and SAMDev Policies S11.2 (iii), MD7a and MD3 and the NPPF as a whole.
21. For the reasons set out above, and taking into consideration all other matters raised, I conclude that the appeal should fail.

A J Mageean

INSPECTOR

Appeal Decision

Inquiry held on 10-13 November and 3 December 2015

Site visit made on 3 December 2015

by Matthew Birkinshaw BA(Hons) Msc MRTPI

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

Decision date: 09 March 2016

Appeal Ref: APP/L3245/W/15/3005726

Lazy Days Motorhomes A41 Sales Centre, Chester Road, Hinstock, Market Drayton, Shropshire, TF9 2SY

- 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 Lester Stacey (Lazy Days Motorhomes) against the decision of Shropshire Council.
 - The application Ref 14/00236/OUT, dated 17 January 2014, was refused by notice dated 12 December 2014.
 - The development proposed is the demolition of all buildings and structures and redevelopment to provide up to 30 dwellings including access, landscaping, amenity open space and associated infrastructure.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with only access for consideration at this stage. I have therefore determined the appeal on the same basis, treating the layout, scale, landscaping and appearance of the scheme as indicative.
 3. Prior to the Inquiry the Inspector's report on the Examination into the *Shropshire Council Site Allocations and Management of Development (SAMDev) Plan* was published, dated 30 October 2015. In response both parties provided updated statements relating to its content and matters of housing land supply. Although this information was received after the exchange of evidence it represented the most up-to-date position, and was made available on the first day of the Inquiry. As it would not prejudice the interests of any party I have taken the updated evidence into account in reaching my decision.
 4. Also submitted at the Inquiry was a signed copy of the appellant's Unilateral Undertaking, dated 20 November 2015. Given that this was an amended version of a previous draft, and its contents formed part of the appellant's case to relocate the business, the signed Undertaking did not introduce any substantive information which had not previously been available. As a result, I have also taken the signed Undertaking into account.
 5. Following the Inquiry the Council formally adopted the SAMDev Plan on 17 December 2015. For the purposes of this appeal it therefore forms part of the development plan for the area.
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6. Finally, the Council also submitted additional evidence relating to matters of five-year housing land supply after the Inquiry. As this was not available at the time of the event, and is pertinent to the issues before me I have taken it into account, along with the appellant's rebuttal.

Main Issue

7. The main issue is whether or not the proposal represents sustainable development, having particular regard to:
 - The accessibility of the site and the need to travel;
 - The effect of the proposal on the character and appearance of the area;
 - Whether or not the site is commercially viable for continued employment use; and
 - The effect of the proposal on Great Crested Newts.

Reasons

8. The appeal relates to a commercial site used primarily for the sale and display of motorhomes. Situated adjacent to the A41 it is approximately 1.5km (0.93 miles) to the north-west of the centre of Hinstock; a Community Hub for the purposes of the *Shropshire Core Strategy* and SAMDev Plan.
9. The strategic approach to development in Shropshire is set out in Core Strategy Policy CS1. This establishes a hierarchy which focuses development towards Shrewsbury, the Market Towns and Key Centres. Elsewhere Policy CS1 aims to make the rural areas more sustainable through a process of "rural rebalance", with provision made for around 35% of Shropshire's new housing (roughly 9,625 units). In achieving this rebalance Policy CS1 confirms that development and investment will be located predominantly in Community Hubs and Clusters. Core Strategy Policy CS4 states that communities in rural areas will become more sustainable by focusing investment in the Hubs and Clusters, and restricting development outside these settlements.
10. Policy MD3 of the recently adopted SAMDev Plan also supports windfall developments such as the appeal proposal. However, it confirms that planning permission will be granted for "sustainable housing development". At the Inquiry the parties debated the supporting text to this policy which suggests that windfall development is important in settlements and the countryside, "*including both brownfield and, where sustainable, greenfield sites...*". Whilst bearing in mind *Tesco Stores Limited v Dundee City Council [2012]*, the phrasing of the explanatory text and the position of the comma does not, in my logical reading of the policy, negate the need for brownfield proposals to be 'sustainable'.
11. As a result, the key consideration in this case is whether or not the proposal represents a sustainable form of development. The National Planning Policy Framework ('the Framework') also advocates that housing applications should be considered in the context of the presumption in favour of sustainable development. In achieving sustainable development the Framework identifies three dimensions; the economic, social and environmental. It also confirms that these roles are mutually dependant, and I have considered the proposal on the same basis.

Accessibility

12. Hinstock is one of the lowest ranked settlements under the Shropshire Core Strategy and has a range of services and facilities commensurate with its size. This includes a primary school, post office, convenience store, community hall and a pub. All of these services would be approximately 1.5km – 2km from the appeal site.
13. Subject to the construction of the proposed footpath/cycle lane potential future occupants would be able to reach Hinstock on foot and by cycle without crossing the A41. The main dispute between the parties is therefore whether or not this would be realistic given the distance involved, and the quality of the walking experience.
14. There is no locally adopted policy or guidance which defines how close local services need to be in order to be considered 'accessible'. During cross examination the Council's planning witness conceded that the proposal accords with *Manual for Streets* which states that walking offers the greatest potential to replace short car trips under 2km. Moreover, CIHT guidance¹ establishes that the preferred maximum walking distance for commuters and education is 2km. However, whilst the services in Hinstock would be within this maximum distance, *Manual for Streets* also advises that 'walkable neighbourhoods' are typically characterised by having a range of facilities within a 10 minute walk-time, or roughly 800m. Based on the accessibility plan provided by the appellant none of the services in Hinstock would be within a 10 minute walk of the proposed dwellings².
15. Furthermore, although there is no policy test for footpaths to be 'attractive', the National Planning Practice Guidance³ states that "*The likelihood of people choosing to walk somewhere is influenced not only by distance but also by the quality of the walking experience*". As a result, the route along which residents would be expected to travel is also a relevant consideration.
16. Following construction of the footpath occupants would have to travel roughly 600m alongside the A41 towards Hinstock. This equates to almost a 7 minute walk. During my site visit, which was carried out on a weekday afternoon, I saw that traffic passing along this part of the A41 contained a high number of Heavy Goods Vehicles (HGVs). At the Inquiry a local resident also referred to the number of HGVs using Chester Road. In addition, the A41 in this location is subject to the national speed limit and there is very little to separate the existing footpath from passing traffic. When combined therefore, the type, frequency, speed and proximity of traffic creates a very poor environment for pedestrians, and not one that is conducive to walking to the local shop, post office or primary school.
17. Furthermore, the 15A bus service between Newport and Stone only runs once a week on Tuesdays. To access this service also requires walking into Hinstock. As a result, it would not represent a practical alternative to driving. Although the 'Shropshire Community Transport Consortium' operates a local transport facility it does not cater for work or education trips. The service would therefore be unlikely to offer a realistic alternative to the private car either.

¹ Guidelines for Providing for Journeys on Foot (Chartered Institute of Highways and Transportation, 2010)

² At the time of my site visit the Four Crosses Public House was closed and available for sale

³ Paragraph: 042 Reference ID: 26-042-20140306

18. In summary, taking into account the distance between the appeal site and Hinstock, the environment along the A41, and the lack of an adequate public transport service, I consider that potential future occupants would be heavily reliant upon a private car in order to satisfy the majority of their day-to-day needs. Whilst there would inevitably be some linked trips, with up to 30 new houses proposed the appeal scheme would give rise to a significant number of additional households in a largely inaccessible, rural location.
19. In reaching this view it is appreciated that rural travel patterns are different to those of an urban area, and that the recently adopted SAMDev Plan includes new housing allocations in Hinstock. Residents of these sites would also be without access to a frequent bus service and the majority would be reliant upon commuting out to places of work or leisure. Nevertheless, both allocations are adjacent to existing housing within a short distance of services in the village. New rural development in Hinstock would therefore be materially different to the appeal scheme, which, by reason of its location would not be conducive to accessing even the most basic services on foot. Consequently, the fact that the SAMDev Plan supports new housing in and around the village is not comparable to the appeal proposal.
20. It is also appreciated that as an existing business there will already be a number of trips made to and from the site by staff and customers. However, the appellant's submissions point to a significant decline in activity at Lazy Days, and at the Inquiry it was suggested that the business needs to relocate in order to secure its future. Evidence submitted by 'Folwells' also describes the site as "*isolated*" for a business of this type, and 'Louis Taylor' conclude that there is limited demand for employment land "*...in this type of rural location.*" As a result, whilst the scheme would reduce the number of large, slow moving vehicles from the A41, I have not given the existing use of the site or the potential fallback position any significant weight in comparison to the erection of 30 new houses.
21. Submitted in support of the proposal are also several appeal decisions cited as examples of how development should be considered in relation to accessibility in a rural area under the Framework. However, I have considered the scheme on its own, specific merits. Moreover, the case at Blackberry Barn was for a live/work unit and the appeals at The Home Farm related to the change of use of existing buildings to single dwellings. Whilst the erection of 16 houses was proposed at Norton this formed part of a mixed-use scheme with new business units and an accessible bus service ran past the site six days a week. Consequently, the circumstances in these cases were materially different⁴.
22. I therefore conclude that by reason of its distance from Hinstock, the quality of the walking experience along the A41 and the accessibility of the appeal site by public transport the proposal would directly facilitate the need to travel by car. As a result, it conflicts with Core Strategy Policy CS6 which seeks to ensure that proposals likely to generate significant levels of traffic are located in accessible locations where opportunities for walking, cycling and the use of public transport can be maximised and the need for car based travel reduced. This is broadly consistent with one of the Framework's Core Planning Principles which seeks to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development

⁴ Ref APP/H1840/A/12/2175319, Ref APP/H1840/A/13/2202015 and Ref APP/H1840/A/14/2213555.

in locations which are or can be made sustainable. Thus, the proposal also fails to fulfil the socio-economic functions of sustainable development as defined in paragraph 7 of the Framework.

Character and Appearance

23. To the north-west of Hinstock the A41 travels through a relatively open area of countryside with a combination of businesses and small groups of houses following the roadside. Although there are estates closer to Hinstock, such as The Chestnuts and Villa Farm Close, the character of the immediate surrounding area is far less formal with a dispersed, loose-knit pattern of development occupying a rural setting.
24. It is common ground that the appeal site has capacity to accommodate roughly 190 motorhomes on a broadly L-shaped area of hardstanding. Fronting the A41 the site also contains several commercial buildings and signage aimed at attracting passing motorists' attention. It is against this landscape baseline that the proposal must be considered.
25. Nevertheless, at the time of my visit only the front section of the appeal site was occupied by stock, with the rectangular parcel of land at the rear largely free from any motorhomes. This reflects Mr Taylor's evidence which describes the site as too big for the much reduced Lazy Days, which only occupies the front part of the site. Thus, although the white motorhomes are a stark feature in the landscape and do not successfully blend into their surroundings, from the information provided and observations at my inspection I am not persuaded that the current use and condition of the site causes any significant visual harm. On the contrary, the mix of hardstanding, open storage and commercial buildings is similar to other businesses dotted along the A41.
26. By reason of its size and scale the amount of residential development proposed would more than double the number of houses in Mill Green. By extending across all of the hardstanding the indicative layout would also be more akin to a suburban estate than the loose-knit rural area. Furthermore, the scheme would be clearly visible within the public domain from neighbouring roads and footpaths. When viewed in the context of its predominantly open, rural surroundings, and due to its distance from Hinstock I consider that the erection of up to 30 houses stretching back from the roadside would give rise to an incongruous and visually intrusive form of development. Although it would maximise the use of brownfield land and not protrude into areas of open countryside, the amount and scale of residential development would be harmfully out of place in this rural location outside of the village.
27. In reaching this view I have taken into account that the application was submitted in outline with only access for consideration. The appellant also confirms that the density of the scheme would be low, at roughly 11.5 dph. Nonetheless, the amount of development would still be significant in comparison to the existing use of the site and its rural setting outside Hinstock. When considering the size and configuration of the hardstanding, and the degree of separation that would be required between the A41 and the nearest houses, I am not convinced up to 30 dwellings could be delivered on the site without appearing harmfully out of place in this rural context. Based on the indicative plans and evidence provided the visual impact of the scheme would not be mitigated by landscaping, boundary treatments and/or materials.

28. In support of the proposal the appellant has prepared a Landscape and Visual Impact Appraisal. No such assessment has been provided by the Council. This states that the existing use has a visual prominence which is uncharacteristic of the surrounding rural area, and that due to its nature, form and colouring the scheme would be more subtle and successfully assimilate into the landscape. However, the Design and Access Statement confirms that the proposed dwellings are envisaged to be 2-storey. Given the difference in size between a typical 2-storey house and a motorhome, combined with the current level of activity at Lazy Days, I do not share the view that up to 30 dwellings would reduce the extent and visibility of built development across the site.
29. The appellant also confirms that the appeal site is not part of a designated landscape. Nevertheless, the Framework advises that planning should take account of the different roles and character of areas and recognise the intrinsic character and beauty of the countryside. Due to the scale of development proposed and its location, introducing such a significant group of houses onto the broadly L-shaped areas of hardstanding would be directly at odds with the loose-knit, rural character of the area. As a result, material harm would still arise by reason of the proposal's incompatibility with its surroundings.
30. At the Inquiry I was also referred to a recent appeal decision in Shropshire, Ref APP/L3245/W/15/3003171, dated 30 November 2015. In allowing the appeal the Inspector found that Shropshire's housing needs "*...could not be sustainably provided by large amounts of further ribbon development.*" Although I have no reason to dispute this, the centre of the village was described as "*...about 100 metres from the site entrance and no more than 150 metres from most of the appeal dwellings.*" This is not the case before me, and the circumstances are materially different.
31. I therefore conclude that despite the existing use and condition of the site, by reason of its rural location, combined with the amount of development proposed the scheme would fail to adequately take account of its local context and cause material harm to the character and appearance of the area. As a result, it conflicts with Core Strategy Policy CS6 which, amongst other things, requires that development is appropriate in scale, density, pattern and design taking into account local context and character. This is broadly consistent with the Framework which advocates that planning should recognise the intrinsic character and beauty of the countryside and ensure development responds to local character. Consequently, the scheme is also contrary to the Framework.

Continued Employment Use

32. The Council's main objection is that the appeal site has not been marketed as necessary under SAMDev Policy MD9. However, this was not a requirement when the application was submitted, or determined. The proposal is also made on the basis that revenue generated by selling the appeal site for housing would facilitate the relocation of Lazy Days to Ollerton Business Park. It is the appellant's position that this could not be achieved by selling the site as a going concern, hence, no alternative storage/sales owners have been sought.
33. Notwithstanding this, evidence provided by 'Folwells' confirms that the location of the site, which the Council describes as unsustainable, would not be attractive to most commercial operators who would wish to be closer to a ready workforce. 'Louis Taylor' also advise that the location is unlikely to be attractive to most businesses and whilst there could 'potentially' be demand for

- a transport or storage yard, they are unaware of any current enquires. The letter also states that the existing premises would be unable to attract funding for speculative development as finance is typically limited to proposals where an end user has been identified.
34. Although neither Folwells nor Louis Taylor appeared at the Inquiry this is the only professional evidence before me relating to the suitability of the site for employment use. No information has been provided by the Council or their 'Service Manager for Business and Enterprise' to indicate how or why the Lazy Days sales centre is "*a good employment site*".
35. It is also pertinent to consider what Policy MD9 seeks to achieve. The explanation states that the protection of existing employment areas will increase the capacity of the local economy to accommodate investment by retaining opportunities for the redevelopment of serviced employment land. Protection will primarily assist strategic and local employers to secure their operational base and meet their business development needs for growth and expansion. The supporting text reaffirms that the protection of employment areas must be proportionate, with a preference for retaining established business areas with a strong market presence.
36. With this in mind Lazy Days is categorised as a Mixed Commercial Site, the lowest in the Hierarchy under Table MD9.1. Folwells advise that there is a range of more suitable land and buildings available in North Shropshire close to urban areas such as vacant industrial sites in Newport and Market Drayton. Louis Taylor also identifies 17 industrial estates which are available in North Shropshire including land actively being marketed by the Council. The only evidence provided in this regard therefore identifies an existing supply of available, more easily accessible employment land. Thus, redeveloping the appeal site for housing would not undermine the ability of the local economy to accommodate investment, which is what Policy MD9 seeks to achieve.
37. In the absence of an appropriate period of marketing the appeal proposal conflicts with Policy MD9 of the recently adopted SAMDev Plan. However, the submitted evidence describes a lack of demand for the site due to its location and distance from the workforce, and, the availability of other more accessible alternatives. I therefore conclude that the site is not commercially viable for continued employment use, and its redevelopment for housing would not harmfully limit opportunities for economic investment and growth in the area.

Great Crested Newts

38. Where a European Protected Species (EPS) may be affected by development it is necessary to consider whether or not an offence under Article 12(1) of the Habitats Directive would occur. If the answer is yes, a consideration of the likelihood of Natural England granting a mitigation licence is required.
39. In this case it is common ground that the only relevant EPS is the Great Crested Newt (GCN). The most recent survey⁵ confirms that the amount of suitable habitat on the site is low due to the presence of hardstanding and buildings. However, it does refer to a small count of 10 GCN found in a pond approximately 100m to the north-west of the site in 2010. A survey of the pond in 2013 found only 2 adults, and no other examples of GCN have been

⁵ Absolute Ecology, April 2013

- recorded within 2-4km of the site. The evidence provided therefore points to a very small, localised population around the pond on Mill Green Lane.
40. Notwithstanding the size of the local population the County Ecologist maintains that the environment surrounding Lazy Days, including some smaller parts of the appeal site, constitutes good GCN habitat. At around 110m away the Council states that the construction of the new access onto Mill Green Lane would result in the deterioration and destruction of a resting place, contrary to Article 12(1)(d).
 41. With this in mind evidence presented at the Inquiry surrounded how far GCN are likely to travel, with different guidance and research documents referred to. However, it is necessary to go beyond a simplistic measurement of distance and also assess the qualitative, environmental factors in considering whether or not a certain area is actively used as a 'resting place' for GCN.
 42. Both parties have referred to the same guidance⁶ which defines a resting place as "*...areas essential to sustain an animal or group of animals when they are not active...Resting places that are used regularly, either within or between years, must be protected even when not occupied.*" The guidance also confirms that GCN do not migrate but will disperse to adjacent pools and ponds. Healthy populations utilise a series of pools and move between them, dispersing over a suitable interconnecting habitat. The resting places for GCN are therefore the "*...adjacent terrestrial habitat that supports them during the terrestrial part of their life cycle.*"
 43. Despite their suitability no GCN have been found in any of the other ponds surrounding the site. Both surveys found only a small, localised population off Mill Green Lane. This supports the appellant's proposition that GCN are not dispersing to other ponds nearby. It is also important to consider that Mill Green Lane leads only to a paddock used by grazing horses and the A41. The hedgerow and ditch do not form part of an interconnecting habitat of ponds and pools that GCN are likely to travel along and use for rest or shelter on a regular basis. Thus, whilst it may be *potentially* suitable as a resting place, I am not persuaded that the 14m of hedgerow proposed for removal forms part of an area essential to sustain the small population of GCN occupying the neighbouring breeding pond.
 44. In support of this view the appellant refers to *Morge v Hampshire CC (CoA) [2010]*. Although this related to bats, paragraph 54 confirms that resting places only require protection where there is a reasonably high probability that the species concerned will return. If a location is only used occasionally, then it "*is very likely that the site does not qualify as a breeding site or resting place*". Paragraph 58 confirms that to suggest that a development would contravene Article 12(1)(d) because it would affect a 'potential' breeding site or resting place "*goes too far*". Given that the evidence in this case points to a very limited population in the pond to the north-west of the site, and with no information to suggest that GCN have dispersed in other directions, the small section of hedgerow proposed for removal can only be described as a potential resting place. Its loss would therefore not contravene Article 12(1)(d).

⁶ Guidance document on the strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC.

45. Similarly, other areas that could provide potential resting places for GCN include roughly 0.035ha of tussock forming vegetation and approximately 0.035ha of dense scrub around the paddock to the north-east of the site. However, the secondary vegetation is approximately 150m from the pond and the scrub land is almost 200m away. Despite this being a commutable distance for GCN, for the reasons given above I am not convinced that these small, isolated areas can realistically be described as a 'resting place'. The area of dumped material on the eastern site boundary also provides the type of habitat that resting GCN would utilise to take refuge. Nevertheless, it is roughly 250m away from the breeding pond off Mill Green Lane and is located on the other side of hardstanding used for the display and sale of motorhomes.
46. In order to prevent GCN accessing the site during construction Temporary Amphibian Fencing (TAF) is proposed. In response the Council states that this would cause the deliberate capture or killing of GCN under Article 12(1)(a). This is consistent with Natural England's guidance⁷ which states that in the majority of cases a mitigation licence is required as the fencing acts a barrier to the terrestrial movement of GCN. Essentially, *"If the TAF obstructs access to places used for shelter or protection, this would be deemed an offence without an appropriate license."*
47. However, the only site specific evidence provided indicates that GCN are unlikely to use the potential resting places further down Mill Green Lane. As a result, the implementation of TAF around the proposed site entrance would not, on the balance of probability, obstruct access to places used for shelter or protection. Similarly, given use of the hardstanding for the sale and display of motorhomes the erection of TAF would not restrict the natural movement of GCN across the appeal site. Furthermore, in the absence of any evidence to suggest that other surrounding ponds have been occupied, TAF around the paddock would not obstruct access to places of rest or shelter either. During cross-examination the County Ecologist also accepted that cutting the TAF off above ground level would ensure that no deliberate harm would occur to individual GCN as a direct result of the barriers.
48. I therefore conclude that the proposal would not cause any offence under Article 12(1) of the Habitats Directive, and subject to the use of the agreed mitigation measures would preserve the conservation status of the small population of CGN found on Mill Green Lane. As a result, there would be no conflict with the Framework in this regard, and it is not necessary to consider whether or not a mitigation licence would be granted by Natural England.

Unilateral Undertaking

49. The submitted Unilateral Undertaking includes provision for affordable housing and on site public open space. It is common ground that both are necessary to make the development acceptable in planning terms, are directly related to the scheme and are fairly and reasonably related in scale and kind. Based on the submitted evidence I find no reasons to disagree, and both would provide tangible benefits.
50. Also included in the Unilateral Undertaking is a commitment to relocate Lazy Days to Ollerton Business Park prior to the commencement of development. The reasons for this were outlined at the Inquiry, and the appellant's Business

⁷ Standing Advice Species Sheet: Great Crested Newts, Natural England

Manager provided evidence regarding the current trading position at Lazy Days. Mr Taylor confirmed that in 2008 recession forced the Pound to collapse against the Euro which had the knock-on effect of significantly inflating the cost of motorhomes. Combined with changes in spending habits, with less money available for luxury motorhomes, the business will only break-even in 2015.

51. During difficult trading circumstances the appellant has established a successful wholesale business at Ollerton Business Park. It is intended to use the capital generated by the sale of the appeal site to relocate to Ollerton, which the appellant asserts would save roughly £350,000 per year and safeguard local jobs. With a more manageable, purpose built site it is argued that the business would be fit for future investment, therefore creating more job opportunities.
52. There is no questioning the appellant's ambition to keep Lazy Days trading in what have been difficult times. Relocating to a single site with shared costs also makes logical business sense. However, no detailed information regarding the suitability of the site at Ollerton has been provided. Whilst it is described as a 'business park' there is nothing to indicate, with any certainty, the likelihood of the appellant securing planning permission for Lazy Days.
53. Similarly, no detailed evidence has been submitted to explain the correlation between the proposal and the costs associated with transferring to Ollerton. Although the Business Manager stated that the appellant was not out to make profit from a residential sale, there is nothing to justify the interrelationship or how the development is linked to the cost of relocating. Given these uncertainties I have only attributed the relocation of Lazy Days moderate weight in reaching my decision.

Other Material Considerations

54. Paragraph 49 of the Framework confirms that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Where the development plan is absent, silent or relevant policies are out-of-date paragraph 14 applies. This advocates granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole, or, specific policies indicate that development should be restricted.
55. With this in mind a considerable amount of Inquiry time was spent looking into whether or not the Council could demonstrate a deliverable five-year supply of housing land, with a forensic assessment of over 70 disputed sites. ID11 establishes the respective positions, with the Council proposing a supply of almost 5.53 years and the appellant roughly 3.95 years. The main differences stem from whether or not the housing requirement, and thus the extent of the shortfall, should be considered against an annualised figure or the trajectory approach adopted by the Council. The delivery of individual sites and the use of a windfall allowance are also determinative factors in both cases, and the appellant questions whether the full objectively assessed need (FOAN) for the area is up-to-date.
56. The main parties concur that the headline figure of 'around 27,500' in Core Strategy Policy CS1 is based on the *Regional Spatial Strategy (RSS) for the West Midlands – Phase II Review Panel Report*. The supporting text to Policy CS1 recognises that changes during 2010/11, such as the status of the RSS

and revised household projections mean that "...*this figure may need to be revised through a review of the plan.*" To date this review has not started. I therefore appreciate the appellant's concerns regarding the validity of this starting point. Nonetheless, no alternative FOAN has been provided, and the 'around 27,500' figure is the only one before me.

57. The Inspector's report on the Examination into the SAMDev Plan found that whilst it would be preferable for the Council to have a greater supply, five-years' worth of deliverable housing land could be demonstrated. The Inspector also set out the position regarding the application of an appropriate buffer, and that the trajectory approach adopted by the Council is correct when considering how the Core Strategy was originally drafted and subsequently adopted.
58. I am mindful that the SAMDev hearings were held over 12 months ago, during which time the circumstances of individual sites may have changed. However, amongst the various contrasting appeal decisions submitted are two recent cases which also concluded that there is a five-year supply of deliverable housing sites in Shropshire⁸. Furthermore, the National Planning Practice Guidance⁹ advises that "*The examination of Local Plans is intended to ensure that up-to-date housing requirements and the deliverability of sites to meet a five year supply will have been thoroughly considered and examined prior to adoption, in a way that cannot be replicated in the course of determining individual applications and appeals where only the applicant's/appellant's evidence is likely to be presented to contest an authority's position*".
59. Based on the evidence provided the five-year housing land supply position in Shropshire is clearly finely balanced, and comes down to assumptions on individual sites. Although I heard a forensic assessment of over 70 sites at the Inquiry this included debate and assumptions concerning several development proposals made without the benefit of any site specific information. I therefore find the evidence in this regard largely inconclusive.
60. Nevertheless, even if I adopt the appellant's position, namely that there is not a deliverable five-year supply of housing, Mr Rawle's written representations submitted after the Inquiry confirm that "*the key matter in any decision on whether planning permission should be granted for a proposal, is whether or not it constitutes sustainable development within the three interrelated dimensions...*". For the presumption to apply it is therefore first necessary to find that the scheme represents sustainable development, which I turn to below.

Balancing Exercise

61. There would be several economic benefits to allowing the appeal. It would increase choice and competition in the market for land and contribute to the Council's supply of deliverable housing sites. There would be direct and indirect jobs in the construction process, and the expenditure from potential future occupants would help support local services and attract people of a working age to the area. It would also provide the resources required to relocate Lazy Days, safeguarding jobs and creating more through investment. I have afforded the economic benefits of the scheme great weight.

⁸ Ref APP/L3245/W/15/3011886, dated 19 January 2016, and Ref APP/L3245/W/15/3007929, dated 20 January 2016

⁹ Paragraph: 033Reference ID: 3-033-20150327

62. Furthermore, the proposal would provide both market and affordable housing, and subject to an appropriate design at the reserved matters stage would expand the mix of accommodation in the area. This would assist in retaining young families in the Hinstock area and help secure a more balanced community. All of these social benefits are recognised by the Framework.
63. Environmental benefits include the creation of a new footpath and publically accessible area of open space for the community to use, improvements to biodiversity and the reduction in the number of slow moving vehicles from the A41. In addition, the proposal would not undermine the opportunities for economic investment and growth in the area, nor would it harm any EPS.
64. Furthermore, by limiting development to areas of the site used by motorhomes the scheme would maximise the re-use of brownfield land. This accords with one of the Framework's Core Planning Principles which seeks to encourage the effective use of land. It would also contribute towards the brownfield targets in Core Strategy Policy CS10, and I am mindful of the Written Ministerial Statement, dated 10 June 2014, the *Building More Homes on Brownfield Land* consultation¹⁰ and the recent consultation on proposed changes to national planning policy¹¹. I have afforded great weight to the benefits of reusing brownfield land, especially in the context of what is predominantly a rural area.
65. However, this is not a single overriding factor capable of outweighing other considerations in the planning balance. The economic role of the planning system also seeks to ensure that sufficient land of the right type is available in the right places. In addition, the social and environmental roles advocate that the planning system should create a high quality built environment with accessible local services, whilst moving towards a low carbon economy.
66. In this case the location and amount of development proposed would give rise to a significant number of trips by private cars in order for potential future occupants to meet their day-to-day needs. Situated outside Hinstock it would also result in an incongruous form of development that would fail to promote or reinforce the loose-knit, rural context of the area. For the same reasons it would be contrary to the development strategy for the area which seeks to deliver a 'rural rebalance' by accommodating development and investment predominantly in community hubs and clusters.
67. Cumulatively therefore, I consider that the harm caused by allowing the appeal would be substantial, and it would not be outweighed by the benefits, including the contribution towards housing land supply. The proposal would not resonate with the mutually dependant economic, social and environmental roles as defined by the Framework, and consequently, it is not the sustainable development for which there is a presumption in favour.

Conclusion

68. For this reason, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Matthew Birkinshaw

INSPECTOR

¹⁰ Building more homes on brownfield land consultation proposals (DCLG, January 2015)

¹¹ Consultation on proposed changes to national planning policy (DCLG, December 2015)

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr G.A. Grant of Counsel	Instructed by Shropshire Council
He called:	
Dr Sue Swales	Natural Environment Manager/County Ecologist,
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Karen Townend	Planning Officer, Shropshire Council
(BSc (Hons) MA MRTPI)	

FOR THE APPELLANT:

Mr R Lancaster of Counsel	Instructed by PRP Consultants Ltd.
He called:	
Kurt Goodman	Associate Director, FPCR Environment and
(MSc, BSc (Hons),	Design Ltd.
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Neil Taylor	Business Manager, Lazy Days Motorhomes
Philip Rawle	Director, PRP Consultants Ltd.
(BSc (Hons) MA DipTP	
MRTPI)	

INTERESTED PERSONS:

Eric Harry Balchin	Interested Person
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DOCUMENTS

DOCUMENTS SUBMITTED AT THE INQUIRY

ID1	Edward West Counter Rebuttal, dated 9 November 2015
ID2	SAMDev Policies with modifications included
ID3	Assessment of Key Local Employment Sites and Mixed Local Employment Sites and Shropshire Council Authority's Monitoring Report (AMR) 2012-2013
ID4	Opening remarks on behalf of the Appellant
ID5	Opening on behalf of the LPA
ID6	Housing Land Supply: Composite Table of All Sites Still in Dispute
ID7	Appeal Decisions APP/L3245/A/14/2228348, and APP/L3245/W/14/3000672, both dated 19 May 2015
ID8	Appeal Decision APP/L3245/A/14/2228940, dated 20 May 2015
ID9	Statement of Common Ground
ID10	Unilateral Undertaking, Lester John Stacey to Shropshire Council
ID11	Updated Five Year Supply Figures Comparative Position 12 November 2015
ID12	Draft List of Conditions
ID13	Appeal Decision APP/L3245/W/15/3003171, dated 30 November 2015
ID14	Appeal Decision APP/L3245/W/15/3001117, dated 30 November 2015
ID15	Closing Submissions on behalf of the Local Planning Authority
ID16	Closing Submissions on behalf of the Appellant

