



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

Date: Wednesday, 20 July 2016

Committee:
Central Planning Committee

Date: Thursday, 28 July 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

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

Substitute Members of the Committee

Peter Adams
Tim Barker
Roger Evans
John Everall
Jane MacKenzie
Alan Mosley
Keith Roberts

Your Committee Officer is:

Shelley Davies Committee Officer

Tel: 01743 257718

Email: shelley.davies@shropshire.gov.uk

AGENDA

1 Apologies for absence

To receive apologies for absence.

2 Minutes (Pages 1 - 8)

To confirm the Minutes of the meeting of the Central Planning Committee held on 30th June 2016.

Contact Shelley Davies on 01743 257718.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5pm on Monday 25th July 2016.

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 Closure of Racecourse Lane, Shrewsbury - Objections received within statutory consultation (Pages 9 - 44)

6 Land to the South of Annscroft, Shrewsbury - 16/01873/OUT (Pages 45 - 54)

Outline application for the erection of 3 no. detached dwellings to include means of access.

7 11 Shorncliffe Way Shrewsbury - 16/01966/OUT (Pages 55 - 62)

Outline permission for the erection of a dwelling.

8 Schedule of Appeals and Appeal Decisions (Pages 63 - 94)

9 Date of the Next Meeting

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 25th August 2016 in the Shrewsbury Room, Shirehall.



Committee and Date

Central Planning Committee

28th July 2016

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 30 June 2016

2.00 - 4.15 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillor Vernon Bushell (Chairman)

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

15 Apologies for absence

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

16 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 26th May 2016 be approved as a correct record and signed by the Chairman subject to the following amendments to Minute 7:

- The third bullet point of paragraph 3 to be amended to read:

'He questioned why the phrase 'to protect the amenities of the locality' had been dropped from Planning Officers' parlance and why economic expansion was considered more important.'

- The seventh bullet point of paragraph 3 to be amended to read:

'He stated that residents were worth far more to the economy than late night drinking.'

17 Public Question Time

The Chairman advised that a public question had been received in accordance with Procedure Rule 14 (a copy of the report containing the detail of the question and the relevant formal response is attached to the signed minutes)

The question received from Mr Bob Morgan on behalf of residents of Kingston Drive and London Road Estate in relation to 'Overflow parking from Shrewsbury Business Park' was answered by the Chairman, Councillor Vernon Bushell.

By way of a supplementary question Mr Morgan asked the following:

Will this committee ensure that there is adequate parking provision for any new development on Phase 1 of Shrewsbury Business Park and will you approach and work with the managing agent (Alaska Holdings) to see what further can be done to increase day time parking provision on Shrewsbury Business Park?

The Area Planning Manager confirmed that any new applications for Phase 1 would be properly assessed in terms of adequacy of parking and that concerns about the adequacy of existing parking on site would be passed on to the Councils Highways department for discussion with the landowners.

18 Disclosable Pecuniary Interests

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

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

Councillor Miles Kenny declared that he knew one of the objectors to planning application 15/04910/OUT - Land South of Calverton Way, Shrewsbury.

The Chairman agreed to alter the order of the agenda to enable planning application 15/04709/EIA - Sunderton Farm, Uffington, Shrewsbury to be the next item to be considered.

19 Sunderton Farm, Uffington, Shrewsbury (15/04709/EIA)

The Technical Specialist Planning Officer introduced the application for the erection of Four Poultry Houses, with feed bins, solar photovoltaic panels and ancillary equipment and amendments to vehicular access. It was explained by the Technical Specialist Planning Officer that the applicant had submitted revised plans in relation to a new access and therefore he was now recommending that the application be deferred to allow Officers the opportunity to re-consult on the revised plans.

RESOLVED:

That the application be deferred to a future meeting of the Central Planning Committee to allow Officers the opportunity to re-consult on the revised plans submitted by the applicant in relation to the access to the site.

20 Land Adj. 38 Longden Road, Shrewsbury (15/05091/FUL)

The Area Planning Manager introduced the application for the erection of two residential dwellings and the formation of driveway. It was noted that the application was deferred at the meeting held on 26th May 2016 subject to the receipt of a visual montage of the view from the Rad Valley. The Area Planning Manager confirmed that the visual montage as requested had been received and at the Site Visit this morning Members were able to view the site from the opposite side of valley. Members' attention was drawn to the information contained within the Schedule of Additional letters.

Mr Paul Barker, on behalf of local residents spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Mr Stuart Thomas, agent for the applicant, spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Debate ensued with the majority of Members expressing the view that the proposal fails to preserve or enhance the Shrewsbury Conservation Area.

Having considered the submitted plans for the proposal and noted the comments of all speakers, 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 reasons:

1. The design and the visual impact of the proposed dwellings fails to preserve or enhance the character or the appearance of the Kingsland Special Character Area and the wider Shrewsbury Conservation Area contrary to the requirements of adopted Core Strategy policies CS6 and CS17 and adopted SAMDev Policy MD13
2. The proposed development fails to have regard to the need to conserve and enhance the towns natural and historic features in particular green corridors associated with the River Severn and its tributaries and is therefore contrary to the requirements of adopted Policies CS2, CS6 and CS17 of the Shropshire Core Strategy and SAMDev Policy CS12.

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

The Area Planning Manager introduced the outline application for the erection of four residential units (to include access). It was noted that at the meeting held on 26th May 2016 the Committee minded to refuse the application. Members' attention was drawn to the addendum Officer report and information contained within the Schedule of Additional letters.

Mr Chris Burge, Chairman of the Radbrook Community Association spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Debate ensued with the majority of Members expressing concern that the proposal would result in the loss of community space and was therefore contrary to the requirements of adopted Core Strategy Policy CS8.

Having considered the submitted plans for the proposal and noted the comments of all speakers, 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:

The proposed development fails to protect and enhance the existing facilities and amenities that contribute to the quality of life of residents and is therefore contrary to the requirements of adopted Core Strategy Policy CS8.

22 Proposed dwellings at Wilcott, Kinton (16/00327/REM)

The Area Planning Manager introduced the application for the approval of reserved matters (appearance, layout, scale and landscaping) pursuant to permission 14/03619/OUT for the erection of 2 no. dwellings.

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

RESOLVED:

That Members delegate authority to the Planning Manager to grant planning permission for the proposed development, subject to:

- The submission of satisfactory additional information regarding the potential impact on badgers (including any necessary mitigation); and clarification of the position of the Conservation Officer in respect of recording of the existing buildings on site
- The conditions set out in Appendix 1.

23 19 - 21 Hills Lane, Shrewsbury (16/01776/FUL)

The Area Planning Manager introduced the application for the change of use of the first floor from office to A4 use (pubs and bars). Members' attention was drawn to the information contained within the Schedule of Additional letters.

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

- In reference to paragraph 6.1.3 of the Officers' report he noted that there was no policy in place for the management of this type of business;
- Referring to paragraph 6.1.11 of the Officers' report he explained that there were other ways to bring more people into the Town;
- He challenged the comments contained in paragraph 6.2.9 of the Officers' report in relation to the licensing regime and stated that Planning was the only way to manage the issue of disturbance and noise generated from patrons leaving premises late at night; and
- The effect of more and more people leaving premises late at night would clearly have an impact on residents.

Mr Nigel Blair, applicant, spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of Members expressed their support for the officer's recommendation.

RESOLVED:

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

- The Conditions as set out in Appendix 1 of the report.

24 Land North of London Road, Shrewsbury (16/02049/FUL)

The Area Planning & Enforcement Officer introduced the application for the erection of single storey living accommodation for three adults 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.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Ted Clarke, as local ward Councillor, stated that he agreed with the Officers' recommendation and then left the table, took no part in the debate and did not vote on this item.

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

RESOLVED:

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

- The Conditions as set out in Appendix 1 of the report.

25 Proposed dwelling rear of Enterprise House, Main Road, Pontesbury, Shrewsbury (15/00999/FUL)

The Area Planning Manger introduced the addendum report for the erection of a dwelling and explained that there had been a significant change in national policy on affordable housing since this application was approved by the Committee on 16th July 2015 and therefore should no longer be subject to a Section 106 agreement in relation to the financial contribution for affordable housing.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Tudor Bebb, as local ward Councillor left the room, took no part in the debate and did not vote on this item.

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

RESOLVED:

That the planning application be granted and not be subject to a Section 106 agreement in relation to the financial contribution for affordable housing.

26 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 30th June 2016 be noted.

27 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Central Planning Committee be held at 2.00 p.m. on Thursday, 28th July 2016 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

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<u>Committee and Date</u>	<u>Item</u>
Central Planning Committee	5
Thursday 28 July 2016	

Closure of Racecourse Lane, Shrewsbury – Objections received within statutory consultation

Responsible Officer Richard Ayton – Project Manager (Capital Schemes)
e-mail: richard.ayton@shropshire.gov.uk Tel: 078100 50232 Fax:

1. Summary

- 1.1 This briefing note is intended to provide background information to the Environment and Services Scrutiny Committee in response to objections received by Shropshire Council within the statutory consultation required to progress the above safety scheme. .
- 1.2 The scheme involves the closure of Racecourse Lane, Shrewsbury, at a point just south of the existing Lambourn Drive junction necessitating the construction of a turning head. A scheme plan is reproduced as **Appendix 1**.
- 1.3 New and revised Traffic Regulation Orders (TROs) will be required in connection with the Prohibition of Motor Vehicles and revised waiting restrictions and these have been the subject of a statutory consultation period running from 7/4/16 to 28/4/16.
- 1.4 The statutory consultation was publicised with site notices, in the Shrewsbury Chronicle and on Shropshire Council's website. Plans were also deposited at Shrewsbury Library and the Shirehall. As a result of this 13 objections to the proposals were received (**see Appendix 2**) these being the subject of this report.
- 1.5 In addition to the above formal consultation, informal consultation was also undertaken in 2014 and 2016, the latter being from 26/2/16 to 11/3/16 just prior to the statutory consultation. This included an advance letter drop to approximately 260 local properties which access to/ from Racecourse Lane and a public exhibition which was held at Bicton Heath Community Centre on 26/2/16. The opportunity to fill in feedback forms was given and an online survey was also made available.
- 1.6 A total of 206 responses were received to this informal consultation of which 117 were from people who live/ work off Racecourse Lane. Of those 117 responses 65% supported the closure and there were 36

objections. Unsurprisingly there were 57 objections from people who do not live or work on Racecourse Lane and who are potentially using the lane as a short-cut.

- 1.7 All the feedback received was analysed and used to inform the forthcoming formal consultation described in 1.4 above. A Mouchel report was written summarising the informal consultation results and this is reproduced as **Appendix 3**.
- 1.8 In purely numerical terms the scale of objection to the statutory consultation is very modest. The number of objections received was 13 of which 3 were from the same household and 1 was not connected to Racecourse Lane. 3 households voiced their support for the proposals and it should be noted that more communications supporting the scheme have been received since the consultation has been completed.
- 1.9 If we consider that there are approximately 260 properties with direct access to/ from Racecourse Lane then the number of (Racecourse Lane connected) households that objected was only 10 out of 260 which is 3.85%.
- 1.10 This backs up the strong consensus established within the informal consultation where 65% of those (Racecourse Lane connected) households who responded were in favour of the proposal to close the road (76 in support, 36 against, 5 indifferent). This indicates that 36 (some of whom were likely to be from the same household) out of 260 properties objected, which equates to 13.85%, though in reality it is likely to be lower in view of multiple same-household responses.
- 1.11 This demonstrates strong support for the scheme which has, if anything, increased over the course of the informal and then formal consultation exercises.
- 1.12 Whilst we need to give due consideration to the legitimate objections and concerns that have been raised, analysis indicates that most of these, following a suitable period of post-scheme monitoring, could be mitigated against if required with the implementation of suitable additional measures.
- 1.13 It is not possible to currently ascertain how travel patterns would precisely change if the scheme was implemented. Initial investigations suggest however that current traffic along Racecourse Lane would disperse and we are confident that concerns raised regarding increased traffic flows past the school would be insignificant. Indeed, there are arguments to suggest that future traffic flows past the school could decrease.
- 1.14 With regard to the concerns raised relating to the inconvenience arising from increased local journey times these are considered insignificant when balanced against the negative impacts of through traffic using the lane. Racecourse Lane was never intended or designed to be a local

distributor road and it is substandard in this respect with limited carriageway width and poor footway and street lighting provision. There are many residential accesses onto the lane, also Oxon C.E. Primary School at the northern end and the Mytton Oak Medical Practice at the southern end all of which generate significant vehicle, pedestrian and cyclist movements which further increase safety hazards. There have been 3 slight injury personal injury accidents recorded on the lane over the last 5 years and according to residents there have been a number of cats and dogs killed over this time. In addition to these there have been many reported damage only accidents.

- 1.15 The adjacent Gains Park Way however, was built as a local distributor road. It is constructed to a 40mph design standard, with good street lighting and footway provision which is set back from the road. Residential properties are also sited well back from the road and the number of accesses onto the main road is limited. The average increase in journey length and time using Gains Park Way is not considered significant with a worst case scenario of approximately 1km extra distance and no more than 90 seconds extra journey time assuming a speed of 30mph. In most cases the effect will be far less than this and there is a strong argument therefore that the scheme benefits significantly outweigh any inconvenience arising from a marginal increase in local journey times.
- 1.16 Looking ahead, we have to consider the impact of the proposed Shrewsbury West Sustainable Urban Extension (SUE), formally adopted by Shropshire Council in December 2013. The SUE Masterplan includes proposals for the development of 720 new homes, up to 12 hectares of employment land, as well as a new expanded local centre to the north of Welshpool Road. Details of this proposal can be found at <http://www.shrewsburywest.org/> , alternatively, details of the outline planning application which is for mixed residential and employment/commercial uses can be found on Shropshire Council's website, reference 14/00246/OUT.
- 1.17 There is a strong argument to suggest that traffic flows along Racecourse Lane will significantly increase in the future if we do not proceed with this scheme. The proposal to close Racecourse Lane to through traffic presents the best way to mitigate against current traffic concerns, and going forward, any adverse traffic impacts to the residents of Racecourse Lane as a result of the strategic planning proposals contained within the SUE Masterplan.

2. Recommendations

- 2.1 The recommendation of this report is that the Planning Committee support the introduction of the proposed safety scheme. Post scheme monitoring can be undertaken to assess the impact of the scheme in terms of traffic flows, speeds and conflict. Further measures to mitigate against any adverse effects could be considered if required.

- 2.2 Under Part 8 of the Shropshire Council Constitution, delegated powers are given to specified Senior Officers to ratify Scrutiny Committee recommendations. In the case of this Environment and Services Report, the decision will be made by Chris Edwards, Head of Service, Infrastructure and Communities.

REPORT

3. Road Safety Policy

- 3.1 One objective of Shropshire Council's Road Safety Policy is to overcome community concerns regarding traffic speeds, according to the function, nature and use of the road (to deal with perception of danger if considered appropriate).
- 3.2 In dealing with community led concerns, Shropshire Council's Road Safety Policy enables town and parish councils to take a primary role in filtering road safety concerns generated by the local community. Members of the general public are encouraged to approach town and parish councils directly with any road safety concerns. Town and parish councils accept these concerns first and then submit those that they support (and consider there to be a level of shared community concern) to Shropshire Council.
- 3.3 Shropshire Council does not look to town and parish councils to submit desired solutions; just communication of road safety concerns i.e. issues affecting vehicle, pedestrian or cyclist safety. Traffic engineers then use expertise and a toolkit of possible measures to determine the best, and most appropriate, measure to mitigate concerns. This may not always be a speed restriction or traffic calming, in extreme cases where there is a strong justification, other measures may be considered such as in this case where a road closure is proposed. Further information on defining an appropriate scheme is contained later in this briefing note.
- 3.4 Community led concerns must have the support of: the Shropshire Council local member, the town or parish council, West Mercia Police, and the local Shropshire Council traffic engineer if they are to be put forward for prioritisation.

4. Defining an appropriate scheme

- 4.1 In developing potential schemes, Shropshire Council traffic engineers are required to give consideration to perceived danger and agree that a perception is 'fair'. Submissions made by town and parish councils are taken as being supported by a weight of community concern.
- 4.2 Road Safety Policy framework enables Shropshire Council traffic engineers to consider what traffic management measures will best address a defined problem taking account of road function, existing

traffic and accident data and community led concerns. Further liaison is typically undertaken with key stakeholders as part of this process.

- 4.3 The Road Safety design framework is based upon a ‘toolkit’ of measures available for use by Shropshire Council’s traffic engineers, enabling individual sites of concern to be looked at and the most appropriate traffic management intervention for that site determined.

5. Closure of Racecourse Lane, Shrewsbury: Summary Report

- 5.1 The question as to whether to close Racecourse Lane has been ongoing for several decades. Successive Local Members, the former Shrewsbury and Atcham Borough Council (SABC) and Shrewsbury Town Council (STC) have regularly received complaints from local residents calling for action to address their safety concerns arising from increasing traffic flows and speeds along the lane.

- 5.2 Recent development to the south of Racecourse Lane along Mytton Oak Road has resulted in the construction of a roundabout access to the southern end of Racecourse Lane. Some local residents perceive the improved access and increased residential development in that area to have added to the speed and volume of traffic along the lane. The development of the old Shelton Hospital site (Leaton Park) immediately to the east of Racecourse Lane has added to these safety concerns as has, looking forward, the widely publicised Shrewsbury West SUE proposals described in Section 1.16 of this report.

- 5.3 In order to evaluate residents’ concerns over traffic increases, a traffic survey was undertaken earlier this year to allow comparison with traffic surveys which were undertaken on Racecourse Lane in 2007 and 2009. These are summarised below:

2007 – 85th percentile speeds 33mph, mean (average) speeds 27mph.
Average daily traffic flow 1413 vehicles.

2009 – 85th percentile speeds 33mph, mean (average) speeds 27mph.
Average daily traffic flow 1360 vehicles.

2016 – 85th percentile speeds 31mph, mean (average) speeds 25mph.
Average daily traffic flow 1534 vehicles.

These confirm residents’ perceptions that traffic flows have increased showing an increase of 12.8% from 2009 to 2016.

- 5.4 The surveyed traffic speeds have actually shown a slight drop in that time however it needs to be emphasised that the 2mph reduction in speeds is statistically not too significant and it is not unusual to see slight variance within traffic surveys over time at the same site. It is also worth emphasising that the 2016 survey was taken at a slightly different location to the previous ones. The 2016 survey location was just to the

north of the Lambourn Drive junction whilst the earlier ones were undertaken in the area of the school.

- 5.5 In view of the above it can be seen that vehicle speeds have remained consistent along Racecourse Lane over the last 9 years. Whilst the results, on the face of it, show a good compliance with the prevailing 30mph speed limit, analysis of the survey results indicates there are still a significant number of motorists who drive well in excess of the speed limit. On average, there are approximately 10 motorists per day who exceed 45mph and a small percentage of these have been recorded at speeds of between 55 and 60mph. It is this (admittedly small) percentage of irresponsible motorists who contribute most to the safety concerns of local residents and who impact adversely on their quality of life.
- 5.6 All of the above factors have led to robust canvassing from many local residents through the Local Member which has intensified over the last couple of years. This has led to the design and construction of a suitable safety scheme being prioritised through Shropshire Council's Road Safety Policy. The various consultation exercises which were held to inform the design process (see Section 1 of this report) established that a road closure was the preferred option. Whilst other options, such as traffic calming, were considered and discussed with local residents, it was made clear by the majority of consultees that they favoured a total road closure as this was the only way to reduce traffic flows in view of the ongoing and proposed developments in the area.
- 5.7 Throughout the design process, undertaken by Shropshire Council's term consultant Mouchel, public engagement and consultation played a major part in guiding the scheme and the Local Member also liaised closely with local residents.
- 5.8 The preliminary design of the preferred option of a road closure was presented to consultees at the public exhibition held on 26/2/16 as detailed in Sections 1.5 and 1.6 of this report. Following the strong support received for the scheme, detailed design was progressed and the statutory consultation as detailed in Sections 1.3 and 1.4 of this report was progressed.
- 5.9 Copies of the 13 objections to the proposals are reproduced as **Appendix 2**. In summary however, of the 13 objections, 1 was from Oxon C.E. Primary School, the others were from private households. Of these 3 were from the same household and one was not connected to Racecourse Lane (a Redwood park resident whose children attend Oxon School). 3 households voiced their support for the proposals. If we consider that there are approximately 260 properties with direct access to/ from Racecourse Lane then the number of (Racecourse Lane connected) households that objected was 10 out of 260 which is 3.85%.

5.10 Analysis of the objections from the 13 respondents highlights the following main concerns:

- A Shortage of time to respond and poor notice of the statutory consultation.
- B Misleading consultation and analysis of results.
- C Requirement for and safety implications of coach turning in Lambourn Drive.
- D Lack of more appropriate and safer school parking locations.
- E Increase in traffic congestion and safety issues around school and northern end of Racecourse Lane if scheme is introduced.
- F Exit onto Welshpool Road difficult.
- G Inconvenience/ extra journey time.
- H Preference for having closure north of Lambourn Drive.
- I Increase in turning traffic/ parking/ traffic in Lambourn Drive.
- J Preference for traffic calming instead of closure.
- K Better pedestrian routes required including link from new Leaton Park development.

5.11 Responses to the above concerns are as follows:

- A As detailed in Sections 1.3 and 1.4 of this report a comprehensive statutory consultation was undertaken over a 21 day period from 7/4/16 to 28/4/16. Site notices were maintained throughout this period and this complies with legal requirements.
- B As detailed in Sections 1.3 and 1.4 various opportunities for giving feedback were given and a detailed analysis of this was undertaken in reports all of which was made available within the public domain.
- C A high standard turning head which meets all design standards for large vehicles is proposed within the scheme. Where possible however, there would be safety benefits in rescheduling school coaches and other large vehicles whenever possible so they access the site outside peak school times. Consideration could be given to examining the possibility of introducing lockable bollards in the existing lay-by on Racecourse Lane within the safety scheme. The bollards could be used by the school to allow more accessible coach parking with greater control over timing however consideration should also be given to utilising other alternative school parking sites such as Pensfold car park, Gains Avenue, The Onslow P.H. car park or The Grapes P.H. car park whenever possible.
- D As detailed in C above there are alternative locations for school parking which are currently underutilised. It is acknowledged that there has recently been some development of Pensfold carpark however despite the reduced area it still generally has spare capacity.
- E It is acknowledged that there is currently some congestion at peak school times at the northern end of the lane in the area of the school. There may initially be continuing issues if the scheme is implemented, however we consider this will soon diminish once

motorists understand they have to revise their travel patterns to avoid delays and disruption. As detailed in points C and D above, there are alternative parking locations which are currently underutilised and which are no more than 3 to 4 minutes walk from the school. The footway links to and from these parking areas are of a good standard and often away from vehicular traffic so there is the opportunity for increased walking to school (Park and Stride) which fits in with the health, environmental and sustainability objectives of the School Travel Plan as well as giving the potential for improving congestion and safety.

F If school traffic finds exiting onto Welshpool Road problematic this will also be an encouragement for them to revise their travel pattern as in E above. In the longer term it should also be recognised that with the adoption of the Shrewsbury West SUE Masterplan and construction of the proposed Oxon Relief Road, Welshpool Road would no longer be the main westbound arterial route and would not carry through traffic. The substantial reduction in traffic using it would make exiting this junction much easier.

G As detailed in Section 1.15 of this report, increases in journey time will be insignificant. The worst case scenario will be an additional 1 km in journey length equating to an extra 90 seconds based on a 30mph travelling speed, however in most cases it will be less than this.

H The option for having the closure north of Lambourn Drive was investigated however it was not technically feasible due to existing ground levels and the incidence of a number of mature trees with Tree Preservation Orders.

I This already occurs and whilst it is acknowledged there may be a marginal increase in this in the short term it is not considered it will be a significant concern. It is believed traffic will disperse to different locations once new travel patterns are established and there may even be a reduction in the current traffic using Lambourn Drive.

J Traffic calming was considered as an option within the design process and it was also discussed in detail within all of the informal consultation that was undertaken. The feedback received during consultation was a road closure was overwhelmingly the preferred option.

K It is acknowledged that footway provision is substandard along some lengths of Racecourse Lane. However, there are good footway links to and from the school away from Racecourse Lane which are currently underutilised. Information about these are included in the Oxon School Travel Plan and use of these footpaths should be encouraged. It should be noted that a new footway link from the new Leaton Park development is due to be implemented within developer plans and it is hoped this can be introduced as soon as possible.

6. Risk Assessment and Opportunities Appraisal

6.1 Risks

- The objections received and challenge to the implementation of this scheme could also be seen as a challenge to the procedures and decision making processes undertaken by SC officers when developing highway safety schemes. This could undermine how similar requests are dealt with by Shropshire Council in the future.
- Lack of a transparent process and inconsistencies across the County could pose a risk to the reputation of the authority.
- Pursuit of less appropriate highway measures could raise expectations at other locations. Shropshire has a diverse highway network and schemes need to be appropriate to highway function and user needs.

6.2 Opportunities

- A decision to support the recommendation of this report will reinforce the need for a consistent approach to scheme development and the use of expertise both within Shropshire Council and outside through the use of partnership organisations.
- Such an approach will develop the most appropriate intervention for a given concern within any political, technical or financial constraints.

6.3 Human Rights

- There are not considered to be any substantive human rights implications.

6.4 Equalities

- This scheme was primarily developed to address the concerns raised relating to the safety of residents and in particular vulnerable road users such as the elderly, the young, pedestrians and cyclists. Any decision to reduce the level of proposed intervention within the scheme and therefore the effectiveness of the scheme by increasing traffic speeds and volumes would adversely impact on children and vulnerable adults. This would have implications under the Equalities Act.

7. Financial Implications

There are not currently considered to be any direct or immediate financial implications in not progressing with the scheme. However, a capital budgetary provision for the scheme has been made within the current financial year and if the scheme does not progress at this late stage then there may be difficulties in substituting another scheme in its place. Any unspent capital budget at the end of this financial year cannot be accrued, unlike in previous years, and would consequently be lost.

8. Conclusions

- 8.1 Demonstrable strong local support is apparent for the scheme and appropriate informal and formal consultation with stakeholders and local residents has been undertaken.
- 8.2 The objections received can be mitigated against if post scheme monitoring indicates they are significant.
- 8.3 There is a strong argument that traffic flows along Racecourse Lane will significantly increase in the future if we do not proceed with this scheme. The proposal to close Racecourse Lane to through traffic presents the best way to mitigate against current traffic concerns, and going forward, any adverse traffic impacts to the residents of Racecourse Lane as a result of the strategic planning proposals contained within the SUE Masterplan.
- 8.4 Clearly, whatever decision is made there will be some residents and stakeholders who will be unhappy with the outcome. However, the balance of evidence substantially supports the introduction of the proposed scheme.

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

- Shrewsbury West – Developing new homes for local residents:
<http://www.shrewsburywest.org/>
- Outline planning application reference 14/00246/OUT.

Cabinet Member (Portfolio Holder)

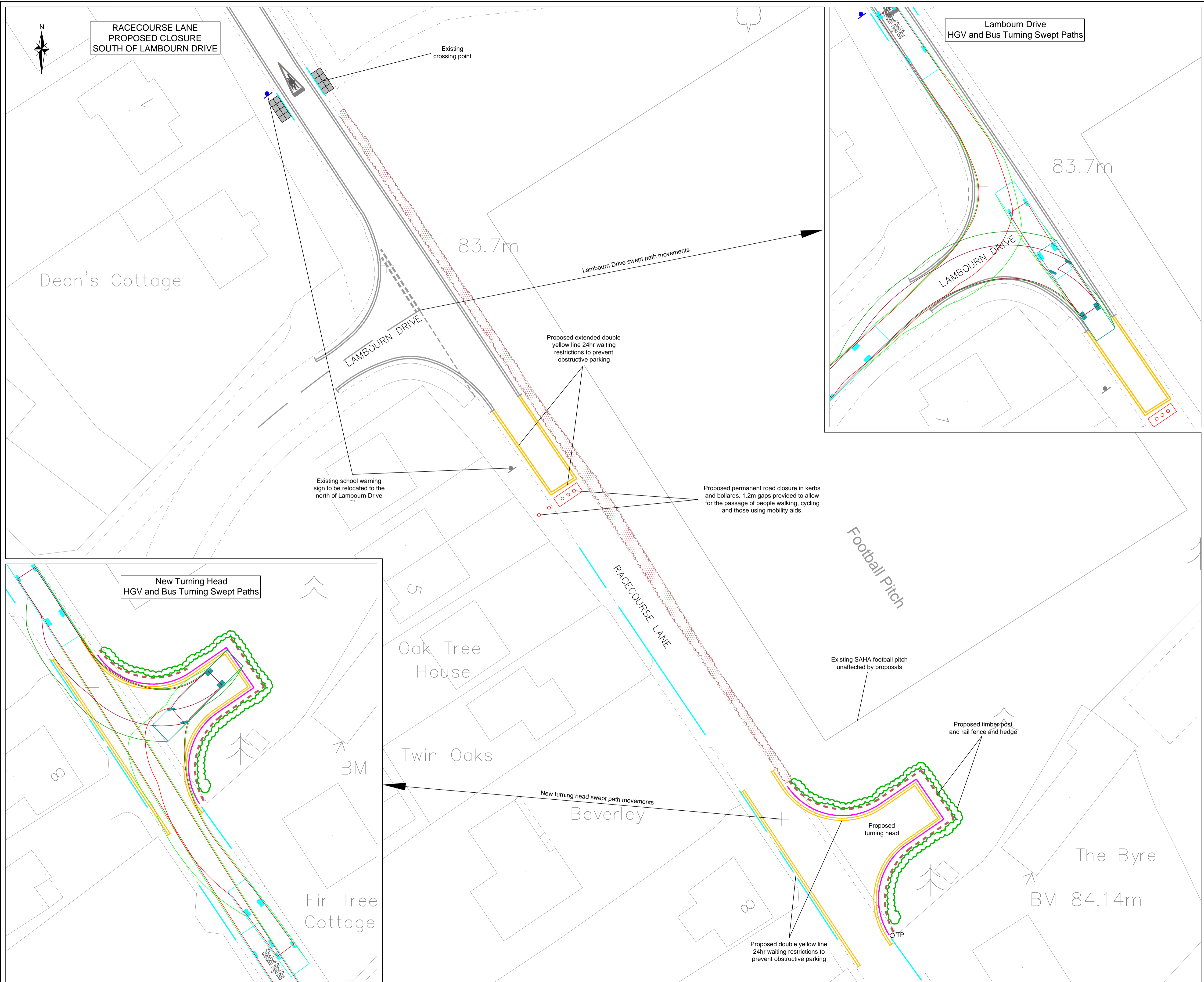
Simon Jones – Portfolio Holder for Highways and Transport

Local Member

Peter Adams

Appendices

- 1 Proposed Road Closure – Consultation Plan
- 2 Objections received to statutory consultation.
- 3 Proposed Road Closure Consultation Results Summary March 2016

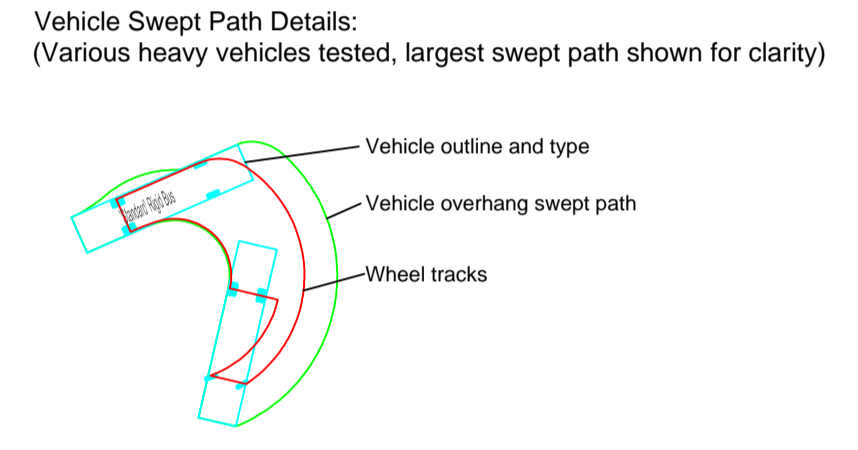


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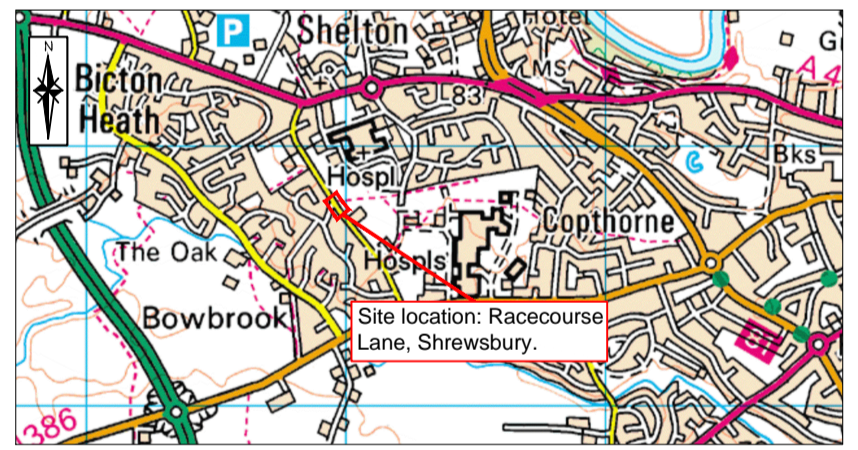
Do not scale - Use only figured dimensions
The contractor is to check all dimensions on site and report any discrepancies to the Site Supervisor.
This drawing is to be read in conjunction with all other standard documentation.

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- Key**
- Existing drop kerb accesses
 - Proposed fence
 - Proposed hedge
 - Proposed kerbs
 - Existing hedge line to remain
 - Existing telegraph pole to remain
 - Existing double yellow lines
 - Proposed double yellow lines (no waiting at any time restriction)
 - Proposed closure in kerbs and bollards (central bollards to be locking type to allow emergency access)
 - Existing school warning sign to be relocated



Example of proposed closure (between Lambourn Drive and Carlton Close)



Revision	Amendment	Originated by and date	Checked by and date	Approved by and date

mouchel
building great relationships

2nd Floor, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND
Tel: 01743 276300 Fax: 01743 276301
Web Site: www.mouchel.com

Client:

Project: **Racecourse Lane, Shrewsbury**

Drawing Title: **Proposed Road Closure Consultation Plan**

Drawn By: R.Harman 16.2.16	Checked By: D.Davies 17.2.16	Approved By: P.F.Williams 17.2.16	Scale: (at A1 size) 1:200
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Purpose: Exhibition	Draft <input type="checkbox"/>	Issue <input checked="" type="checkbox"/>
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Drawing Number: 1069370-E-107	Revision: -
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Shelley Davies

From: Wendy [REDACTED]
Sent: 14 April 2016 17:55
To: traffic.engineering
Subject: Closure of Racecourse Lane

Dear Sir

As a resident of over thirty years in Racecourse Lane I would like to lodge my objection to the closure of the lane. In the proposal, the lane being a cut through is the main argument for the closure but where would the traffic be going to?

To access the A5 bypass the quickest way for the new development will be to turn left at the new roundabout. To access town the quickest way for the new development will be to turn right at the new roundabout To access the shops the quickest way will be to turn right to Cophorne shops.

Can you tell me where the traffic will be going if it comes down the lane?

The proposed closure does not make sense.

The proposal to close it South of Lambourne Drive will send The majority of traffic past the school, encreasing the traffic flow, have the council thought about the safety of the children ?

Can you answer these questions, about where traffic would be going and the increase of traffic past the school

This proposal has not been thought through thoroughly and is a knee jerk reaction.

Regards

Wendy Bailey (Mrs)

Sent from my iPad

Shelley Davies

From: Iain Gilmour [REDACTED]
Sent: 28 April 2016 21:22
To: traffic.engineering
Subject: FAO Geoff Brough

Dear Mr Brough, I have been given your address as the coordinator of the proposed scheme to close Racecourse Lane.

I would like first to state that this proposal does NOT have universal approval from local residents and in fact (in my personal opinion) is due to the actions of a group wishing to impose their own agenda. While they are of course quite entitled to their opinions, I believe there are also a significant number of locals who oppose the scheme on the following grounds:

1. The safety of residents/schoolchildren while clearly of major importance, is not as critical an issue as has been made out –I am not aware of any reported accidents in recent years or “near misses” which would give rise to this. Doubtless the retort will be “one accident is too many” but decisions on the priority of traffic measures should surely be based on some actual data? Perhaps there is data that has not been made available to prove/disprove this point?
2. Those of us who live at the northern end will be significantly disadvantaged in that we will have no exit at all if there is congestion/ traffic delays on the Welshpool Road. This is already a tricky exit despite the 30 limit imposed some time ago.
3. Those living at the northern end will be faced with a significant new round trip to access the hospital or doctor’s surgery or the Mytton Oak road shops
4. The congestion caused by parents delivering children to the school and then having to turn and retrace their journeys will actually increase the risk of traffic/pedestrian accidents as well as increasing the traffic debouting onto the Welshpool Road junction (which has no roundabout, unlike Mytton Oak Road)
5. Simple traffic calming measures (chicanes/ speed limiters) would be just as effective and far less expensive if traffic speeds/dangers are the issue – these measures are already deployed effectively elsewhere in the town
6. Racecourse Lane is a valuable route to ambulance traffic to/from the hospital, I believe.
7. Finally, the cost has been advised as £30,000. (see 5 above). If correct, I am sure there are far higher Council priorities deserving of this amount of expenditure.

I look forward to your response.

Yours sincerely

Iain Gilmour
[REDACTED]
[REDACTED]

Shelley Davies

From: Jo Jones
Sent: 28 April 2016 13:24
To: traffic.engineering
Subject: Objection to Racecourse Lane

I wish to express my objection to the proposed road closure on Racecourse Lane. As a resident of 3 Oak Lane, SY3 5BW I have to use this road to access my house. My objections are for the following reasons:

- All traffic that needs to access Lambourn Drive area will now have to drive past the school to get there and to get out - most of these users currently use the Mytton Oak Road entrance of Racecourse Lane. This will make the traffic going past the school a lot more heavy and as there is no footpath on this section and the road is very narrow, this is very dangerous for children and parents.
- Furthermore due to the narrowness of the road and the tight t junction onto Welshpool Road, car users will find it more difficult. Also heading towards town direction we will need to cut across the traffic on a very busy road, which will cause delays and tailbacks at busy times back down Racecourse Lane.
- On the point about the road being narrow – buses regularly need to access Oxon School and currently they drive up one way of Racecourse Lane and then exit the other end, therefore not needing to turn the bus. They would have to turn in Lambourn Drive which will be very awkward and as they usually come at start/end of school day this area will be full of parked cars – potentially a major accident zone.
- Crossing the road to the sports field will still be busy and dangerous due to the extra traffic that no longer use the Mytton Oak Road entrance.

I really don't believe closing this lane will enhance the safety of pedestrians, due to the school's location and the sports field location, I believe it will actually make it worse.

I have lived here for 13 years and really haven't noticed an increase in traffic along the lane.

Regards
Jo Jones

Shelley Davies

From: Bruce Lindop [brucelindop@outlook.com]
Sent: 25 April 2016 20:25
To: traffic.engineering
Subject: Proposed closure of Racecourse Lane

As residents of Racecourse Lane, we object strongly to the full closure of the Lane which will deny us the right to choose which way we travel along it from our house. Our journeys (there are 4-6 drivers in our household) mostly involve exiting onto Mytton Oak Road and the closure would have a significant impact on local journey times, especially to the hospital where one of our daughters works. This proposed closure seems to be designed to solve a problem that isn't there – I travel up Racecourse Lane at all sorts of times of day and rarely do I see it being used as a "rat-run" or shortcut. People who don't live on the lane generally have quicker alternatives. A few vocal residents have decided undemocratically that it would be a good thing but surely a cash strapped council has better things to be spending our money on? I have spoken to a number of our neighbours and have yet to find one that is in agreement with the closure. Is the decision being made on basis of any evidence and if so what? Have volume and speed of traffic been monitored over a meaningful length of time? It seems that the proposal is based purely on speculation and distinct lack of facts.

We would support traffic calming measures, such as speed bumps, allowing residents and the emergency services access along the length of the lane.

We are also very unhappy at the size and quantity of the planning notices on the lamp post advertising the proposed changes (doesn't even mention "closure") and the short length of time (less than a week) allowed to raise objections. I only happened to see it because I had an email from Councillor Adams.

Please do not proceed without further investigation and consideration for the many residents who do not support this measure.

Yours sincerely

Bruce Lindop

[brucelindop@outlook.com]

[07778 435424]

[Mylara]

[Racecourse Lane]



Shelley Davies

From: Pete Easton [REDACTED]
Sent: 28 April 2016 10:03
To: traffic.engineering
Subject: Proposed closure on Racecourse Lane

Dear Mr Brough

I wish to voice my opposition to this measure as a resident of Pump Lane off Racecourse Lane.

The measure proposed means a big increase of traffic at the Welshpool Road end due to the Primary School at this end. Granted this is only during term time and at two periods of the day but could become chaotic with people attempting to turn round. I use the Mytton Oak exit for a very good reason - I exit onto the major road via a roundabout which is quite safe. The alternative is across traffic on the Welshpool Road where people are still totally unaware the speed is restricted to 30 mph. Far better to ensure the speed on this is properly managed than restrict the flow of traffic along Racecourse Lane.

I have only lived here since last September but have never seen large volumes of vehicles along Racecourse Lane. I cannot see any logical reason to cut the road in two.

Pete Easton

Shelley Davies

From: Ian Kenney [REDACTED]
Sent: 28 April 2016 20:06
To: traffic.engineering
Subject: Pump Lane Bicton Heath

Dear Geoff

I've heard today with some concern that there is a plan to block Racecourse Lane to through traffic. This would be very disruptive to those of us living on Pump Lane with the continuing increase in General traffic having the ability to get out onto traffic routes at both end of Racecourse Lane is very useful. Obviously I'm not sure of the cost of this project, but I imagine the money could be well spend elsewhere.

Regards

Ian Kenney

Shelley Davies

From: Rebekah Lindop <rebekahlindop@gmail.com>
Sent: 26 April 2016 21:46
To: traffic.engineering
Subject: Racecourse Lane Bollard Objection

As a resident of Racecourse Lane, I strongly object to the full closure of the Lane. Living towards the Welshpool Road end of the lane, I will be on the wrong side of the bollards for easy access to my work in NHS sites- RSH, GP practices and easy access onto the A5 towards Telford and PRH. This sudden closure seems to be designed to solve a problem that isn't there, I often travel up Racecourse Lane and rarely do I see a buildup of traffic, other than the school run, which I believe the bollards will exacerbate, not improve.

What evidence is this decision being based on? Have volume and speed of traffic been monitored over a meaningful length of time?

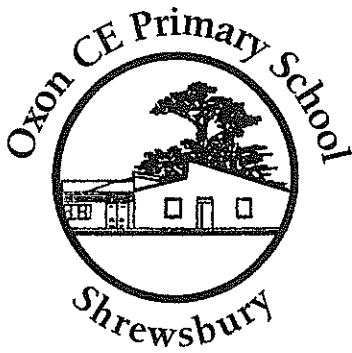
Please consider that by preventing 'through' traffic for non-residents, the proposal also prevents 'through' traffic for residents many of whom have bought houses on the lane for that very purpose. Please consider other options to keep all residents happy, those wanting to prevent through traffic and those wanting dual access like myself and my family. Surely traffic calming/speed bumps would be a more appropriate, safer and suitable proposal and solution.

I am also very unhappy at the size and quantity of the planning notices on the lamp post. This does not even mention "closure, and will be displayed for only a very short length of time for objections to be made. I was only aware of the notices because of other residents and I am sure many residents are unaware of these proposed changes.

Please do not proceed without further investigation and consideration for the many residents who do not support this measure.

Yours sincerely

Rebekah Lindop



Oxon Church of England Primary School

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telephone 01743 351948

fax 01743 272645

email admin@oxon.shropshire.sch.uk

website www.oxon.shropshire.sch.uk

HEADTEACHER Mr Mark Rogers B.Ed (Hons), NPQH

Monday, 25 April 2016

Dear Sir,

We continue to object to this proposal.

Previously we submitted these comments which we still believe are valid.

'Following a survey of the opinions of school governors and staff the outcome was overwhelmingly opposing this proposal to close the lane. The concerns about the proposed scheme are in relation to the safety of children and adults. In 2015, coaches entered Racecourse Lane to collect or deliver children to the school on 126 occasions. The usual time for this would be prior to departure (8.45am-9.15am) or following return (2.40pm-3.05pm). Under the proposed scheme, coaches are required to complete a 'three point turn' in the entrance to Lambourn Drive. This would involve coaches reversing at a time when the road is very busy. The situation could be helped by retractable bollards that dropped into the road when a member of school staff activated a fob or similar. Any retractable bollards would need to be accompanied by additional line markings of the correct standard.'

In response to the Mouchel report 1069370 we wish to make the following comments:

1. The results summary appears distorted. We understood the 'exhibition' was an exhibition not a voting exercise where a vote would be considered equal to an online submission. (A verbal comment could then be repeated in the online submission and count twice.)

School staff are overwhelmingly against the plan although significant numbers did not complete the online survey. A major reason for this was the very short time window available to respond to the consultation.

The report makes clear that the individual views of parents and governors who do not live or work on the lane are treated with little importance. It is very concerning that this distinction was not made clear as part of the survey. The only question used to identify residents/workers was postcode. School staff would naturally put a home postcode. The only way to identify school staff was through the comments they made additional to the main question. It would appear the survey was poorly constructed and disadvantaged those who work rather than live in Racecourse Lane.

2. The report states: 'Additional inconvenience would be incurred by parents dropping off their children to the school from Racecourse Lane as a result of the closure, so we consider this will encourage parents to use more appropriate and safer locations to drop off their children or possibly even walk to the school.'
 - This comment clearly demonstrates the lack of understanding officers have of the problems we face.



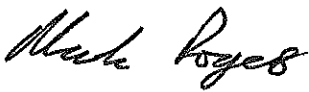
- **Where are these 'more appropriate and safer locations'?** Historically we had two 'park and stride' car parks. The first at Pensfold has now had a significant proportion used for building houses as agreed by Shropshire Council. The second was The Grapes pub which is recently been sold to Toby Carvery. This change of ownership means that parent use is very vulnerable to the economic demands of the new business (including breakfast opening). Additionally, the area opposite the school (the old Shelton hospital) is being developed into new housing. We repeatedly requested part of this land be granted to the school to improve parking and access at the front of school but were turned down. In every respect, things have become more complex, challenging and difficult.
3. The section of the report about the school ends 'Overall we consider that the potential safety benefits brought about by the scheme far outweigh the potential risks cited by the school in their consultation response.' We disagree about the overall safety benefits of the scheme, our concerns include:
- i. The general level of traffic congestion, in what will essentially be a large cul de sac, at the start and end of the school day. This situation will inevitably be exacerbated by factors such as delivery lorries, inconsiderate parking, volume of traffic and emergency vehicles.
 - ii. The difficulties in relation to coaches, school visits play a key part in our curriculum and we remain concerned about this. The idea that coaches can simply pick up from another location has many logistical and safety concerns. The idea that we can schedule coaches to arrive at times that avoid the start and end of the day is very problematic. The logistics of full day visits combined with the operational constraints of the coach companies mean that this suggestion is impractical on the majority of occasions.
 - iii. The exit onto Welshpool Road is also of concern with staff and residents (including Lambourn Drive) using a difficult entry and exit to Racecourse Lane.

The initial consultation stated that the school was, in some way, wanting the lane to be closed to support its travel objectives. We have never stated this. We note that all references to that have now been removed.

It speaks volumes that despite our very real concerns we were not even alerted about the formal notice to close the lane. It was only following my requests that the consultation report was made available to us and then the public.

This decision is being made in isolation to the complex and changing travel issues we are currently facing as a school. We have real concerns that it will make the front of our school more dangerous for children, parents, staff and members of the public.

We strongly object to this proposal.



Mark Rogers
Headteacher
Oxon CE Primary School

Shelley Davies

From: Ian Peterson [REDACTED]
Sent: 28 April 2016 23:22
To: traffic.engineering
Subject: Racecourse Lane Closure

Sir

I wish to register my objection to the proposed closure of Racecourse Lane in its current format. I visited the consultation and understand why the closure is situated to the south of Lambourn Drive but this fails to address some fundamental safety concerns:

1. Alternative drop of area of Pensfold - this has recently been halved in size due to a new housing development resulting in increased use of Lambourn Drive by parents.
2. Safety concerns regarding coaches - the timings of the coaches having to turn around in Lambourn coincide with school start and finish times. There are greater numbers of pedestrians with little or no road safety knowledge at these times (council sponsored road safety isn't taught until junior age). This is an increased risk.
3. Opinion weighting - while I understand the importance of residents views, to discount all non-residents as 'part of the problem' is wrong and does nothing to alleviate the concerns that the decision has already been made and the consultation is simply another box to tick rather than meaningful engagement. The only people directly approached were residents; all other opinions were from people with an interest in making the area as safe as possible for whatever they use Racecourse Lane for. In my case I have two children who attend the school and walk or cycle to and from there each day. The scheme is considered to make the area 'safer overall' - where is the evidence for this? When I asked about traffic levels, the team at the consultation had no time break down, nor did they have details for traffic that turns in and out of Lambourn. No evidence has been forthcoming as to how the scheme will make the area 'safer overall' - a phrase which raises concerns as if the scheme made it very safe for the majority of the time but near lethal for short periods it could still be safer overall.

The scheme could be improved if the crossing from the new Leaton Park development in the grounds of Shelton were made to coincide with the closure, reducing the need to walk along the stretches of the lane that do not have pavements. Alternatively, the whole area around the front of the school made a mixed use area, raised and with no lines, removing the need for pavements and forcing drivers to look for pedestrians rather than think that they're safely out of the way.

If the closure scheme is to go ahead I hope that there will be evidence gathered to support the consultants current hypothesis, including accurate traffic data not just for the lane but also for Pensfold and Lambourn Drive.

Yours aye,

Ian Peterson
[REDACTED]

From: nick rawlings [REDACTED]
Sent: 12 April 2016 18:01
To: traffic.engineering
Cc: nick rawlings
Subject: Racecourse Lane, Shrewsbury - closure to motor vehicles

I wish to lodge an objection to the proposed closure

I wish to object to the traffic barrier being sited on the South side of Racecourse lane:

1) On the morning of the 12th of April 2016 between the hours of 8.15 and 9.15;

31 Cars used Lambourn drive

1 Hotpoint delivery lorry (7 ½ ton) used Lambourn Drive

1 Recycling lorry (over 7 ½ ton) used Lambourn drive

(Local Councillor Peter Adams is more than aware of the traffic flow into Lambourn drive as he has been involved in a number of initiatives to encourage a reduction of traffic due to access problems for emergency services.)

1) All the traffic flow on Racecourse lane to service Lambourn Drive, Findon Way and Frinton Close will have to pass the entrance to Oxon school. At school start and finish times, when there is a school event or parents evening congestion is heavy and the road is reduced to single file traffic. Large vehicles will have difficulty in passing the school. This will cause back up of traffic towards Welshpool Road causing a safety issue for children travelling to and from school by foot. This particular part of racecourse lane from the school towards Welshpool Road has very little access by footpath. I realise that there is access by foot via Pump lane to the school, however this is a longer route and most parents tend to walk on the road.

2) All the traffic will have to pass through a specially designated 20mph school speed zone. The fact that there is a 20mph speed limit in place acknowledges that safety is an issue in the area. It does not make sense therefore to have a large proportion of traffic still using this area when it could be using the other end of the road where safety of children is not such a problem.

3) Citing the barrier on the South side will increase the traffic travelling towards Welshpool Road and subsequently past the exit from a playing field directly on to the road. Placing the barrier on the North side would mean a safer exit on to the road especially for children walking to and from school from the houses alongside the RSH, through the hospital grounds etc..

4) There is no designated footpath to the school on parts of the North side of Racecourse lane meaning that school children will be subject to the effects of this main traffic flow.

5) The smallest road width in Racecourse lane is 4.51 metres (Actual road width) outside Alma Cottage on the North side of Racecourse lane; this causes single lane traffic and would cause serious delays to emergency vehicles if met with an obstruction. It also coincides with an area with no footpath, reducing even more the room for vehicles and safety for pedestrians.

6) All the traffic leaving racecourse lane on the Northern exit will have to manoeuvre out on to the busy Welshpool road with no traffic management in place. Traffic waiting to exit on to Welshpool road will back up, again to the narrow part of the road outside Alma Cottage. This poses an additional safety problem for children travelling to and from Oxon School by foot. In addition at peak times emergency service access will be affected.

If the barrier is placed on the South side of Racecourse lane this will mean all this traffic would have access Lambourn drive, the school, houses on Racecourse Lane, Findon Way, Frinton Close and Oak Lane through the narrowest part of racecourse lane, 4.51 metres, (already a bottleneck) pass through a 20mph speed zone, pass the school entrance, pass pedestrians walking on the road to access the school and pedestrians using the playing field for access to work places, school places and leisure activities. Any emergency vehicle will have to enter and exit off the busy Welshpool road.

However placing the traffic barrier on the North side of Racecourse lane will mean;

1) Pedestrians will have almost unhindered access to the school with pedestrian access serving up to the traffic barrier and slightly beyond, encouraging walking to school rather than driving. Vehicles to the side of the barrier should only be access to a minimal amount of properties on Racecourse lane (between the school and the barrier) and the school traffic.

2) Pedestrians will have unhindered access to the playing fields.

3) A footpath would serve from just past the North side traffic barrier on Racecourse lane to Lambourn drive.

4) A footpath serves Racecourse lane from Lambourn drive to an alleyway that leads to Carlton close, once past the North side barrier on Racecourse lane pedestrians are served by a well-lit good quality pedestrian footpath that links up with the main pedestrian system in Bicton Heath and beyond. Therefore pedestrians walking from Carlton Close can walk safely to and from School.

5) The road leading to the South side exit has no bottle necks of or deviations in width

6) The access into Lambourn drive from Myton oak Road is served by a new traffic management island that allows safe entry and exit into Racecourse lane.

7) Access into Racecourse lane via the Island on Mytton oak road allows rapid access and exit for emergency vehicles.

I have also asked my MP Mr Daniel Kawczynski to enquire of how the proposal to site the barrier on the North side of racecourse lane could have even been considered as the correct option, it is clear from the evidence I have offered it is not, the option has not taken into account;

The access and exit into Racecourse lane.

Access and exit for emergency vehicles into Racecourse lane

The amount of traffic using Racecourse lane, (even from my snapshot in Lambourn drive this is a worry)

The traffic passing through the 20 mph school zone,

The traffic passing the school entrance

No footpath leading directly to the school

The traffic passing through access to the main playing area

However it is clear this proposal has been given careful consideration as meetings and posters have been held and produced but I do wonder how this ill-conceived idea got this far.

Nicholas Rawlings BSc (Hons) FdA. CSCT.RSA

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Shelley Davies

From: Jude James [REDACTED]
Sent: 28 April 2016 10:00
To: traffic.engineering
Subject: Racecourse Lane

FAO Geoff Brough

Re road closure at Lambourne Drive,i would like to ask for this not to happen,when this happened previously as a trial,their were major issues at the Pump lane end,at busy times ie Oxon School at start and finish of school day,also at commuting time for work. It all currently runs smoothly,and their have been no major accidents to my knowlage,so why change ?

Please register my displeasure at this project,and would ask for it to be shelved.

Regards Mark James

Shelley Davies

From: Katy [REDACTED]
Sent: 20 April 2016 22:33
To: traffic.engineering
Subject: Re racecourse lane closure
Attachments: Racecourse Lane Apr 2016.pdf; ATT00001.txt

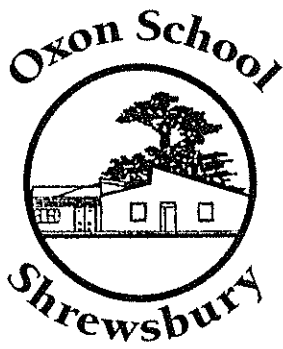
To who it may concern

Suggestion - please visit racecourse lane during the times of 8.30-9am and 2.30-3.15pm - visual inspection speaks for itself !!!

Closing this road is dangerous and WILL lead to accidents be it by cars, lorries, recycling vehicles etc - provide the school with alternative parking - this is essential, not a recommendation !!!!!

Kind regards

K cubbin



Oxon Church of England Primary School

RACECOURSE LANE • BICTON HEATH • SHREWSBURY • SHROPSHIRE • SY3 5BJ

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email admin@oxon.shropshire.sch.uk

website www.oxon.shropshire.sch.uk

HEADTEACHER Mr Mark Rogers B.Ed (Hons), NPQH

Friday, 15 April 2016

Proposed Closure of Racecourse Lane

Dear Parents and Carers,

The outcome from the consultation for the proposed closure of the lane has now been published. This document can be found at <http://new.shropshire.gov.uk/get-involved/racecourse-lane-shrewsbury-closure-to-motor-vehicles> in a pdf document named '[Racecourse lane.pdf](#)'. The concerns raised by the school are acknowledged but the judgement has been made that 'Overall we consider that the potential safety benefits brought about by the scheme far outweigh the potential risks cited by the school in their consultation response.'

The above link relates to the formal proposal to close the lane which ends on 28th April 2016.

As a school, we continue to have strong concerns regarding the safety and risk this proposal will create for our pupils, parents and staff.

Submissions can still be made via e-mail to traffic.engineering@shropshire.gov.uk.

Yours sincerely,

Mark Rogers



Page 36



Shelley Davies

From: Darren Griffin [REDACTED]
Sent: 25 April 2016 13:06
To: Transport
Subject: RE: Racecourse lane, Shrewsbury

Thank you.

Our concerns are that most of the traffic using Racecourse lane is heading from properties on Racecourse lane towards town or Copthorne schools etc. By blocking the lane half way up you will hugely increase traffic up towards the top end of the lane where it is actually at its very narrowest and this will without doubt cause safety issues. We oppose the idea as we feel that, as much as we agree with everyone else that the road needs some sort of pavement for the safety of walkers and cyclists this will only increase traffic levels at the top end where it needs less.

Thank you

Darren Griffin

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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Racecourse Lane, Shrewsbury
Proposed Road Closure Consultation Results Summary
March 2016

Report Reference: 1069370

Prepared by: Ashley Keville



2nd Floor, Shirehall
Abbey Foregate
Shrewsbury SY2 6ND

Document Control Sheet

Project Title Racecourse Lane, Shrewsbury

Report Title Proposed Road Closure Consultation Results Summary

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Record of Issue

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Introduction

A public consultation was held from Friday 26th February 2016 – Friday 11th March 2016 for the proposed permanent road closure of Racecourse Lane.

A public exhibition was held at Bicton Heath Community Centre on Friday 26th February 2016 between 15:00 and 19:00, which approximately 90 people attended. Fliers were delivered to all addressed off Racecourse Lane and its side roads to invite them to the event, where they could view the proposals and discuss the scheme with Shropshire Council officers and Mouchel engineers. People attending were asked to fill in feedback forms which asked for their postcodes, whether they supported, don't support or were indifferent and asked for any comments on the proposals.

A consultation was also carried out via the Shropshire Council 'Get Involved' website, where people could share their views on the scheme by completing an online survey. Also, a number of emails from local residents offering feedback were received during the consultation, so these have been collated for review.

Results Summary

The consultation responses have been collated and the postcodes provided have been used to split the results by those who live on or are connected to Racecourse lane and have to use it for access for their home or work, and those who do not live on or are connected to Racecourse Lane and are potentially using it as a cut through. A total of 206 responses were received to the consultation, of which 117 were from people who live/work off Racecourse Lane and 89 were from people that do not live/work off the lane.

Of the 117 responses from people that live on or connected to Racecourse Lane, 76 people (65%) support the closure, with 36 people (31%) not in support and 5 people (4%) were indifferent to the scheme. A breakdown of these responses is shown in Table A below:

Response Format	In Support	Do not Support	Indifferent	Total
Exhibition	45	18	2	65
Online Survey	28	18	1	47
E-Mail	3	0	2	5
Total	76	36	5	117

Table A: *summary of responses from people who live or work from addresses on or connected to Racecourse Lane*

Of the 89 responses from people that do not live on or connected to Racecourse Lane, 26 people (29%) support the closure, with 57 people (64%) not in support and 6 people

(7%) of people indifferent on the scheme. A breakdown of these responses is shown in Table B below:

Response Format	In Support	Do not Support	Indifferent	Total
Consultation	7	6	1	14
Online Survey	18	51	3	72
E-Mail	1	0	2	3
Total	26	57	6	89

Table B: *summary of responses from people who do not live or work on or connected to Racecourse Lane (I.E. those that are potentially using the lane as a short-cut).*

Summarised below are frequent comments made by those people who support the scheme:

- Cars are currently travelling down the lane at a high speed.
- Non-residents often use the lane as a shortcut.
- Noticeable increase in traffic with the new developments, only going to increase further when the constructions has been completed.
- The size of vehicles that are using the lane are not suitable for such a small lane.
- Closure will be safer for the children traveling to and from the school.
- There have been several near misses and needs closing before a collision occurs.
- Pedestrians and cyclists currently find the lane dangerous and unsafe.
- A closure will promote more people to walk and cycle.

Summarised below are frequent comments of those who do not support the scheme:

- Traffic calming measures would be preferred.
- Implement a one way system down Racecourse Lane.
- Concerns regarding emergency services access.
- Previous temporary road closures were problematic.
- Concerns with having to turn onto busy Welshpool Road.
- Currently hard to park near the school, a closure will make it even harder.

- Closure will lead to increased journey time and distances, thus increased fuel costs.
- Safety concerns when buses are using Lambourn Drive to 3 point turn.
- Location of the road closure would be better suited north of Lambourn Drive.

Oxon Primary School responded to the consultation stating that the school is unsupportive of the proposals and provided the following comments:

“Following a survey of the opinions of school governors and staff the outcome was overwhelmingly opposing this proposal to close the lane. The concerns about the proposed scheme are in relation to the safety of children and adults. In 2015, coaches entered Racecourse Lane to collect or deliver children to the school on 126 occasions. The usual time for this would be prior to departure (8.45am-9.15am) or following return (2.40pm-3.05pm). Under the proposed scheme, coaches are required to complete a ‘three point turn’ in the entrance to Lambourn Drive. This would involve coaches reversing at a time when the road is very busy. The situation could be helped by retractable bollards that dropped into the road when a member of school staff activated a fob or similar. Any retractable bollards would need to be accompanied by additional line markings of the correct standard”.

A discussion was had with the head of the school at the public exhibition prior to them providing the above response, where the option of providing rising or locking bollards was discussed. It was explained that this would be unfeasible due to installation and maintenance costs, plus there are questions over the legality of allowing coaches to by-pass a closure supported by a legal order that are not carrying out a public transport service.

The proposed scheme provides adequate turning facilities for coaches from the school at Lambourn Drive. Given that the coaches travelling to the school are not transporting children along prescribed school travel routes, but are travelling to off-site facilities and activities, we consider that the school do have the option of scheduling the coaches to arrive and leave at times outside of school opening and closing times to enhance safety. We are aware that the school already uses cones to block off the adjacent layby when coaches are due to arrive near to opening and closing times, this would deter parents from dropping their children off via Racecourse Lane (alternatives are available via Pensfold) so, in theory, there should be less school traffic using the lane whilst the layby is closed off. Therefore if the school continue to cone off the layby when a coach (or coaches) is due, there should be less traffic on the lane during these times.

Given that the closure scheme is proposed with the aims of reducing traffic volumes using Racecourse Lane, we consider that there should be overall safety benefits as a result of the closure. Additional inconvenience would be incurred by parents dropping off their children to the school from Racecourse Lane as a result of the closure, so we consider this will encourage parents to use more appropriate and safer locations to drop off their children or possibly even walk to the school. Whilst coaches will need to make turning movements at the Lambourn Drive junction, under normal circumstances these

can be made wholly within the carriageway. As footways are provided around this junction, we consider there are minimal safety risks associated with these turning movements. Overall we consider that the potential safety benefits brought about by the scheme far outweigh the potential risks cited by the school in their consultation response.

Conclusions

We consider that the consultation achieved a good level of response and provides a representative view of the surrounding residents and organisations. A greater weighting has to be given to the views of those who live or work off the lane as these people would be affected most by the proposal, and those people responding who live away from Racecourse Lane could be considered to be part of the problem that the scheme is proposed to address. Given that a significant majority of people (65%) who live or work off Racecourse Lane are supportive of the closure, we recommend that the scheme be implemented as planned.



Committee and date
 Central Planning Committee
 28 July 2016

Item
6
 Public

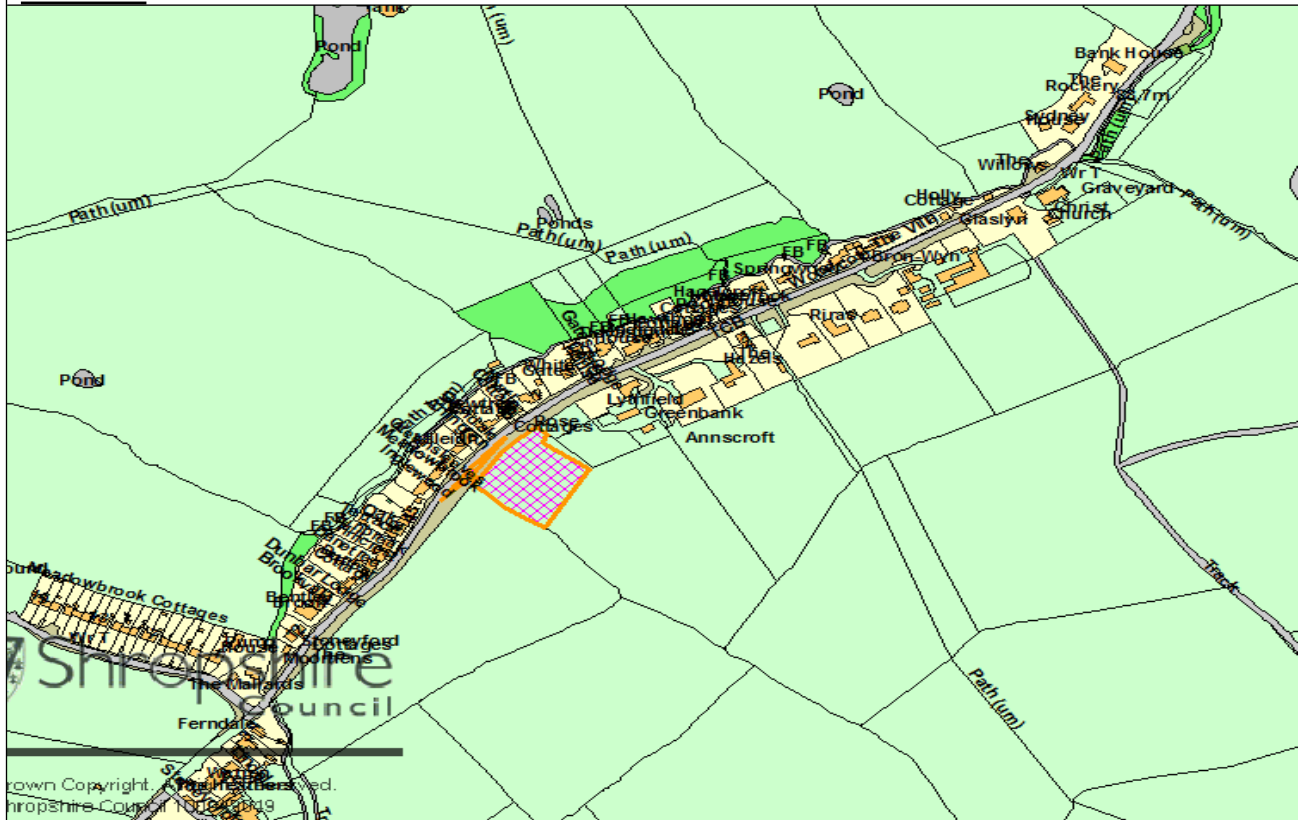
Development Management Report

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

Summary of Application

Application Number: 16/01873/OUT	Parish: Longden
Proposal: Outline application for the erection of 3 no. detached dwellings to include means of access	
Site Address: Land To The South Of Annscroft Shrewsbury Shropshire	
Applicant: Mr Jonathan Lovegrove-Fielden	
Case Officer: Nanette Brown	email: planningdmc@shropshire.gov.uk

Grid Ref: 345101 - 307681



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Recommendation: - Refuse subject to the conditions below.

Recommended Reason for refusal

1. The proposed development would provide three detached residential properties adjacent to a settlement being put forward by the Parish Council as a 'Cluster' within the emerging 'Site Allocations and Management of Development' document (SAMDev). However the site is not consider to be located within this settlement and is therefore located in open countryside for planning policy purposes. The proposal is a departure to the development plan in that the site is situated within open countryside and is contrary to policies CS5, MD3 & MD7a.

The Local Planning Authority considers that the scheme would not protect, restore, conserve and enhance the natural and built environment. This would result in the scheme being in conflict with Core Strategy Policies CS5, CS6, CS17 and SAMDev policies MD2, MD3, MD7a , MD12 & MD13. There would be significant conflict with the environmental role of sustainability. Whilst there would be limited economic and social benefits associated with the proposal, the Framework is clear at paragraph 8 that the 3 roles of sustainability should not be undertaken in isolation, because they are mutually dependent. Given that, it is considered that the proposal would conflict with the environmental role, and that the proposal would not result in sustainable development.

REPORT**1.0 THE PROPOSAL**

- 1.1 This application seeks outline planning permission for the erection of three detached dwellings to include means of access. All other matters relating to appearance, landscaping, layout and scale are to be considered at a later reserved matters stage.
- 1.2 The proposed access would be taken into the site from the road that passes the north west boundary of the site, excavating into the existing embankment to provide one single shared point of access.
- 1.3 This site was subject of an earlier outline planning application 15/01684/OUT that was refused under officer delegated powers and is now subject of an undetermined planning appeal (Planning Inspectorate reference APP/L3245/W/16/3146736). The previous reasons for refusal were:

1. *The proposed development would provide three detached residential properties adjacent to a settlement being put forward by the Parish Council as a 'Cluster' within the emerging 'Site Allocations and Management of Development' document (SAMDev). However the site is not considered to be located within this settlement and is therefore located in open countryside for planning policy purposes. The proposal is a departure to the*

development plan in that the site is situated within open countryside and is contrary to CS5.

2. *The Local Planning Authority considers that the scheme would not protect, restore, conserve and enhance the natural and built environment. This would result in the scheme being in conflict with Core Strategy Policies CS5, CS6 and CS17. There would be significant conflict with the environmental role of sustainability. Whilst there would be limited economic and social benefits associated with the proposal, the Framework is clear at paragraph 8 that the 3 roles of sustainability should not be undertaken in isolation, because they are mutually dependent. Given that, it is considered that the proposal would conflict with the environmental role, and that the proposal would not result in sustainable development.*

The applicant's agent has requested that this application be determined by the local planning authority prior to receiving an appeal decision.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site lies to the south east of the main road that passes through Annscroft, set at an elevated position above the roadside on top of an existing embankment and forming the western part of an existing open field. To the north east of the site lies a site that has formerly been granted outline planning permission (ref 14/00973/OUT) and beyond that an existing dwelling, Lythfield.
- 2.2 To the north west of the road lies further existing housing that forms the built and developed part of the village, with open fields to the south east and south west of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 Community Representations

4.1 - Consultee Comments

SUDS – No objections

Suggested informative relating to sustainable drainage.

SC Affordable Houses – No objection**SC Highways – No objections**

The proposed development of three dwellings is considered to be acceptable from a highway perspective, subject to access layout and visibility splays as submitted are formed as the first phase of development.

SC Ecologist – No objections

Conditions and informative are recommended.

Longden Parish Council - Supports

After discussion it was agreed to fully support this application. Whilst they are over the 50 properties for the SAMDEv The Parish Council consider this to be in a sustainable location and does not go against any policies

4.2 - Public Comments

2 letters of **support** from the owners of the adjacent site summarised as follows:

We own the land adjacent to this application (which is mentioned on the plans). We intend to build a family home to live in ourselves. We have existing planning permission for our own access from our land to the road, but as yet have not developed this. If this application was passed, we would be able to share access and sewerage. This would mean that we did not have to remove hedgerow and trees on our property - thus benefiting the neighbours on the opposite side of the road considerably by reducing construction disruption and potential overlooking. By approving this application there would also be a beneficial effect to wildlife by retaining the wildlife corridor which runs from our land and the road as this would no longer need to be removed. This development is small scale and in keeping with the plot size.

This development is clearly infilling; nearby property is Lindale, Annscroft, an odd little cluster of Annscroft with about 7 houses - to the south is the end of the village/open countryside with the proposed site is to the north; on the map there is a gap of land between Lindale and Lythfield which is the proposed site; infilling a little gap within the village.

One letter of **objection** received summarised as follows:

It would appear that the application is the same as that refused previously under reference 15/01684/OUT on 23 September 2015; object to the application and consider that the refusal reasons given at that time remain appropriate in that; the site is outside the settlement of Annscroft; the site is situated within open countryside; the proposal does not protect, restore, conserve and enhance the natural and built environment; the development would result in significant conflict with the environmental role of sustainability as set out in the National Planning

Policy Framework.

5.0 THE MAIN ISSUES

Principle of development

Site Access

Residential Amenity

Ecology

Affordable Housing Contribution

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Applications for planning permission must be determined in accordance with the adopted development plan (Section 38(6) of the Planning and Compulsory Purchase Act 2004). Proposed development that accords with an up-to-date local plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
- 6.1.2 The adopted development plans for Shropshire are the Local Development Framework (LDF) Core Strategy, the Site Allocations and Management of Development Plan (SAMDEv) and the Supplementary Planning Document (SPD) on the Type and Affordability of Housing. Significant weight is also to be attributed to the National Planning Policy Framework (NPPF) in the determination of planning applications.
- 6.1.3 The council published a revised 5 year housing land supply statement in November 2015 which demonstrates that the Council has a 5.53 year land supply. Therefore, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF paragraph 49 and therefore these provide the starting point for considering planning applications.
- 6.1.4 The application site is located within the parish of Longden. It does not lie within a settlement with any identified development boundary under SAMDev policies. It is therefore considered to be within open countryside. Policy CS5: 'Countryside and the Green Belt' of the Shropshire LDF Core Strategy does not support the provision of new open market residential development in the countryside. Policy MD7a also requires that new market housing be strictly controlled outside of the main towns, key centres and community Hubs and clusters. This policy lists acceptable types of housing that would be found to be acceptable but this does not include open market housing.
- 6.1.5 Policy CS4 states that development in rural areas should be focused in Community Hubs and Community Clusters, and should be of a scale that is appropriate to the

settlement and should accord with CS6. Policy CS6 states that development should be appropriate in scale, density, pattern and design to its surrounding environment and should also safeguard residential and local amenity. Policy MD2 of SAMDev also requires that development proposals respond positively to local design aspirations in terms of both visual appearance and how a place functions as well as contributing to and respecting local distinctive or valued character and amenity for the surrounding area.

- 6.1.6 As set out in the SAMDev documents (Policy S16.2 (xi) Longden, Hook-a-Gate, Annscroft, Longden Common, and Lower Common/Exfords Green are identified as a Community Cluster in Longden Parish where development by infilling, conversions of buildings and groups of dwellings may be acceptable on suitable sites within the villages, with a housing guideline of approximately 10-50 additional dwellings over the period to 2026. Of these dwellings, 25-30 are to be in Longden village, with the remainder spread evenly amongst the other Cluster settlements. The Parish Council has adopted a Longden Parish Development Statement (2013) as an addendum to the Parish Plan (2010), indicating that no individual site should be of more than 10-15 houses.
- 6.1.7 As a whole the cluster in terms of numbers of new dwellings to be built is considered to be close to reaching its target number of dwellings already either granted planning approval or with current officer recommendations for approval. Planning approval could still however be granted for further development in Annscroft in principal by infilling, conversions of buildings and groups of dwellings on suitable sites. In this instance it is the location of the proposed site that is the key issue and needs to be considered and assessed against its potential relationship to the village. It is noted that Policy MD3 also confirms that the settlement housing guideline is a significant policy consideration.
- 6.1.8 The application site forms the western end of an existing open field that is identified as grade 3 agricultural lands, of good to moderate quality. The field extends out from its narrowest point to the south east of the road, widening out into the open countryside beyond. The field is set at an elevated position above the adjacent road and from views taken from within the village and from along the roadside the site is seen as being situated above and separate to the existing residential properties. It is therefore considered that the development of this part of the field would result in built development extending out and beyond the existing natural boundary of the village, encroaching into what is currently an open field with open vistas across the surrounding countryside and creating a more urban feel to this area of land, causing harm to the character and appearance of this area of the open countryside.
- 6.1.9 It is considered that the proposal does not therefore protect, restore or conserve the natural or built environment of this area of countryside and would cause harm to the character and appearance of this area of open countryside. The proposal is contrary to policies MD2, CS5, CS6 and CS17.
- 6.1.10 Paragraph 14 of the NPPF states that there should be a 'presumption in favour of sustainable development'. Sustainable sites for housing, where any adverse

impacts do not significantly and demonstrably outweigh the benefits of the development, will still have a strong presumption in favour of permission under the NPPF. The 5 year housing supply is a minimum requirement and the NPPF's aim of significantly boosting housing supply remains a material consideration.

6.1.11 However in this case the Local Planning Authority considers that the scheme would not protect, restore, conserve and enhance the natural and built environment. This would result in the scheme being in conflict with Core Strategy Policies CS5, CS6 and CS17. There is therefore significant conflict with the environmental role of sustainability. Whilst there may be limited economic and social benefits associated with the proposal, the Framework is clear at paragraph 8 that the 3 roles of sustainability should not be undertaken in isolation, because they are mutually dependent. Given that point, it is considered that the proposal would conflict with the environmental role, and that the proposal would not result in sustainable development.

6.2 Site Access

6.2.1 The proposed site access would be shared between the new dwellings, the access would be excavated through the existing bank, and has been designed to minimise the loss of the existing boundary planting/hedge along the boundary of the field whilst still providing the required visibility splays. The SC Highway Officers have raised no objections to the proposed access subject to requested conditions requiring the provision of adequate visibility splays, gradients and surfacing materials.

6.2.2 However, it is also noted that by its design and form the access driveway would lead up and away from the roadside and other properties within the village and from the submitted illustrative plans would result in the dwellings being set back some distance from the road. This would further limit any visual connection with the existing properties in this part of the village that are sited with a much closer frontage to the road.

6.3 Residential Amenity

6.3.1 As stated above, as the proposal is for outline consent, it is not be possible to assess the full impact upon neighbouring properties. The indicative plan does, however, indicate a good degree of spacing between the proposed dwelling and neighbours properties. It is therefore considered that as a preliminary appraisal there will be no impact upon outlook or privacy upon neighbouring residents to the north east or north west of the site.

6.4 Ecology

6.4.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the potential impact of a development on the natural environment. The Council's Planning Ecologist has assessed the application and is satisfied that the proposal can be provided without harm to any statutorily protected species or habitats, however, do request that a conditions are attached to any planning permission granted requiring details of any external lighting to be provided and

provision of artificial nests, and informative be attached which notifies the applicants of their duties with regard to protecting the wild birds.

6.5 Affordable Housing Contribution

6.5.1 Shropshire Council's Core Strategy was adopted in March 2011 with the founding principle of seeking to create the context for "A Flourishing Shropshire". The Shropshire Council policy requires anyone developing a new open market dwelling (subject to exceptions) to make an Affordable Housing Contribution (AHC), which depending on the development size and the prevailing target rate, could be a financial contribution and/or on site provision.

6.5.2 However, following the Court of Appeals decision of 11th May 2106 has confirmed that the Written Ministerial Statement (WMS) of 28th November 2014 announcing that Local Authorities should not request affordable housing contributions on sites of 10 units or less (and which have a maximum combined gross floor space of 1,000sqm), or 5 units or less in designated protected rural areas still applies.

6.5.3 Shropshire Council therefore accepts that the WMS applies as a significant material consideration and this means that the Council will not require an Affordable Housing Contribution for applications for 10 or less dwellings and less than 1,000sqm floor area in the majority of cases. The Local Planning Authority are therefore no longer requesting that a Section 106 agreement in relation to the financial contribution for affordable housing for this proposal.

7.0 CONCLUSION

7.1 The proposed development would provide three residential detached properties adjacent to a settlement being put forward by the Parish Council as a 'Cluster' within the adopted 'Site Allocations and Management of Development' document (SAMDEv). However the site is not consider to be located within this settlement and is therefore located in open countryside for planning policy purposes. The proposal is a departure to the development plan in that the site is situated within open countryside and is contrary to CS5 and MD7a.

7.2 The Local Planning Authority considers that the scheme would not protect, restore, conserve and enhance the natural and built environment. This would result in the scheme being in conflict with Core Strategy Policies CS5, CS6, CS17 and MD2. There would be significant conflict with the environmental role of sustainability. Whilst there would be limited economic and social benefits associated with the proposal, the Framework is clear at paragraph 8 that the 3 roles of sustainability should not be undertaken in isolation, because they are mutually dependent. Given that, it is considered that the proposal would conflict with the environmental role, and that the proposal would not result in sustainable development.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ② As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS5, CS6, CS17, MD2, MD3, MD7a, MD12, MD13
Supplementary Planning Document (SPD) on the Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

15/01684/OUT Outline application for the erection of 3 no. detached dwellings to include means of access REFUSE 23rd September 2015

Appeal

16/02421/REF Outline application for the erection of 3 no. detached dwellings to include means of access INPROG

11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Roger Evans
Appendices APPENDIX 1 - Conditions



<u>Committee and date</u>
Central Planning Committee
28 July 2016

<u>Item</u>
7
Public

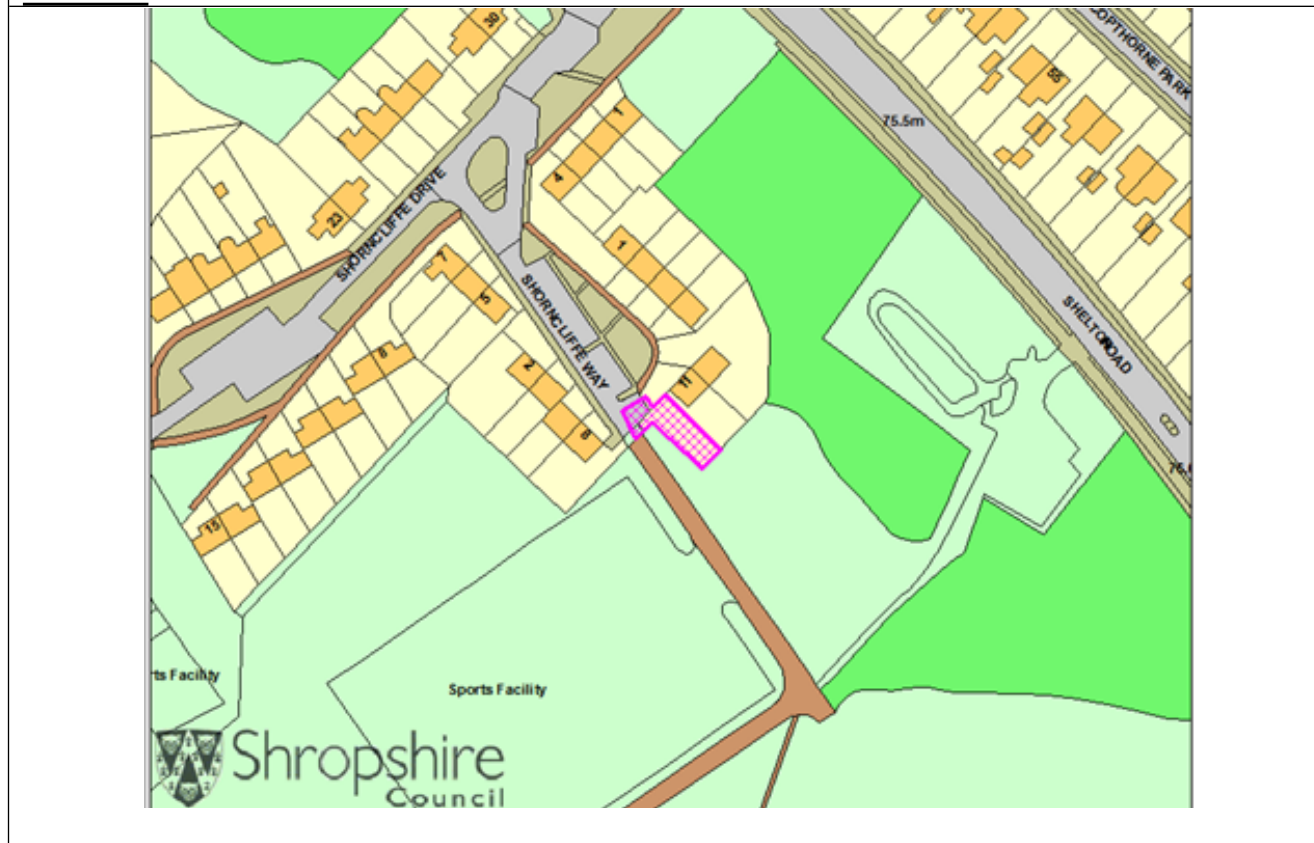
Development Management Report

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

Summary of Application

Application Number: 16/01966/OUT	Parish:	Shrewsbury Town Council
Proposal: Outline permission for the erection of a dwelling		
Site Address: 11 Shorncliffe Way Shrewsbury SY3 8TF		
Applicant: Mr Russell Homden		
Case Officer: Kelvin Hall	email: planningdmc@shropshire.gov.uk	

Grid Ref: 347161 - 312814



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Recommendation: Refuse outline planning permission for the reasons as set out below.

Recommended Reason for refusal

1. The proposal for a detached dwelling would result in an incongruous development with a design and layout that is inconsistent with surrounding properties and that would adversely affect the character and appearance of the area. Notwithstanding the outline nature of the application it is not considered that it would be possible to provide an acceptable design, layout, access and appearance and as such the proposed development is contrary to Core Strategy policy CS6, SAMDev Plan policy MD2 and the National Planning Policy Framework. The benefits of the proposal, including the provision of an additional open market dwelling within a relatively sustainable location, are acknowledged. However these would not be sufficient to outweigh the harm to the area.

REPORT

1.0 THE PROPOSAL

1.1 This application seeks outline planning permission for the erection of one detached open market dwelling, with all matters (appearance, landscaping, layout, scale and access) reserved for subsequent approval. The proposal would involve the subdivision of the side garden of no. 11 Shorncliffe Way to form the new building plot with an area of approximately 150m².

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is located at the end of Shorncliffe Way, a cul-de-sac on the western side of Shrewsbury. The site comprises the garden area of 11 Shorncliffe Way together with an adjacent area of private parking space at the end of the cul-de-sac. Adjacent land to the north-east is in residential use. Other adjacent land forms part of a large recreational area extending to the south.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council's views are contrary to those of the Officer recommendation. The Planning Manager, in consultation with the Committee Chairman, has agreed that the application should be determined by Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Shrewsbury Town Council** No objections.

4.1.2 **SC Affordable Houses** Whilst the Council considers there is an acute need for affordable housing in Shropshire, the Council's housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, national policy prevails and an affordable housing contribution should not be sought in this instance.

4.1.3 **SC Drainage** No objections subject to conditions requiring submission of drainage details, plan and calculations for approval at the reserved matters stage, and informatives (see Appendix 1).

On the planning application, it states that the surface water from the proposed development is to be disposed of directly to a main sewer. Such a connection must not be made, as it can result in increased flood risk elsewhere. The use of soakaways should be investigated in the first instance for surface water disposal. Should soakaways not be feasible drainage calculations to limit the discharge rate should be submitted for approval. Details of interceptors should be submitted for approval if non permeable surfacing is used on the new access, driveway and parking area.

4.1.4 **SC Highways** No objection – subject to the development being constructed in accordance with the approved details and conditions requiring that prior approval is obtained of the means of access and parking for vehicles.

4.1.5 **SC Ecology** Recommends conditions and informatives.

4.2 **Public Comments**

4.2.1 The application has been publicised by site notice. In addition four residential properties in the vicinity have been directly notified. One objection has been received, on the following grounds.

- A request and subsequent payment to the Land Registry has failed to supply the necessary documents for comparison to the drawings supplied in the application
- Proposal would be out of character with the rest of the houses in Shorncliffe Way as there are a pair of Semi-detached houses (9 and 11) and the rest being all terraced
- Requirement under Council policy for 2 spaces per development not achievable
- Parking in front of the house goes against this policy
- Adverse impact on character of existing houses from parking in front of property
- proposed plot is very cramped and will not be in keeping with the other properties as there are no detached houses in Shorncliffe Way
- road is now adopted by the Council, however, from the proposed drawings the applicant is now claiming its ownership
- inadequate capacity of existing drainage system
- insufficient room to accommodate construction traffic

5.0 **THE MAIN ISSUES**

- Policy & Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Drainage

6.0 **OFFICER APPRAISAL**

6.1 **Policy and Principle of Development**

6.1.1 The site lies within the development boundary for Shrewsbury as defined within the SAMDev Plan. Core Strategy policy CS2 states that Shrewsbury will provide the primary focus for development in the county. The site lies in a relatively sustainable location near the centre of Shrewsbury, close to good public transport links.

SAMDev Plan policy MD1 provides support in principle for sustainable development in Shrewsbury. It is also recognised that the NPPF imposes a presumption in favour of sustainable development in respect of applications for residential development.

6.1.2 In principle the development of the site for a separate open market dwelling can be supported, however the extent to which the proposal complies with other Development Plan policies is discussed below.

6.2 **Design, Scale and Character**

6.2.1 Core Strategy Policy CS6 (Sustainable Design and Development Principles) 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, ensure sustainable design and construction principles are incorporated within the new development. SAMDev Plan policy MD2 requires that developments contribute to and respect locally distinctive or valued character of places. One of the core planning principles as set out in the NPPF is to seek to secure high quality design and a good standard of amenity (para. 17), and para. 64 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.

6.2.2 The existing properties on Shorncliffe Way are of a generally similar appearance. They form short terraces or semi-detached properties, of a similar width. They all have open grassed front gardens and their front elevations face around the central part of the cul-de-sac. This central area includes the public highway, an adjacent designated parking strip and an area of grassed amenity space, both of which run down the length of the street. There is a further designated parking area between two of the terraces. As such there is no vehicle parking directly in front of any of the properties.

6.2.3 The proposed dwelling would be sited within the side garden of no. 11 Shorncliffe Way. This property has a disproportionately large plot compared to other nearby properties. The application site has a width of approximately 7.5 metres and a length of 19 metres. It is considered that in principle there would be adequate space within the side garden to provide a dwelling with front and rear garden space which has similar proportions to neighbouring properties. However it is proposed to provide a side passage for no. 11 between the two properties. As such the application site boundary does not extend up to the side elevation of no. 11. Whilst the siting of the proposed dwelling would be reserved, it would nevertheless not be possible to provide anything other than a detached dwelling on the plot given the application site as submitted.

6.2.4 The two alternative indicative layout plans submitted show the new dwelling set back into the plot. The reasons for this appear to be two-fold: to maintain an open outlook from the ground floor and first floor windows on the southwestern elevation of no. 11; and to provide a car parking space on the plot in front of the property. These indicative plans also indicate that the existing car parking space for no. 11 would become a shared access, and parking for no. 11 would be relocated onto an area of grassland at the front of the new plot.

6.2.5 The new dwelling would be detached, and there are no other detached dwellings on this street. The dwelling would be likely to need to be set back into the plot to provide adequate parking space, and it is noted that there are no other properties on the street with parking provision directly in front of the property. In addition it is not clear how the parking space for no. 11 could continue to be provided without relocating this to in front of the application plot. The indicative plans also show that the proposed dwelling would be 6.4 metres in width. This would be narrower than the other properties on the street which are generally approximately 7.5 metres width. It is considered that this, combined with the detached nature of the property, the need for on-site parking, and the constraints on positioning of the dwelling within the plot, would result in a development which would be inconsistent with the design and form of other dwellings on the estate. It is considered that this would adversely affect the character of the area. It is acknowledged that it may be possible to provide a dwelling with similar external materials, fenestration, and height to other properties on the estate. However it is considered that the detached dwelling would still appear as an incongruous development. Overall it would not be possible to provide an acceptable design, layout, access and appearance and as such the proposed development is contrary to Core Strategy policy CS6 and SAMDev Plan policy MD2.

6.3 **Impact on Residential Amenity**

6.3.1 Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires that development safeguards residential and local amenity. The proposed development does have the potential to adversely affect the amenity of the neighbouring property, given that its windows on the ground and first floor elevations facing the application site are 1 metre from the application site. Nevertheless the application is in outline and details of the proposed positioning of the dwelling within the plot would be reserved for later approval. Notwithstanding concerns over potential layout, Officers consider that the size of the plot is of a sufficient size that it may be possible to provide a dwelling which avoids adverse impacts on residential amenity to no. 11.

6.4 **Highways**

6.4.1 Core Strategy policy CS6 requires that development should be designed to be safe and accessible to all. The indicative drawings show that in principle vehicle access to the property, and a parking space, could be provided which does not adversely affect highway safety. No objections have been raised by the Council's Highways Officer. Detailed designs would be reserved for later approval should outline permission be granted.

6.5 **Drainage**

6.5.1 The Council's Drainage Officer has advised that further details of surface water management arrangements are required. These matters could be dealt with by planning condition, should outline permission be granted.

7.0 **CONCLUSION**

7.1 The provision of a dwelling adjacent to no. 11 Shorncliffe Way would result in a detached property on an estate comprising short terraces and semi-detached properties. In order to provide parking space and avoid blocking the outlook from the side windows of the adjacent property, the dwelling would need to be set back into the plot. Vehicle access to the dwelling would displace the existing parking

space for no. 11 to a position in front of the plot. It is considered that a development of this nature would be inconsistent with the design and form of other properties on the cul-de-sac. It would result in an incongruous development which would adversely affect the character and appearance of the area.

7.2 Notwithstanding the outline nature of the application it is not considered that it would be possible to provide an acceptable design, layout, access and appearance and as such the proposed development is contrary to Core Strategy policy CS6, SAMDev Plan policy MD2 and the NPPF. It is not considered that the benefits of the application, including the provision of an additional open market dwelling within a relatively sustainable location, would be sufficient to outweigh the harm to the area. As such it is considered that outline planning permission should be refused for the reasons as set out in Appendix 1.

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

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. BackgroundRelevant Planning Policies

Core Strategy and Saved Policies:

CS2 - Shrewsbury Development Strategy
 CS6 - Sustainable Design and Development Principles
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 National Planning Policy Framework

RELEVANT PLANNING HISTORY:

SA/95/1007 Provision of car parking area and road alterations. NOOBJC 16th November 1995

11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Peter Nutting
Appendices APPENDIX 1 – Recommended reason for refusal

APPENDIX 1 – Recommended reason for refusal

1. The proposal for a detached dwelling would result in an incongruous development with a design and layout that is inconsistent with surrounding properties and that would adversely affect the character and appearance of the area. Notwithstanding the outline nature of the application it is not considered that it would be possible to provide an acceptable design, layout, access and appearance and as such the proposed development is contrary to Core Strategy policy CS6, SAMDev Plan policy MD2 and the National Planning Policy Framework. The benefits of the proposal, including the provision of an additional open market dwelling within a relatively sustainable location, are acknowledged. However these would not be sufficient to outweigh the harm to the area.



<u>Committee and date</u>
Central Planning Committee
28 July 2016

<u>Item</u>
8
Public

Schedule of Appeals and Appeal Decisions As at 28 July 2016

LPA reference	15/01413/FUL
Appeal against	Appeal Against Refusal
Appellant	Shropshire Homes Ltd
Proposal	Erection of 17 no. dwellings with associated garages and parking
Location	Land East Of Sunnyfields Withington Shrewsbury
Date of application	30.03.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	09.07.2015
Date of appeal	02.11.2015
Appeal method	Hearing
Date site visit	05.02.2016
Date of appeal decision	28.06.2016
Determination time (weeks)	
Appeal decision	DISMISSED – COSTS REFUSED
Details	

LPA reference	14/00989/OUT
Appeal against	Appeal Against Refusal
Appellant	G H Davies Farms Ltd
Proposal	Outline application (all matters reserved) for the erection of 5 dwellings with garages
Location	Proposed Residential Development Land Off Gorse Lane Bayston Hill Shrewsbury
Date of application	06.03.2014
Officer recommendation	Grant Permission
Committee decision (delegated)	Committee
Date of decision	29.07.2015
Date of appeal	01.04.2016
Appeal method	Hearing
Date site visit	07.06.2016
Date of appeal decision	01.07.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	14/03034/OUT
Appeal against	Appeal Against Refusal
Appellant	Mr Edward Bennett
Proposal	Outline application for the erection of 12 No dwellings (all matters reserved)
Location	Land Off Mount Close Pontesbury Shrewsbury
Date of application	07.07.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	29.07.2015
Date of appeal	03.02.2016
Appeal method	Written Representations
Date site visit	27.06.2016
Date of appeal decision	06.07.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	15/02481/OUT
Appeal against	Appeal Against Refusal
Appellant	Dr John Williams
Proposal	Outline application for the erection of 2 no. dwellings to include means of access
Location	Quarry View House 34 New Street Shrewsbury
Date of application	08.06.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	07.10.2015
Date of appeal	30.03.2016
Appeal method	Written Representations
Date site visit	24.05.2016
Date of appeal decision	21.06.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	15/04091/PMBPA
Appeal against	Refusal Prior Approval of Permitted Development
Appellant	Mr M J Pugh
Proposal	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use
Location	Barn To The West Of Pontesbury Hill Shrewsbury
Date of application	23.09.2015
Officer recommendation	Planning Permission Required
Committee decision (delegated)	Delegated
Date of decision	18.11.2015
Date of appeal	06.04.2016
Appeal method	Written Representations
Date site visit	04.07.2016
Date of appeal decision	07.07.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	16/00458/FUL
Appeal against	Appeal Against Refusal
Appellant	CSE (Shropshire) Ltd
Proposal	Erection of detached bungalow following demolition of garaging, porch and dining room of existing dwelling
Location	Proposed Dwelling Adjacent Circassian Preston Gubbals Road Bomere Heath Shrewsbury
Date of application	04.02.2016
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	25.04.2016
Date of appeal	11.06.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	15/04036/FUL
Appeal against	Appeal Against Refusal
Appellant	Mr Roger Perks
Proposal	Erection of one dwelling and formation of vehicular access following demolition of existing commercial garage/workshop building
Location	Land Opposite Hill View Pontesford Hill Pontesbury Shrewsbury
Date of application	17.09.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	23.12.2015
Date of appeal	05.05.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	15/02483/OUT
Appeal against	Appeal Against Refusal
Appellant	Mr Alan Reynolds
Proposal	Application for outline planning permission with some matters reserved for the erection of a 3 bedroomed detached dwelling.
Location	Land Adj 1 Kingston Drive Shrewsbury
Date of application	08.06.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	25.11.2015
Date of appeal	18.04.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

Appeal Decision

Hearing held on 5 February 2016

Site visit carried out on the same day

by Tom Cannon BA DIP TP MRTPI

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

Decision date: 28 June 2016

Appeal Ref: APP/L3245/W/15/3137744

Land to the east of Sunnyfields, Withington, Shropshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Shropshire Homes Ltd against the decision of Shropshire Council.
 - The application Ref 15/01413/FUL, dated 24 March 2015, was refused by a notice dated 9 July 2015.
 - The development proposed is the construction of 17 houses off a new estate road, with associated garages and parking.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The *Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMDev)* was adopted on 17 December 2015, following the Council's decision on the original application. It was confirmed by the Council that saved policy HS3 of the *Shrewsbury and Atcham Borough Local Plan 2001*, referred to in the first reason for refusal, has been replaced by policies in the SAMDev. I have determined the appeal on this basis.
3. A signed Unilateral Undertaking, dated 4 February 2016, was submitted at the Hearing, confirming the appellant's interest in the land and securing the provision of affordable housing.

Application for costs

4. At the Hearing, an application for costs was made by Shropshire Council against Shropshire Homes Ltd. That application will be the subject of a separate Decision.

Main Issues

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

Reasons

Policy context

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with

the Development Plan (DP), unless material considerations indicate otherwise. In this case the DP includes the CS and the SAMDev.

7. The appeal site lies in the open countryside immediately to the east of Withington, which is not identified as a Community Hub or Cluster in the SAMDev, where policies CS1 and CS4 of the CS seek to focus new development in the rural area. Therefore, policy CS5 of the CS applies, which aims to strictly control development in the countryside in accordance with national policy. It permits development on appropriate sites, which maintain the countryside's vitality and character, listing development types that are appropriate to the improvement of the sustainability of rural communities. Although the appeal scheme does not relate to any of the development types listed, this is not an exclusive list, with proposals which improve the sustainability of rural communities by bringing local economic and community benefits also to be permitted. However, this must be considered in the context of policy MD7a of the SAMDev which emphasises that: *'further to Core Strategy Policy CS5 and CS11, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters.'*
8. Policy CS6 of the CS seeks to create sustainable places. It requires, amongst other things, that development is designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness. It also says that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy aligns closely with one of the core planning principles of the Framework, namely that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. Given the scale of the appeal scheme, I consider that it is likely to generate significant levels of traffic in the context of this small rural village.

Sustainability and Accessibility

9. Withington is one of a number of small villages situated in a predominantly rural area between Shrewsbury and Telford. It has only a limited range of facilities including a public house, parish room, church and recreation ground. Although buses pass through the village linking with Shrewsbury, Wellington and other nearby villages, such as Upton Magna, I understand that these services are infrequent and do not run at weekends. Local residents also confirmed that the secondary school bus service does not return to the village at the end of the school day, terminating instead in Upton Magna.
10. A primary school and small farm shop stocking a limited range of goods, are also located in Upton Magna, some 1.5 miles to the west. However, to access these services and facilities in other nearby settlements, such as Rodington over 1 mile away, one is required to negotiate narrow country lanes with no footway or street lighting. Therefore, given the nature of the route, and distance involved, it is highly unlikely that future residents, including children, would travel to Upton Magna or Rodington on foot or bicycle, even though there are occasional passing places and some of the lanes are part of the national cycle route.

11. Taking all these matters into account, particularly the limitations of travel by public transport, on foot and by cycle, I find that future occupiers of the development proposed would be reliant on the private car to access essential facilities and services in other nearby towns and villages on a daily basis, including education, shopping and employment. As a result, they would be unable to make sustainable transport choices in accordance with the objectives of the Framework and the requirements of policies CS4 and CS6 of the CS.

Character and appearance

12. The built form of Withington is concentrated around a central recreation ground, which lies at the heart of the settlement. Although sporadic residential development and farmsteads align approaches into the village, they do not detract from the largely contained nature of Withington. The eastern edge of the settlement is defined by existing houses in Sunnyfields, which clearly demarcate the transition between the built form of the village and the adjacent agricultural land. The appeal scheme would extend out into this area, beyond the existing settlement limits, resulting in the loss of a sizeable area of open farmland which contributes to the verdant character of approaches into the village from this direction. Given that context, I am in no doubt that the introduction of 17 new dwellings on the appeal site would have a highly intrusive and urbanising effect and would detract from the predominantly open pastoral landscape and characteristics of the area. That impact would be exacerbated by its prominence from public views along the public right of way which passes to the south of the site and the footpath along the route of the former canal to the east. Thus, the development would significantly harm the character and appearance of the area. There would be conflict, in this regard, with policies CS5 and CS6 of the CS and the provisions of the Framework.

Overall Planning Balance

13. Paragraph 7 of the Framework states that there are three dimensions to sustainable development: economic, social and environmental. These roles are mutually dependant and should be sought jointly to achieve sustainable development.
14. In relation to the economy, paragraph 19 of the Framework confirms that significant weight should be placed on the need to support economic growth through the planning system. There would clearly be some economic benefits associated with the construction and occupation of 17 dwellings. It would also provide additional income through the New Homes Bonus, Council Tax receipts and the Community Infrastructure Levy, with the latter effectively being 'ring-fenced' to be spent on various environmental infrastructure improvements in Withington, thereby also representing an environmental benefit associated with the scheme.
15. Turning to the social dimension, the proposal would contribute towards addressing housing need, including the need for affordable housing, in accordance with policy CS11 of the CS and the *Type and Affordability of Housing Supplementary Planning Document* 2012. This would include two on-site affordable units and a financial contribution towards provision in Withington or neighbouring parishes secured through the signed unilateral undertaking. These are further benefits connected with the development.

16. The Framework, and the *Withington Parish Plan 2013*, also recognise that housing can support local services. However, whilst the development may help sustain the limited range of existing facilities in the village, given my findings regarding the site's accessibility and relationship to nearby settlements, any potential benefits to existing services in the neighbouring villages of Upton Magna and Rodington are likely to be modest. Indeed, the site is poorly located in terms of its accessibility on foot or cycle to essential services, facilities and public transport, increasing the reliance of future occupiers on the private motor vehicle and number of unsustainable journeys made. Thus, although the scheme would provide some minor economic and community benefits, overall it would not significantly improve the sustainability of this rural community and would therefore also conflict with policies CS4 and CS5 of the CS and the provisions of the Framework in this regard. Such social and environmental factors weigh heavily against the proposal. Added to this is the significant environmental harm I have identified to the character and appearance of the area.
17. Boosting significantly the supply of housing, as required by the Framework will, in all likelihood, require housing to be built on some greenfield sites which would result in changes to local environments. Nonetheless the policy conflict, the shortcomings of the location of the site in terms of accessibility and sustainability, and its impact on the character and appearance of the area, would significantly and demonstrably outweigh the acknowledged benefits of the scheme, even were it to transpire that the Objectively Assessed Housing Need is greater than suggested by the Council in this appeal, and/or the supply of housing is less than is claimed, and their reliance on windfall sites in the rural area to meet the housing requirement proved to be overly optimistic. In short, for the reasons explained above, I find that the appeal scheme does not comply with the development plan and that it does not represent sustainable development. Thus, neither the provisions of paragraph 49 of the Framework (ie whether or not there is a five year supply of land for housing) nor the presumption in favour, set out in paragraph 14 of the Framework, apply. I conclude, therefore, that the appeal development would not provide a suitable site for housing, having regard to the principles of sustainable development.

Other Matters

18. Concerns have been raised by the appellant regarding the consistency of the Council's decision making, with particular regard to sustainable transport and the location of new residential development. Specific reference is made to a recent permission in Ryton which, it has been suggested, is similar to Withington in terms of its accessibility to local services and facilities. I observed that residents of that development would be required to travel along narrow country lanes to access a shop and primary school in the nearby village of Dorrington. However, it is clear from the officer report that the development would preserve the character and appearance of the area and, in this respect, would not therefore conflict with the environmental dimension of sustainable development. That is not the case with the proposal before me.
19. The appellant has also queried the rationale behind the Council's approach to identifying community hubs and clusters in the SAMDev, including the related *Sustainability Appraisal Report*. This refers specifically to the designation of settlements such as Uffington, which are a similar size to Withington, and other more remote communities as hubs and clusters. It was evident from my site

inspection that Uffington is located on the main Wellington to Shrewsbury road, just beyond the outer limits of the County town with its variety of services and facilities. Uffington, therefore, is clearly in a more accessible location.

Moreover, given that I have found that the appeal scheme would not represent sustainable development, it is not necessary in this appeal to analyse the Council's approach to hubs and clusters.

20. The appeal scheme would increase the flow of traffic both within, and on approaches into the village. Although the road network is narrow in sections, there are passing places on routes into Withington. Within the settlement, the carriageway is also generally wide enough to allow for two vehicles to pass. As such, I consider that the development would not adversely affect the efficient operation of the highway network in the area or have a detrimental impact on highway safety. In this respect, I have also had regard to the response from the highway authority which raises no objections on such matters.
21. Given the findings of the submitted Ecological Assessment, the impact on protected species could, subject to the suggested mitigation measures be adequately addressed by condition. Similarly, appropriate foul and surface water drainage details could also be secured in this way.

Conclusion

22. For the reasons set out above, and having regard to all other matters raised, including the case law and the various recent appeal decisions referred to in Shropshire (full details and the circumstances of the latter not being before me) I conclude on balance that the appeal should not succeed.

T Cannon

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Andrew Sheldon	Shropshire Homes Ltd
Helen Howie MRTPI	Berrys

FOR THE LOCAL PLANNING AUTHORITY:

Frank Whitley MRTPI	Technical Specialist Planning Officer, Shropshire Council
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Daniel Corden MRTPI	Senior Planning Policy Officer, Shropshire Council
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INTERESTED PARTIES

Mr Heath	Chairman, Withington Parish Council and local resident
Mr Lucus	Withington Action Group and local resident
Mrs Stone	Parish Councillor and local resident
Mr Timmis	Parish Councillor and local resident
Councillor Overall	Councillor, Shropshire Council

Local residents:
Mrs Davies
Mr Scutt
Lyn Adderley
Bernie Jones
Lisa Gray
J Bradbury
Mr & Mrs Prater
Brenda Marshall
C Jones
Mr & Mrs Thomas

P Nolan
V Nolan
Derek Hillaby
Mrs Perry
Anne Jones
Dennis Jones
M Jones
H Jones
Andrew Beaman
Alan Williams
R Littlewood
P Breakwell

DOCUMENTS SUBMITTED AT THE HEARING

1. Report on the examination into Site Allocations and Management of Development (SAMDev) Plan – 30 October 2015
2. Shropshire Site Allocations and Management of Development (SAMDev) Plan Sustainability Appraisal Report: Submission
3. Shropshire Council Adopted Policies Map
4. Appeal Decisions: APP/L3245/W/15/3011886, APP/L3245/W/15/3003171, APP/L3245/W/15/3011886, APP/L3245/W/15/3007929 and APP/L3245/W/15/3001117
4. Unilateral Undertaking dated 4 February 2016

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Costs Decision

Hearing held on 5 February 2016

by Tom Cannon BA DIP TP MRTPI

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

Decision date: 28 June 2016

Costs application in relation to Appeal Ref: APP/L3245/W/15/3137744 Land to the east of Sunnyfields, Withington, Shropshire

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Shropshire Council against Shropshire Homes Ltd.
 - The Hearing was in connection with an appeal against a refusal to grant planning permission for the construction of 17 houses off a new estate road, with associated garages and parking.
-

Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant's claim is made on a procedural and substantive basis and focuses on the following matters. Firstly, that the appellant, despite recent evidence that the Council can demonstrate a five year housing land supply (5YHLS) has continued to challenge the Council's position on this matter. Secondly, that the appellant has failed to provide any new evidence to challenge the above findings and, thirdly, its persistence with an appeal which has no reasonable prospect of succeeding.
4. It is common ground that Inspectors in recent appeal decisions in Shropshire have found that the Council does have a 5YHLS. However, I understand that in those cases the issue of the Council's full objectively assessed housing need (FOAN) was not examined forensically. Therefore, it was entirely reasonable for the appellant to question the Council's approach on this matter as part of this appeal. The basis for doing so, and the reasoning why the appeal should continue to be determined by way of a Hearing, was also clearly set out in a series of emails prior to the event. Discussions at the Hearing enabled the evidence on this issue to be tested in a public forum, with both main parties providing further oral evidence on, amongst other things the FOAN. This would not have been possible had the procedure been changed to written representations as the Council had requested. I conclude, therefore, that the appellant has not acted unreasonably by querying the Council's approach to FOAN, and has provided further written and oral evidence which challenged the Council's position on this matter.

5. Regardless of the Council's 5YHLS position, the appellant offered some reasoned and objective analysis both in the grounds of appeal and orally at the Hearing as to why, in its opinion, the appeal scheme would accord with both the development plan and the *National Planning Policy Framework* (the Framework) presumption in favour of sustainable development. Although, in my decision to dismiss the appeal, I have found conflict in both respects, it was reasonable for the appellant to argue that, on balance, the proposal would represent sustainable development given the economic, social and environmental benefits associated with the scheme. Therefore, one cannot reasonably conclude that the appeal had no prospect of succeeding. As such, the appellant has not acted unreasonably in this regard.
6. I find, therefore, that unreasonable behaviour resulting in unnecessary expense, as described in the Planning Practice Guidance, has not been demonstrated. Thus, for the reasons given above, the application for an award of costs does not succeed.

T Cannon

INSPECTOR

Appeal Decision

Hearing held on 7 June 2016

Site visit made on 7 June 2016

by Jonathan Bore MRTPI

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

Decision date: 1 July 2016

Appeal Ref: APP/L3245/W/16/3143515
Gorse Lane, Bayston Hill, Shropshire SY3 0JL

- 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 G H Davies Farms Ltd against the decision of Shropshire Council.
 - The application Ref 14/00989/OUT, dated 5 March 2014, was refused by notice dated 29 July 2015.
 - The development proposed is the erection of 5 dwellings with garages.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The application was made in outline with all matters reserved.
3. The application was recommended for approval, delayed for reasons connected with the provision of an affordable housing contribution, and subsequently refused by the Council. The history of the application makes no difference to this decision, which is based on the merits of the scheme and is taken within the context of current planning policy.

Main Issues

4. The main issues in this case are, firstly, the effect of the development on the character and appearance of the locality and secondly, the scheme's contribution to the supply of housing.

Reasons

The effect of the development on the character and appearance of the locality

5. Gorse Lane is a strip of development running north from the main body of Bayston Hill, ending with a cul-de-sac on a hill brow. From that point, a gate opens on to a broad, open field falling towards the Rea Brook. The scheme would be located to the west of the end of Gorse Lane, in a corner of the field, and would take up an area of arable land which is clearly part of the countryside. A slight depression in the land together with adjacent woodland would conceal the development from some views, and it could no doubt be designed with a low profile, but however configured, the scheme would still be visible from parts of the nearby footpath network, from the rising ground on

the other side of the brook, and from parts of Meole Brace in nearby Shrewsbury. There would be no natural boundary within the field to contain the development on its northern and eastern sides, and it would partly sever the relationship between the woodland and the adjacent open land. The site's aspect on a slope facing away from the village and its westward shift from the established pattern of development in Gorse Lane would make it appear contrived and incongruous in relation to the village and it would be seen as an awkward intrusion of development into the countryside, without adequate regard for existing landscape features or village form. It would fail to respect the natural attractiveness and character of the countryside.

6. The development would also protrude into the gap between Bayston Hill and the Meole Brace area of Shrewsbury, an open area that helps to maintain the village's separate identity. The gap is relatively narrow, the two settlements are intervisible across the valley and the intervening area is crossed by road and rail lines, all of which make the open character of this area fragile and easily eroded by incremental development. Whilst the scheme would be small, it would nonetheless represent an encroachment into this sensitive gap and this further weighs against the scheme.
7. For these reasons the scheme would cause significant harm to the character and appearance of the locality. It would be contrary to Core Strategy Policy CS5 and Policy MD7a of the Site Allocations and Management of Development (SAMDev) Plan (2015), which seek to control market housing in the countryside, SAMDev Plan Policy MD12 which aims to ensure that proposals do not have a significant adverse effect on visual amenity and landscape character and local distinctiveness, and Policy S16.2(ii) of the SAMDev Plan, which aims to retain the gap of undeveloped land between Bayston Hill and Meole Brace.

The scheme's contribution to the supply of housing

8. The SAMDev Plan categorises Bayston Hill as a Community Hub with a housing guideline figure of 50 to 60 additional dwellings by 2026. Core Strategy Policy CS4 aims to make rural areas more sustainable and to rebalance local communities by allowing development in community hubs, whilst SAMDev Policy S16.2(ii) states that infilling, groups of houses and conversion of buildings may be acceptable on suitable sites within the development boundary.
9. However, the appeal site falls outside the development boundary. SAMDev Plan Policy MD3 allows for additional sites outside development boundaries where a settlement housing guideline appears unlikely to be met, but that is not the case here; planning permission already exists for 60 houses on 6 sites within Bayston Hill. The SAMDev guideline of 50 to 60 dwellings is not a maximum, but it carries weight as a figure in which the community have had a say and has been established and examined through the development plan process. Moreover, the Oakland Primary School site, within the village boundary, will in due course be developed for a mixed scheme which would provide further dwellings. The local housing supply position in Bayston Hill is currently healthy and does not lend support to the development of further general market housing outside the development boundary.
10. As for meeting Shropshire's overall housing requirement, windfall development is expected to make a contribution towards the achievement of around 27,500

dwellings by 2026, established by Core Strategy Policy CS1, but that does not mean that unacceptable schemes such as this should be permitted.

11. The Council's most recent Housing Land Supply statement dated April 2015 indicates a 5.53 year supply of deliverable housing land, and a number of appeal decisions have found slightly more than 5 years' supply, but in the case of Teal Drive, Ellesmere (Ref APP/L3245/W/15/3067596) the Inspector considered that the Council could not demonstrate a 5 year supply because of the absence of an up-to-date Full Objectively Assessed Need (FOAN) for housing. The Council is in the process of challenging that decision, but the outcome of that challenge would not make any difference to my decision. Neither would the presence or absence of a 5 year supply, or the age of the Core Strategy requirement on which the SAMDev Plan's allocations are based. That is because, even if the supply of deliverable housing land was a great deal less than 5 years, the degree of harm that the present scheme would cause to the countryside, the poor relationship of the scheme to the development form of the village, and the intrusion of the proposed development into the gap between Bayston Hill and Shrewsbury, would significantly outweigh any benefit in respect of housing provision.

Other matters

12. A number of appeal decisions were submitted by the appellants but none constitutes a close parallel to this scheme. In APP/F1610/A/14/2213318, there was held to be no FOAN and no 5 year housing land supply, but the harm was less than substantial; in APP/G2435/W/15/3005052 the effect on the character and appearance of the area was considered to be acceptable; in APP/L3245/W/15/3029727 the site was previously developed land; in APP/L3245/W/15/3001117 the Council adduced no evidence in support of its refusal and it was considered that the scheme would not give rise to any significant harm to the countryside beyond the Ludlow development boundary; in APP/L3245/W/15/3003171 the environmental benefits were considered to outweigh the harm; and in APP/A0665/W/14/3000528 it was considered that the scheme would cause no more than minimal harm to the environment. The Council also submitted a number of appeal decisions, with the intention of demonstrating support for its policies and its stance on the 5 year housing land supply position, and illustrating development pressure at Bayston Hill. But all these decisions, submitted by both parties, simply demonstrate the exercise of planning balance in the circumstances of each case. Each case is different and must be determined on its merits.
13. Some ecological benefit is argued by the appellants. Domestic gardens can provide additional biodiversity compared with arable fields, but the development is small and the benefits would be limited.

Conclusion

14. The provision of 5 new houses would have social benefits; there would be some further economic and social benefits from the construction phase, additional local expenditure and the community infrastructure levy; and there could be some small benefits for biodiversity. However, all of these would be significantly outweighed by the environmental harm caused to the countryside, the gap between Bayston Hill and Shrewsbury and the character of the locality. The proposal would not amount to sustainable development. It would conflict with a range of development plan policies to protect the countryside, visual

amenity, landscape character and the gap, as discussed in the preceding paragraphs, and it would conflict with the development plan as a whole. For all the above reasons, the appeal is dismissed.

Jonathan Bore

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr M Lynch Shropshire Council

Mr E West Shropshire Council

FOR THE APPELLANT:

Mrs H Howie Berrys, Willow House East, Shrewsbury Business Park, Shropshire

Mr J Davies G H Davies Farms

INTERESTED PERSONS:

Mrs C Higgins Parish Clerk, Bayston Hill Parish Council

Mr A Emery Bayston Hill resident

Mr K Goodman Bayston Hill resident

Ms J Harvey Bayston Hill resident

DOCUMENTS

Document 1 Attendance list

Document 2 Letter of notification and list of persons notified

Document 3 Letters of representation

Document 4 Appellant's statement and appendices including appeal decisions and judgments

Document 5 Council's statement and appendices including appeal decisions

Document 6 Statement of Common Ground

Document 7 Council's statement in respect of its affordable housing policy

Document 8 Appeal decision APP/L3245/W/15/3067596

Document 9 Papers concerning the Council's legal challenge to Document 8

PLANS

Plan A Location plan no CMD_GHDFL_01

Plan B Block Plan (illustrative proposal) no 839/13/01

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Appeal Decision

Site visit made on 27 June 2016

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 6 July 2016

Appeal Ref: APP/L3245/W/16/3142894

Land off Mount Close, Pontesbury, Shrewsbury, Shropshire SY5 0RD

- 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 Bennett against the decision of Shropshire Council.
 - The application Ref 14/03034/OUT, dated 4 July 2014, was refused by notice dated 29 July 2015.
 - The development proposed is 12 residential dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Shropshire Council Site Allocations and Management of Development (SAMDev) Plan was adopted on 17 December 2015, after the Council made its decision on the application which forms the basis of this appeal. Nevertheless, policies in the SAMDev were referred to in the Council's reason for refusal. Consequently all parties have had the opportunity to comment on this in relation to their cases.

Main Issue

3. The main issue is whether the site is a suitable location for housing, having regard to local and national planning policy.

Reasons

4. The application was submitted in outline with all matters reserved. The appeal site comprises a field on the edge of Pontesbury. The proposal is for a residential development of 12 dwellings which would be accessed off of Mount Close, forming an extension of existing development.
 5. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (CS) sets out the Council's strategic approach to development. As per policy CS3 of the CS, Minsterley and Pontesbury are a combined key centre where new housing within development boundaries will be supported. The appeal site is, however, located just outside of Pontesbury's development boundary within designated countryside. Policy CS5 of the CS sets out that new development in the countryside will be strictly controlled.
 6. The SAMDev makes provision for sufficient land to be made available to enable the delivery of housing planned in the CS. Policy MD1 of the SAMDev
-

reiterates that sustainable development will be supported in key centres. Policy MD7a of the SAMDev continues to strictly control new market housing in the countryside, outside of key centres. As per Part 3 of Policy MD3 of the SAMDev, the only circumstances where market housing in the countryside, outside settlement boundaries, would be supported, is where housing guideline figures appear unlikely to be met within the plan period. Given that the SAMDev is newly adopted and the plan period extends to 2026 it would be unreasonable to conclude, at this early stage, that the housing guidelines will not be met.

7. The proposal would therefore conflict 'in principle' with these policies. I give significant weight to this conflict, particularly with respect to the recently adopted and up-to-date SAMDev.
8. The appellant makes the case that the appeal site is highly sustainable being located within walking distance of Pontesbury where there are a wide range of community facilities and services. Pontesbury is also served by a regular bus service to other villages and larger centres. The benefits of the development in terms of supporting existing amenities at Pontesbury, both economically and socially, are also advanced.
9. The appellant also comments that the Council have failed to maintain a five year housing land supply. The Council, however, state that they are able to demonstrate a 5.53 year supply of deliverable housing land. This includes a 20% buffer which takes into account 'persistent under delivery' and to redeem past shortfall. A number of appeal decisions are provided which support the position that the Council does have a 5 year housing land supply. Notwithstanding this, I acknowledge that the development would, nevertheless, provide a boost to the housing supply.
10. The purpose of the planning system is to contribute to the achievement of sustainable development. Whilst this includes an economic and social role, it also includes an environmental role which, as set out in the National Planning Policy Framework (the Framework), requires the protection of the natural environment.
11. The site is adjacent to residential development, but, as set out above, is located in an area of designated countryside. The site lies outside of the Shropshire Hills Area of Outstanding Natural Beauty. Nevertheless, the proposal would still represent an encroachment of development into what is an attractive and open rural landscape which provides the wider setting of Pontesbury. The development would therefore cause harm to the natural environment. Consequently, in addition to the 'in principle' policy conflict outlined above, the proposal would also conflict with policy CS6 of the CS which requires development to protect and conserve the natural environment.
12. I also note that the proposal would result in the loss of Grade 3 best and most versatile agricultural land. The Framework is clear that the economic and other benefits of such land should be taken into account. The loss of such land, therefore, further weighs against the proposal.

Other Matters

13. The appellant refers to three applications where it is stated that the Council approved development outside of the development boundary. I have not been

provided with full details of these so am unable to draw any meaningful comparisons, but the circumstances surrounding these decisions may well have changed, in particular, the Council's ability to now demonstrate a 5 year supply of deliverable housing sites. Whatever the case may be, I have determined this appeal on its own planning merits.

14. I note the appellant's comments that the application was delayed in order to include the emerging SAMDev policies in the reason for refusal. I can understand the appellant's frustration in respect of this changing policy background during the course of their application. At the time of making a decision, the current development plan is the basis on which planning decisions have to be made. However, in making such decisions, weight can be given to emerging plans, depending on how advanced the stage of preparation is; which the Council did in this case.
15. Finally, the Council have stated that Policy CS11 of the CS is applicable. This requires all new open market housing development to make appropriate contributions to the provision of local needs affordable housing. There is nothing before me to secure such a contribution. However, in light of my findings in respect of the main issue in this appeal, it is not necessary for me to pursue this matter further.

Conclusion

16. The appeal site's location outside of the development boundary of Pontesbury conflicts with the Council's development plan and its approach to housing delivery. In addition to this, the proposal would result in the loss of an area of undeveloped open countryside, and best and most versatile agricultural land. The proposal would therefore not constitute sustainable development. I have had regard to all matters raised, including that the dwellings are proposed to be designed to a high standard and using traditional methods. These matters do not, however, outweigh the harm I have found. The appeal is therefore dismissed.

Hayley Butcher

INSPECTOR

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Appeal Decision

Site visit made on 24 May 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: 21 June 2016

Appeal Ref: APP/L3245/W/16/3146714

Quarry View House, 34 New Street, Shrewsbury SY3 8JQ

- 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 Dr John Williams against the decision of Shropshire Council.
 - The application Ref 15/02481/OUT, dated 4 June 2015, was refused by notice dated 7 October 2015.
 - The development proposed is a pair of semi-detached town houses.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. This application was submitted in outline with all matters except access reserved for consideration at a later stage. Site layouts and sections have been submitted for illustrative purposes only and I have had regard to them on this basis.
3. In December 2015 following the determination of this application the Council adopted the Site Allocations and Management of Development Plan (the SAMDev). I am satisfied that both parties have had 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.
4. As a result of the Court of Appeal's judgement on 11 May 2016 [*Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council 2016*], the Government's Planning Practice Guidance (NPPG) advises that contributions for affordable housing and tariff style planning obligations should not now be sought from small scale and self-build developments. The policies in the Council's development plan relating to such provisions must therefore now be considered in the context of this change in national policy and guidance. Both parties have been given the opportunity to comment on this situation and the Council have indicated that they are no longer contesting the lack of an affordable housing contribution. I have considered the appeal on this basis.

Main Issues

5. The main issues in this case are:

- 1) Whether sufficient information has been presented to assess whether the proposal represents an acceptable form of development having regard to its flood zone location; and,
- 2) The effect of the proposed development on the character and appearance of the Shrewsbury Town Centre Conservation Area.

Reasons

Flood Risk

6. The appeal site is located on the north western side of the River Severn. It presently forms part of the rear garden of Quarry View House. This is a substantial Georgian property which has recently been renovated. It has an 'L' shaped plot with a private access road running along its long, north eastern side. To the south east the pedestrianised part of Water Lane lies between the site and the river. A boat house lies to the south west and garden areas to the north west. The appeal site itself is the south western portion of the site which currently contains a range of outbuildings and vegetation. The proposed development would place a pair of semi-detached dwellings with storage underneath on this site. The main access point to these dwellings would be shared with the existing access to Quarry View House.
7. According to the Flood Risk Assessment Report (the FRA) that accompanied the application, the site is at high risk of flooding from the river and indeed was partially flooded in 2004. The Environment Agency have commented that the site falls within Flood Zone 3 which in accordance with the NPPG is considered as having a 'high probability' of fluvial flooding. Furthermore, based on the ground level information in the FRA and the modelled flood levels set out in Shropshire Council's Level 2 Strategic Flood Risk Assessment, it is suggested that the entire site is located in Flood Zone 3b. The NPPG states that such land must be regarded as 'functional floodplain' as it is land where water has to flow or be stored in times of flood (Table 1: Flood Zones, Ref: ID: 7-065-20140306).
8. Policy CS18 of the Shropshire Local Development Framework Core Strategy 2011 (the Core Strategy) requires new development to be designed to be safe, taking into account the lifetime of the development and the need to adapt to climate change. The NPPG also states that only water compatible uses and essential infrastructure (which passes the Exception Test) should be constructed on sites assessed as Flood Zone 3b (Table 3: Flood risk vulnerability and flood zone 'compatibility', Ref: ID: 7-067- 20140306). Such water compatible uses do not include buildings used as dwelling houses, which are classified as 'more vulnerable'. In this respect it is noted that the FRA submitted by the appellant has incorrectly identified the proposed development as being water compatible.
9. The NPPG and the National Planning Policy Framework (the Framework) state that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk. The Sequential Test should be used to assess the possibility of alternative locations for development. The FRA refers to sequential testing but this is based on the assumption that by placing a water compatible use on the ground floor and raising the residential portions of the property above, the test will be satisfied. However, the Technical Guidance to the National Planning Policy Framework states that buildings that

combine a mixture of uses should be placed into the higher of the relevant classes of flood risk sensitivity¹.

10. Therefore, as the proposed development is not water compatible, the Sequential Test has been incorrectly applied and no evidence of the consideration of alternative sites is given. If the Sequential Test had been correctly applied and it had been found that it would not be possible to locate the development in zones with lower probability of flooding then the Exception Test would also need to be applied. This requires both that the development would provide wider sustainability benefits to the community that outweigh flood risk, and also the preparation of a site specific flood risk assessment which demonstrates that the development would be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere. Such information has not been provided in this case.
11. I conclude that on this matter that the information submitted by the appellant is inaccurate and therefore insufficient to assess whether the proposal represents an acceptable form of development having regard to its location within Flood Zone 3b. In this respect it does not comply with the relevant provisions of the NPPG or the Framework in relation to flood risk, nor would it comply with the Core Strategy Policy CS18.

Character and appearance

12. The appeal site is located in a prominent location on the banks of the River Severn. Clear views of the site are available from Quarry Park, a well-used public space on the opposite side of the river. The site is also visible from Water Lane, though a timber fence running along the front of the site adjacent to this walkway reduces its visibility somewhat. I noted on my site visit that the site is currently occupied by a range of trees, shrubs and single storey outbuildings and is somewhat neglected, in contrast to the well maintained garden area adjacent to the main house. The outbuildings would be removed as part of this proposal.
13. This area is part of the Shrewsbury Town Centre Conservation Area which has been divided into ten character areas. The appeal site is located in the Frankwell Area. This is close to the centre of Shrewsbury and is characterised by red brick buildings of a variety of sizes and styles, mostly set in elevated positions above the river. The gradual gradient down to the river is largely filled with green spaces and mature vegetation.
14. The visibility of this site from a range of public vantage points means that the principle of development in this location in terms of its impact on the wider Conservation Area must be carefully considered. Whilst this application has been submitted in outline with design and layout reserved for consideration at a later stage, the indicative site plan and site section establish that the two and a half storey dwellings would be located in a prominent position relative to Water Lane and would be clearly visible from the opposite side of the river. Furthermore, the fact that other buildings in this area are located at a higher level and the proposed development would be isolated in an area of largely green space would exacerbate its prominence. I therefore consider that this proposal would represent an incongruous addition to this part of the Conservation Area.

¹ Notes to Table 2: Flood risk vulnerability classification

15. Section 72 (1) of the Planning (Listed Building and Conservation Area) Act 1990 refers to any building or other land in a conservation area and requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In exercising this duty the effect of development on the character or appearance of the conservation area must be assessed in terms of the impact on the significance of this area.
16. On this matter I have found that the development would not preserve or enhance character and appearance of the Shrewsbury Town Centre Conservation Area. It would therefore fail to comply with the Core Strategy Policies CS6 and CS17 which require new development to protect, restore and enhance the natural, built and historic environment. It would also conflict with SAMDev Policy MD2 which requires new development to contribute to and respect locally distinctive or valued character and existing amenity value. Finally, it would conflict with MD13 which seeks to avoid harm to designated and non-designated heritage assets including their setting.
17. In this case, as this development is relatively small scale, I consider the harm arising to be less than substantial in terms of Paragraph 134 of the Framework. This harm must be weighed against any public benefits of the proposal. I note the provision of two units of accommodation in a reasonably central location. The appellant has also suggested that a contemporary building would provide interest to the riverside landscape and that views of the river from neighbouring properties would be retained. I also note that the proposal would involve the removal of a number of existing outbuildings and would 'tidy up' this somewhat neglected site. I therefore recognise some public benefits but these are not sufficient to offset the harm identified to which I must attach considerable weight.

Other Matters

18. I note the reference to the fact that the appellant is considering downsizing and may occupy one of the proposed dwellings. However the personal circumstances of the appellant would not outweigh the significant harm I have identified in this case.

Conclusion

19. I have found that this proposal would be unacceptable in terms of flood risk. It would also have a detrimental effect on the character and appearance of a designated Conservation Area. Whilst I have found the harm to this heritage asset to be less than substantial, any public benefits arising from the proposal would be outweighed by its environmental impacts.
20. For the above reasons, taking into account all other matters raised, I conclude that the appeal should be dismissed.

AJ Mageean

INSPECTOR

Appeal Decision

Site visit made on 4 July 2016

by Gareth W Thomas BSc(Hons), MSc(Dist), PgDip, MRTPI

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

Decision date: 07 July 2016

Appeal Ref: APP/L3245/W/16/3147814

Barn at Pontesbury Hill, Pontesbury Hill, Shrewsbury SY5 0YQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr M J Pugh against the decision of Shropshire Council.
 - The application Ref 15/04091, dated 1 September 2015, was refused by notice dated 18 November 2015.
 - The development proposed is described in the Statement of Case as the change of use of an agricultural building to a single dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters and Main Issues

2. Class Q permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class 3 (dwellinghouses) of the Schedule to the Use Classes Order and any building operations reasonably necessary to convert the building. Development is not permitted under Class Q subject to a number of conditions, limitations or restrictions which are set out under paragraph Q1(a) to (m).
3. The Council's case is that Class Q does not apply, firstly because it claims that the building operations that would be required in this case are beyond the limitations set in the permitted development criteria under Class Q.1 sub-paragraph (i) which specifies the list of works that are permitted to the extent reasonably necessary for the building to function as a dwellinghouse, and; secondly that there was insufficient evidence to demonstrate that the building was not used solely for agriculture as part of an established agricultural unit on 20 March, 2013.
4. Accordingly, the main issues in this appeal are:
 - Whether the extent of works required to convert the building would fall within the scope permitted under Class Q, and
 - Whether the site was solely in agricultural use, as part of an established agricultural unit, within the relevant timeframes.

Reasons

Whether the extent of works required to convert the building would fall within the scope permitted under Class Q

5. The appeal site is located in the middle of a field, which is currently used for beef cattle grazing. It is accessed via a field gate off Pontesbury Hill opposite a ribbon of houses via an un-metalled track that crosses the open field. The proposal relates to a single storey three bay steel framed structure presently clad with steel sheets above a low concrete block wall with two of the bays open to the front as it faces north. The building is presently empty and generally open with one bay enclosed to provide storage facilities. There are a few sheep pens within the first two bays. The floor throughout appears to be finished as a consolidated hardcore base.
6. Details of the elevations and floor plans of the proposed dwelling have been supplied with the application. These include new insulated walls to replace the single external steel sheet layer, the installation of a floor together with internal walls to sub-divide the living space that will provide a four-bedroom house over two floors. No structural survey has been submitted to show the extent to which the existing structure would be retained and the works needed to accommodate the proposed dwelling although the appellant is confident that the existing framework is structurally sound and capable of taking any additional loading.
7. The plans suggest that the structural columns will be retained to take the existing loads of the roof structure and the additional loading of the new floor. The exterior walls of the dwelling would be built with the existing metal sheeting re-used where practicable to the majority of the walls and roof with some timber infill panels to part of the front. There is no mention made of what would be necessary in terms of wall and floor insulation; no mention either is made of what would be necessary in terms of new floor provision.
8. The Planning Practice Guidance (PPG) states that "it is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore it is only when the existing building is structurally sound enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have permitted development right".
9. From what I saw on site, I share the Council's concerns that the extent of works required, in particular the insertion of a large expanse of first floor flooring, the provision of a new floor at ground floor level, the infilling with new walling and the likelihood of new or strengthened foundations. This would in my view be tantamount to the re-construction of the building, which would be beyond the scope permitted under Class Q.
10. There is nothing in the evidence before me to indicate that the proposed additional walling inside the steel sheets would not require to be supported by new foundations. It appears to me that the sheeting would need to be removed and set aside whilst new foundations and flooring constructed. Irrespective of what could reasonably be salvaged from the existing building materials, the works necessary would amount to a significant area of new construction.

11. I note the appellant's point that the infilling of the framework using existing sheeting where possible and the insertion of windows and doors fall within one of the building operations permitted under Class Q and that the works of demolition would probably only amount to the removal of the existing cladding. However this appears to be based on what amounts to be a cursory assessment of the existing structure. The permitted development rights under Class Q(b) refers to building operations "reasonably necessary to convert the building". The extent of new construction would amount overall to a new building with very little of the original left. This could not reasonably be described as either partial demolition or as conversion of the existing structure. In my view, the extent of works needed for the building to be used as a dwelling would fall outside the scope of Class Q.

Whether the site was solely in agricultural use, as part of an established agricultural unit, within the relevant timeframes

12. Development is not permitted by Class Q if the site was not used solely for an agricultural use, as part of an established agricultural unit on 20 March 2013, or if it was not in use on that date, when it was last in use.
13. In terms of whether it was solely in agricultural use, the Council has not provided any substantive evidence to dispute the appellant's suggestion that put simply, it was in agricultural use at the relevant date. The evidence that the building was once used to store a car is rather woeful and possibly irrelevant. However, neither has the appellant proffered any evidence of his own in the form of farm business invoices, sales of stock or similar evidence of agricultural activity at that date. This impasse created by a dearth of evidence from both sides means that there remains a great deal of uncertainty that the building was indeed solely in agricultural use as part of an established agricultural unit on this date.
14. Therefore in the absence of substantive evidence to refute the Council's submissions, I can only reasonably conclude that the appeal site was not part of an established agricultural unit for the purposes of Class Q.1. Under the circumstances, I need not venture into the design concerns of the Council.

Conclusion

15. For the above reasons and having regard to all other matters raised, I conclude that this appeal should be dismissed.

Gareth W Thomas

INSPECTOR

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