



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

Date: Wednesday, 14 December 2016

Committee: Central Planning Committee

Date: Thursday, 22 December 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 24th November 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 Monday 19th December 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 Proposed Poultry Units South Of The Vinnals, Lower Common, Longden - 16/02752/EIA (Pages 9 - 46)

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

6 Proposed Dwelling West Of Greenwood Meadow, Hanwood, Shrewsbury - 16/04092/OUT (Pages 47 - 62)

Outline application for the erection of detached dwelling and garage (to include access).

7 Proposed Affordable Exception Dwelling At Cruckton, Shrewsbury - 16/03379/FUL (Pages 63 - 80)

Erection of 1No affordable dwelling and detached double garage.

8 Former HMP Prison, The Dana, Shrewsbury - 15/05591/OUT (Pages 81 - 160)

Outline application for the redevelopment of former Dana Prison into mixed use development to include student accommodation, residential dwellings, retail/restaurant, business non-residential institutions, a gymnasium and extensive landscaping works.

9 Land Opposite The Rowans, Mytton, Shrewsbury - 16/01827/REM (Pages 161 - 172)

Application for approval of reserved matters (siting, landscaping, scale, appearance) pursuant to 13/03841/OUT for the erection of three detached dwellings.

10 Proposed Affordable Dwelling Westbury, Shrewsbury - 16/03879/FUL (Pages 173 - 186)

Erection of 1no affordable dwelling and detached garage.

11 Schedule of Appeals and Appeal Decisions (Pages 187 - 226)

12 Date of the Next Meeting

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 19th January 2017 in the Shrewsbury Room, Shirehall.

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Committee and Date

Central Planning Committee

22 December 2016

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 24 November 2016

2.00 - 5.20 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, Pamela Moseley, Peter Nutting, Kevin Pardy, Tim Barker (substitute for David Roberts) and Jon Tandy (substitute for Amy Liebich)

67 Apologies for absence

Apologies for absence were received from Councillors Dean Carroll, Amy Liebich (Substitute: Jon Tandy), David Roberts (Substitute: Tim Barker).

68 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 27th October 2016 be approved as a correct record and signed by the Chairman.

69 Public Question Time

There were no public questions or petitions received.

70 Disclosable Pecuniary Interests

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

Councillor Jon Tandy declared that he had objected to planning application 16/00181/FUL - Land at Oteley Road, Shrewsbury and this objection was included in the Officers report at paragraph 4.2.3. He would therefore make a statement as Local Member but then leave the room and take no part in the debate or vote on the application.

Councillor Pam Moseley declared that she was a representative of the Shropshire Playing Fields Association who had objected to planning applications 16/00181/FUL, 16/03786/VAR106 & 16/04201/VAR – Land at Oteley Road, Shrewsbury but she had taken no part in the discussion of their objection and therefore had not predetermined the matter.

With reference to planning applications to be considered at this meeting, Councillors Peter Nutting and Andrew Bannerman stated that they were members of the Planning Committee of Shrewsbury Town Council. They indicated that their views on any proposals when considered by the Town Council had been based on the information presented at that time and they would now be considering all proposals afresh with an open mind and the information as it stood at this time.

71 Land At Oteley Road Shrewsbury - 16/00181/FUL

The Principal Planning Officer introduced the application for the erection of a retail store, associated car parking and servicing facilities, site access and associated works and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on the surrounding area. The Principal Planning Officer drew Members' attention to the Schedule of Additional Letters which stated that 9 further letters of support had been received in relation to the need for a discount store on this side of Town; a briefing note from the Agent; and additional conditions recommended by Shropshire Council Highways.

The Principal Planning Officer recommended that should Members be minded to grant approval, an additional condition be attached to any permission granted to require a footpath along the side of the building for pedestrian access and added that should the Committee approve the application, the Council must notify the Secretary of State of the decision.

Mr David Kilby, on behalf of the Shropshire Playing Field Association spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Ted Clarke, 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:

- He agreed that a discount store was welcomed in this area but considered the proposed site to be inappropriate;
- He had concerns in relation to the conflict between the two activities on this site; and
- The community pitch had not been developed for community use and the relocation of the pitch was inappropriate as it was being moved further away from the community.

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

- The area would become very congested on match days with traffic backing up to the traffic lights on Oteley Road;
- The conflict between pedestrians accessing the site on match days and traffic for the store would be a risk to health and safety; and
- He welcomed a discount food store on this side of Town but this was not the right location.

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

In response to comments made by the speakers the Principal Planning Officer explained that Highways did not consider that there would be significant problems in relation to congestion on match days and the pedestrian route outlined would not conflict with the store car park.

In the ensuing debate, Members expressed differing views. Some Members, although concerned in relation to the relocation of the community pitch were in support of the application. Other Members considered that the site was an inappropriate location for the proposed development.

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 delegated powers be given to the Area Planning Manager to grant planning permission subject to:

- The conditions set out in Appendix 1;
- Additional Highway Conditions as set out on the Schedule of Additional Letters;
- An additional Condition in relation to the inclusion of a footpath along the side of the building for pedestrian access;
- A legal agreement to secure match day management scheme and also a contribution to public transport on Oteley Road; and
- The decision not being called-in by the Secretary of State.

72 Land At Oteley Road, Shrewsbury - 16/03786/VAR106

The Principal Planning Officer introduced the application for the variation of the Section 106 Legal Obligation pursuant to SA/02/0278/F and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on the surrounding area.

Mr David Kilby, on behalf of the Shropshire Playing Field Association spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Ted Clarke, 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:

- The community pitch had not been developed for community use and the relocation of the pitch was inappropriate as it was being moved further away from the community;
- The Section 106 Legal Agreement had not been enforced by Shropshire Council; and
- The relocated pitch would not include any changing facilities as stated in the Section 106.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Jon Tandy, 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:

- He considered that changing facilities should be available;
- He would like to see the pitch marked out on a regular basis and used by the whole community; and
- He was pleased that there would be no change to the Power League facilities.

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.

During the ensuing debate it was queried whether there would be a net loss of a playing field. The Principal Planning Officer clarified that the current community pitch would move to the existing training pitch and the Club would use a site in their ownership at Sundorne for training purposes. Questions were raised whether the site at Sundorne already consisted of sports pitches so the relocated training pitch was not a new pitch leading to an overall net loss of a pitch contrary to paragraph 74 of the NPPF.

Having considered the submitted plans for the proposal, the majority of Members expressed concern in relation to the loss of a sports pitch and felt that the application should be deferred to allow for this issue to be clarified.

RESOLVED:

That consideration of the application be deferred.

73 Greenhous Meadow, Oteley Road, Shrewsbury - 16/04201/VAR

The Principal Planning Officer introduced the application for the variation of Condition 2 attached to Ref: 14/00587/VAR dated 17/03/2016 to relocate the community football pitch and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on the surrounding area.

Mr Stuart Thomas, agent for the applicant, suggested that the Committee visit the 3 pitches in Sundorne that the Club currently use for training purposes before the next meeting.

Having considered the submitted plans for the proposal, the majority of Members expressed concern in relation to the loss of a sports pitch and felt that the application should be deferred to allow for this issue to be clarified.

RESOLVED:

That consideration of the application be deferred.

74 Land Opposite The Rowans, Mytton, Shrewsbury - 16/01827/REM

The Area Planning Manager introduced the application for approval of reserved matters (siting, landscaping, scale, appearance) pursuant to 13/03841/OUT for the erection of three detached dwellings and confirmed that unfortunately the Committee did not undertake a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area as planned.

Members considered the submitted plans for the proposal and indicated that a site visit was required to assess the impact of the proposal on the surrounding area and neighbouring property.

RESOLVED:

That this item be deferred until a future meeting of this Committee, to allow the Committee to undertake a site visit to assess the impact of the proposal on the surrounding area and neighbouring property.

75 Milward Rise, Kenley, Shrewsbury - 16/02140/FUL

The Area Planning Manager introduced the application for retrospective planning permission for the siting of 15 touring caravans, formation of children's play area, erection of shower and toilet blocks, lighting fixtures, flag poles and the creation of a wider vehicular access with new entrance gates and associated boundary treatment

(amended description) 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.

The Area Planning Manager drew Members' attention to the Schedule of Additional Letters which outlined an amendment to Condition 2 to extend the period to implement the access from 3 months to 6 months. The Area Planning Manager requested that if the Committee was minded to approve the application that delegated powers be granted to grant permission subject to the variation of Condition 12 in to ensure that there was no permanent occupation of the site.

Councillor Peter Inca, on behalf of Church Preen, Hughley and Kenley Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with Rule 6.1 of the Council Procedure Rules contained in Part 4 of Shropshire Council's Constitution, Councillor Claire Wilde addressed the Committee as the local ward Councillor. During her statement, a number of points were raised including the following:

- The application would have a detrimental impact on the area;
- The entrance wall and flag poles would be out of keeping with the local area; and
- If the Committee is minded to approve the application the number of caravans on site should be reduced from 15 to 10.

Mr Gerallt Davies, agent for the 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 the speakers, the majority of members expressed their support for the officer's recommendation.

RESOLVED:

That delegated authority be given to the Area Planning Manager to grant planning permission subject to:

- The conditions set out in Appendix 1;
- The rewording of Condition 2 as outlined on the Schedule of Additional Letters to extend the time period in relation to the implementation of access to six months; and
- The rewording of Condition 12 to ensure that there was no long term occupation of the site.

76 The Rowans, 46 Upper Road, Shrewsbury - 16/04061/FUL

The Area Planning Manager introduced the application for internal and external alterations 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.

Having considered the submitted plans the Committee unanimously expressed their support for the Officers recommendation.

RESOLVED:

That planning permission be granted in accordance with the officer's recommendation, subject to the conditions set out in Appendix 1.

77 Milns Bridge, Shepherds Lane, Shrewsbury - 16/04085/FUL

The Area Planning Manager introduced the application for the erection of part single, part two storey extension to include first floor balcony 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.

Having considered the submitted plans the majority of members expressed their support for the officer's recommendation.

RESOLVED:

That planning permission be granted in accordance with the officer's recommendation, subject to the conditions set out in Appendix 1.

78 Land West Of Betley Lane, Bayston Hill, Shrewsbury - 16/04348/FUL

The Area Planning & Enforcement Officer introduced the application for erection of a detached bungalow following removal of existing Dutch barn 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.

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

Mrs Caroline Higgins, on behalf of Bayston Hill Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Ted Clarke, 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:

- The access lane to the proposed site was unsuitable;
- The lane was unable to cope with the 20 dwellings it already serviced; and
- He was concerned that the application would set a precedent for development in back gardens.

In response to comments from speakers, the Area Planning Manager stated that Shropshire Council Highways considered the road to be acceptable and added that it was irrelevant whether the road was adopted or not.

Having considered the submitted plans and listened to all the speakers the majority of Members expressed their support for the officer’s recommendation.

RESOLVED:

That planning permission be granted in accordance with the officer’s recommendation, subject to the conditions set out in Appendix 1.

79 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 24th November 2016 be noted.

80 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, 22nd December 2016 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:



<u>Committee and date</u>
Central Planning Committee
22 December 2016

<u>Item</u>
5
Public

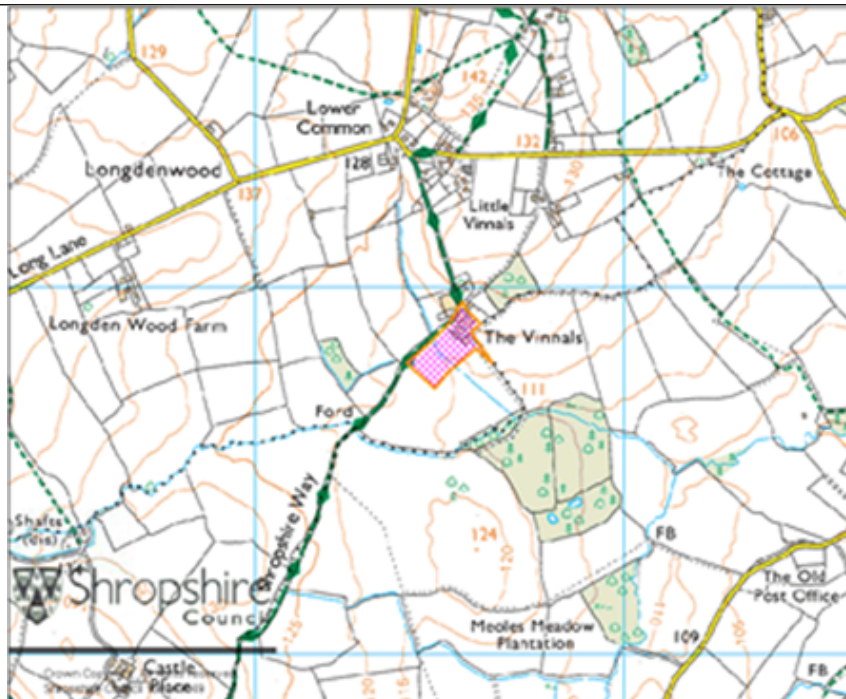
Development Management Report

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

Summary of Application

Application Number: 16/02752/EIA	Parish: Longden
Proposal: Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping	
Site Address: Proposed Poultry Units South Of The Vinnals Lower Common Longden Shropshire	
Applicant: Mr Andrew Davies	
Case Officer: Kelvin Hall	email: planningdmc@shropshire.gov.uk

Grid Ref: 345543 - 304866



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Recommendation: That delegated authority is granted to the Planning Services Manager to grant planning permission subject to conditions as set out in Appendix 2, and any amendments considered necessary, and the completion of a Section 106 legal agreement to secure a HGV routing agreement.

REPORT

A BACKGROUND

- (i) This planning application was presented to the Central Planning Committee at its meeting on 27th October 2016, with an Officer recommendation that planning permission be refused. This was on the grounds that it was considered that night-time traffic to and from the site would have a detrimental impact upon the living conditions of residents living alongside and in the vicinity of the intended traffic route, and that the proposal would be contrary to policies CS5 and CS6 of the Core Strategy, SAMDev Plan policy MD7b, and paras. 109 and 123 of the NPPF.
- (ii) At the Committee meeting the Area Planning Manager advised that the applicant had requested that the application be deferred to allow an amendment to the scheme relating to the timing of vehicle movements. Members resolved to defer the application.
- (iii) Since that time the applicant has submitted modifications to the planning application to seek to address the concerns of Officers. The modifications are as follows:
- Modification to the proposed timing of bird de-population operations such that this, including the associated traffic movements, would not occur at night;
 - Submission of revised noise impact as a result of the above change;
 - Submission of revised highways statement to reflect the change to the timing of traffic to/from the site;
 - Proposal to provide pull-in places along the access track, to allow users of the right of way and HGVs to pass each other more easily.
- (iv) Following receipt of these modifications a re-consultation exercise has taken place. This has included relevant consultees, the Parish Council and all members of the public that were either notified of the original planning application or made comments on it. The application has been re-considered in the light of these amendments, taking into consideration the further comments and representations made, and this report has been updated accordingly.

1.0 THE PROPOSAL

- 1.1 The planning application seeks permission for the erection of two poultry rearing buildings, five feed bins, a biomass boiler building and ancillary development. Each poultry building would accommodate 50,000 birds, with a combined total of 100,000 bird places. They would be of portal framed construction with insulated box profile metal sheeting to the walls and box metal profile sheet roofs, and finished in Juniper Green. Each shed would measure approximately 97.5 metres x 24.4 metres with a height of 2.6 metres to eaves and 4.8 metres to ridge. Each shed would include a fan canopy, 3 metres long, to the rear.
- 1.2 The biomass boiler building would measure 18.3 metres long x 11.6 metres wide, and

5.1 metres to eaves and 7.6 metres to ridge. It would be of similar materials and colour to the poultry buildings. This would accommodate a boiler room and biomass storage area. It would be constructed of concrete composite panel walls with box profile metal sheeting above with a profile metal sheet roof. The feed bins would be of cylindrical design, with a height of 6.6 metres and a diameter of 2.8 metres.

- 1.3 Proposed landscaping would include a 4.5 metres high grassed bund around the north-western and south-western sides of the site, tree planting to the south-west and the gapping up of existing hedgerow.
- 1.4 Production process: Standard weight birds would be grown up to 35-36 days, with a 10 day turn around period, which would result in around 7 crops per year. Prior to chick delivery bedding comprising wood shavings would be added to the buildings. The sheds would be warmed, using heat produced by the biomass boiler. The broilers would be brought in as day old chicks. At the end of the production cycle the birds would be removed and transported to the processing site, following which the buildings are cleaned out and disinfected.
- 1.5 As detailed in section 6.1.1 below, the planning application is accompanied by an Environmental Impact Assessment (EIA), and this includes a detailed set of reports assessing the potential impacts of the development. These include: an Odour Impact Assessment; Flood Risk and Drainage Assessment; Arboricultural Impact Assessment; Highways Statement; Ecological Assessment; Noise Impact Assessment; Heritage Impact Assessment.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located to the south of the settlement of Lower Common, approximately 2km to the southeast of the village of Longden. The application site covers an area of approximately 1.7 hectares, principally in arable use at present. The site is set on relatively flat ground which slopes down gently to the south-east. The existing agricultural buildings on the site would be removed. Land to the north includes farm buildings and a farmhouse. Farm tracks run along the north-west and north-east sides of the site. Other surrounding land is within agricultural use.
- 2.2 The closest residential property that is not in the applicant's ownership is located approximately 380 metres to the north, at the southern side of Lower Common.
- 2.3 Vehicle access to the site would be obtained via a single vehicle width private track to the north. This track provides access to the farm buildings and farmhouse and has a stone surface. This continues for a length of approximately 300 metres before becoming an unclassified public highway. This section of road continues for approximately 120 metres before meeting the Lower Common to Stapleton Common public highway, another unclassified public highway. This access route is a public bridleway, and this right of way continues along the north-west side of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 COMMUNITY REPRESENTATIONS

4.1 **Consultee Comments**

4.1.1 **Longden Parish Council** Supports the application subject to the following provisions.

The Applicant needs to strengthen existing and add more passing places along the access route. It is imperative that lorries do not go through Stapleton and stick to their designated route at all times. The Parish Council would request that drivers dip their lights when approaching properties in the night journeys. The applicants need to be considerate of their neighbours and notify when there is a cleaning out due.

Further comments received 14/12/16:

The Parish Council discussed the application further and were unable to make a decision on the application.

4.1.2 **Environment Agency** No objections.

The proposed development will accommodate to 100,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed. Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance. For the avoidance of doubt we would not control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters.

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

Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance.

Manure Management (storage/spreading): Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership.

4.1.3 **Natural England** No objections.

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to The Stiperstones & Hollies Special Area of Conservation (SAC) which is a European site. The site is also in close proximity to an element of the Midlands Meres and Mosses Phase 1 Ramsar site

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided, Natural England concurs with this view. This is based on the Environment Agency's assessment that atmospheric emissions from the proposed development are below thresholds that they consider as significant.

Other advice

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

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

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural

Communities Act (2006) which states that ‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’. Section 40(3) of the same Act also states that ‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.

4.1.4 **SC Public Protection** [revised comments following modifications to application]

No objections. Recommends conditions.

Previous comments made by Public Protection have stated concern over noise from night time depopulation movements associated with the proposed installation. A newly proposed plan has been put forward by the applicant stating that night time HGV movements to the site can be removed following discussions with suitable integrators. The applicant has proposed a condition restricting HGV movements to and from the site to ensure that no movements occur between the hours of 23:00 and 07:00. Having considered this proposal I am in agreement that this would remove the impacts on sleep for the average person. I am therefore in a position to state that I have no objection to this application should the following condition be placed on any approval notice:

No HGV movements associated with the proposed installation shall take place between the hours of 23:00 - 07:00 hours on any day. Reason: to protect the health and wellbeing of residents along the access route to the installation.

Previous comments: Unacceptable noise impact on residential properties. Sleep disturbance is likely at the closest residential properties when night time depopulation activities take place. It is unacceptable to expect residents to close windows when such activities take place. This should be given material weight.

4.1.5 **SC Highways Development Control** [revised comments following amendments] No objections, subject to the development being carried out in accordance with the approved details and the conditions/informatives previously recommended

Having reviewed all the supporting transport information, it is considered that this proposed development is acceptable from a highway perspective. The proposed provision of additional passing places along the bridleway section of the access, to potentially reduce pedestrian/vehicular conflict is also welcomed.

Previous comments (22/9/16): No objections, subject to the development being carried out in accordance with the approved plans and the following conditions and informative notes, and a Section 106 agreement.

The latest information acknowledges the legal and physical restrictions on the surrounding Highway network and proposes an alternative prescribed HGV routing arrangement to and from the A49 via Longden, Annscroft and Exfords Green to be secured under a Section 106 agreement. Clarification has also been provided as to the specific vehicle types (and weights) which are expected to service the proposed poultry units and this confirms which vehicles which will use the proposed prescribed HGV routing arrangement and those which are likely to be able to use Longden Road.

The prescribed HGV routing is shown on the submitted Drawing No. SA16661/sk.02 and whilst the route utilises what are considered to be the more suitable roads for HGV's there are still some concerns in terms of width in places and the following specific issues: -

1. The junction of the prescribed route and the A49 has restricted visibility to the south for exiting vehicles, however, this junction is an existing situation and the expected HGV movements associated with the development are not considered to be significant enough to be able to sustain a recommendation of refusal.
2. The prescribed HGV route from Lower Common to Exfords Green is approximately 3 miles longer than the most direct route, albeit along a considerably less suitable road. Whilst the Section 106 agreement will presumably cover adherence to the prescribed route, the means of monitoring and enforcement during the expected hours of operation may prove to be difficult for the Local Planning Authority.

On balance, it is considered that the submitted further information and prescribed HGV routing arrangement offers a solution to the previous Highway concerns, subject to completion of a Section 106 agreement and the local Planning Authority being confident that compliance with the routing arrangement is capable of being monitored and if necessary enforced.

On the basis of the above, the information within the original Highways Statement has been reviewed with a view to considering a recommendation of approval.

The original Highways Statement (Section 2.3.1) offered a highway infrastructure improvement in the form of a passing-bay on Long Lane which is considered to be acceptable. An additional infrastructure improvement is, however, considered to be appropriate in the form of the reconstruction of the existing widened area of carriageway on Long Lane immediately before the junction with Longden Road and this is included in the conditions and informative notes.

It is noted that the final section of the HGV access route to the site carries a public right of way. In view of the frequency of the daily operational vehicle movements set out in the submitted Highways Statement, the existing farming use and the lack of any Highway width for effective improvements, there will clearly be an onus upon HGV and other vehicle drivers to exercise caution when encountering users of the public right of way. This situation alone is not, however, considered to be a sustainable reason for the refusal of the planning application but it is considered that appropriate warning signs should be provided in mitigation.

It is recommended that pre-commencement conditions are imposed to cover the following:

- submission of details for approval of passing bay on Long Lane, plus additional kerbing and re-surfacing of the carriageway widening on Long Lane
- submission of details for approval of pedestrian/equestrian warning signage
- the submission of a Construction Method Statement (Traffic Management Plan)

and completion of a Section 106 agreement to secure the prescribed HGV routing agreement.

Original comments (12/8/16): The Highways Officer originally raised concerns over the proposed routing of the HGV traffic associated with the development and the likely use

of alternative routes. The Officer suggested that the routing of traffic under a planning condition would not be appropriate or enforceable, and recommended that HGV routing should be the subject of a Section 106 planning obligation. The Officer advised that there was no reason to question the expected traffic figures included in the Highways Statement. The Officer noted that the suggested increase in average daily operational traffic does not take into account any future traffic reductions based on changes to the farming operations or economies in servicing/deliveries, and considered that the Highways Statement was a robust assessment of the development traffic. The Officer's recommended was 'do not approve'.

- 4.1.6 **SC Drainage** The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

The proposed surface water drainage is acceptable in principle. The Environment Agency has updated the guidance on Climate Change in March 2016 and 25% should be used for non residential development in the Severn catchment. A revised drainage calculations and plan should be re-submitted for approval.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design

- 4.1.7 **SC Ecologist** Recommends conditions and informatives. Planning Officer to include the Habitat Regulation Assessment screening matrix in their site report.

The poultry buildings will house approximately 100,000 birds in total, split between two sheds.

Bats: The location of the proposed application is currently an arable field. Five mature Oak trees on the northern boundary and three mature Oak trees on the eastern boundary (all outside the site boundary) have features, such as holes, cracks and splits, that could be suitable for use by roosting bats.

Turnstone Ecology has concluded that the improved grassland field margin is unlikely to be important for foraging bats but the hedgerows and trees around the field boundaries, particularly along the north with the ditches, provide optimal foraging and/or commuting habitat.

Environmental Network: The site plan shows a ditch through the arable field but Turnstone Ecology has recorded no evidence of a ditch and it has been presumed that this has been culverted. To the northern field boundary (between the track and the hedgerow) there is a short section of dry ditch and a ditch with slow flowing water. The ditch with flow is approximately 1 m wide and a maximum of 5 cm deep. Turnstone Ecology has made recommendations which will protect the boundary ditch during construction.

Badgers: Badger footprints were recorded on the tracks at the northern and eastern boundaries of the site. No other Badger signs or setts were recorded within or immediately adjacent to the boundaries of the proposed development. Due to the relatively small loss of suitable foraging habitat, there will not be a significant impact on any local Badger populations and once the construction is complete there will be no significant barriers to the movement for Badgers around the site.

Turnstone Ecology conclude that although significant negative impacts on Badgers are not predicted it would be appropriate to have a survey for Badger setts within 30 m of any proposed groundworks completed prior to construction and for mitigation measures to be put in place to ensure foraging Badgers do not become trapped within, or isolated by, any excavations associated with construction works. Excavations should either not be left uncovered overnight or ways of escape for Badgers provided (wooden planks or graded earth banks).

Landscape: It is recommended that as part of the landscaping around the poultry units the screening bunds are seeded with an appropriate wildflower and grass seed mix and locally occurring native broadleaved tree species. To improve connectivity around the site it is recommended that consideration is given to planting hedgerows around the eastern and southern boundaries of the poultry units, which would then connect to the existing northern and eastern field boundary hedgerows.

Nesting Birds: Nesting opportunities should be provided for house sparrow and starling.

Reptiles: Although the presence of reptiles within the relatively small areas of suitable habitat is still considered unlikely, it is appropriate that safe working methods are put in place to ensure no reptiles are harmed as a result of the proposed works. All suitable refuges affected by the proposals will need to be removed when reptiles are usually active (March to October inclusive) and under an ecological watching brief. If any reptiles are found they will be moved to suitable habitat away from the works and any possible harm.

Designated Sites: The Environment Agency has provided pre-permitting application advice to the applicant. The Ammonia screening assessment undertaken by the Environment Agency has considered any Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites within 10km; any Sites of Special Scientific Interest (SSSI) within 5km and also any National Nature Reserves (NNR), Local Nature Reserves (LNR), ancient woodlands and local wildlife sites (LWS) within 2km of the farm. The Environment Agency has confirmed that based on the information the applicant has provided, ammonia impacts from the proposal screened out and detailed modelling is not required to be submitted with the applicant's permitting application.

Shropshire Council, under Regulation 61 in the Habitats Regulations, can rely on the 'evidence and reasoning' of another competent authority. Shropshire Council can therefore use the Ammonia Screening Output (provided by Kevin Heede via email dated 7th July 2016) to complete the assessment of air pollution impacts for European Designated Sites within 10km, National Designated Sites within 5km, and Local Wildlife Site/Ancient Woodlands within 2km. All sites screen out below the permitting thresholds and therefore no further modelling is required to support this planning application.

Habitat Regulation Assessment:

This application must be considered under the Habitat Regulation Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations).

A Habitat Regulation Assessment matrix has been provided with this memo to the

planning case officer The HRA matrix must be included in the Planning Officer's report for the application and must be discussed and minuted at any committee at which the planning application is presented (see Appendix 1).

Natural England must be formally consulted on SC Ecology's Habitat Regulation Assessment Memo. The Local Planning Authority must have regard to their representations when making a planning decision. Planning permission can only legally be granted where it can be concluded that the application will not have any likely significant effects on the integrity of any European Designated site.

It is recommended that conditions are imposed regarding the following (see Appendix 2):

- work shall be carried out strictly in accordance with the ecology report
- the erection of bat boxes
- the submission of a lighting plan prior to any external lighting
- the erection of artificial nests
- the submission of a landscaping scheme
- a pre-commencement badger inspection.

4.1.8 **SC Trees** No objections subject to a condition.

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

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

The AIA notes that no trees will be adversely impacted by the proposed development and provides details of how the trees can be retained and protected through the development. No objection is raised to this application, however a condition is recommended requiring the protection of trees and the implementation of tree protection measures.

4.1.9 **SC Conservation** Whilst this application has been amended to take our previous comments into account regarding the siting of the biomass building, it is regrettable that the non designated remains of the significant historic farmstead have been lost within recent years in the same ownership as the proposal site. If possible, it would be advisable to enhance the setting of the site through landscaping and the retention and repair of any standing historic remains, and to protect the site of the former historic farmhouse to the east of the current application from further encroachment, other than that which would enhance its rural landscape setting and reflect its historic character.

4.1.10 **SC Archaeology** An EIA has now been submitted for a proposed poultry unit on land immediately south-west of The Vinnals, Lower Common, Longden. It is understood that

this development would comprise the construction of two poultry sheds, biomass and associated infrastructure. The proposed development site stands adjacent now the farmstead of The Vinnals. The Shropshire Historic Environment Record (HER) contains a number of records relating to now largely demolished historic farmstead, both the farmstead as a whole (HER PRN 41459) and the farm house and individual historic farm buildings (HER PRNs 41460 - 41466). The larger of the two corrugated iron Dutch barns at the north western end of the proposed development site represents the only surviving component of the pre-1990s farmstead, although some partial structural remains of other buildings remain in situ. Within a 1km radius of the site the HER contains a record of a possible circular cropmark feature (HER PRN 04389) of unknown date c. 755m north-east of the proposed development site; and a substantial triple ditched sub-circular cropmark enclosure of probably Iron Age date (HER PRN 04920) c. 890m south-east of the proposed development site. The proposed development site has not previously been subject to any known archaeological field evaluation, on the basis of the above, it is considered to low-moderate archaeological potential.

A Heritage Impact Assessment has been included at Appendix 5 of the Environment Statement. Whilst this refers to the HER records relating to the historic farmstead, it does not appear to have been informed by a wider search of HER for the area around the site. It does not therefore consider the other records mentioned above, which were previously referred to in our EIA Scoping Opinion (ref. 16/00702/SCO). As such, we consider that, in its present form, the Assessment does not comply with requirements set out in Paragraph 128 of the NPPF and Policy MD13 of the SAMDev component of the Local Plan.

Notwithstanding this, and when considering the extent of the proposed groundworks for the proposed development, we consider that the proposed development does hold archaeological interest as a consequence of the archaeological potential set out above. If the decision taker is minded to approve the development, and with reference to Paragraph 141 of the NPPF, we advise that programme of archaeological work, to comprise a watching brief during intrusive groundworks, be made a condition of any planning permission (see Appendix 2).

- 4.1.11 **SC Rights of Way** Public Bridleway UN5/4A Longden leaves the County Road and runs along the full length of the access to The Vinnals and the proposed poultry units. Bridleway 4A then turns to run in a south westerly direction and abuts the northern boundary of the proposed area where the units will be situated. The route is shown on the attached plan by way of a blue dashed line. The Bridleway forms part of a long distance promoted route known as 'The Humphrey Kynaston Way' and it should be taken into consideration at the planning stage particularly with regard to the safety of users (walkers, horse riders and cyclists) as there will be an increase in traffic along the access. The applicants should liaise with the Rights of Way Officer for the area to discuss measures to alleviate any potential conflict of use along the access.

No additional comments following receipt of modifications.

- 4.1.12 **Fire and Rescue Service** As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications>

4.2 Public comments

4.2.1 The application has been advertised by site notice and in the local press. In relation to the application as originally submitted, 25 properties in the local area were directly notified. Objections have been received from 24 members of the public, and a petition has been received which has been signed by 96 residents. The terms of the petition are “to express our very real concern with regard to a proposal for the erection of poultry units housing 100,000 birds at The Vinnals”. There have been 4 objections from user groups, and 4 letters of support. The full objections are available on the planning register, and are summarised below:

4.2.2 Nesscliffe Hills & District Bridleway Association Parish Paths Partnership Group Objects.

- Impact on Bridleway 4A, the access track to The Vinnals, part of the important Humphrey Kynaston Lyth Hill Circular multi user route for walkers, cyclists and horse riders, which links to the long distance Humphrey Kynaston Way from Church Stretton via Nesscliffe to Grinshill
- any changes to the surface of a public right of way must be fully consulted on
- concern over changes to surface of quiet stone access track, especially if this means putting down tarmac; will impact on non-motorised user’s enjoyment of this important off-road route, as will the added vehicular use; horse riders and other users value off road routes to get off tarmac surfaces and away from traffic
- ‘Humphrey Kynaston Way with Circular Routes Off’ was funded by Natural England as part of their Paths for Communities Project to support tourism and the local rural economy, and to connect rural communities. It is promoted by Shropshire Council, and supported by the British Horse Society. The Nesscliffe Hills & District Bridleway Association worked on these important routes with Natural England, supported by Shropshire Council. The Shropshire Way long distance walking route, an important tourist route, passes along Bridleway 4A. The proposed poultry units will impact on these important tourist routes
- Impact on tourism and rural economy – safety and enjoyment of users would be compromised
- possibility of flies; odours, especially when clearing out; noise, including fans etc., and HGV and other traffic movements, in addition to the normal farm movements, this could all impact on the local rural economy
- Poultry Units provide little additional local employment, often only 1 additional job for 2 sheds; workers for catching, clearing out etc. are brought in, so development could actually diminish jobs locally as it could impact on local leisure use and tourism
- Potential for extensions to be granted, as has happened at Felton Butler, Great Ness, Little Ness, Yockleton and Merrington Green; and for additional development such as solar panels, storage etc.
- Concern over no bund to the east
- Damage to highways including surfaces and verges
- Impact on hedgerows
- Level of traffic required to service the development
- Impact on non motorised users;
- Very few places where two vehicles can pass
- Unsuitable approach roads to the site; onward routes have not been considered
- Concern over traffic routing if it goes through Shrewsbury

- 8 ton weight restriction on the railway bridge at Nobold
- Height restriction on railway bridge into Hanwood
- Impact on safety of users using the A49
- Impact on riding stables, livery yards and horses in the area
- Likelihood that short cuts would be taken on unsuitable roads
- Bridleway is the only off-road bridleway link to routes to the south and southwest, and routes to the north and Lyth Hill Countryside site
- Query where manure would be taken to; whether it would be covered, impact of spreading on the land; where it would be stored
- Impact on watercourses of manure management
- Odour from manure heaps; impact on bridleway users
- Manure injurious if eaten by other animals
- Site is in open countryside
- Impact on landscape

4.2.3 **British Horse Society** Objects.

- Dismayed by the application
- BW4A is the access track to the Vinnals and is also the promoted Humphrey Kynaston Lyth Hill Circular Route
- Track is a recognised "safe" off road route affording great enjoyment to all non motorised users. (i.e. walkers, cyclists and horse riders), attracting visitors from outside the county
- Proposed development and possibility of further expansion will impact on the quiet nature of this route to the detriment of all users

4.2.4 Further comments on behalf of **British Horse Society** and the **Nesscliffe Hills & District Bridleway Association** following modifications to application:

- Bridleway 4A follows an historic route, with wonderful views across the green field site to the Shropshire Hills AONB
- Safe off road routes support local livery yards and horse establishments
- Day to day spending by local riders supports the local rural economy
- Is the only off road route to link to routes to the south from the Lyth Hill Countryside site and the surrounding area
- Bridleway 4A forms part of the Humphrey Kynaston Circular Lyth Hill Route, linking to the Humphrey Kynaston Way long distance bridleway from Church Stretton, via Nesscliffe to Grinshill, a Natural England funded 'Paths for Communities' Project, created with the help of volunteers, and supported by Shropshire Council, to connect rural communities and support tourism; is an important part of the Shropshire Council promoted flagship long distance walking route, the Shropshire Way, a big draw for tourists
- Both routes support local B & B's, country pubs etc, and help to boost one of Shropshire's main sources of income, Tourism
- Proposal would only provide one job, but could impact on many
- Landscaping and signing will not mitigate impact on safety of path users
- Proposal to undertake day time clear outs will make impact on the bridleway, and linking lanes, even greater
- Objections by User Groups have not been recognised in the [previous] recommendation for Refusal, nor has the importance of the safety and enjoyment of users of these important recreational routes
- Application is contrary to Core Strategy CS5 (to protect the countryside), CS16

(promoting connections between visitors and Shropshire’s natural, cultural, and historic environment including through active recreation, and supporting schemes which ‘do not harm Shropshire’s tranquil nature’), CS17 (protection and enhancement of high quality and local character of Shropshire’s natural and historic environment, and does not adversely affect the recreational values of these assets)

- Reason for refusal should cite these policies
- Details of appeal decision provided (for two dwellings) in which Inspector stated that the scheme would cause significant environmental harm, due to its impact on the character and appearance of the appeal site, surroundings, and in this respect it would conflict with CS Policies CS6, CS17 and CS5.

4.2.5 **Shropshire Way Association** Objects.

- aim of the Association is to maintain and promote the Shropshire Way
- development will have a detrimental effect on the Shropshire Way long distant path
- no artist’s impression has been submitted
- proposal would totally obscure the beckoning Shropshire Hills for walkers
- buildings would be at least three times as high as the maize crop
- no indication as to how high the bund would be, its appearance and whether it would be landscaped
- adverse impact on walkers from construction and operational traffic
- adverse impact on safety of walkers
- condition of the access road and bridleway will suffer

4.2.6 **Ramblers Associations – Shrewsbury Group** Objects.

- cumulative effects of the development - nature and scale is akin to an industrial development, which, in the context of the surrounding countryside, is wholly inappropriate
- location is a mere 3 km away from the boundary of the Shropshire Hills AONB, and arguably merits the same criteria in assessing its suitability for planning consent
- contrary to AONB Management Plan which acknowledges the necessity for development but states that it must be in ways which do not undermine the high quality environment of the AONB
- not a sustainable development, as is required within the AONB
- visual impact and traffic hazards – will be readily visible from close up, which is how walkers on the Shropshire Way will see it, particularly when approaching from Exfords Green
- impact on safety of walkers due to frequent traffic movements both onto the site and across the farmyard, with lorries loading, unloading and reversing
- road access – increased number of traffic movements than when sheep were being transported to and from The Vinnals
- Long Lane has been identified as a suitable route for use by HGV vehicles, but this means they will be accessing it from Shrewsbury via the Pulverbatch Road, passing through the on-road villages of Hookagate Annscroft and Longden, and this road has the added problem that it does not feed into the Shrewsbury bypass
- would add to local congestion on Longden Road where there is an industrial estate and two large schools

- although most deliveries will be undertaken during night-time hours, this may be of little consolation to residents living alongside the road

Further comments from Rambers following modifications to planning application:

- objection is maintained
- simply redirecting traffic would not mitigate the main problem: the lack of suitable access roads that can accommodate HGVs without imperilling the safety of walkers, cyclists and horse-riders
- earlier comments from Highway consultants 'Mouchel' suggest there are traffic regulations in place that should prohibit the use of HGVs on at least two of the roads that from the site give access to the A49
- although route proposed has no weight restrictions it is a quiet road where one would not expect to see HGVs; route is unsuitable
- safety concerns for HGVs turning right onto A49 given speed of vehicles on A49
- not a good place to put traffic lights to remedy the problem

4.2.7 Objections from members of the public

- inadequate roads unsuitable for HGVs
- access route along Long Lane unsuitable; single track with no passing places; used extensively by walkers, runners, horse riders and cyclists
- proposed movements not compatible with designated of Long Lane as a "quiet lane" with an advisory speed limit of 20mph recognising its extensive use for recreational purposes;
- narrow, bendy roads unsuitable as a traffic route
- probably one of the most dangerous bends in the parish at the track access
- highway is a lot less than 7.4 metres wide, which is the narrowest width for HGVs based on HSE advice
- prescribed route would be unenforceable; not likely to be followed
- costs of repairs to highways
- road runs east to west so sun is blinding in the morning and evening making it extremely dangerous
- unsocial hours of transport movements
- noise impact from HGVs during day time
- HGV routeing would not apply to grain lorries
- lack of evidence in Highways Statement to back up statements; statements are based on assumptions
- applicant will have no control over timing of vehicles servicing the units
- highways Statement exaggerates existing vehicle movements to the site
- need road signage banning HGVs from the lane leading to the site at any time of day
- no traffic survey has been carried out
- no consideration given to the standard of the routes, whether they are of sufficient width, geometric layout; with capacity for additional traffic
- not known where processing plant located so proposed routes may vary
- existing movements stated in application equates to 147 movements a day; does not stand up to scrutiny
- traffic estimates are confusing
- adverse effect on archaeological nature of Roman Road from HGV traffic
- impact from possible delays at the production factory
- roads affected by the development meet the criteria for designation as Quiet

- Lanes under the Quiet Lanes and Home Zones Regulations 2006; development is not compatible with Quiet Lanes
- no social, economic or environmental gains to the community therefore contrary to NPPF
 - potential pollution from manure
 - impact on watercourses
 - impact on wildlife, including badgers and bats
 - will increase rodents
 - impact on Severn Trent Water facility
 - impact on lanes used by walkers, riders, cyclists and local traffic
 - noise and vibration
 - query where water would be obtained from
 - part of road within parish of Condoover who have not been consulted
 - impact on tourism
 - impact on living conditions of local residents
 - odour impact
 - odour nuisance of using manure on applicant's fields not addressed
 - noise impact
 - impact on property structure
 - impact on hedges and trees
 - day time collections detrimental to interests of local residents or welfare of the birds
 - proposal is for industrial process and should be sited in a location more suitable to industrial rather than agricultural practices
 - impact on Longden, including Primary School, if traffic goes through the village
 - contrary to policies CS5, CS6, CS7, CS8, CS16 and CS17
 - contrary to the Longden Parish Plan
 - not acceptable to have to rely on drivers being polite and respectful when no monitoring or punishment system, or to ask local residents to close their windows
 - noise from HGVs at night would break statutory regulations
 - biomass boiler has a greater capacity than required; concern that it would be used for other purposes such as drying biomass for sale, or planning for additional sheds
 - query over source of woodchip fuel; how it would be transported; and by what route
 - application is contradictory regarding whether feed would be supplied by processing company or by growing on the farm
 - query why no bund on south side of broiler houses
 - support from Longden Parish Council is in contravention to its Parish Plan
 - destruction of hedges and verges as part of construction of passing places; loss of habitat
 - no evidence as to current lack of viability or profitability of business
 - impact on landscape; visible from surrounding area

4.2.8 A general comment has been received from the **Ramblers**:

- the application form states that the site cannot be seen from a public road, or right of way, but it is

Another general comments has been received:

- noise consultant report relies on fixed level of sound reduction; no mention of

type of HGV; vehicles will be empty on one journey, then full, which will influence noise level; poor road surface will impact on noise levels generated; no account taken of speed of HGVs; levels higher in winter when hedges are thinned out; temperature, wind speed and humidity all affect noise levels; query whether residents should have to close their windows in high summer temperatures; WHO levels should not be ignored in face of commercial gain

4.2.9 Letters of support have made the following comments:

- robust and well thought out application
- would support farming, encourage the next generation of farmers
- better to produce food in our own country
- waste would be used to help grow crops
- modern facilities are well run
- tractors and farm vehicles are to be expected in rural areas

5.0 THE MAIN ISSUES

- 5.1
- Environmental Impact Assessment
 - Planning policy context; principle of development
 - Siting, scale and design; impact upon landscape character
 - Historic environment considerations
 - Highways access and traffic considerations
 - Ecological considerations
 - Impact on water resources
 - Residential and local amenity considerations

6.0 OFFICER APPRAISAL

6.1 Environmental Impact Assessment

6.1.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 specify that Environmental Impact Assessment (EIA) is mandatory for proposed development involving the intensive rearing of poultry where the number of birds is 85,000 or more. The proposed development would provide 100,000 bird places, and as such it is EIA development. The planning application is accompanied by an Environmental Statement, as required by the 2011 Regulations.

6.1.2 A formal Scoping Opinion was issued by the Council in April 2016, setting out what matters should be included within the Environmental Impact Assessment.

6.2 Planning policy context; principle of development

6.2.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Material considerations include the National Planning Policy Framework (NPPF), and this advises that the purpose of the planning system is to contribute to achieving sustainable development (para. 6) and establishes a presumption in favour of sustainable development (para. 14). One of its core planning principles is to proactively drive and support sustainable economic development (para. 17). Sustainable development has three dimensions – social, environment, and economic. In terms of the latter the NPPF states that significant weight should be placed on the need to support economic growth through the planning system (para. 19). The NPPF also promotes a strong and prosperous rural economy, supports the sustainable growth and expansion of all types

of business and enterprise in rural areas, and promotes the development of agricultural businesses (para. 28). The NPPF states that the planning system should contribute to and enhance the natural and local environment (para. 109) and ensure that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity should be taken into account (para. 120).

- 6.2.2 The proposed development is located in an area of countryside, and Core Strategy Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74). Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be place on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with industry such as agriculture. The Longden Parish Plan has been referred to in some objections however it should be noted that this does not form part of the adopted Development Plan.
- 6.2.3 The applicant's farming enterprises include cattle, sheep and arable farming. In terms of the economic and social dimensions to sustainable development, the application states that the proposed development constitutes the diversification of the existing family farming business, and that it would help to preserve the viability of the business for future farming generations by improving the profitability of the business. The application notes that agriculture plays a significant role in the vibrancy of local communities, and states that the proposal would result in one full-time employee.
- 6.2.4 National and local planning policies provide support for the development of agricultural businesses which can provide employment to support the rural economy and improve the viability of the applicant's existing farming business. In principle therefore it is considered that the provision of a poultry unit development in this location can be supported. However policies also recognise that poultry units can have significant impacts, and seek to protect local amenity and environmental assets. These matters are assessed below.
- 6.3 Siting, scale and design; impact on landscape character**
- 6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible are sited so that it is functionally and physically closely related to existing farm buildings.

- 6.3.2 Siting and alternatives: The applicant's farmholding includes buildings at Lawn Farm, Pulverbatch and also The Vinnals. The proposed poultry development would be located adjacent to these latter buildings, in line with policy MD7b. The Environmental Statement (ES) sets out potential alternative locations for the proposed development and the reasons why the current location was chosen. Land at The Vinnals would be used to produce grain for use as poultry feed, which can be stored within the existing adjacent crop storage buildings. Poultry manure can be used on the surrounding arable land. These factors would reduce the number of vehicle movements, and would improve the efficiency of the operation. The ES also suggests that the current site is beneficial in relation to alternatives given its distance from residential properties in terms of potential impacts from noise and odour, and on residential amenity and landscape character.
- 6.3.3 Site location and context: A Landscape and Visual Impact Assessment (LVIA) has been undertaken as part of the Environmental Statement. The site lies outside of the Area of Outstanding Natural Beauty, the boundary of which lies approximately 3km to the west. The LVIA assesses the value of the landscape around the site as medium, and the overall sensitivity of the landscape as medium.
- 6.3.4 The site slopes gently to the south between levels of around 119 metres AOD and 115.5 metres AOD. The proposed development would be constructed at a level of 115.5 metres AOD, with excavation material used in the creation of a bund along the north-west and south-west side of the site. It is anticipated that the principal views of the site are from relatively close range, particularly from the public bridleway that runs along the north-west side of the site.
- 6.3.5 Impact on landscape character: The LVIA notes that the proposed development would not introduce a new feature or different structure type into the local landscape as there are existing large scale agricultural units within the area. It is also noted that the site is well related to the existing buildings at The Vinnals. The LVIA considers that the proposed development would have a minor effect on the landscape character of the area, and that any adverse effects would be localised and limited to locations in close proximity to the site. Officers concur with this assessment, and agree that landscaping works would assist in assimilating the development into the landscape. The application site is located some 3km from the boundary of the AONB and it is not considered that the proposed development would adversely affect the special qualities of this designated landscape given the limited visibility of the site from that area.
- 6.3.6 Visual effects: There would be limited views of the development from residential dwellings, the closest of which would be approximately 380 metres away. Views from public roads would be limited by roadside hedges and structures. The main visual receptor would be the public bridleway that runs along the north-western side of the site. This bridleway forms part of a promoted long distance route, and the LVIA acknowledges that it is a receptor that is fairly susceptible to change. The concerns raised by objectors to the proposal, including by recreational groups, regarding the impact of the proposal on users of the bridleway are acknowledged. Officers agree that, due to the scale of the development, the proposal would have some adverse impact upon the enjoyment of the path by bridleway users. Nevertheless the proposed buildings would only be visible from a short section of this route, and visual impact

would be mitigated by the provision of a bund to 120 metres AOD such that only the higher parts of the poultry development would be visible from much of the path. It should be noted that the buildings would not comprise an isolated development, given their proximity to other farm buildings. The LVIA suggests that the visual impact from this receptor would be moderate/minor. In conclusion Officers consider that the impacts of the proposal on landscape character and on users of the public bridleway would not be of such magnitude as to be considered unacceptable.

- 6.3.7 Biomass boiler: A local resident has suggested that the capacity of the biomass boiler that is proposed is larger than that required for the proposed development, and has queried the applicant's motives for this. In response the applicant has confirmed that there would be a single 995kW biomass boiler, that this would provide all of the heat required for the poultry buildings, and that there would be no heat exported from the site. The building includes an area for the storage of woodchip, which would be delivered approximately once a month. There is no indication that the boiler would be used for anything other than heating the poultry sheds.

6.4 **Historic environment considerations**

- 6.4.1 Core Strategy policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting.

- 6.4.2 The submitted Heritage Impact Assessment confirms that there are no designated heritage assets adjacent to the proposed development site. Non-designated heritage assets that previously stood adjacent to the site, comprising the original farmstead at The Vinnals, have now been demolished. The Council's Historic Environment Officer has advised that the site has low-moderate archaeological potential. Should permission be granted a condition requiring a programme of archaeological work can be imposed, as recommended by the Officer. It is not considered that the proposed development raises significant issues in respect of historic conservation.

6.5 **Traffic, access and rights of way considerations**

- 6.5.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. Policy CS16 seeks to deliver sustainable tourism, and promotes connections between visitors and Shropshire's natural, cultural and historic environment. Policy CS17 seeks to protect and enhance environmental networks, including public rights of way.

- 6.5.2 Existing traffic movements: The submitted Highways Statement sets out the current traffic movements to the farm. These include tractor and trailer movements associated with wheat and rape harvest; and sheep transport in rigid HGVs. The application states that, if permission is granted for the poultry units, sheep numbers at the farm would be reduced by 75%, and that this would reduce associated traffic movements from approximately 2000 movements to 500 movements per annum. The application states that manure produced by the poultry units would be used on the applicant's fields and that this would reduce the traffic movements associated with manure deliveries. The figures relating to existing sheep movements have been described as gross

exaggerations in objections to the proposal. Nevertheless Officers have no reason to query the applicant's intention to reduce sheep numbers should the poultry enterprise go ahead.

- 6.5.3 Proposed traffic movements: Deliveries of feed and collection of birds would typically be by the larger 5 or 6 axle HGVs. The application states that the majority of deliveries would take place between 0700 and 2000 hours Monday to Friday. There would be no deliveries between 2300 and 0700 hours. The Highways Statement advises that there would be 70 HGV movements to or from the site during each crop cycle (approximately 48 days including turnaround period). There would also be approximately 20 movements by tractor and trailer (manure collection), and 12 movements by small vehicles per cycle. The Statement advises that there would be four days of peak activity during each cycle: the thinning of birds (17 movements over one day); crop clearance (17 movements over one day); manure removal (20 movements over two days). Bird collections would typically involve 1 collection per hour (2 HGV movements). In summary, on 44 out of 48 days of the cycle the increase in traffic would be less than 1 per day, and therefore not significant. During the peak traffic activities of bird collections the HGV traffic would occur at a rate of 1 vehicle (2 movements) per hour.
- 6.5.4 Proposed traffic route: In terms of the proposed HGV traffic route to and from the site, the applicant's highways consultant acknowledges that there is a weight limit in force along the Longden Road to the north-east of Annscroft. The applicant proposes that HGV movements would be routed to avoid this section of highway. The proposed route would be along Long Lane towards Longden Common, northwards through Longden village and then eastwards through Exfords Green to meet the A49 at Hunger Hill.
- 6.5.5 The Council's Highways team has reviewed the submitted Highways Statement and considered the proposed route to be taken by HGVs. They have advised that there are some concerns in terms of width of the public highway in places. In addition they have highlighted that the junction of the proposed route with the A49 has restricted visibility to the south for exiting vehicles. However they have acknowledged that this is an existing situation and that the expected HGV movements would not be significant enough to be able to sustain a recommendation for refusal.
- 6.5.6 In terms of the proposed route, this can be controlled by way of a routing agreement secured through a Section 106 planning obligation. This would provide an auditable and enforceable mechanism to ensure that the agreed routing is adhered to, with penalties in the event that evidence is provided of non-compliance. This would be in line with similar agreements that have been attached to other poultry developments.
- 6.5.7 The planning application proposes that, in order to provide improved passing facilities on the initial length of Long Lane from its junction with Longden Road, a passing place would be constructed. The Highways Officer considers that this would be acceptable. The Officer has also advised that the reconstruction of an existing widened area of carriageway on Long Lane would be appropriate. These highways improvements could be secured by planning condition. It is accepted that the proposed route between the site and the A49 is significantly longer than the most direct route. However it is considered that it is also a more acceptable route for HGV traffic.

- 6.5.8 A number of public objections have been received relating to potential traffic impacts, including: highway safety; impact and disturbance on other road users; likely damage to the highway. It should be noted that the advice contained within the NPPF is that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are 'severe' (para. 32). The Highways Officer considers that the proposed development is acceptable from a highways perspective. The proposal provides for controls over the timing of deliveries, the routing of traffic, and improvements to the highway network. Subject to these being secured by planning conditions, Officers consider that the limited additional traffic that would be associated with the development would not be sufficient to warrant a refusal of the application on highway safety grounds.
- 6.5.9 Impact on public right of way: The access route to the site along the farm track is a public bridleway which forms part of a long distance promoted route known as 'The Humphrey Kynaston Way'. The track is approximately 420 metres long and single vehicle width. The first 100 metres or so of this track is public highway; the remainder is private. The additional HGVs and other vehicles would increase the likelihood of conflict between vehicles and bridleway users. It should however be noted that the track does form vehicle access to the existing farm at The Vinnals, and Officers are not aware that there are any restrictions on the type or number of vehicles that are permitted to pass along the track, i.e. its use is unregulated. As noted above, the peak periods of additional HGV traffic are likely to result in one additional HGV (two movements) per hour, and that such peak movements would only occur on two days per each 48 day crop cycle. It is not considered that this represents a significant increase. Nevertheless the status of the bridleway, as a promoted multi-use path, is acknowledged. The applicant has agreed to construct two passing places along the track to provide refuges for path users in the event that they meet a vehicle. This is welcomed and it is considered that this would provide an acceptable level of mitigation for any inconvenience to path users from an increase in traffic along the track. It is also considered that it would be reasonable to require the erection of warning signs at both ends of the track section to provide appropriate notification to drivers and path users of potential hazards.
- 6.5.10 Path user groups and other objectors have raised concerns that the proposed development would adversely affect tourism by reducing the popularity of the path and having an indirect impact upon local tourism facilities. These concerns are acknowledged, however it should be recognised that the track is a shared route at present. There is no evidence to suggest that the levels of additional traffic that would be generated would be likely to reduce the attractiveness of the bridleway to such a degree as to impact upon local tourist facilities.
- 6.6 **Ecological consideration**
- 6.6.1 Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Para. 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity.
- 6.6.2 Ecological assessment undertaken as part of the planning application consists of a

Phase 1 habitat survey and a protected fauna survey, which also included an initial bat survey. These indicate that the only evidence of protected species within or immediately adjacent to the proposed development was badger and nesting birds. However there are also habitats that are suitable for use by bats, great crested newt and reptiles within or adjacent to the proposed construction areas.

- 6.6.3 The Council's Ecologist has raised no specific concerns in relation to direct impacts on protected species. Should permission be granted it is recommended that conditions are imposed to require: that the recommendations set out in the ecological report are adhered to; the provision of artificial bat boxes and bird nests; the submission of a lighting plan prior to the erection of any external lighting; the submission of a landscaping scheme; a pre-commencement badger inspection.
- 6.6.4 Ammonia is released from intensive poultry sheds through the breakdown of uric acid which arises from bird excretion. An initial ammonia screening assessment was undertaken by the Environment Agency. This has considered impacts upon designated ecological sites in the area, and has taken account of other intensive farms that could act in combination with the proposal. All sites screened out below the relevant thresholds and the Council's Ecologist has confirmed that no further modelling is required. The Habitat Regulation Assessment matrix is attached as Appendix 1.
- 6.6.5 On the basis of the available evidence it is considered that the proposed development would protect and enhance the natural environment, and is therefore in line with Core Strategy policy CS17 and SAMDev Plan policy MD2 and MD12.
- 6.7 Impact on water resources**
- 6.7.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water.
- 6.7.2 Surface water drainage: The site is located within Flood Zone 1, indicating that the risk of surface water flooding is low. Clean surface water from the proposed buildings would be collected in a mix of open and stone filled trenches and a piped system. This would discharge to an existing watercourse at greenfield runoff rates to ensure that there would be no adverse effects on the receiving downstream culvert/watercourse or outfall.
- 6.7.3 The Council's Drainage Officer has advised that this is acceptable in principle. Should permission be granted, this should be subject to a condition requiring the submission of revised drainage calculations and plan for approval.
- 6.7.4 Foul drainage: Dirty water from the clean out process would be collected through a sealed drainage system to an underground pumping chamber. Collected water would be spread on surrounding agricultural land. An isolating valve would ensure that dirty water does not enter the clean water drainage system. It is considered that this is suitable for this type of development. The Environmental Permit would provide detailed control over pollution prevention measures incorporated within the design of the development.
- 6.8 Residential and local amenity considerations**
- 6.8.1 Core Strategy policy CS5 requires that proposals for large scale new agricultural

development demonstrate that there are no unacceptable adverse environmental impacts. Policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b states that planning applications for agricultural development will be permitted where it can be demonstrated that there would be no unacceptable impacts on existing residential amenity.

- 6.8.2 An Environmental Permit for the proposed operation has now been issued by the Environment Agency. This Permit controls the detailed operational matters to prevent pollution of the environment, throughout the lifetime of the development.
- 6.8.3 Odour: The application is accompanied by an odour impact assessment which identifies potential odours sources, primary control techniques, residual emissions and predicted impacts. The main sources of odour are from ventilation from the broiler houses, and from poultry manure. The results of the modelling indicate that occasional odour would be perceived at the closest residential receptors, primarily during the last days of a crop and during cleaning of the poultry sheds when the ambient temperature is high and the wind blowing from a southern direction. The assessment report states that measures to reduce odour, such as optimised feeding regimes, are likely to be sufficient to reduce the impact to below the indicative benchmark at all receptors, particularly where odour causing events are scheduled to avoid weather conditions likely to result in an odour impact.
- 6.8.4 The Public Protection Officer has raised no concerns in relation to potential odour impact and does not anticipate any significant detrimental impact on residential properties from odour. The proposed development would be located approximately 380 metres from the nearest third-party residential property. It is considered that this is a sufficient buffer distance to limit odour to acceptable levels. It is acknowledged that some odour may be perceptible on occasions, but based upon the modelling assessment regarding frequency and level, Officers consider that this would not be unacceptable.
- 6.8.5 Noise: It is considered the distance between the site and residential properties is sufficient to ensure that noise from operations on the site does not adversely affect residential amenity. The Public Protection Officer has no concerns in relation to on-site operations.
- 6.8.6 The application as originally submitted proposed that bird collections by HGVs would typically take place from 0200 hours onwards. The application suggested that this was due to processor logistics and operational hours. It also stated that birds are captured and transported predominantly during hours of darkness to minimise stress to the birds. From a highways perspective, one of the benefits of night-time collections is that the associated HGV movements would take place at a time when the roads are at their quietest. Nevertheless, based upon the assessment of noise from such vehicles, it was the opinion of Officers that these night-time HGV movements would result in an unacceptable level of disturbance to residents of the closest dwellings to the access track, and that the proposal would therefore be contrary to Development Plan policies.
- 6.8. The applicant has advised that they have now reviewed the situation and consider that in this case the site can be operated without night-time movements occurring for bird collections. They have advised that the operator that they had been in negotiations with

had indicated that they would not be likely to offer a contract if there were restrictions on the times that the buildings could be de-populated. However the applicant has now advised that other operators have indicated that on this site they would be interested even if there were night-time restrictions. The applicant has now advised that they would be willing to accept a condition that prohibits HGV movements from taking place between 2300 and 0700 hours. On this basis the Public Protection Officer has removed the objection to the proposal. Officers now consider that the proposal would not result in adverse impact on local residents due to sleep disturbance. Whilst there would be some local disturbance to residents due to additional traffic this would occur during the day time and Officers do not consider that this would result in adverse noise impact.

7.0 CONCLUSION

7.1 The proposal for a new broiler unit at The Vinnals would have limited adverse impact on the overall landscape character of the area, particularly given the restricted visibility in the wider landscape, the topography of the area, and its positioning adjacent to existing farm buildings. The proposal would have some impact on users of the adjacent public bridleway, particularly in relation to visual effects and the increased traffic. The proposed landscaping would reduce visual impacts. The track already carries agricultural traffic to/from the farm, and the proposed refuges would reduce conflicts. Whilst there would be some residual impacts it is not considered that these would be unacceptable. The proposal raises no specific issues in relation to ecology, drainage, historic conservation or odour that cannot be addressed by planning conditions. The proposal would have some impact upon the local highway network however road improvements and a routing agreement could be secured such that a highway objection would not be sustainable.

7.2 Following previous concerns from Officers and local residents regarding the adverse impact that night-time bird collections would have on adjacent residents due to sleep disturbance, the application has now been modified to exclude such movements. It is now proposed that bird collections would not take place between 2300 and 0700 hours. Officers consider that this change has addressed previous concerns.

7.3 The proposal would provide benefits in terms of enabling the diversification of the existing family farming business and helping to sustain the existing agricultural operation. Whilst the development would have some impact in the local area it is considered that the proposal can be supported in relation to Development Plan and national planning policies. As such it is recommended that planning permission is granted subject to the conditions as set out in Appendix 1 and the completion of a Section 106 legal agreement to secure adherence to a routing agreement.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded

irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

10.1 Relevant Planning Policies

10.1.1 Shropshire Core Strategy

- Policy CS5 (Countryside and Green Belt)

- Policy CS6 (Sustainable Design and Development Principles)
- Policy CS13 (Economic Development, Enterprise and Employment)
- Policy CS16 (Tourism, Culture and Leisure)
- Policy CS17 (Environmental Networks)
- Policy CS18 (Sustainable Water Management)

10.1.2 SAMDev Plan

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

10.2 Central Government Guidance:

10.2.1 National Planning Policy Framework (NPPF)

10.3 Relevant Planning History: None.

16/00702/SCO Scoping Opinion for proposed poultry units SCO 19th April 2016

11/05747/AGR Erection of a grain store PNAGR 18th January 2012

12/00370/FUL Erection of extension to existing farm building to provide grain storage GRANT 19th April 2012

SA/03/003/HRM Removal hedge on land at The Vinnals, Longden NOOBJC 29th August 2003

11. Additional Information

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

The application ref. 16/02752/EIA and supporting information and consultation responses.

Cabinet Member (Portfolio Holder):
Cllr M. Price

Local Member:
Cllr Roger Evans (Longden)

Appendices:
APPENDIX 1 – Habitat Regulations Assessment – Screening Matrix
APPENDIX 2 - Conditions

Appendix 1 - Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

16/02752/EIA
 Proposed Poultry Units South Of The Vinnals
 Lower Common
 Longden
 Shropshire
 Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping.

Date of completion for the HRA screening matrix:

8th July 2016

HRA screening matrix completed by:

Nicola Stone
 SC Planning Ecologist
Nicola.stone@shropshire.gov.uk

Table 1: Details of project or plan

Name of plan or project	16/02752/EIA Proposed Poultry Units South Of The Vinnals Lower Common Longden Shropshire Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping.
Name and description of Natura 2000 site(s) which have potential to be affected by this development.	<p>The Stiperstones & Hollies SAC The Stiperstones and the Hollies SAC (601.46ha) represents a nationally important area of dry heath and also hosts a significant presence of sessile oak woodlands with <i>Ilex</i> and <i>Blechnum</i>.</p> <p>Annex I Habitats that are a primary reason for selection of site: <input type="checkbox"/> European dry heaths</p> <p>Annex I Habitats present as a qualifying feature but not a primary reason for selection of site: <input type="checkbox"/> Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>Midland Meres and Mosses (Ramsar phase 1)</p> <p>Bomere, & Shomere Pools Bomere, Shomere & Betton Pools Midland Meres and Mosses Ramsar Phase 1 (59.08ha), as a group, are particularly important for the variety of water chemistry, and hence flora and fauna, which they display. It is included within the Ramsar Phase for its Open Water, Swamp, Fen, Basin Mire and Carr habitats with the plant species <i>Elatine hexandra</i> and <i>Thelypteris palustris</i>.</p>

Description of the plan or project	Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

We have identified the following effect pathways:

- Damage to the designated sites caused by aerial emissions

Aerial Emissions

The Environment Agency has provided pre-permitting application advice. The screening assessment undertaken by the Environment Agency has considered any Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites within 10km; any Sites of Special Scientific Interest (SSSI) within 5km and also any National Nature Reserves (NNR), Local Nature Reserves (LNR), ancient woodlands and local wildlife sites (LWS) within 2km of the farm. The screening assessment has taken into account other intensive farms that could act in combination with the proposal. The Environment Agency has confirmed that based on the information the applicant has provided detailed modelling is not required to be submitted with the applicant's permitting application.

Shropshire Council, under Regulation 61 of the Habitats Regulations, can rely on the 'evidence and reasoning' of another competent authority. Shropshire Council can therefore use the Ammonia Screening Output (provided by Kevin Heede via email dated 6th July 2016) to complete the assessment of air pollution impacts for European Designated Sites within 10km, National Designated Sites within 5km, and Local Wildlife Site/Ancient Woodlands in 2km.

All sites screen out below the permitting thresholds and therefore no further modelling is required to support this planning application.

Conclusion

Providing works are carried out in accordance with the approved plans, and as agreed within an Environment Agency Permit, SC Ecology has concluded that the proposed development will not impact on the integrity of The Stiperstones & The Hollies SAC or Midland Meres and Mosses (Ramsar phase 1) Bomere, & Shomere Pools.

The Significance test

There is no likely significant effect on European Designated Sites from planning application 16/02752/EIA.

The Integrity test

There is no likely effect on the integrity of the European Designated Sites from planning application 16/02752/EIA.

Conclusions

Natural England should be provided with SC Ecologist's HRA. Comments should be received prior to a planning decision being granted.

Guidance on completing the HRA Screening Matrix

The Habitat Regulation Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test'. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the 'integrity test' need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

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

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

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

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

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

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

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

Habitat Regulation Assessment Outcomes

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

Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted unless it is satisfied that, there being no alternative solutions, the project must be carried out for imperative reasons of over-riding public interest, and the Secretary of State has been notified in accordance with section 62 of the Conservation of Habitats and Species Regulations 2010. The latter measure is only to be used in extreme cases and with full justification and compensation measures, which must be reported to the European Commission.

Duty of the Local Planning Authority

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

APPENDIX 2 - Conditions**STANDARD CONDITION(S)**

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (which ever is the sooner).

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

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

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

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

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

6. Prior to the commencement of development details of the construction of the passing bay on Long Lane as set out in the submitted Highways Statement plus the additional kerbing and re-surfacing of the existing carriageway widening on Long Lane immediately before its

junction with Longden Road shall be submitted to, and approved in writing by the Local Planning Authority. The works shall be fully implemented before the commencement of the construction of the poultry units.

Reason: In the interests of highway safety.

7. Prior to the commencement of development details of pedestrian/equestrian warning signage, including the size and locations of the signs shall be submitted to, and approved in writing by, the Local Planning Authority. The signs shall be fully implemented before the commencement of the construction of the poultry units.

Reason: In the interests of highway safety.

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

Reason: The site is known to hold archaeological interest.

9. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of completion of works applied for.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan and Arboricultural Method Statement have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

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

10. Prior to the commencement of works on site a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The works shall be carried out as approved, prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the local planning authority, unless the local planning authority gives written consent to any variation. The submitted scheme shall include:

- a) Planting plans, including wildlife habitat and features (e.g. bird and bat boxes)
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate
- d) Native species used are to be of local provenance (Shropshire or surrounding counties)
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- f) Implementation timetables.

Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

11. No building and construction work shall be commenced unless evidence has been provided to the Local Planning Authority that no badger setts are present within 30 metres of the development site to which this consent applies immediately prior to work commencing. The site should be inspected within 3 months prior to the commencement of works by an experienced ecologist and a report submitted to the Local Planning Authority. If the survey indicates the presence of any Badger Setts within 30 metres of the site then prior to the commencement of the development an updated mitigation plan shall be submitted for the approval of the Local Planning Authority. The mitigation shall be undertaken in accordance with this approved plan which should include an artificial badger sett.

Reason: To ensure the protection of badgers, under the Badgers Act (1992)

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

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

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

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

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

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

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

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

15. No HGV movements associated with the proposed installation shall take place between the hours of 23:00 - 07:00 hours on any day.

Reason: To protect the health and wellbeing of residents along the access route to the installation.

16. Work shall be carried out strictly in accordance with the Preliminary Ecological Assessment conducted by Turnstone Ecology (March 2016) attached as an appendix to this planning permission.

Reason: To protect features of recognised nature conservation importance.

17. No construction work shall take place other than between 7.30am and 6pm Monday to Friday, and between 8am and 1pm on Saturday. No construction work shall take place on Sundays or Bank Holidays.

Reason: To prevent adverse disturbance to local residents and land users.

Informatives

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.

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

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy and saved Local Plan policies:

Policy CS5 (Countryside and Green Belt)

Policy CS6 (Sustainable Design and Development Principles)
Policy CS13 (Economic Development, Enterprise and Employment)
Policy CS16 (Tourism, Culture and Leisure)
Policy CS17 (Environmental Networks)
Policy CS18 (Sustainable Water Management)
SAMDev Plan policies:
Policy MD2 (Sustainable Design)
Policy MD8 (Infrastructure Provision)
Policy MD12 (Natural Environment)
Policy MD13 (Historic Environment)

3. Advice from Drainage Officer:

The Environment Agency has updated the guidance on Climate Change in March 2016 and 25% should be used for non residential development in the Severn catchment. A revised drainage calculations and plan should be re-submitted for approval. Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

4. Rights of Way team advice:

The applicants will need to adhere to the following criteria in respect of the Bridleway:

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
- Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
- Building materials, debris, etc must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way.
- The alignment of the right of way must not be altered.
- The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

5. Highways advice:

Section 106 agreement:

It is considered that a Section 106 agreement should be completed to secure the prescribed HGV routing arrangement as set out in the further information and shown on Drawing No. SA16661/sk.02

Section 278 Agreement (passing bays and signs):

No works on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.

Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND to progress the agreement.

Works on, within or abutting the public highway:

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge)
- or

- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

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

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

6. Ecology advice:

Wild birds

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

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

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

Bats

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

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

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

Great Crested Newts

Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

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

Wildlife

Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

-



Committee and date
 Central Planning Committee
 22 December 2016

Item
6
 Public

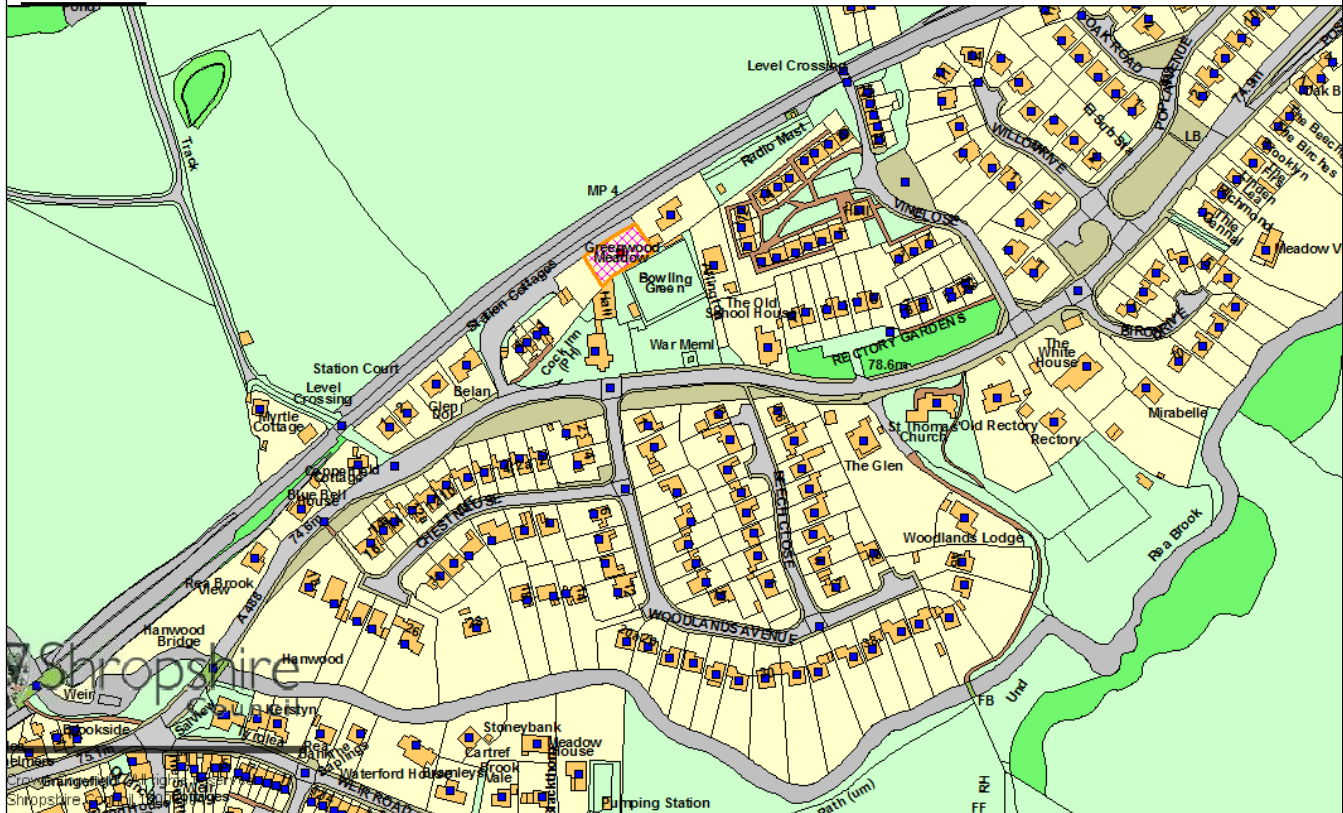
Development Management Report

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

Summary of Application

Application Number: 16/04092/OUT	Parish:	Great Hanwood
Proposal: Outline application for the erection of detached dwelling and garage (to include access)		
Site Address: Proposed Dwelling West Of Greenwood Meadow Hanwood Shrewsbury Shropshire		
Applicant: Mr And Mrs K Phillips		
Case Officer: Aileen Parry		email: planningdmc@shropshire.gov.uk

Grid Ref: 344201 - 309694



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of a single four bedroom dwelling with detached garage. The access arrangements are to be considered as part of the outline application with the matters of appearance, landscaping, layout and scale being reserved matters for later approval.
- 1.2 It is proposed to utilise an existing access which currently serves five existing residential properties.
- 1.3 In response to an objection comment received regarding drawing 01 location plan not representing the correct land ownership (blue line), the agent has provided the Land Registry Title plan and revised drawing 01 Rev A and B location plan with blue and red lines correctly marked as per the title plan which have been placed on the planning record.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site of the proposed dwelling is west of Greenwood Meadow, north east of Station Cottages and to the rear (north) of The Cock Inn public house and hall.
- 2.2 The agent has provided within the D&A that the submitted site plan indicates the position of the proposed dwelling and garage with footprints of 113sq metres and 56sq metres respectively.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 COMMUNITY REPRESENTATIONS

- 4.1 - Consultee Comments

4.1.1 Drainage

No objection. Informative recommended stating that a sustainable drainage scheme for the disposal of surface water from the development should be designed

and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document.

4.1.2 Affordable Housing

Whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils 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 no affordable housing contribution would be required in this instance.

Highways

4.1.3 No Objection – subject to the development being carried out in accordance with the approved details. An informative regarding works on, within or abutting the public highway has been recommended for inclusion on any planning permission that may be granted.

4.2 -Parish Council

The Parish Council objects to this application for the following reasons:

1. Overdevelopment of this small lane
2. Insufficient access
3. Inconsistent with refusals to neighbouring landowners in recent years

4.3 - Public Comments

Five neighbours have been consulted and a site notice displayed by officers. Four objections have been received at the time of writing this report. The concerns raised include the following:

- Insufficient information regarding height of proposed dwelling and the garage
- Land ownership incorrect
- A previous planning application on the land to the west of the proposed property (08/0251/F) was rejected
- Overlooking and privacy – direct views onto verandah and first floor bedroom and living room
- Proposal is in addition to the two properties already granted planning permission at the Cock Inn. Density of property in the centre of the village would therefore be increased significantly reducing amenity value of village centre and neighbours property
- Noise – property already affected by noise from social housing at end of drive, the Cock Inn and bowling green. In addition there will be a noise issue from the two additional properties with recent planning permission. The proposal will impose additional noise levels considered unreasonable
- Highway safety – access off A488 is a concern
- Loss of light / overshadowing reducing light to upstairs living areas
- Increase in traffic along lane and current lack of turning space from division of lane by metal railings

5.0 THE MAIN ISSUES

Policy & principle of development
Design, Scale and Character
Impact on Residential Amenity
Drainage
Affordable Housing
Highways and access
Loss of light / overshadowing
Noise
Other - previous refusal (08/0251/F)

6.0 OFFICER APPRAISAL

6.1 Policy & principle of development

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

6.1.2 The development plan includes SAMDev adopted 17 December 2015, the Councils Core Strategy 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 In Policy CS1, The Core Strategy indicates a strategic approach to the provision of residential development in Shropshire, with Shrewsbury as the focus for approximately 25% of Shropshire's residential development over the plan period 2006 to 2026. Market towns and other key centres will be the focus for approximately 40% of residential development during this period and rural areas will accommodate the remaining 35% primarily in settlements identified as Community Hubs and Community Clusters. Outside of these areas, development will primarily be for economic diversification and to meet the needs of local communities for affordable housing.

- 6.1.4 Policy MD1 of SAMDev sets out the Council's policy regarding the scale and distribution of development. This identifies that sustainable development will be supported in Community Hubs and Clusters as set out in policy CS4 of the Shropshire Core Strategy, and policies S16.2 and MD3 of SAMDev.
- 6.1.5 S16.2(x): Hanwood and Hanwood Bank
Hanwood and Hanwood Bank are a Community Cluster in Great Hanwood Parish with a housing guideline of around 30 additional dwellings over the period to 2026. This will be delivered through the development of the site allocated for housing, together with development by infilling, groups of houses and conversions of buildings which may be acceptable on suitable sites within the development boundary, as identified on the Policies Map.
- 6.1.6 Within the Core Strategy Policy CS4 sets out the principles for development in the Community Hubs and Community Clusters. This requires development be focussed into these areas and not allowing development outside these settlements unless it meets policy CS5. It is also a requirement that development rebalance rural communities by providing for the community development that is appropriate in scale for the settlement.
- 6.1.7 Policy MD3 relates to the delivery of housing development. This supports the principle of sustainable development as required by policy CS4.
- 6.1.8 In this case the site lies within the defined development boundary for Hanwood and Hanwood Bank and therefore the principle of development would be in accordance with policies MD1, S16.2(x), CS4, MD3 and CS11 of SAMDev of the Shropshire LDF. Other issues relating to the access and residential amenities will be discussed further in this report.
- 6.1.9 The application for outline planning but will not though be subject to an s106 Legal Agreement even though Policy CS11 requires all new open market housing to provide an appropriate contribution towards the provision of local needs affordable housing. Whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils 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 no affordable housing contribution would be required in this instance.
- 6.1.10 Officers consider that with reference to the above policy that the proposal for the erection of a detached open market dwelling and garage meets the relevant criteria within the above policy.
- 6.2 Design, Scale and Character
- 6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential

and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

- 6.2.2 In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6, providing additional detail on how sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set. As such, new development should respect the existing pattern of development. MD2 also deals with the issue of sustainable design.
- 6.2.3 As detailed above, this application is for outline planning permission where the details of the appearance, layout, scale and landscaping will be dealt with as reserved matters. Therefore these are not for consideration as part of this application. However, having noted the type and scale of dwellings found in this area, there is scope for an appropriate design of dwelling to be drawn for submission as part of the Reserved Matters application.
- 6.2.4 The proposal site is on land to the rear of the Cock Inn and is within the Hanwood and Hanwood Bank Development Boundary. To the north, north west is a railway line; to the south east a bowling green, the south the Cock Inn and Hall; and to the south west Station Cottages. The site is proposed to utilise the existing access which currently serves five existing residential properties.
- 6.2.5 The agent has stated within the D&A that the submitted site plan indicates the position of the proposed dwelling and garage with footprints of 113sq metres and 56sq metres respectively, and of a similar in size and scale to the adjacent dwelling and garage of Greenwood Meadow.
- 6.2.6 Overall taking into account the requirements of the above policy and that the site is within the development boundary of Hanwood and Hanwood Bank, it is considered that with good design and layout there will not be an unacceptable impact on the residential amenities of the area, the proposal is therefore considered to be in accordance with policy CS6 of the Shropshire Core Strategy and MD2 of SAMDev.
- 6.3 Impact on Residential Amenity
- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.3.2 Local residents have raised objections that the proposed dwelling could have a detrimental impact on the privacy of neighbouring properties and density of housing.
- 6.3.3 The site of the proposed dwelling is west of Greenwood Meadow, north east of

Station Cottages and to the rear (north) of The Cock Inn public house and hall.

6.3.4 An indicative layout for the proposed dwelling has been submitted with this application which indicates that a dwelling can be accommodated on this site. The plot size is comparatively larger than those sited along the main A488 and nearby residential areas. The details of the proposal will be assessed at a later date as part of a Reserved Matters application. It is considered that through good design and layout any potential loss of privacy can be minimised for both existing neighbouring residents and future residents of the proposed new dwelling.

6.3.5 Local residents have also raised objections that the proposed dwelling will result in a loss of light.

6.3.6 Approximate measurements using the indicative layout provide that the site of the proposed dwelling is west of Greenwood Meadow (16m distant), north east of Station Cottages (>35m distant) and to the rear (north) of The Cock Inn public house and hall and the Bowling Green(3.6m distant). To the east is Allington (>34m distant) and Vine Close (> 50m distant). To the north is a rail line.

6.3.7 Officers consider that the distances between the indicative site layout and that apart from Greenwood Meadow, other nearby residents are in excess of 30 metres which is over the minimum separation distance guideline used to ensure privacy can be maintained. As such it is considered that any new dwelling would have minimal impact on the potential for reducing privacy and that a single dwelling is unlikely to result in an increase of the effects of impacting on the density of housing.

6.3.8 Natural light or right to light is dealt with differently under Planning Regulations. A "right to light" is an easement that gives landowners the right to receive light through defined apertures in buildings on their land. From a Planning perspective planners work to Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy under which officers consider the height and the proximity to other properties/buildings and whether or not a proposal would have an unacceptable impact on the local amenities. Officers consider that the proposal complies with CS6 and is therefore acceptable in principle.

6.3.9 In addition, and as stated in section 6.2.3 above, this application is for outline planning permission where the details of the appearance, layout, scale and landscaping will be dealt with as reserved matters.

6.3.10 Overall it is considered that with good design and layout there will be no unacceptable impact on the residential amenities of the area. Therefore the proposal is in accordance with policy CS6 of the Shropshire Core Strategy.

6.4 Drainage

6.4.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.

6.4.2 No objection has been raised to the surface water drainage of the site. However an informative has been recommended by the Councils Drainage Engineer for inclusion on any planning permission that may be granted to ensure that appropriate systems are considered as part of the proposed development.

6.4.3 It is therefore considered that an appropriate surface drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

6.5 Affordable Housing

Whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils 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 no affordable housing contribution would be required in this instance.

6.6 Highways and access

6.6.1 Local residents have raised objections that the proposed dwelling including that there will be a substantial increase in traffic using the lane and also the increase and speed of traffic on the A488.

6.6.2 The Councils Highways Engineer has been consulted on the scheme and has stated that they have no objection to the proposal subject to the development being carried out in accordance with the approved details and have provided informatives for inclusion to any planning permission that may be granted.

6.6.3 The Councils Highways Engineer in their comments has also stated that the access is onto the A488 is existing, although not ideal and that the proposal is to erect a detached house with detached garage on a plot of land where the private driveway serves one other house beyond it and possibly a small, commercial site.

They have also stated that although the house driveway does not access the highway directly, highway safety rules should still be applied in order to obtain the best access possible with good parking and turning area so that any vehicle can leave the site in a forward gear. And that it is considered that it is unlikely that the addition of a detached house here, will significantly adversely affect highway safety or local conditions.

6.6.4 It is therefore considered by officers that from a Highways perspective the proposed scheme for one additional dwelling is acceptable in principle.

6.7 Noise

6.7.1 Local residents have raised objections that the proposed dwelling will impose additional noise levels which are considered unreasonable.

6.7.2 The site is situated within a predominantly residential area of the village, although the site is also located close to the Cock Inn Public House, the A488 main road that passes through Hanwood and a railway line (Mid Wales to Shrewsbury). Officers do not consider that the erection of one new dwelling in this location and sited from neighbours at the distances stated in paragraph 6.3.6 would result in any significant detrimental impact on existing local residents through noise and disturbance, either by vehicles travelling to and from the property or from use of the dwelling itself.

6.8 Other

6.8.1 Over development

Local residents have raised objections that the proposed dwelling will result in over development.

The site currently forms part of an area of land the rear of the Cock Inn and to the west of the dwelling known as Greenwood Meadow.

Officers consider that the plot size is comparatively larger than some of those sited along the main A488 and nearby residential areas. The details of the proposal will be assessed at a later date as part of a Reserved Matters application, but as provided above in section 6.2.6 officers consider that with good design and layout there will not be an unacceptable impact on the residential amenities of the area, the proposal is therefore considered to be in accordance with policy CS6 of the Shropshire Core Strategy and MD2 of SAMDev.

6.9.2 Previous planning applications

Both local resident and the Parish Council have raised objections that a previous application on land to the west of the proposed dwelling – planning reference 08/0251/F, was refused. This application was according to planning records for a detached double garage and not a dwelling or dwellings.

A proposal for two four bedroomed detached dwellings – planning reference SA/05/0046/F, on land at the Old Goods Yard was refused in February 2005 on grounds including that the proposed development would be likely to lead to conditions detrimental to highway safety and contrary to the then Joint Structure Plan Policy P15 and Borough Local Plan Policies GP1 and HS3. An appeal to the Planning Inspectorate was dismissed in December 2005.

The 2005 proposal was for two four bedroom dwellings to be sited on the proposal site and assessed against the policies in existence at that time. This proposal is for one four bedroomed dwelling.

Part of the access lane has a bituminous macadam surface and that behind Station Cottages is loose chippings. The access from the A488 highway is coarse bituminous macadam.

As stated in 6.6 above the Councils Highways Engineer has been consulted on the

current scheme and has provided their expert opinion on its acceptability.

7.0 CONCLUSION

It is considered that an appropriately designed dwelling could be constructed on this site without detriment to the character and appearance of the area.

Furthermore it is considered that it will also be possible to design the building so that it has minimum impact on the residential amenities of the surrounding area. As such the development is in accordance with the NPPF and policies CS4, CS6, CS11, and CS18 of the Shropshire Core Strategy and policies MD1, MD2, MD3 and S16.2 (x) of SAMDev.

Officers therefore recommend that outline planning permission is granted.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or 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:

National Planning Policy Framework

CS1 - Strategic Approach

CS4 - Community Hubs and Community Clusters

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD3 - Managing Housing Development

Settlement: S16.2 (x) – Shrewsbury Hanwood and Hanwood Bank

Relevant Planning History:

11. ADDITIONAL INFORMATION

View details online:

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

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Roger Evans

Appendices

APPENDIX 1 - Conditions

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

1. Approval of the details of the design and external appearance of the development, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

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

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

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

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

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

The number of units

The means of enclosure of the site

The drainage of the site

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

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

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

Informatives

1. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.

2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

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

4. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at: www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-management-strategy/.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

5. This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Council's Street works team. This link provides further details

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

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

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Committee and date

Central Planning Committee

22 December 2016

Item

7

Public

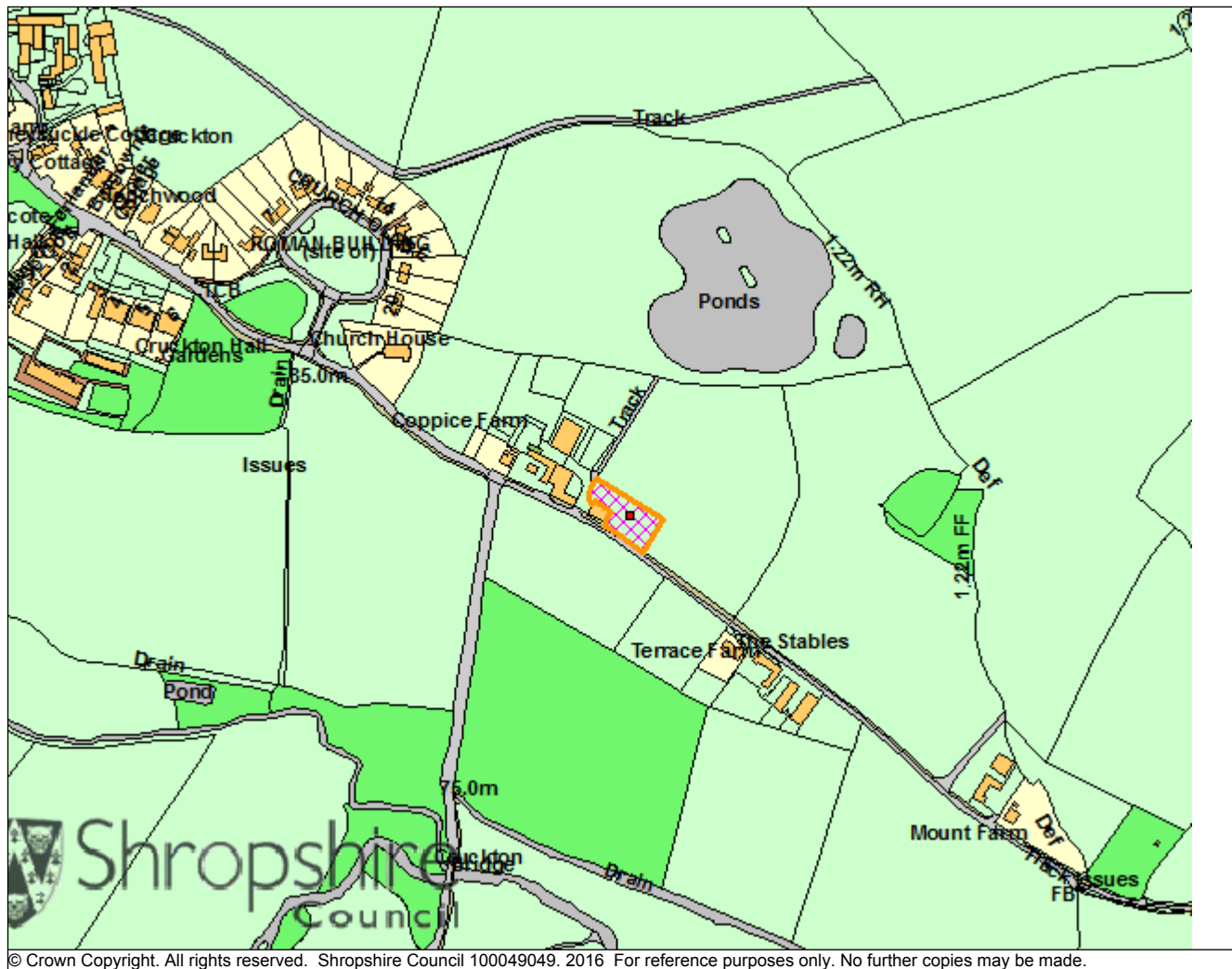
Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 16/03379/FUL	<u>Parish:</u>	Pontesbury
<u>Proposal:</u> Erection of 1No affordable dwelling and detached double garage		
<u>Site Address:</u> Proposed Affordable Exception Dwelling At Cruckton Shrewsbury Shropshire		
<u>Applicant:</u> Mr Neil Robinson		
<u>Case Officer:</u> Aileen Parry	<u>email:</u> planningdmc@shropshire.gov.uk	
<u>Grid Ref:</u> 343428 - 310014		



Recommendation:- That planning permission is granted subject to the conditions set out in Appendix 1 and subject to an S106 Agreement to secure that the dwelling prescribing local occupancy criteria, size and also restricting any potential future sale value.

REPORT

BACKGROUND

This application was placed on the Central Planning Committee Agenda of 27th October 2016 with a recommendation for refusal for the following reason:

The proposed development is considered to be on a site which is unsuitable for an affordable dwelling in the long term due to a combination of its distance from the settlement of Cruckton, its proximity to an agricultural building on an operational farmstead, and the use of a shared access off a private lane with the adjoining farm. Accordingly the proposal fails to accord with the requirements of adopted policies CS5 and CS11 of the Core Strategy, SAMDev policy MD7a, and guidance

within the 'Type and Affordability of Housing' Supplementary Planning Document.

At the meeting the Area Planning Manager referred to the Schedule of Additional Letters and explained that the applicant had requested that the application be deferred to allow amendments to the application to try and overcome the concerns identified in the report.

It was RESOLVED by the Central Planning Committee that determination of this application be deferred to enable the applicant an opportunity to address the various objections and overcome the reasons for refusal.

Since the Central Planning Committee meeting the agent for the applicant has provided revised plans for consideration which indicate the removal of the existing agricultural shed and the formation of a new access off the private road to serve the proposed new dwelling and which will be separate from the existing access which leads into Coppice Farm.

All interested parties have been re-consulted.

This report is therefore primarily written in response to those revisions.

RECOMMENDATION:

That planning permission is granted subject to an S106 Agreement to secure that the dwelling prescribing local occupancy criteria, size and also restricting any potential future sale value.

1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of an affordable three bedroomed home providing 100 sq. m gross internal floor space, garage and associated curtilage space. The application site is 0.10ha.
- 1.2 The dwelling will consist of an entrance hallway, a utility, living room, kitchen / diner, bathroom, and three bedrooms one of which is en-suite.
- 1.3 In November 2015 pre-application advice was sought and provided by Officers. This advice was that Officers agree with the submitted comments that the proposal is sited away from the main cluster, but advised that on the information provided the proposed site has been assessed to be acceptable and in line with the spatial requirements of the Policy and was therefore considered to be acceptable in principle.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located to the South East of Cruckton, adjacent to Coppice Farm which

largely dates from the 20th Century with some more modern farm buildings. The grade II listed Church of St Thomas and Roman Villa Scheduled Ancient Monument are located approximately 100 metres to the North West of Coppice Farm with other designated assets located further to the North West and some distance away to the South.

2.2 The site is accessed via a short stretch of private drive which is accessed off the C classified Cruckton Crossroads to Cruckmeole Road and is approximately 700 metres to the North West of the village of Hanwood.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 It was RESOLVED by the Central Planning Committee on 27th October 2016 that determination of this application be deferred to enable the applicant an opportunity to address the various objections and overcome the reasons for refusal.

4.0 COMMUNITY REPRESENTATIONS – full comments can be viewed on the planning record

4.1 - Consultee Comments

4.1.1

Drainage 17.08.16

No objection. Informative recommended.

Drainage 22.11.16

No objection. Informative recommended.

4.1.2 SC Affordable Housing 06.09.16

Have confirmed that the applicant has demonstrated strong local connections to the administrative area of Pontesbury Parish Council. And after considering his housing needs and personal circumstances can confirm that the requirements of the Supplementary Planning Document in relation to the build your own affordable home scheme has been satisfied.

SC Affordable Housing 22.11.16

Comments remain unchanged from 6th September 2016.

4.1.3 SC Archaeology (Historic Environment) 05.09.16

Have no comments to make with respect to archaeological matters.

SC Archaeology (Historic Environment) 29.11.16

Have no comments to make with respect to archaeological matters.

4.1.4 SC Conservation (Historic Environment) 07.09.16

No objection.

SC Conservation (Historic Environment) 23.11.16

No further comments to make in conservation terms.

4.1.5 SC Highways 29.09.16

No objection – subject to the development being constructed in accordance with the approved details. Conditions and informatives recommended.

SC Highways

No objection – subject to the development being constructed in accordance with the approved details. Conditions and informatives recommended.

4.1.6 SC Rights of Way 26.10.16

The application proposes access over a route that is recorded as a public bridleway (Pontesbury Bridleway 85) and does not appear to carry public vehicular rights. Advice regarding right of access has also been provided. Informative recommended.

SC Rights of Way 21.11.16

No further comments to add.

4.2 - Parish Council 05.09.16

Pontesbury Parish Council supports this application. The proposed position of the dwelling is such that it will enable the proposed occupant to supervise his adjacent business. The bungalow design fits in with the adjacent single storey farm buildings.

4.3 - Public Comments

Three neighbours have been consulted and a site notice forwarded for display. No public comments have been received at the time of writing this report.

5.0 THE MAIN ISSUES

Principle of development

Design, Scale and Character

Impact on Residential Amenity

Drainage

Archaeology

Conservation

Affordable Housing

Highways

Rights of Way

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 The Type and Affordability of Housing Supplementary Planning Document (SPD) has been brought into place with regard to affordable housing within Shropshire and details the policy criteria in relation to affordable plot exception sites. As an exception to normal policies controlling new housing development in rural areas the Council will allow the development of dwellings within and adjoining recognised settlements in the rural areas, including outside designated development boundaries, providing the relevant criteria in respect of suitability of the location, strong local connections and housing need are met and the dwellings remain affordable to subsequent occupiers in perpetuity through a section 106 agreement.
- 6.1.3 In considering the proposal due regard has also been paid to policies CS6 'Sustainable Design and Development Principles' and CS17 'Environmental Networks' of the Shropshire Core Strategy, policy MD13 of SAMDev as well as with national policies and guidance, National Planning Policy Framework (NPPF) published March 2012 and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.1.4 Policies CS5, and CS6 and the SAMDev Plan Policy MD7a are all relevant and seek to ensure an appropriate design of affordable plot dwellings with minimal impact on surrounding open countryside. The National Planning Policy Framework is a further policy consideration and aims to deliver a wide choice of quality homes and to widen opportunities for home ownership whilst creating sustainable communities. It further states that local planning authorities should be responsive to local circumstances in rural areas, particularly for affordable housing, including through exception site policies.
- 6.1.5 In addition CS Policy CS17 'Environmental Networks' states that development will identify, protect, enhance, expand and connect Shropshire's environmental assets and does not adversely affect the visual, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors. SAMDev Policy MD13: The Historic Environment In accordance with Policies CS6 and CS17 and through applying the guidance in the Historic

Environment SPD, Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.

6.1.5 The area is identified in SAMDev as being open countryside and outside any defined development boundary. In these areas Policy CS5 strictly controls development to only allow exception housing either for a rural worker or for a single plot exception affordable dwelling. The SPD on the type and Affordability of Housing further supports the principle of exception plots provided it complies with the requirements of the policy.

6.1.6 CS11 is closely related to the Type and Affordability of Housing SPD and seeks to meet the housing needs of local residents including permitting exception sites for local needs affordable dwellings on suitable sites subject to the criteria referred to above. In addition, exception sites are generally in locations that would not normally obtain planning permission for new housing development. CS11 allows for affordable housing in or and adjoining recognised named settlements, and subject to them being suitable in scale, design, tenure and prioritisation.

6.1.7 In terms of location exception sites must be demonstrably part of or adjacent to a recognisable named settlement. The current SPD provides guidance on what constitutes a named settlement and whether sites should be considered to be within or adjacent a settlement. Sites that do not lie within or adjacent to a settlement will be considered to be isolated or sporadic development that would adversely affect the landscape, local historic or rural character and would not be considered acceptable. However the SPD advises that each case is considered according to on its own merits.

6.1.8 The SPD advises the following:

Because a settlement is a relationship between different properties, the limits of the settlement are defined by where the relationship peters out. This varies from settlement to settlement, depending on a number of factors. For example, a site a short distance from a loose-knit settlement may be considered "adjoining" while a similar distance in a tightly clustered settlement would not be.

6.1.9 Cruckton is a small close knit settlement the limits of which are considered to 'peter out' at 'New House Farm', 'Home Farm' and 'Cruckton School' to the North West and at the grade II listed Church of St Thomas to the South East. Coppice Farm House is a short distance of approximately 100 metres to the South East of the church and the proposed site is to the South East of the Farm. In order to strictly comply with the policy the proposed site should be located on the other side of the farm and adjacent to the church. However in this location any proposed dwelling has the potential to adversely impact on the setting of this Grade II listed building and the nearby Roman Villa Scheduled Ancient Monument.

6.1.10 Although the proposal is on the South East side of the farm and therefore not technically adjacent the settlement in this instance and in order to preserve the setting of the listed church the proposed site is considered acceptable.

Furthermore it is considered that a dwelling in this location would be seen as part of the group of farm buildings and will not appear as an encroachment into the countryside or as 'isolated' or 'sporadic' development .

- 6.1.10 Officers were initially concerned that due to its location immediately adjacent to a farm building and due to its access through the farm the site although acceptable to the applicant might not have been appropriate or suitable for an affordable dwelling in perpetuity. However to overcome these concerns the applicant has submitted amended plans which indicate the removal of the agricultural shed and the formation of a separate access off the private road. It is considered that these amendments overcome officers' initial concerns and that on balance the proposal is acceptable in this location and meets the spatial aims and objectives of the policy.
- 6.1.11 The proposal also meets the size criteria of the policy as it is for a three bedroomed home providing 100 sq. m gross internal floor space, a detached garage and associated curtilage space within an application site area of 0.10ha.
- 6.1.12 With regards to meeting the local needs criteria the applicant is currently residing with their family at Coppice Farm Cruckton, but this is not considered suitable for their long-term housing need. Due to issues of availability and affordability within the local parish the applicant is unable to meet their own housing need without assistance through the policy. The applicant also assists their parents with support and assistance on the farm.
- 6.1.13 The Council's Housing Enabling Officer has assessed the proposal to ensure that the applicant meets the need criteria of the application. They have confirmed that the proposal satisfies the requirements of the SPD in relation to the build your own affordable home scheme. The applicant has also demonstrated housing need, strong local connections and a need to live in the local area.
- 6.1.14 In addition the application and applicant has the support of Pontesbury Parish Council.

6.2 Design, Scale and Character

- 6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

In addition, Policy MD2 of SAMDev builds on policy CS6 and deals with the issue of sustainable design.

- 6.2.2 As this is for an affordable exception single plot dwelling it is also necessary to ensure the scale and size of the dwelling meets the strict criteria imposed on such dwellings in the SPD.
- 6.2.3 The proposed dwelling will measure approximately 13.5 metres wide, 10.2 metres deep at its maximum with a ridge height of 6.1 metres eaves of 2.5 metres. The internal floor space will be 100 sq. m gross. The garage will measure approximately 7.0 metres wide, 6.0 metres deep with a ridge height of 5.5 metres eaves of 2.0 metres.
- 6.2.4 The proposed site plot is situated on land to the south east of Coppice Farm means it will be a substantial distance from the listed building of Church of St Thomas and Scheduled Ancient Monument to the north west, and will be well screened by existing buildings, tree cover and vegetation, and is a rural location which can be identified on OS maps.
- 6.2.5 The scheme has been supported by both the Parish Council and Councils Housing Enabling Officer.
- 6.2.6 No objections have been received from the Councils Conservation Officer who has provided that the proposal is not considered to have an adverse impact on the nearby heritage assets, or those further into the settlement of Cruckton. They have also provided that it is not therefore considered that the proposal would be detrimental to the character or setting of the designated assets within Cruckton, and is therefore considered to accord with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as local and national policies with regard to heritage assets.
- 6.2.7 The bungalow is simple in its design and provides an entrance hallway, a utility, living room, kitchen / diner, bathroom, and three bedrooms one of which is en-suite. Its total gross internal floor area is 100 sq metres which is within the 100 square metre allowance contained within the policy. The height of the building will not exceed 6.1 metres.
- 6.2.8 The scale and design of the proposed dwelling is considered to accord with CS6 and MD2.
- 6.2.9 Both the site location plan and the block plan show that the existing farm building to the front of the proposal site is to be demolished and that a separate access is to be provided. The nearest farm building to the proposed dwelling will be in excess of approximately 30 metres distant and screened by a new native species hedge and tree planting and the proposed garage. The front of the site will be screened by an existing hedge and new native tree planting providing privacy and improved site amenity as well as screening of the bridle way.
- 6.2.10 Overall the proposed design and scale of the dwelling is considered acceptable and is considered to accord with the SPD and relevant parts of policies CS5 and CS6 of

the Shropshire Core Strategy.

6.3 **Impact on Residential Amenity**

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

6.3.2 Overall it is considered that the proposals impact on neighbouring amenity will be minimal and acceptable. It is also noted that no public comments have been received regarding the proposal.

6.4 **Affordable Housing**

6.4.1 The Council's Housing Enabling Officer has assessed the proposal and has confirmed that the applicant has demonstrated strong local connections to the administrative area of Pontesbury Parish Council. And that after considering his housing needs and personal circumstances they can confirm that the requirements of the Supplementary Planning Document in relation to the build your own affordable home scheme has been satisfied.

6.5 **Drainage**

6.5.1 The Council's Drainage Engineer has been consulted and has not objected to the proposal but has provided an informative for inclusion on any planning permission that may be granted.

6.6 **Archaeology**

6.6.1 The Council's Archaeologist has been consulted and has provided that they have no comments to make with respect to archaeological matters.

6.7 **Conservation**

6.7.1 The Council's Conservation Officer has been consulted and has provided comment that the location of the proposal to the south east of the farm means it will be a substantial distance from the Church of St Thomas and the Scheduled Ancient Monument to the north west of the site. It will be well screened by existing buildings, tree cover and vegetation. As such the proposal is not considered to have an adverse impact on these heritage assets, or those further into the settlement of Cruckton. It is not considered that the proposal would be detrimental to the character or setting of the designated assets within Cruckton, and is therefore considered to accord with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as local and national policies with regard to heritage assets.

6.8 **Highways**

6.8.1 The application has been amended so that the site will have its own separate access to the private lane that is a short distance of approximately 69 metres away from the highway. The Council's Highways Engineer has been consulted and has confirmed they have no objection to the proposal subject to the development being

constructed in accordance with the details submitted and have provided a condition and informatives for inclusion on any planning permission that may be granted to ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety.

6.9 **Rights of Way**

- 6.9.1 The Councils Rights of Way Officer has been consulted and has provided comment that the application proposes access over a route that is recorded as a public bridleway (Pontesbury Bridleway 85) and does not appear to carry public vehicular rights. They have also provided advice that the applicant is very strongly advised to satisfy themselves that they are able to demonstrate a sufficient vehicular right of access before committing further resources to the proposal.

The Rights of Way Officer has also provided informatives for inclusion on any planning permission that may be granted.

- 6.9.2 Officers note that Coppice Farm itself is accessed from the Bridleway as is Terrace Farm and Mount Farm to the south east of Coppice Farm and the proposal site; and that a right of vehicular access may be required for the application site, but this is outside of the scope of Planning legislation and policy and therefore officers will as requested by the Councils Rights of Way Officer include informatives on any planning permission that may be granted for the applicant to pursue their right of vehicular access as appropriate outside of the planning process.

7.0 **CONCLUSION**

Although not within or directly adjacent to the named settlement of Cruckton the proposed site is considered by officers to be on balance an appropriate location where a building would have no adverse impact on the listed church when compared to a location immediately adjacent the church.

The proposal complies with the SPD in terms of the housing need criteria and size and it is considered to be an appropriate scale and design that would have no adverse impact on the character and appearance of the locality.

Officers consider that the proposal is in accordance with policies CS6, CS17 and CS18 in terms of highways, conservation and drainage issues.

The proposal on balance accords with the relevant parts of the SPD and policies CS5 and CS6 of the Shropshire Core Strategy and the application is recommended for approval with the requirement of a Section 106 Agreement to ensure that the dwelling prescribing local occupancy criteria, size and also restricting any potential future sale value is provided in perpetuity.

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 three months after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of

defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. BACKGROUND

Relevant Planning Policies:

National Planning Policy Framework
 CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS11 - Type and Affordability of housing
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD2 - Sustainable Design
 MD7A - Managing Housing Development in the Countryside
 MD13 - Historic Environment

Relevant Planning History:

PREAPP/10/00043 Proposed excavation of a lake. PREAIP 27th January 2010
 PREAPP/10/00722 Development at lake at Coppice Farm PREUDV 7th April 2010
 10/04255/FUL Construction of angling lake and wildlife pool with car parking area and associated landscaping works GRANT 20th December 2010
 11/00107/DIS Discharge of conditions 9 and 10 (Landscaping and method statement) attached to planning ref. 10/04255/FUL DISAPP 28th February 2011
 PREAPP/15/00493 Single Plot Affordable Exception Site 20th November 2015

11. ADDITIONAL INFORMATION

View details online:

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

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

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

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

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

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

3. The dwelling hereby permitted, shall not exceed 100 square metres gross internal floor area, including any future extensions. No further internal habitable space shall be created within the dwelling by internal alterations.

Reason: To ensure that the dwelling is of a size appropriate to the local affordable housing market.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No above ground development shall commence until samples/precise details of all external materials/finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter maintained in the absence of any further specific permission in writing from the Local Planning Authority.

Reason: To ensure that the external appearance of the development is satisfactory, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

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

5. The internal access drive, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved block plan drawing no.SA21767/01 Rev A prior to the dwelling being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

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

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

6. The new dwelling hereby permitted shall be constructed to an equivalent to the Code for Sustainable Homes, Level 3 star rating for energy and water efficiency.

Reason: To ensure the dwelling is constructed with a view to reducing its carbon footprint and ensuring environmental sustainability, in accordance with Policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy and SPD Type and Affordability of Housing.

7. The detached garage included in the development hereby permitted shall only be used for purposes in connection with and ancillary to the enjoyment of the new dwelling as a single dwelling unit, but shall not be converted into or used as habitable accommodation, or used for commercial or business purposes.

Reason: To ensure that the outbuilding is not used as a separate dwelling and that the property as a whole remains of a size which is 'affordable' to local people in housing need, in accordance with Policies CS5 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy.

8. Notwithstanding the provisions of Schedule 2 part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order modifying, revoking or re-enacting that Order), no garage, carport, extension or other building shall be erected within the curtilage of the dwelling hereby permitted.

Reason: To enable the Local Planning Authority to retain control of the siting and external appearance of any buildings to be erected in the interest of visual amenity and to maintain the future affordability of the dwelling.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 class A, B and C shall be erected, constructed or carried out.

Reason: To ensure that the dwelling remains of a size which is "affordable" to local people in housing need in accordance with the Council's adopted affordable housing policy.

Informatives

1. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at: www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-management-strategy/.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

2. The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
3. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
4. This planning permission does not authorise the applicant to:
 - construct any means of access over the publicly maintained highway (footway or verge) or
 - carry out any works within the publicly maintained highway, or
 - authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
 - undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway.

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details
<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

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

5. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
6. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.
7. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.
8. The application proposes access over a route that is recorded as a public bridleway (Pontesbury Bridleway 85) and does not appear to carry public vehicular rights. The applicant is very strongly advised to satisfy themselves that they are able to demonstrate a sufficient vehicular right of access before committing further resources to the proposal. Neither the granting of planning permission, nor any associated obligations relating to the proposed access, either grant or imply the existence of any right for the benefit of the applicant to use that way with vehicles. It is a road traffic offence to drive a motor vehicle on a public footpath, bridleway or restricted byway without lawful authority and a property that is not able to demonstrate a lawful right of access with vehicles may be

unsaleable. No works must be carried out that might affect the footpath without prior approval of the Rights of Way Officer.

9. Furthermore, whilst development works take place the applicant must be aware of the following:
- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
 - Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
 - Building materials, debris, etc must not be stored or deposited on the right of way.
 - There must be no reduction of the width of the right of way.
 - The alignment of the right of way must not be altered.
 - The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
 - No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.
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<u>Committee and date</u>
Central Planning Committee
22 December 2016

<u>Item</u>
8
Public

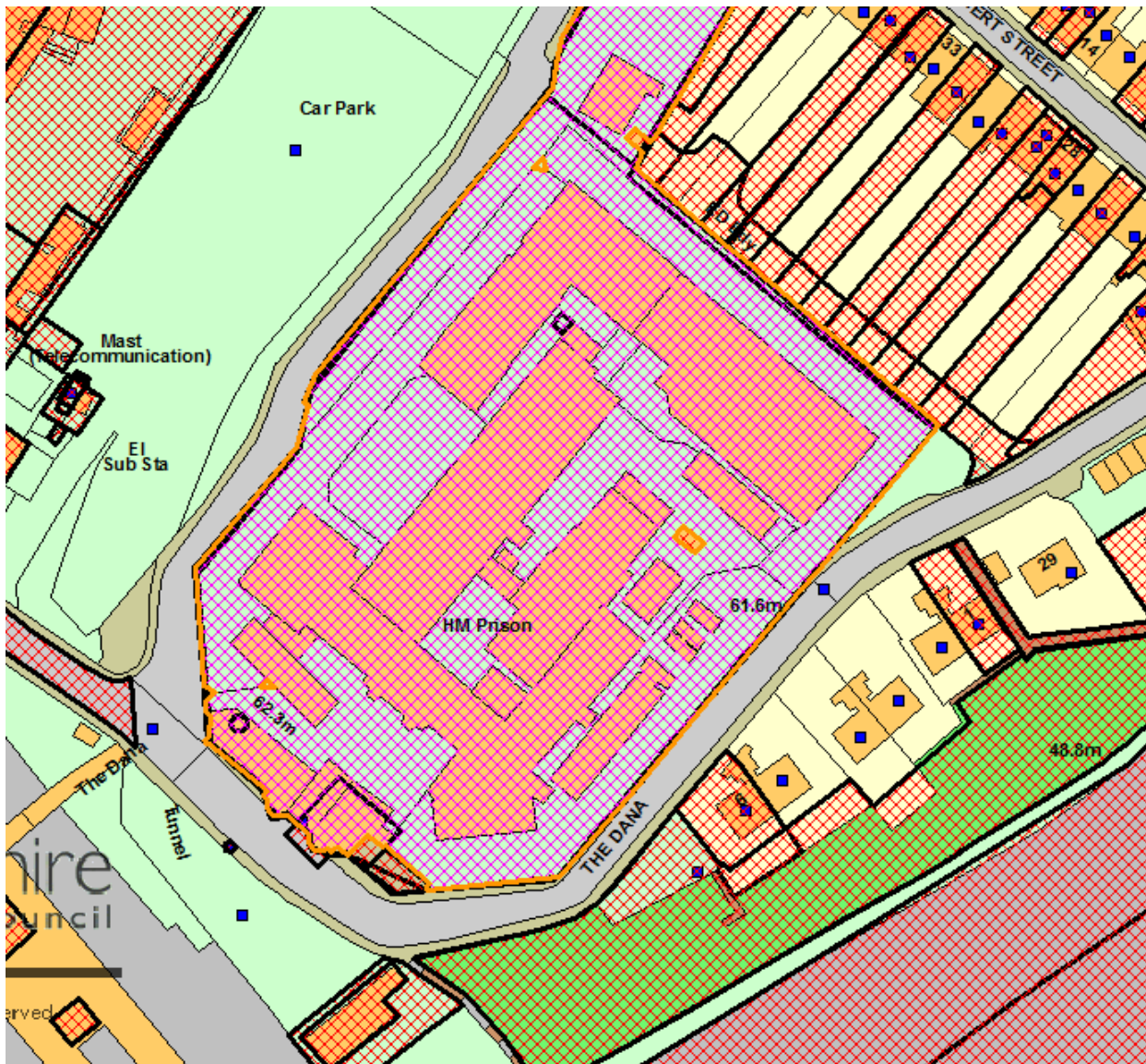
Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 15/05591/OUT	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Outline application for the redevelopment of former Dana Prison into mixed use development to include student accommodation, residential dwellings, retail/restaurant, business non-residential institutions, a gymnasium and extensive landscaping works		
<u>Site Address:</u> Former HMP Prison, The Dana, Shrewsbury, Shropshire		
<u>Applicant:</u> Mr Trevor Osborne		
<u>Case Officer:</u> Mark Lynch	<u>email:</u> planningdmc@shropshire.gov.uk	



Recommendation: - Grant Outline Planning Permission subject to:

- 1. the successful completion of a S.106 planning obligation; and**
- 2. the conditions set out in Appendix 1.**

REPORT

1	THE PROPOSAL
1.1	This is an outline planning application with all matters reserved submitted in respect of converting a number of buildings on the prison site to alternative uses, together with the removal of a series of modern additions and their replacement with new development. An illustrative master plan has been submitted indicating how the site could be developed. This is detailed in the following paragraphs.
1.2	The prison is Grade II listed and contains a range of buildings dating from the 18 th

	<p>Century right through to the 20th Century. It is the intention of the applicant to preserve the more important heritage elements of the existing site with other less valuable elements, dating mainly the 20th Century, to be removed. Cleared areas will enable new buildings to be constructed. Parts of the site date from the Georgian Period when the prison was first established. The Gatehouse and the B and D Wings are the oldest part of the prison with the central block dating from 1787. The main cell wings, A and C, date from the 1880's. This group of buildings is a mixture of two, three and four storeys and offers an opportunity for sensitive re-use. The buildings proposed for retention and re-use are listed later in this part of the report.</p>
1.3	<p>The Lancasterian School building on the corner of Albert Street and Beacalls Lane is two and half storeys in height. It is not listed in its own right and is to be retained and converted into apartments. The existing gymnasium and workshop buildings on the north western side of the site are approximately two storeys in height and will be retained and refurbished. The gymnasium will continue to be used for that purpose but open to public use. The workshops will be used to provide accommodation for starter businesses.</p>
1.4	<p>The buildings proposed for removal are largely single storey, of recent vintage and of modern, functional appearance. There are also several metal storage containers on the site; some of which are stacked on top of each other, that will be removed. These structures are situated to the rear of the gymnasium and workshop buildings facing the northwest curtain wall to the prison and within the area around C Wing and the kitchen building. Their removal will reveal the more historic structures and allow them to have more of a sense of setting, according to the Design and Access Statement.</p>
1.5	<p>The reception building within the front courtyard is a single storey redbrick and slate building located behind the gatehouse. It is in poor condition and its removal will reveal the front elevation of the more impressive B Wing on entry to the site. The gatehouse itself will not be altered although the crude, flat roofed visitor entrance structure added to its side wall will be removed.</p>
1.6	<p>The application is in outline only but a set of indicative drawings and a masterplan accompanied by a set of written Urban Design Principles have been submitted demonstrating how the site could be developed. The proposed development and incorporated uses are listed as follows:</p> <ul style="list-style-type: none"> • The Gatehouse – to be converted and re-used as 2 residential units (Use Class C3) and retail (Class A1) and/or restaurant (Class A3) uses (approximately 115m²). • A Wing – to be converted and re-used for student accommodation purposes. Maximum of 104 or minimum of 88 (this is dependent on kitchen location requirements to be determined during the development of the servicing and fire strategy) • B Wing and D Wing– (this is the combined front range) – to be converted and re-used as residential providing a maximum of 16 apartments. • C Wing – to be converted and re-used as residential apartments or student

	<p>facilities (16 student rooms).</p> <ul style="list-style-type: none"> • The Prison Kitchen – to be converted and re-used as either retail or a restaurant/cafe use. Floor space for each use will be 198m². • The Education Block – to be converted and re-used for either retail (A1) or restaurant use (A3) at ground floor with business use (Class B1) or Non-Residential Institution Use (Class D1). The various uses (A1, A3, B1 and D1) will extend to a total of 1697m². • The Workshop – to be converted and re-used as either Class B1 or D1 use. • The Lancasterian School to be converted into 11 apartments. • New Building A - to be office on ground with C3 residential above. (Office approx. 240 m² and 8 residential units) of three and a half storeys. • New Building B - to be two and a half storeys of C3 residential (8 units). • Extensive re-landscaping of the site as a whole. • Creation of a walled garden around the interior of the site. • Provision of up to 53 car parking spaces, both on and off site, including 9 on the Beacalls Lane ramp, 22 on the former prison car park, 15 on the Dana, 4 on the 'triangle' on the Dana and potentially 3 at the rear of the Lancasterian School.
1.7	<p>In respect of the Urban Design Principles that are to be applied, the Design and Access Statement lists them as follows:</p> <ul style="list-style-type: none"> • Create a Walled Garden of Shrewsbury and improve the link to the Riverside walk • Improve pedestrian access around the site and creating several controlled entry points through the prison wall to make connections with the surrounding streets • Improve views into the prison by opening up the south corner by removing the unlisted section of boundary wall • Provide an enhanced entrance into the prison site • Provide access to a range of unique buildings for the public • Bring sustainable uses to existing empty Victorian and Georgian buildings • Provide a mix of uses which encourages diversity within the area • Green the site. The current prison site has zero vegetation. The proposal is to create a garden within the walls, and make horticulture the heart of this development, both vertically and horizontally • Give impetus to possibilities of upgrading the underwhelming railway footbridge and The Dana footpath as a gateway to the new development • Improve the surrounding public realm • Create a variety of landscaped courtyards • Make a feature of the existing boundary wall • Promote permeability, activity and wider regeneration throughout this area of the Town
1.8	<p>Two new buildings are proposed referred to as Building A and Building B on the illustrative masterplan. Building A will be located adjacent to the gymnasium building and Building B will replace the existing detached garage at the rear of the Lancasterian School adjacent to the wall that forms the boundary with the dwellings on Albert Street. Building A is proposed to be either office space or non-residential institutional use at ground floor level with residential above. It will be three and a half storeys in height. Building B will be two and a half storeys in height and will</p>

	incorporate eight apartments. Although no official elevations of these buildings have been submitted and their design and appearance remains a reserved matter, indicative drawings and floor plans have been submitted in respect of Building B. These are considered later in this report.
1.9	The application proposes removal of a section of the wall to form a new access point and which will help to open up views of the site from the Dana.
1.10	The works to convert the retained historic buildings will be a matter for the next stage in the application process. However, the applicant has emphasised the desire to affect as little as possible the character and appearance of the buildings, including the interiors.
1.11	The application is accompanied by the following documents: <ul style="list-style-type: none"> • Planning Statement • Design and Access Statement • Heritage Statement • Transport Statement • Car Parking Plan • Noise Assessment • Bat Survey Reports and Preliminary Roost Assessment • A statement from the former Prison Maintenance Manager • An Outline Student management Plan • Statement from former employee at the HMP
1.12	Although the application is in outline with all matters reserved, members are being asked to agree a specific quantum of development and development parameters including the siting of new development, overall building heights and massing envelopes, floor space and car parking and service provision. The reserved matters will develop these themes further by adding precise detail to the various elements of the development.
2.0	SITE LOCATION/DESCRIPTION
2.1	The site is the former HMP Shrewsbury, which was closed in 2012. It is a rectangular site enclosed by a tall brick wall with a Georgian gate house located on the south western side. The site of the prison is listed Grade II and is located within the Castlefields Conservation Area. The application site also includes another element containing the Lancasterian School building and its curtilage which projects as a limb to the northeast of the main walled prison site. It is largely self-contained within its own grounds. The site was originally developed as a prison in the 18 th Century and was remodelled and extended over the following centuries to form the building that exists today. Little remains of its Georgian origins although some base levels of walls within the older parts of the prison appear to date from this period.

2.2	The site lies on the northern bank of the River Severn on elevated ground. There are streets of dense, traditional terraced dwellings immediately to the north east and east and a range of two storey semi-detached and detached dwellings to the south east on land that is at a lower level. To the west is the railway line and Shrewsbury Station with Shrewsbury Castle located just beyond. To the north across Beacalls lane is the Network Rail car park with the Royal mail sorting office beyond it. All of these surrounding developments are on land that is at a lower level to that of the prison.
2.3	The site of the prison is encircled by a tall red brick with the gatehouse forming the focal point on approach from the west. The walls have been increased in height over the years and there is a distinct line along the wall that denotes the original height of the wall dating from Georgian and Victorian periods. The gatehouse dates from the 18 th Century and contains the main access to and egress from the site. The majority of the buildings that are to be retained are constructed from traditional red brick with slate roofs, although several of the more recent buildings are rendered and have flat roofs. There are also elements of ashlar stone within the site, most notably the gatehouse building.
2.4	The main prison blocks A, B, C and D are three and four storeys in height. The cell windows are relatively small and have multiple lights. The fenestration arrangements on the buildings create a distinct vertical emphasis contrary to the horizontal mass of the buildings. A Wing is the tallest and most substantial building on the site. It contains a number of distinctive ornate chimneys which dominate views across the site and these are to be retained. The roof also supports three lantern lights that run along the length of the ridge between the chimney stacks, which allow light to pass via light wells into the structure down to the ground floor. The building contains a substantial number of cells and these are arranged around the central atrium. This is dominated by prison stairwells, walkways and balconies. The gallery around each well has original iron brackets which support the walkways.
2.5	The uniform cells of the interior have narrow doorways and vaulted ceilings. On all except the ground floor a number of original cell doors remain. The original doors are timber with a metal panel fixed to the inside, unlike later doors which are steel.
2.6	The intention is to refurbish the building by utilising the cells as study bedrooms for students. Each group of three cells is proposed to be subdivided into two study bedrooms by converting the central cell into a pair of en-suite shower rooms. The high level prison windows will be retained as they are and some of the bars may be removed, subject to further consideration at the reserved matters and listed building consent stages. The shower room will be accessed from within each corresponding study bedroom by breaching the internal wall to create a doorway. Each floor will be subdivided into four 'cluster' flats consisting of 6 to 8 bedrooms, a communal kitchen and dining area and an access staircase. The staircases will be inserted within existing cells and involve breaking through the floor to the levels below. The galleries on each floor will incorporate several communal seating areas.
2.7	B and D Wings form part of the same range of three storey red brick buildings to

	the rear of the gatehouse. They date from 1787 and were extended between 1885 and 1888 and include the former Governor's House. The interior of the building was subject to radical alteration during the 20 th Century and very little of the original interiors remain.
2.8	The area surrounding the prison site is a mixture of residential and commercial. The area to the north east of the site is predominantly residential in nature comprising narrow closely knit Victorian streets. The River Severn flows along to the south east of the site at the base of a steep bank. To the west is the Shrewsbury Railway Station and the main line runs immediately to the south west of the proposed car park on the Dana. Beyond the line on elevated ground and overlooking the station car park sits Shrewsbury Castle. To the north west on the opposite side of Beacalls Lane, a one-way street is the station car park.
2.9	The former prison car park is located across the Dana to the south west of the prison itself, adjacent to the railway line. This facility is to be retained to provide car parking to serve the needs of the proposed development.
3.0	REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION
3.1	The application is considered to raise complex planning issues and is considered by the Planning Services Manager in consultation with the Chairman that it should be determined by Planning Committee.
	This application was deferred from the October 2016 Planning Committee Meeting to allow the applicant more time to resolve the issues that resulted in a recommendation to refuse the application. Negotiations have been continuing since then and this report provides an updated account and assessment of progress.
4.0	COMMUNITY REPRESENTATIONS - Consultee Comments – comment.
4.1.1	<u>Town Council</u> – Neither supports nor objects: Shrewsbury Town Council - Whilst the Town Council welcomes the re-development of the site in general terms, members feel that there is a lack of detail in respect of on-site parking and a Travel Plan for the application. Members have expressed concerns regarding potential traffic problems in an area of town which experiences regular congestion and where adequate parking provision is at a premium.
4.1.2	<u>SC Drainage</u> - comment: No objection. The following drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted: The site is classed as brownfield, therefore a 50% betterment to the current surface water flows should be provided in accordance with Shropshire Council requirements. On the Design and Access Statement, it states that hard surfaces

	<p>will be replaced with grass and planted courtyards, with gravel edging and permeable paving. A plan showing 50% betterment of replacing hard surfaces with soft landscaping and permeable surfaces should be submitted for approval.</p>
4.1.3	<p><u>SC Ecology</u> – Initial Comment:</p> <p>Recommendation: Additional information is required in relation to bats. In the absence of this additional information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).</p> <p><u>Comments on the submitted Ecological Survey Reports:</u></p> <p>Bats</p> <p>Cellars are present under cell blocks A and C and a hibernation survey was carried out. Temperatures were found to be too high in the cellars (13-15.3 degrees centigrade) for bat hibernation, with low humidity, and static bat detectors showed no signs of bat activity between February and April (while temperatures periodically reached below zero through into April outside). No droppings or other physical signs of bats were found. It is highly unlikely bats use the cellars for hibernation.</p> <p>The day time preliminary roost assessment identified a range of possible bat entry points and potential roosting sites throughout the building complex but no direct evidence of bats was found except small numbers of old droppings in the roof spaces of D Wing, C Wing, the Kitchen and the Lancastrian School.</p> <p>Summer activity surveys were carried out to determine use of the site outside of the hibernation period. The amount of bat activity increased through the summer season with second emergence surveys showing there was a constant amount of bat activity of Pipistrelle species concentrated in the C wing courtyard and A wing sports pitch every survey and most nights according to the externally mounted static detectors. Some bats commute in from the river direction whilst others roost on site. Most nights revealed occasional passes of Noctule Bats either commuting or foraging across the site, but the majority of bats recorded were Common and Soprano Pipistrelle Bats. The externally placed detectors recorded a Brown Long-eared Bat on the 29th June. The data showed that the sports pitch and courtyard are used extensively for foraging during the first one to two hours after sunset and sporadically thereafter until dawn or one hour before.</p> <p>The report concludes that B wing roof coverings are presently used as a summer day roost for two to four pipistrelle bats. Judging by the lack of fresh droppings or any recordings on internally placed monitoring detectors, it is concluded that bats did not use the roof spaces during the survey period. Given the habit of bats to change their roost sites, it is likely that the prison is being used in conjunction with other roosts in the local area. There was no evidence to suggest the presence of a maternity roost, where females gather to give birth and raise their young, in the building.</p> <p>The report states that given the size, nature and complexity of the site, is perhaps</p>

surprising that so few roosts exist but there are various factors that may deter bats from occupying this site. These include the former intensive use of the buildings, the use of close-fitting composite tiles, general good state of repair of the structures and high levels of security lighting.

The bat populations roosting in and foraging around the site will be adversely affected by the development and mitigation will be required. Likely impacts during demolition, construction and long-term occupation of the development include:

- Disturbance from noise, vibration and alteration to light levels;
- Destruction of roosts, particularly through roof repairs and blocking of access points with scaffolding;
- Risk of killing or injury of individual bats when lifting slates, ridge tiles etc.;
- Human disturbance.

In view of these likely impacts, a European Protected Species Mitigation Licence for bat species will be required from Natural England before works on the buildings, including erection of scaffolding or changes to lighting commence. The three tests under the Conservation of Habitats and Species Regulations 2010 must be considered before a planning decision is made. A European Protected Species 3 tests matrix has been submitted with this consultation response, which provides an assessment of the 'maintaining a Favourable Conservation Status test'. The planning officer is required to complete sections 1 and 2, 'overriding public interest' and 'no satisfactory alternative'. Please note, the conclusions I have reached under the Favourable Conservation Status test are only valid if any stated conditions are added to the planning permission if granted. If problems arise with the conditions, please contact me.

The bat survey report (reference 1 above) suggests the installation of two Schwegler 1FQ Woodcrete bat boxes on the north-west gable of B wing and the raising of one or two ridge tiles in the approximate location of where bats were seen to be exiting during the activity surveys. It also suggests maintaining the dark commuting route from the Dana buildings to the river. These measures would be the minimum required to maintain the favourable conservation status of the summer day roost for 2 to 4 pipistrelle bats that was identified on the roof of B wing.

The following **conditions** should be attached to any planning permission:

1. Modification, demolition, changes to lighting or scaffolding of the Gate House, Wings A, B, C, D, the Kitchen block and the Lancasterian School as identified in the Existing Site Layout Plan Drawing Number P/002 Rev. A shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) A licence by Natural England pursuant to regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or
 - b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specific activity/development will require a license.

Reason: To ensure the protection of bats, which are European Protected Species.

2. Prior to commencement of development, a lighting design strategy and plan shall be submitted to the local planning authority for its written approval. The strategy and plan shall:
 - a) identify those areas/features on site that are particularly sensitive for bats and nesting birds, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging;
 - b) clearly show on the plan the proposed dark commuting routes for bats providing a connection to the river corridor and
 - c) show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy before the development is first occupied, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority. The submitted scheme shall be designed to take into account the latest best practice guidance on lighting and maintenance of bat populations.

Reason: To minimise disturbance to bats, nesting birds and other nocturnal wildlife.

Lighting informative

The latest Bat Conservation Trust guidance on bats and lighting is currently available at http://www.bats.org.uk/pages/bats_and_lighting.html. Useful information for householders can be found in Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (Bat Conservation Trust, 2014).

Although mitigation has been proposed for the roost that was identified during the activity surveys, the site appears to be used for foraging by four species of bat and a few bat droppings were found in the roof spaces of four buildings on site, showing previous access. On such a complicated site, no bat survey can guarantee to find all bat roosts, especially for one or two crevice dwelling species. The LPA, through its Biodiversity Duty under the NERC Act 2006 and under the National Planning Policy Framework (see paragraphs 109, 117 and 118) must seek opportunities to

enhance and restore biodiversity, including aiding the recovery of priority species populations. The Dana Prison also lies immediately adjacent to, and in the buffer zone, of the Shropshire Environmental Network which is covered by the Shropshire Core strategy policy 'CS17 Environmental networks'. This policy also seeks enhancement of the network, in this case the river Severn, which acts as a corridor for commuting and foraging bats.

In this application, the buildings with large roof spaces are to remain and opportunities should be sought to provide at least one bat loft suitable for species requiring space to fly (such as Brown Long-eared Bats) before leaving the roost. The Bat Mitigation Guidelines (English Nature) section 8.4.1 states that a void of dimensions of more than 2m high (floor to ridge board) and a floor area of over 5X5m would be necessary for species that fly in roof voids. In addition, due to the scale of the development and evidence of previous use by bats, additional bat boxes, bat bricks or bat tiles etc. should be provided on the prison buildings and the school. A few bat droppings were found in the roof of the Lancastrian School, and although well-lit at night, there may be potential to use the side of the building facing the back gardens and towards the river. The following **conditions** would be required:

3. The first submission of reserved matters shall include an updated and detailed Bat Mitigation and Enhancement Scheme and Method Statement, and these works shall be carried out as approved for the lifetime of the development. The submitted scheme shall include:
 - a) the recommendations in the 'Bat Survey Report, The Dana Prison, Activity Surveys, Shrewsbury, SJ495129 VC40', 16th May – 18th July 2016, by Treetec;
 - b) at least one bat loft of appropriate design and dimensions;
 - c) additional features such as raised tiles, bat tiles, bat bricks, bat boxes etc.;
 - d) provision for monitoring after construction;
 - e) provision for continued maintenance when the development is occupied;
 - f) a plan indicating the location of bat roost features and the dimensions of the bat loft.

Reason: To ensure the protection of bats, which are European Protected Species.

4. Prior to commencement of the development, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall be appointed to ensure that the Bat Mitigation and Enhancement Strategy and Method Statement and other ecological mitigation and enhancement measures are adhered to. The ECW shall provide a report to the Local Planning Authority demonstrating implementation of these measures. This shall include photographs of installed features such as bat and bird boxes once in place, details and dates of wildlife protection and mitigation measures in place, and findings of all pre-commencement checks undertaken for the protection of wildlife, and provision of replacement habitat and enhancements. The ecological clerk of works shall also provide brief notification to the Local Planning Authority of any pre-commencement checks and measures in

place, as they progress.

Reason: To demonstrate compliance with ecological mitigation and enhancement proposals.

Birds

Two active nests for Swifts were observed at the Dana with two more unused, all situated on B Wing. Potential nesting sites appear to have been blocked and it is probable that more Swifts nested on the buildings in the past. Swift numbers are declining rapidly and they are an amber-listed species on the list of Birds of Conservation Concern. The Bat Survey Report (document 1 above) recommends that two Schwegler No 17A swift boxes are installed in the absence of suitable holes in the buildings at height. It is possible that at least 4 swift nesting sites will be lost through repair works on Wing B and this level of mitigation is not enough. In addition, we would be seeking enhancements for this species. It may be that 'swift bricks' would be more acceptable as they would blend into the brickwork better than swift boxes and some of the buildings are listed. A full range of artificial nests can be found at :<http://www.swift-conservation.org/index.htm>

The following **condition** should be attached to any planning permission:

5. As part of the Reserved Matters details for the provision of nesting opportunities for swifts shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the buildings.

Reason: To ensure the provision of nesting opportunities for swifts.

Informative

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

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All conversion, renovation and demolition of buildings should be carried out outside of the bird nesting season which runs from March to September inclusive.

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

If during construction birds gain access to [any of] the building[s] and begin

	<p>nesting, work must cease until the young birds have fledged.</p> <p>Landscaping</p> <p>The existing Dana Prison and school site is currently almost devoid of vegetation. The landscaping of courtyards and the perimeter of the site is welcomed and is likely to provide biodiversity as well as aesthetic benefits. Where possible, species chosen should provide a source of nectar, pollen and fruit for pollinating insects, birds and other wildlife. I assume detailed landscaping details will be submitted at reserved matters.</p> <p>I note on the Ground floor Plan in the Transport Plan that the trees towards the river appear to have been removed and replaced with formal planting and a revised pedestrian route constructed. This falls outside the red line boundary and would contradict the recommendations of the Bat Report as it would interfere, at least temporarily, with the dark commuting and foraging route for bats to and from the river.</p> <p>Any Construction Management Plan should take into consideration the Bat Mitigation and Enhancement Strategy, including restricting lighting during construction to prevent disturbance to bat roosts.</p>
4.1.4	<p><u>SC PROW Officer</u> – Comments:</p> <p>There are no legally recorded public rights of way at any status within the site boundary of the former prison.</p>
4.1.5	<p><u>SC Public Protection</u> – Comments:</p> <p>Having considered the noise assessment it is noted that certain assumptions are made about the fabric of the building. The noise assessment assumes that the construction of the walls in residential properties is 255m cavity brickwork. I anticipate that the walls will be of a similar composition and therefore have no further comment on this matter.</p> <p>The noise assessment highlights the need for there to be improvements to the glazing of residential dwellings. Glazing to provide 29dB noise reduction is proposed. Please could the applicant state how this will be achieved. Alternatively the following condition is recommended:</p> <ol style="list-style-type: none"> 1. Prior to inhabitation details of the specific glazing used in residential dwellings on site shall be submitted to the local planning authority for approval in writing. The glazing must be capable of a reducing noise between the internal and external façade by at least 29dB. Reason: to protect the health and wellbeing of future residents. <p>In order to maintain a good level of internal noise amenity particularly in bedrooms windows must be capable of being closed at night. Alternative ventilation must therefore be provided. Please could the applicant provide details of the ventilation to be provided into habitable rooms? The ventilation must not impact on the</p>

	<p>acoustic features provided. Alternatively the following condition is recommended:</p> <p>2. Prior to inhabitation details of ventilation into habitable rooms shall be submitted to the local planning authority for approval in writing. Reason: to protect the health and wellbeing of future residents.</p> <p>Due to the mixed use of the properties on site there is the potential for some activities to have a detrimental impact on other land uses on the same site. For example the gymnasium may have music playing. I do not consider it necessary to place any conditions on the gymnasium however the applicant should be aware that should complaints be received they will be investigated and if substantiated enforcement action will be taken where appropriate.</p> <p>In relation to the kitchen building if any extraction system is to be installed details of the position and height of any flue will be required. Odour and noise abatement details will be required. All of these aspects will be required prior to installation. As a result I propose the following condition:</p> <p>3. Prior to any extraction system being installed into any A3-A5 use on the site details of the odour and noise abatement equipment to be installed, grease baffling/coils in any cooking hood and location and height of any flue shall be submitted to the planning authority for approval in writing. Reason: to protect the amenity of the area.</p> <p>There are proposed B1 and B8 uses on site. I recommend the following condition in relation to these uses:</p> <p>4. Any B1 and B8 land uses shall operate between the hours of 07:00 20:00 on any day. Reason: to protect the residential amenity in the area.</p>
<p>4.1.6</p>	<p>SC Archaeology – Comment:</p> <p>The county gaol was originally established at this location in Shrewsbury, on previously undeveloped land beyond the areas of medieval and post-medieval occupation, in 1787-1793. Details of the prisons subsequent development are provided within the Heritage Statement which has been submitted with the application. However, in summary, the late 18th century prison was subject to a major phase of re-ordering and rebuilding from 1883 1888, and subsequent incremental development in the later 20th century, including the addition of significant new buildings in the 1970s and 1990s.</p> <p>The principal impact on any below ground archaeological remains will come from the proposed new build unit between the end of C-Wing and the 1990s gymnasium building. The Heritage Statement and Heritage Impact Assessment indicate that this area was originally partially occupied by one of the wings of the Georgian prison and it is possible that archaeological remains of this building may survive below ground. However, this part of the prison was demolished as part of the Victorian reordering and subsequently utilised as the prisons exercise yard (which had an associated toilet block). In the 20th century a boiler house was added to the northern end of 'C' Wing, and this was subsequently demolished and replaced by a</p>

	<p>number of steel framed structures in the closing decades of the prisons life. It is, therefore, likely that any surviving remains of the 18th century prison buildings will have been disturbed and truncated by later construction, demolition and servicing activities. Additionally, later 20th century plans of the prison site indicate that the site of the proposed new build unit was not utilised as one of the prisons burial ground, and is it not therefore expected that any human remains will be present. As a consequence, this part of the proposed development site is considered to have low-moderate archaeological potential.</p> <p><u>Recommendation:</u></p> <p>The Principal Conservation and Design Officer will provide advice on the effects the proposed development will have on the significance of the Listed Buildings, Conservation Area and built non-designated heritage assets. These comments therefore relate to the archaeological interest of the site as outlined above.</p> <p>A Heritage Statement and Design and Access and Heritage Impact Assessment have been submitted with the application to meet the requirements set out in Paragraph 128 of the NPPF and Policy MD13 of the SAMDev component of the Local Plan. It is understood that these will be supplemented as appropriate with additional information with subsequent Reserved Matters applications.</p> <p>In view of the above, and in relation to Paragraph 141 of the NPPF, it is therefore recommended that a programme of archaeological work, to comprise a watching brief during any ground works for the new build unit, be made a condition of any planning permission. An appropriate condition of any such consent would be: -</p> <ol style="list-style-type: none"> 1. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works. <p>Reason: The site is known to hold archaeological interest.</p>
4.1.7	<p><u>Shropshire Fire And Rescue Service</u> – Comment:</p> <p>As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link: http://www.shropshirefire.gov.uk/planning-applications</p>
4.1.8	<p><u>SC Highways</u> –</p> <p>(a) Comment on the initial Transport Statement:</p> <p>Parking demand in the locality is high and is a material consideration of this planning application. The Transport Statement (TS) however briefly considers the</p>

former prison site and states “The previous use of the prison site will have generated significant traffic, mainly staff, servicing and visitors.” It goes on to state that “We understand that staff and visitors often parked in local streets in the past.” What the report does not do however is to in any way quantify what that prison use parking demand generated. Whilst this may be difficult given that the prison closed some 3 years ago it is not helpful that the former prison use has not been considered insofar as parking demand is/was concerned.

On-street parking beat surveys were carried out on the Friday 4th and Saturday 5th December 2015, within the survey area shown on Plan 5 attached to the TS. As stated the methodology was agreed with the highway authority. Parking accumulation numbers were also carried out at the Howard Street Car Park on the basis that the applicant considers this car park could be available to support the developments parking demand. Whilst it is accepted that December is not an ideal month to carry out surveys, it is however considered to be a robust month.

The on-street parking beat surveys indicated that the on-street parking demand is essentially at capacity. Whilst capacity did not reach 100% and parking spaces were available, the available spaces changed from street to street at various time periods. In essence therefore whilst limited on-street parking is available it requires drivers to search out those spaces. The survey indicated also that the same vehicle could be seen on more than one occasion searching a space out on a particular road. The fact that the parking beat surveys showed that the local streets around the Dana are in effect at capacity is no surprise. It demonstrates also that parking in these local streets is already challenging for residents.

The parking accumulation surveys carried out at the Howard Street Car Park on the Friday and Saturday showed that there were a number of spaces available from the overall 220 spaces on the car park. On Friday the maximum accumulation reached 152 at 11.45 and on Saturday 136 at 18.45. This however represents a sample of the parking demand at this car park. The car parking charging regime is as follows:-

- 24 hours £4.80
- 2 days £9.60
- 3 days £14.40
- 1 week pass £18.20

Following the results of the survey information, Section 5 of the TS covers the predicted travel demand of the development and seeks to look at both trip generation and parking accumulation. At the outset however it is not clear how these figures have been arrived at. Without this information the highway authority cannot validate the figures provided as being robust. Nevertheless we have considered what has been submitted and make the following observations:-

The TS assumes that “student travel by car will be minimal due to the ability of the university and its management procedures to restrict car use for students in official accommodation”. Whilst the highway authority would agree that student car ownership is likely to be low due to the location of the site to the town centre, bus

station, railway station and University we do not consider that it can be simply ignored as having no impact on parking demand in the area. It is difficult to see how the University could impose car usage by students on the basis that the accommodation is not controlled by the University. How would such a regime be implemented and policed? Parking demand would be generated by student visitors/family/friends. A Travel Plan would assist to some extent, particularly as regards the dropping off and picking up of students and belongings. The highway authority has concerns also as regards the future use of the student accommodation, albeit that any consent granted would restrict the student accommodation under the terms of a Section 106 Agreement.

The A1/A3 uses assume a nil impact upon parking demand. It is difficult to reconcile how such an assumption can be arrived at. The users are unknown and therefore its attraction to its customer focus is unknown. There would be staff working with a potential need to park locally. There are of course a multitude of uses within classes A1 and A3 which in themselves generate different types of traffic movements and parking demand.

The TS states that the parking demand for B1/B8/D1 is difficult to quantify and suggests that these uses should be regarded as aspirational. These uses could be linked to the University but could also be completely unrelated. It goes on to state that once the uses and users have been established then the likely trip generation and the ability to manage travel demand can be finalised. The TS finally states that the “traffic generation from these uses has been excluded from the analysis, albeit that the actual movements of vehicles is expected to be minimal”. In the same way as above therefore this element of parking demand has been excluded. Again the highway authority finds it difficult to reconcile this stated position and methodology.

The Travel Demand section of the TS therefore concentrates the trip generation predictions on the private residential element of the development proposal and the commercial gym. The parking demand assumption associated with the private residential is based upon the census data for the Ditherington and Castlefields ward, which indicates 37% of households in the ward do not own cars. By implication therefore 63% of households in the ward do own a car. The TS further states that in total 1667 cars are owned by household residents in the ward. On the basis that 63% of ward households do own cars, the TS simply applies a $47 \times 0.63 = 30$ cars seeking parking provision. This is a somewhat simplistic approach without any validation to confirm that a 0.63 parking provision per residential unit is robust. It fails also to consider the dynamics of the area in terms of the domestic types which include terraced, flats etc. Nor does it consider the type of residential accommodation to be developed within the prison complex, which is more likely to be more up market and may therefore effect the likely parking demand.

Again trip generation and parking accumulation forecasts for the commercial gym use have been provided. No information however has been provided to show how these figures have been arrived at and therefore we are unable to validate the figures as being robust. Notwithstanding this point, the TS suggests a maximum of 33 car parking demand spaces for gym users at its peak would be directed to use the pay and display car park in Howard Street. This assumes therefore that gym

members would be first attracted to this pay and display car park and content also to pay a £4.80 parking charge, as it currently stands. This is a disappointing assumption and in our view carries little weight in the overall parking demand considerations. On a further note a gym use comes under a D2 use class and therefore would have potential alternative uses within that same use class. No weight can be applied to the current gym building within the site since that was used in the context of the prison.

Whilst parking demand in the locality is considered to be the main highway issue, the highway authority is concerned that the trip rates themselves for all the development elements are suggested to be low and are therefore not a material consideration. We would agree with the assertion that the locality of the site and accessibility to the town centre, bus station and railway station is good but the TS does not provide us with any confidence or certainty that traffic generation would be as low as suggested. Traffic queuing at the Howards Bank signal junction is sensitive simply because it cannot be given additional 'Green Time' without having an adverse impact upon the traffic signal gyratory arrangement. On the basis that the TS trip assumptions are questionable it is not clear what the traffic impact would be at this junction point.

Overall the highway authority considers that the TS does not provide a robust assessment of the parking needs of this development and therefore its impact upon the locality. Moreover, there are some elements within the development which have not been considered and it appears apparent to us that this is a speculative development proposal where there are a number of unknowns. This however does bring us back to what in actual fact this application is seeking and how therefore an approval of this application would then provide the baseline for any subsequent development amendment of the scheme. Notwithstanding that some parking provision is being made available the highway authority's strong view is that parking provision is deficient and that this development, as presented, would have an adverse impact upon parking in the locality. The consequences of this are the potential constant circulation of the local streets to find a parking space. This already happens to a certain extent but operates principally because they relate to residents who have a legitimate reason to traffic these local roads. An increase in drivers searching for parking spaces in the locality could lead to enhanced traffic problems and road safety issues.

In addition to the above but not considered in the TS is refuse collection. It is understood that some discussion has taken place with Waste Officers. A development of this scale will generate significant domestic and commercial waste and it is not apparent how this could be satisfactorily achieved. This is a fundamental aspect of the development proposal that is clearly linked to the deficiencies of the local road infrastructure in the locality.

At the outset, the highway authority acknowledges that the prison site area complex has listed status and therefore there is a need to find an alternative, suitable and viable use of the site. The issue therefore for the highway authority to consider is whether the potential harm of the development in its local surrounds as set out above is acceptable. In this regard the highway authority accept also that the

redevelopment of the site will inevitably lead to some harm on the Castlefields parking situation but our strong view is that, as presented, the highway authority cannot support this development. It is our view that parking provision within the grounds of the development footprint should be considered and a more robust TS assessment should be undertaken.

Subject therefore to clarification as to the precise nature of the development coming under this outline submission, the highway authority are minded raise a highway objection to the development proposal on the basis that the development would be likely to result in an unacceptable highway/parking adverse impact upon the local area.

(b) Comments on the Updated Transport Statement (dated July and September 2016 and supplemented with additional material in November 2016):

No Objection – Subject to the development being carried out in accordance with the approved details, and the following conditions/informatives. Together with a Section 106 Agreement (Planning Obligation) securing an appropriate Travel Plan, and an agreed financial contribution to facilitate a review of local waiting restrictions and any changes to the Traffic Regulation Orders, as well as any other local initiatives to improve or manage local car parking issues (Residents Parking or Community Travel Plan), as appropriate.

Observations/Comments:

Following a review of the latest information and new mitigation proposals submitted by the applicant. Consideration needs to be given to establish whether a Highway objection could be sustained in an appeal situation.

Each element of the Highways & Transport considerations is discussed individually below, to provide the appropriate context of the item and determine whether the previous concerns remain valid or otherwise.

Existing Use:

- Firstly, it should be remembered that the former Prison had a function and associated use, which generated its own traffic situation. This was accommodated by the local highway network and community for many years. This is supported by the statutory declaration made by the former employee of the prison, which is considered to be reasonable and a likely scenario, without any contrary evidence to demonstrate a counter argument.
- Although this former site usage and traffic situation has ceased, the former usage cannot be ignored. Therefore, the site can legitimately consider this former traffic generation as a baseline for any new development proposed.
- It is also understood that the site already has extant planning consents for some specific uses (i.e. offices and administration) which could continue to be utilised without the need for further planning permission, and any requirements for mitigating or controlling traffic generation.

Site Location:

- The site is located, in a particularly sustainable position, especially in respect to its proximity to the Town Centre, local facilities and public transport availability (rail & bus). Thereby, providing a better than average likelihood for sustainable travel and the potential for reduced private car usage/ownership. Therefore, these sustainable transport credentials would justify favourable consideration (national best practice) for considering reduced car parking provision.
- With this in mind, the permanent residential element of the development, as proposed, achieves a reasonably realistic level of car parking provision, in respect to the site's sustainable location (i.e. 0.8 spaces per apartment). This is generally in accordance with other similarly important 'conservation' redevelopment sites locally, i.e. Flaxmill, which is actually further away from the town centre.

Mitigation Proposals:

- The travel plan initiatives proposed are considered to provide sufficient information, on which the developer can build a robust Travel Plan framework appropriate for the various use on the site and within the context of the location.
- It should be remembered that 'one size doesn't fit all' and any Travel Plan needs to evolve as the development takes shape and matures. Specific monitoring and reviews, together with a flexibility to adapt, to ever changing needs and environment, will be key to this scheme's success. However, this is a consideration for a full or reserved matters application, and can be further managed through an appropriate S106 agreement.
- Similarly, the approach to the student accommodation and the control of car ownership, is not unusual within many urban environments, which can be demonstrated by similar schemes around the country. Again, the key to this proposal being successful, will be the ultimate management and enforcement of such controls and requirements. This is a matter for more detailed consideration and should be included within a S106 agreement.
- Currently, the site is almost entirely surrounded by waiting restrictions (double yellow lines) which were predominantly required for security reasons. As these restrictions may no longer be appropriate for the new usage of the site. The applicant's proposal to undertake the removal of some stretches of double yellow line and replacing them with on-street parking facilities is welcomed.
- This proposed increase in limited waiting (2 hours) will offer a greater turnover of vehicles and spaces available during the daytime benefiting, not only some of the development uses proposed (i.e. gym, shop, meeting venue, etc.,) but also wider local needs.
- In addition, these facilities will be available in the evening for overnight parking for local residents, on a first come first served basis. It should be noted that the actual number of spaces hasn't been confirmed yet and will likely reduce slightly in order to ensure appropriate two way vehicle movements along the Dana.

Local situation:

Notwithstanding the above, it is appreciated that there has been considerable local

concern expressed, especially in regard to the perceived additional traffic generation and potential increase in on-street parking demand within the local streets. The local streets in the vicinity of the Dana Prison are already congested with both residential vehicles and those of the general public. These streets are a finite resource and can only support a limited level of on-street parking, which is insufficient to cater for the local demand of residents. This is typical of many urban environments where dense terraced housing and (pre car ownership) narrow streets exist close to town centres and/or railway stations.

In such situations, where on-street parking is uncontrolled, when a resident's vehicle leaves the street (in the morning) the space can then be occupied by a non-resident (i.e. commuter or town centre worker/visitor). Similarly, the reverse happens in the evenings, thereby giving the impression of permanently congested streets.

It is acknowledged that this is very frustrating for residents, due to the fact that when they return home there might not be sufficient space available in a convenient location to their property, or even at all locally. However, it should be remembered that the vast majority of parked vehicles will be their own neighbours and visitors. As typically, in such areas, resident car ownership greatly exceeds the space available. It is also normal for the lack of available parking spaces to be blamed on the very few non-residents parking in the local streets.

This situation existed when the prison was active and will not change when the site comes into alternative usage. For a short period of time, during the site's redevelopment, additional congestion and circulating vehicles looking for spaces might be experienced. However, this will soon settle down normal levels as people will displace to other parking facilities locally.

It should be noted that it is incredibly difficult to control this type of on-street car parking and localised congestion, without disadvantaging the local residents. As parking controls would have to formalise the spaces available and provide clearways for emergency vehicle access which would greatly reduce the number of cars which can be accommodated currently.

The developer has proposed a contribution towards a "Residents Parking" scheme, but this money might be better served considering the local area more holistically. This could involve developing a Community Travel Plan (linked to this development and any other local travel plans), potentially improving residents' access to sustainable travel as well as providing a better understanding of the various issues and difficulties experienced in this constrained environment.

In conclusion, as there is a 'national' presumption in favour of securing development, especially where historic buildings can be appropriately reused and retained. It is considered that, on balance, the previous recommendation for refusal, on highway & transport grounds, is no longer sufficiently robust. Therefore, if this Planning Application were to be determined at Appeal or Public Inquiry, which is highly likely, if refused. Then the highway case is unlikely to hold sufficient weight, given the considerations above, and the development could be allowed without the Council maintaining control of any future highway mitigation.

It is considered that the appropriate way to secure these improvements, mitigation measures and facilitate the Council to undertake the necessary legal work (TROs) the developer should enter into a Section 106 Agreement with Shropshire Council. In addition to the following conditions and informatives.

Conditions:

1. On-site Construction

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

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

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

2. Parking Loading, Unloading and Turning

The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

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

Informatives

Disabled needs

The attention of the applicant is drawn to Section 175A(3) of the Highways Act 1980 within which the Highway Authority shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from

	<p>the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.</p> <p><u>Works on, within or abutting the public highway</u></p> <p>This planning permission does not authorise the applicant to:</p> <ul style="list-style-type: none"> • construct any means of access over the publicly maintained highway (footway or verge) or • carry out any works within the publicly maintained highway, or authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or • undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway <p>The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details https://www.shropshire.gov.uk/street-works/street-works-application-forms/</p> <p>Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.</p>
4.1.9	<p><u>SC Housing Officer</u> – Comment:</p> <p>Core Strategy Policy CS11 provides that all open market residential development contributes to the provision of affordable housing with a number of exemptions, which are noted in Paragraph 4.24 of the SPD Type and Affordability of Housing. One noted exemption relates to the conversion of Listed Buildings, which also includes the curtilage of a Listed Building. The rationale for this exemption relates to the increased costs that are often involved with works to Listed Building due to enhanced build specifications and secondly, as a way of the Council supporting 'enabling' development. Therefore, there is no requirement for a contribution towards the provision of affordable housing from this development.</p>
4.1.10	<p><u>Historic England</u> – Comment:</p> <p>Historic England supports this application in principle.</p> <p><u>Historic England Advice:</u></p> <p>We are grateful that our earlier informal advice has been taken into account, and are glad to say that we support this application in principle as an appropriate, constructive and creative approach to the re-invigoration of this remarkable historic site and the resulting enhancement of the conservation area. Our advice particularly takes into account the well-being of the site itself and its listed historic buildings, the conservation area, wider benefits to the fine historic town of Shrewsbury, and the setting of the Castle, a Scheduled Ancient Monument.</p>

	<p>The proposed new uses have the potential to work well with the particular significance and challenges of each building, but success here will be heavily dependent on a high quality of design and execution. In particular, the windows of A and C Wings will demand imagination and flexibility by all concerned, and we look forward to joining the discussion.</p> <p>Another difficult design issue will be how to make openings in the perimeter wall. Whilst we have no objections to lowering the wall back to its former height, new openings should be kept to a reasonable minimum commensurate with the new activities within. We would encourage a consciously 'non-architectural' solution to the new opening designs, working in conjunction with the excellent emphasis on greenery that the project envisages.</p> <p><u>Recommendation:</u></p> <p>Outline planning permission should be granted, with reserved matters encouraging continuing involvement of your Council's specialist officers, and ourselves, in the development of the scheme towards applications for full planning permission and listed building consent.</p>
4.1.11	<p><u>SC Conservation</u> – Comment:</p> <p>The outline proposal is for the conversion of the main cell blocks to accommodate student rooms, and for the Grade II listed, more significant historic built elements to be adapted to form residential apartments and ancillary catering and office space. The modern blocks will be retained and re-used for leisure and workshop space, linked to the main use of the site, creating facilities associated with the expansion of the university. It has been discussed as to the matter of parking and provision for cycle storage within the site boundaries, and solutions are being worked up.</p> <p><u>Background</u></p> <p>The site is a significant landmark in the historic townscape of the Castlefields area, and consists of a number of listed Georgian and Victorian prison buildings, and associated structures. It is a rare example of a recently occupied prison, which has significance nationally and regionally for its architectural integrity, cultural and historic association with internationally renowned engineers and architects, and to the social history associated with its use and occupation.</p> <p><u>Constraints</u></p> <p>The following historic environment constraints apply to the redevelopment of the site.</p> <p><u>Castlefields and Spring Gardens Special Character Area 11:</u></p> <p>The site sits at the far south eastern boundary of the above character area, and as such performs a key function as a physical and visual gateway for the north of the</p>

town centre. It would have formed the area of open land adjacent to the Castle, and was used for mineral extraction during the medieval period. As referenced in the proposal for its designation in 1997, ‘the Castlefields and Spring Gardens area to the north east of the town centre is an area of outstanding importance in terms of the economic and social history of the growth of Shrewsbury in the late 18th and throughout the 19th century’.

Paragraph 2.8 refers to the prison building, which was constructed in two main phases; one of the earliest Georgian prisons when it was first constructed in the late 18th Century, it underwent a major re- building in the 19th Century, when the original plan form within the walls was substantially altered in the name of improvements to the living conditions of inmates.

The site forms the physical boundary to the well-defined and settled area of 19th century social housing to the North, which has a strong distinctive architectural character with the Church of All Saints providing a focal point in the area. As it links the town centre to this area, the areas of car parking within the prison curtilage and the off-site footbridge connecting the castle to the Dana are mentioned as negative factors which detract from the appearance of the area.

Additional impact on setting of Shrewsbury Town Centre Conservation Area

The views of the site from the Castle and walls from the south, and from the entrance to the town via train from the north and the west are significant in appreciating the townscape setting of the Prison in its historic context.

Grade II listing of the prison and perimeter walls

The listing text follows:

“GV II

Prison. 1787-1793. By John Hiram Haycock, executed by Thomas Telford, incorporating modifications suggested by John Howard. Brick with some stonework and Welsh slate roofs. High boundary wall with gate surrounds inner buildings: main block with canted wings each side, and wing to rear. Central projecting pediment over 3-window range possibly rebuilt with 3-window range each side linking to wings or pavilions each end which have 4 paired windows with 2 similar windows above. Windows throughout have round-arched heads.

Rear wing of greater height, with hipped roof. Perimeter wall is brick with vermiculated stone piers or buttresses, and stone-coped plinth. Rusticated ashlar entrance block with central round-arched main door with grille in tympanum suggesting portcullis, flanked by drum towers each with window with pedimented head possibly formerly doorways. Plain heavy cornice over, and central pediment over bust of John Howard according to whose principles this prison was designed.

Listing NGR: SJ4958712980”

Methodology applied:

The assessment below has been prepared on the basis of a site visit in mid-

February and desk based research.

Policy context:

The proposal site is within the Castlefields Conservation Area and is a complex of Grade II listed buildings and structures, lying adjacent to the Shrewsbury Castle Scheduled Ancient Monument but separated from it by the Shrewsbury station complex and mainline.

In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable including policy CS6 'Sustainable Design and Development' and CS17 'Environmental Networks' of the Shropshire Core Strategy, Policy MD13 'The Historic Environment' of SAMDev, as well as with national policies and guidance, National Planning Policy Framework (NPPF) published March 2012. Sections 69 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 apply. Consideration of the significance of heritage assets and the impact of any proposed works to those assets should be undertaken in line with guidance contained within the EH/HE publications including Conservation Principles (2008), Seeing the History in the View (2011) and The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning: 3 (2015) and any other relevant guidance documents to be notified by Historic England.

Design context:

The design is in outline, and is presented as a master plan for a mixed use development of commercial and residential elements focusing on the provision of student accommodation.

Assessment:

In assessing the design scheme proposals, it is considered that the following points are relevant in determining the result of this outline application, and respond to the illustrative masterplan submitted:

- Perimeter wall - new openings should be the subject of detailed appraisal in the Listed Building Consent application (LBC), lowering of the wall with removal of later courses is acceptable, and any other removal of modern sections to be agreed, especially those at the rear of the site
- Walled garden - planting and landscaping plan should avoid damage to historic fabric
- New window openings in historic fabric of cell blocks - internal layout, amalgamation of cells and associated impact of changes on the external elevations should be the subject of detailed appraisal in LBC
- Removal/demolition of single storey building to front of Governors House - needs a full evaluation of significance and recording prior to removal
- Retention of historic fabric - principles established in outline for the retention of as much historic fabric as possible within the new scheme and the removal of modern additions to expose historic form. Detailing of treatments and finishes to be the subject of design negotiation in LBC
- Replacement of modern temporary building elements with new build blocks

	<p>A and B - position and scale of these buildings need to be the subject of careful consideration in order to minimise impact on the setting of the historic buildings and the conservation area</p> <ul style="list-style-type: none"> Retention of modern elements to the rear of the site – whilst the argument for their retention is understood it is felt, on balance, that the removal of these buildings would be more beneficial to the overall scheme and that a well-designed replacement would more considerably enhance the setting of the historic buildings and the conservation area as a whole <p><u>Recommendation and conditions:</u></p> <p>The principle of the re-use and mix of uses on site is agreed, subject to the detailing of the conversion works, and of demolition and new build elements, which will be covered in the process of negotiating listed building and detailed planning consent.</p> <p><u>Condition topics:</u></p> <p>Building recording of any demolitions to Level 2</p> <p>Retention and reuse of historic materials on site within scheme</p> <p>Design and external finishes for new build elements</p> <p>Landscaping scheme to be locally distinctive and avoid damage to the historic fabric of surfaces</p>
	<p><u>SC Regeneration Manager</u> - Comment</p> <p>The applicant in preparing the viability appraisal has taken advice from local agents in determining the estimates of value for the residential and commercial accommodation and the letting income from the student accommodation is predicated on sensible assumptions. Both the estimates of sale and rental value and costs are reasonable.</p> <p>The scheme generates a negative value and that value may increase if the commercial space is let for a lower than expected rent and yields alter. Future consideration of conversion or replacement of the commercial space to the rear with residential accommodation would help to reduce the deficit in the appraisal.</p>
<p>4.1.12</p>	<p><u>Friends of the Earth</u> – Comment:</p> <p>In principle, the sympathetic conversion of the Prison is something we would support. There are some hurdles yet to leap, as we comment below. Page numbers refer to the Design, Access and Historic Impact Assessment Statement.</p> <p><u>Traffic and Access:</u></p> <p>No study of traffic has yet been submitted, which may reflect of how difficult this is to solve. It is not clear to us what is proposed in the ‘Access’ page (p58). We</p>

cannot comment fully until this is received, so our observations may need amending.

We agree entirely with the objective of making walking and cycling the majority mode for access to the site - for obvious environmental reasons. So, we are very interested in how this will be achieved.

There are already a number of conflicts and hazards between pedestrians, cycles, cars and commercial vehicles in the area. Visibility is limited by solid walls pitched at sharp angles, in narrow streets. Pavements are missing in places, particularly at the top of Victoria Street. The opportunity to improve this substandard situation should be seized wherever possible. The current proposal adds a substantial number of person movements, by whatever mode. If we are to believe p57 and 58, many of these are located very close to the area of maximum hazard at the top of Victoria Street. This conflict is surely best avoided?

To achieve the objective of making walking and cycling the predominant modes, the following need to be incorporated.

Attractive and convenient floor surfaces within the site, and improved pavements outside is a key provision for pedestrians. The need for upgrading the railway footbridge is noted, and the long-awaited ramp at the far end of the Dana is crucial for both walkers and cyclists.

Essential provision to make cycling attractive includes secure, covered, cycle parking and storage facilities, in public view to prevent stealing. The quantity will depend on detailed study, but a rule of thumb gives at least 50% of the number of residents. This is considerably more than is shown on p.59.

It is important that the design of access points to the site gives the right message. Hence, the formal main entrances (shown on p57, an alternative might be to the left of the entrance, facing down Howard Street) should be designed to exclude vehicles, and vehicular access(es) should be discretely located elsewhere.

The need for eliminating hazards is noted above. No proposals are made, so the stated objective 'to improve the surrounding public realm' (p 24) remains unfulfilled in this respect.

The common practice at other universities of having students sign agreements not to bring cars to the campus would induce good practice, encouraging students to discover non-car routes around the area. Using the Shropshire Co-wheels car pool scheme may be useful in reducing car parking demand.

Sustainability/Ecology:

A Sustainability and Ecology report is tucked away at the end of the document. It has all the air of being an afterthought; scarcely the overarching golden thread of the NPPF. It typically uses 'we will seek to' and 'it is our aim to', which we know often means in practice 'we needn't bother to'.

A claim for Sustainability is made for anything it possibly can. For instance, the listed buildings have 'a good thermal mass' is some sort of bonus, yes but not north-facing walls, and dependent on the detailing. Better would have been a commitment to achieve as high a level of insulation as is compatible with the listing.

Claiming the gardens as sustainable local food production is utterly tokenistic!

We hope this is intended to be re-written in a final application, to include robust sustainable targets. The new buildings, constructed to Passivhaus standards for instance, could help compensate for lower insulation standards in the existing ones; they might also support renewable energy installation.

Comments on the Transport Assessment:

This is a beguiling document. It says, simply, that:

*As the students will have signed an agreement not to bring a car to the area, there would be no demand for car parking for them. They will be primarily walking and cycling, for which there is 'excellent' provision.

* Other new Dana residents who want to park a car near to the site can be accommodated by using the former prison employees car park, or tucked away on the site;

*To take up whatever shortfall there may be, the NCP car park has empty spaces nearly all the time. So, it says, there would be no impact on those existing residents who want to park cars on the street.

It all sounds very neat. As advocates of sustainability, we like the strong emphasis on walking and cycling. There are some points of disagreement and missing details.

Reality is somewhat different from the description of Shrewsbury Town Centre. It's not really a great place to walk around. Traffic is not 'restricted in many streets' (2.2.2) - there is only one traffic-free street safe for pedestrians. Air pollution is high. And it isn't all that easy to cycle in either, although some improvements have taken place. The car still rules.

A problem and a solution:

'Excellent access for pedestrians' to the site is claimed (2.1.1). The two main routes are Howard Street, a steep hill which leads out of the toxic stew that is our own Slough of Despond under the railway bridges. The other is the Dana itself. The route goes over the tatty bridge above the station and along the Dana walk to Castle Gates. The bridge needs replacing, and the pathway terminates in a steep flight of steps. Efforts to add a ramp have met with an entrenched reluctance from the Shropshire Horticultural Society, its reluctant owners. No-one seems to know why.

At least one of these problem routes will need to be brought up to a much higher standard before 'excellent access' will fit. Of the two, the Dana route to Castle Gates is the obvious candidate. We commend this to the developers; it will bring them a very great deal of kudos in the community. Reconstructing the bridge would need

	<p>the active participation of the appropriate railway authority. The route needs of course to be a dual use route for pedestrians and cyclists, without conflict.</p> <p>Here is an opportunity to make a real and valued contribution to the community of Castlefields. They have already been waiting a long time, even organizing petitions and commissioning designs. If upgrading could be made a condition of consent, we would support that.</p> <p><u>Cycling:</u></p> <p>The application relies on making cycling and walking the normal mode for access by students to the site. Cycling will need to be made an attractive option, and to do this, several conditions must be met.</p> <p>First, there needs to be an adequate provision of cycle parking – if there are 120 student flats, we must presume a minimum of 80 cycle parking spaces, which could be 40 doubled stands. In addition there needs to be provision for the residents of the 47 flats, and particularly, gym users – a group whose cycle use is above average.</p> <p>Secondly, the cycle parking should be under cover; and the third requirement is security. This is often achieved by siting the parking in public view, not tucked away out of site. There are other solutions.</p> <p>For the proposal to succeed, there will need to be cycle parking for over 100 cycles. The space allowed on the plans is clearly well short of the target.</p> <p><u>Car parking:</u></p> <p>As the applicant states, residents’ cars already take up the on-street parking spaces. To avoid conflict between existing residents and new residents of the Dana, it would seem useful to remove the element of competition. We have no brief to go beyond that. However, a message on the gym’s website encouraging gym users who come by car to use the NCP car park, does not qualify as robust enough!</p> <p><u>Conclusion:</u></p> <p>We look forward to seeing some more detailed proposals, hopefully incorporating our suggestions with respect to reconstructing the access bridge, and adequate provision for cyclists.</p>
<p>4.2</p>	<p>- <u>Public Comments:</u></p> <p>Thirty two letters of objection and two letters of support were received in respect of the initial proposals.</p> <p><u>Objections:</u></p>

Traffic, Parking and Transport

- The parking provision for the proposed development is entirely inadequate for the proposed residential use, and takes no account of visitor parking, deliveries, removals etc. or the proposed non-residential aspects of the development.
- There isn't any available on-street parking in the area which is already saturated both in and outside working hours, a point which the developer's consultants surely cannot have failed to appreciate.
- The proposed vehicular access from Beacalls Lane (p58 of the Design and Access Statement) ignores the one-way traffic flow on Beacalls Lane. To make use of these proposed vehicle access points traffic will need to go down Victoria Street, one of the narrow side streets, and then the narrow Beacalls Lane itself.
- Concerned that the 12 parking places to be provided and a rather wishful and unsubstantiated proposal for parking on the Royal Mail site will suffice for the scale of development proposed. 'Free parking' always wins out against 'pay to park'.
- Already we have a problem with parking and holidaymakers and town employees using this area rather than pay for any parking.
- There is no agreement on the hypothetical arrangement with Royal Mail. Anyway it is too far away for deliveries
- Parking is already being badly affected by the Dana Prison Tours.
- Short of making Castlefields area into a 'residents' only' parking zone, I can see that this development will just exacerbate an already difficult situation.
- The parking area in front of the Prison Gate was designed for this purpose and we feel it should be earmarked for temporary parking not developed separately as a hotel or housing.
- Cannot see how Student vehicle ownership can be monitored despite contracts being signed.
- In reality, the creation of up to 120 student units, each of which effectively represents an individual residence, creates the potential for up to an additional 120 vehicles.
- Will the University employ wardens to patrol the streets, armed with facial recognition equipment in order to spot students arriving or leaving by car? Would the contract signed by students stand up to a legal challenge?
- Potential controlled entrances are proposed. How would these potential controlled entrances be 'controlled'?
- When you consider the narrowness of the road (Victoria Street and The Dana) there is no pedestrian space adjacent to the prison wall, (opposite no's 4 & 5 The Dana) there will be a great danger of incidents with vehicles. Persons walking or running out of a 'hole in the wall' straight onto the highway is likely.
- This is already a major concern on safety for pavement users, pram and disabled peoples access and access for emergency vehicles including fire and ambulance.
- There will be a total of 49 'lost' parking options based on the developer's current proposal.
- Over the years that the parking problem has increased with indiscriminate parking worsening and this adverse impact moving outwards so it is not only those streets nearest to the proposed development that are impacted but

also those wider afield in both the 'old' and 'new' parts of Castlefields.

- Lack of enforcement of parking laws at present so there is no deterrent to unlawful parking locally.
- Consideration needs to be given to the potential to create parking spaces at the rear of the development between the perimeter wall and the gardens of the properties on Albert Street that back onto the wall.
- I note from researching the impact of the Malmaison/Oxford Gaol development that there are only 35 designated car parking spaces there, and car parking by visitors to the gaol overflows into Oxford, so there is some history of these component not being taken seriously enough by the developer in the past.
- The parking assessment is considered to be seriously flawed given the explicit omission of any parking demands associated with future students, any visitors to the development (i.e., friends and family of students/residents), or any of the allied commercial, retail or other site uses (A1/A3/B1/B8/D1) currently proposed. As such, the identified parking burden is considered to be hugely underestimated.
- Concerned about the additional car traffic which would result on the narrow residential Castlefield streets. Numerous young children play in and around the streets (including the 'corner garden' between Victoria St and Albert St which is a real community hub) and the increase in traffic flows (not least resulting from drivers circulating the streets seeking out a parking space) would inevitably increase the risk of accident.
- The IMA Transport and Parking Survey raises many more questions than it answers. It is suggested that visitors to the site will be directed to the Howard Street Car Park. This is a statement and has no supporting evidence, and therefore should be disregarded. It is suggested that there is significant free space in the Howard Street car park for visitors to the site to park as there is no parking provided in the Dana Prison. This view is based on a survey of only two days and is therefore wholly inadequate in assessing the amount of free spaces. It is well known in the area that the Howard Street car park is sometimes full. It is for this reason that the Osborne Group had been in discussion with Network Rail to create a second tier on the site.
- It is suggested that the amount of parking spaces for the gym will form part of a later application. This information should be required for this application, and should part of a revised application.
- The amended proposals include the previous prison car park adjacent the railway line. However, even with this addition of 22 spaces there will be inadequate parking provision to meet the demands of the development.
- Objection to proposed parking on the Dana which won't work due to limited road width, close to a blind corner where it will be dangerous and creates a hazard and will back traffic up leading to potential accidents and increased noise levels. It is disappointing that this is all that has been thought of and no other potential proposals put forward.
- Will the few extra short stay car parking spaces on Victoria Street lead to a one-way system on Victoria Street?
- People already drive very slowly around this area and the two-way system presently works adequately. A one-way system might mean speed and re-runs. Rather than continue to annoy local residents with these piece-meal re-applications the applicant should make parking provision within the walls

of the prison or buys the appropriate number of spaces at the railway station car park to give to his residents and visitors for free and to discourage them from ever trying to park in the already congested Victoria Street and surroundings.

Heritage

- The building cannot be left to deteriorate and good use must be made of it, a balance yes BUT not to the detriment of the environment, wildlife and residents who must be considered.
- The majority of the wall was extended up by five courses during the 1880's, including the south east side and the raised semi-circular section of wall here. Surely demolition of this SE side will be both environmentally and economically unsustainable and unnecessary?

Amenity

- Since 1880, homes have been built (1920's) on The Dana (that's the name of our Road not of Shrewsbury Prison) all of whom will suffer a loss of privacy from the overlooking top floor windows of C wing and the end of B & D wing, with downward views into our bedrooms and gardens. Those dwellings will also be subject to being overlooked by the 'new build office/commercial block' (the use of which is a little vague and raises further questions), shown on the plans, in front of the existing 1880's semi-circular section of brickwork. Will obscure glass be fitted?
- Lowering the boundary wall will allow direct overlooking of bedrooms and gardens of existing dwellings on the Dana.
- We will be subject to unnecessary noise and abuse, both during demolition and making good of the existing boundary wall.
- The raised semi-circular section of wall on the south east side (which is the most well preserved original stretch of wall) surely this is an important part of the heritage, architecture and history of The Prison and should be retained as such?
- Retaining the eastern boundary wall will also reduce the further loss of privacy etc. to numbers 1 - 6 The Dana by the proposed 'New Building'.
- The Architects drawing appears to show a roof line above that of the existing prison buildings, can this be clarified please? Will it be a flat roof or pitched? If pitched will it be an 'occupied' floor? That would then require skylight windows? If yes another invasion of privacy for the existing houses on The Dana! (Clearly the developer wants rid of the semi-circular wall frontage to allow a 'better view' from his new build.
- The C wing courtyard garden by its designed function will inevitably increase the noise and impact on existing neighbours and must surely be yet another reason for retaining the full height of the boundary walls?
- The scheme is an over-development of the site.
- The proposal to build flats in the current playground/carpark of the old Lancasterian School is completely unacceptable.
- This would impact on the personal privacy of about the first eight houses rear gardens/dwelling spaces in Albert Street, and provides no proposal for

the provision of parking.

- It would also reduce the light coming into the first three houses quite dramatically, reduce the quality of life for those residents in those houses, and affect their resale values significantly.
- Object to the construction of any building on the site of the car park adjacent to the school, particularly when such a building would impede and reduce significantly the light in our property. It is our understanding that a right to light can be construed as a planning issue when a new development, or proposed development affects the access to light of an adjoining property. The plans which have been submitted show a three-storey building, the height and width of which would have an impact on our access to light.
- We are also anxious that a proposed commercial development, which would overlook our house, would have a detrimental effect on our privacy and quality of life.
- If the Lancasterian School is converted into Flats opposite Consort House this will diminish privacy of the existing residents in Consort House because they will be directly looked down upon by any new flats.
- Concerned about the social impact on the area. Already it can be noisy from the Buttermarket. They had promised at the outset to not play music louder than was tolerable, but that pledge has not always been kept, which shows once planning is given, very often, once the developer has got what they want, their previous commitments soon fade.
- We are concerned that the south side of the new build (garden centre) appears to be directly on the boundary wall between our garden and the present Lancastrian School car park. At present we do not know the exact height of the proposed building but for it to contain a car park and retail outlet over the top and for the main door of the retail unit to be presumably at the same level as the ramp running up the north side of the prison, it can only be a tall structure which will be out of scale with the housing and will greatly reduce the light levels in our garden.
- We would be very annoyed to find that noisy fans, ventilation units and any other constant noise from machinery was installed along the south side of the building directly on our garden boundary wall. This would completely deprive us of the enjoyment of our garden and we would view this very seriously. Again, constant piped music would be intolerable.

Ecology

- Ducks and other wildlife use the walls around the prison. Reducing the height of the walls will affect the ecological interests of the site.

Design, Scale and Appearance

- The current plans include an unsustainable level of development, with excessive resident/student numbers (in the context of the ability of the local community/infrastructure to absorb such increases).
- The garden centre proposed for the north east corner of the site to be very unsuited to the physical setting.

Need

- It is unclear whether a student block containing 120 units is a viable proposition in the context of the ongoing uncertainties around level of university interest.
- Bearing possible 'doubts over student numbers' is there a basis for targeting the prison conversion towards students? Would it be more beneficial for all to be residential dwellings? Surely parking allowance would then be a requirement?
- The viability of a large gym complex is also considered to be questionable, given both the availability of numerous other gyms in Shrewsbury and the well documented absence of parking close to the proposed facility (I would assume this may be a significant deterrent to many gym users).

Comments in support:

- Shrewsbury Business Chamber consider it vital to preserve this historic building in the town.
- It will provide accommodation for the growth in student population to the University. In doing so it will increase the footfall to the businesses at the East End of Shrewsbury with this group having access to new disposable income.
- The issue of traffic flow and residential parking in the area should not influence this application. These objections should be addressed through the Shropshire Council's Shrewsbury Integrated Transport Package (SITP).
- Shrewsbury Civic Society regard this as an excellent development and suggests a sensitive re-use of buildings, which could be a catalyst for the regeneration of this somewhat "tired" area of the town. The principles of mixed-use, public access and balance of heritage and community are well employed. The notion of the walled garden is exciting, (although further environmental and "green" features could enhance it). Shrewsbury is lucky that the conceptualization behind these plans will avoid the very many less thoughtful possibilities for developing the area.
- Aware that the original plans involve aspirations for the complementary development of adjoining land areas. To some extent this could affect the current application. For example, an important issue both now and for the scheme is that of traffic and parking. In the narrow, surrounding roads residents already have considerable difficulties with cars. The point is that we suspect this application should be considered within the context of realistic thoughts and plans for the long term of this area's development, ie some form of area plan.
- Generally happy with the demolitions proposed although we suggest a "historic building recording" condition. We agree that the piercing of a large hole in the prison wall (parts of which we understand are Listed) is a necessary way to encourage public access. We understand that the economic viability of the various buildings' uses has been adequately researched, so avoiding any possible empty or unmaintained sections.
- Overall, the Civic Society welcomes this imaginative scheme, hoping it will gain your approval after further public consultation, and looks forward to the details that are likely to describe better its impact for the area.

Comments received from Councillor Andrew Bannerman (local member):**Comments:**

Please ensure that this is included in the papers for the Central Committee meeting on December 22nd, 2016, if this application returns to Committee on that day. Obviously the statement can also be added to the comments on the website.

The changes made by the Applicant in response to the Committee's deferral of the application on October 27th have been deemed inadequate by Cllr Alan Mosley and other comments. I sympathise with these arguments. The site still seems rather overdeveloped and without further arrangements, the risk of impact on parking in the surrounding streets is high.

However I would like to add the following comments from the point of view of the Town Centre.

This is a very important site, containing much historic fabric, which needs a sensitive and imaginative development, much of which is proposed in this application. It would be very unfortunate if the applicant withdrew his interest and the site languished undeveloped for several years, perhaps never being well developed. The NPPF and Shropshire Council's own policy of facilitating economic growth both suggest that we should assist the applicant to solve the outstanding problems.

It has long been recognised that we must reduce our dependence on the private motor vehicle in urban districts. This is to reduce congestion, pollution, parking problems and damage to the historic fabric, while improving safety for pedestrians and making the town centre generally more attractive. In recent years we have made successful attempts to encourage more cycling and walking in the town centre. Travel by bus has not made the same progress, but must be encouraged, if we are to succeed in the above aims. Car sharing schemes offer a good alternative for many people.

Some residents in the town centre do not own a car, because they do not need one. Many who do, have to find a parking space away from their home. Most of these people pay for the privilege. This is common in many towns and cities. The "standard" allowance of parking space for new build should not apply in the same way for town centre development as it does in suburban and rural areas.

The town centre car parks are hardly ever at capacity. Several waste space - and some should have more than one level. The Council runs a scheme for residents in three car parks, which is not currently very popular, because it has not adequately met the needs of those who might have made use of it. In many towns Residents Only parking schemes (with guest tickets) operate successfully - we have been slow on the uptake of this way of assisting residents. Such a scheme would protect the residents in the vicinity of the Dana.

The current proposals for car parking in this application probably are inadequate, but my argument is that we need to rethink our attitude to transport planning for

town centre dwellings. Furthermore this application should be the catalyst to redevelop this whole area and bring it into the twenty-first century. The Howard St car park should have another deck or two. The Sorting Office site probably has space which could be let for parking.

I hope we can somehow bring more thought and more interests to bear on this, so that we can save this proposal from the dustbin.

Comments received from Councillor Alan Mosley:

Comments

Many recognise that some development of the former Dana Prison site is necessary and has advantages. I believe that there is the potential for positive outcomes:

- It is a site which was always going to be sold and developed.
- It is an important listed site with high heritage values and obligations to conserve/restore.
- It has the potential to bring significant gains for Shrewsbury in terms of regeneration, amenity, services, facilities, etc.
- It may enhance the amenities of the local area.

Significant Objections

However, I wish to object to the current application and call for its refusal. The main grounds for my objection are as follows:

- The inadequacy and veracity of information within the Transport Plan and the conclusions arising especially given that there is a lack of clarity on usage within what is a largely speculative application – see below.
- The plans will result in the of over-development of the site with some conflicting uses,
- The impact of the proposal in and around the old Lancasterian School,
- The financial viability of the proposals as they stand making future variations inevitable e.g.
 - the need for students accommodation given levels of recruitment at the University and the high proportion of ‘home’ students being recruited
 - the existence of other proposals for substantial units of student accommodation within the town centre.
 - the need for teaching and other university areas given their plans and existing capacity of the University,
 - the gym given its location, absence of parking and high levels of competition throughout the area,
 - the speculative usage of existing buildings and new

build,

- the viability of all units must be questioned without adequate associated parking.
- some of the potentially attractive elements of the proposal cannot be guaranteed e.g. the freely accessible walled gardens, while other features included in the initial public consultation have been removed e.g. associated car parking on new floor on the Network Rail land, the landscaping and public access to a newly landscaped Dana Gardens including the adjacent Network Rail land, not to mention the amphitheatre.

The Transport Plan

- The applicant clearly identifies that issues surrounding traffic and parking are enormously significant problems and great weaknesses in the application. Hence, the original proposals made during public consultation showed an upper floor to be built over the adjacent Network Rail land for use as parking. This has now been abandoned.
- It should be noted that there have been significant changes to the Transport plan with each new iteration. For example it is now proposed that no car parking is required on the Lancasterian site either for the 11 proposed apartments in the original school building or the unspecified number in the new build B.
- Throughout the Plan the applicant seeks to show that the proposals will not generate parking demand in excess of that when the site was in full operation as a prison and hence, would have no additional adverse net effects on the area. However:
 - Estimates of staff numbers and users at the Prison may be a significant over-estimate. Ludicrously, the report claims that “we have no accessible records of staff numbers as these would have been shredded / archived when the gaol was closed”. Yet I have found it easy to view The HMP Shrewsbury IMB Annual Report 2012 – 13 which shows that 219 staff, including volunteers, worked at the Prison
 - The Plan identifies that parking for staff was available on land opposite the Gatehouse for some 25 vehicles. It fails to mention the parking available on the ramp off Beacalls Lane nor the small car parks adjacent to the Gatehouse and one off Victoria Street. As the staff habitually double parked by arrangement, the spaces available is significantly underestimated.
 - Certainly the extent of on-street parking demands by prison staff, i.e. 100 – 130, is grossly exaggerated as reported by residents and former prison officers I have spoken to.
- Significant weight is given to the availability of spaces on the Network Rail land car park. However, this is pay and display currently at £4.80 per day

and all evidence is that users of the site will tour the streets to seek on-street parking in the residential areas rather than pay.

- Nearby residents report that there are occasions when that car park is full. The developer has no control over the car park, pricing policy or its long-term continuation in use as a car park.
- Claims that special arrangements will be made for users of the site e.g. the gym, are not detailed or substantiated. The site is in fact owned by Network Rail and operated by a third party.
- The developer puts great emphasis on the efficacy of a Student Management Plan which is highly ambitious.

- In some way the SMP is going to ensure that “car ownership is strictly prohibited.” This will be policed and enforced by a third party agency. Obviously, no spaces will be provided on-site but how enforcement and policing is going to ensure they don’t own cars, bring cars to Shrewsbury and park on-street is unclear and highly unlikely to occur. Nor does the plan take account of visitors to the student accommodation
- The Plan in July states that there will be “a student management plan to prevent students bringing cars to site. This is a system in place in many other Cities and will be rigorously enforced.” In Chester the University does not provide student parking on its accommodation sites but cannot prevent students parking cars on-street nearby. However, the Plan in September states “a stipulation for students living in the university accommodation here at the Dana will be that they will not be allowed to bring a car on site nor to park in the vicinity”. Obviously, they are trying to plug a loophole but without any explanation of how they can police and enforce no parking “in the vicinity”.
- The Plan alludes to the student facility not being in place until 2019 and at other places maintains that further work can be done until there is general implementation. What further work is proposed and what might trigger it?? Many of the proposed uses appear highly speculative and a greater degree of certainty must be achieved before taking risks which can bring great detriment to the surrounding neighbourhood.
- The Plan claims that spaces will be available for the residential units but:
- It states that new build A may have an unspecified number of residential units on the upper floor. There is no proposal for parking!
- Changes to the proposals and plan indicate that parking associated with the Lancasterian School has been removed while additional residential is proposed for New Build B. Hence 11 plus 5 (?) residential with no parking allocated!! This is justified by the location being so close to the town centre that parking provision is unnecessary. “The converted Lancasterian School and new build residential block will be developed and sold without car parking spaces. Pedestrian links will be created such that residents will be able to leave the site on foot via the Dana. The sustainable location is such that it is not considered a concern to develop this part of the site without car parking as there will be strong demand for flats so close to the town centre, such that car parking for these is not required.” (5.1.4). This, of course, flies in the face of reality and contrasts massively with the claim that “there are no

development proposals which propose on street parking in this area (as we are well aware that these are unlikely to be well received by local residents).”

- In fact, the September Plan states: “The existing entrance to the rear of the Lancastrian School, from Beacall’s Lane, will be retained to provide access to cars that will serve the residential units in this part of the development. (3.1.4) While in the same Plan the Executive Summary states, “.....residential apartments in the former Lancasterian School and the adjoining new build residential block (both outside of the Gaol wall) will have no car parking associated with the units when they are sold” and 3.6.1 states that the Lancasterian access will be closed. I wonder if they know what they are doing at all!
 - Hence, the Plan identifies some 47 private residential apartments while giving details of only 25 designated parking spaces, surely this cannot be permitted?
 - The plan identifies significant additional uses which will attract large numbers of employees, users, visitors, suppliers, etc. which cannot be realistically be assessed until further details are known.
 - A public gym facility of 980 square metres GFA
 - Up to 1900m2 of conference/exhibition/flexible office space (B1 and D1 use)
 - Up to 450m2 of A1/A3 space
- No associated parking is planned except that drivers will be “directed” to the Network Rail/NCP pay and display car park.
- While the developer claims that there will be minimal consequences for traffic flow it is obvious that many of the uses identified are speculative and hence the actual likely impact cannot be assessed. The Howard Street junction affects a wide range of routes and appears to be at maximum capacity. The developer’s calculations appear to not be robust and hence, mis-represent the likely reality with consequent significant adverse effects.
 - I am aware of the analysis presented by Highways in May and concur with the general findings and conclusions.

Comments on latest submitted information:

- It is good that the applicant recognises that the massive parking problems which the development will bring throughout the area are critical and must be addressed.
- However, this proposal is entirely inadequate and will bring increased problems of road safety and potential highly significant problems for traffic. To bring parking to this busy narrow road would be irresponsible.
- It is a great shame that they haven't used the time since they asked for a deferral of the decision making to come up with some substantial and realistic changes to accommodate the overwhelming objections.
- Furthermore, I am challenging claims made in their Transport Statement. Their survey of the car park on the adjacent Network Rail land claims that at times of maximum occupancy "at least 68 spaces were always available." They use this to suggest that parking provision in the area is adequate albeit at nearly £5 per day. However, when I walked the car park recently (at 10.00

am on Wednesday 11th) only 10 spaces were free. I will endeavour to post some photos.

- Hence, their 'baseline data' is highly inaccurate and misleading.

Further Public Comments received following receipt of amended drawings November 2016:

Objections:

- With reference to this latest application, I can only say how ridiculous it is.
- The existing residents of The Dana (six family houses) already 'work' around restricted parking carrying out normal daily activities such as loading, unloading of goods i.e. shopping etc.
- The removal of the yellow lines, on either side of the public highway, would create further issues for us residents and in turn other road users.
- Blue badge holders, including three local residents, also currently use these 'yellow line' areas to access this 'end' of the Town. There is no allowance for these. A shame the proposers won't talk to us.
- These proposed spaces will obviously be taken up by Town shoppers/visitors, hence be of little or no benefit to any goings on inside the development.
- It must be the developer's responsibility to provide adequate parking facilities within their own boundaries, not burden the existing streets.
- As they have proposed undefined new builds within, why can't these include parking areas? Sub level areas would still allow a ground and 1st floor level building without imposing itself on the residents of Beacalls Lane, Albert Street, Victoria Street or The Dana.
- These are narrow streets and surely removing The Dana yellow lines will also be restrictive to the Emergency Services and 'large' lorry deliveries to businesses such as The Dog and Pheasant!
- The developer's proposal to designate parking areas alongside the prison wall on the Dana is frankly ridiculous. This is already the narrowest stretch from Victoria Street to the traffic lights and also the least sighted as regards oncoming traffic. Lorries already have problems negotiating this stretch. The developers need to accept that some kind of provision for parking almost certainly needs to be made inside the old Prison compound which does not impinge on the already congested local area.

Support:

- Shrewsbury Civic Society reaffirms its view that the site deserves an economic future and the proposals are realistic and likely to help the area to regenerate. Shrewsbury has seen other major development projects fail but we believe this one represents a good opportunity that should not be lost, as this developer's provenance is positive.
- There is an admirable degree of idealism behind the planning concepts but we are also aware that the original plans involve aspirations for the complementary development of adjoining land areas, for example,

	<p>increasing the parking levels and economic future of Rail Track’s adjoining car park. This would appear important in view of on-going concerns about traffic and parking.</p> <ul style="list-style-type: none"> • This application should be considered now within the context of realistic thoughts and plans for the long term of this area’s development, ie some form of area plan that addresses access by both vehicles and pedestrians. (Here we would applaud any attempts to improve the Dana footpath to Castle Foregate.) In the narrow, surrounding roads residents already have considerable difficulties parking their cars. Nevertheless, this proposal should not be lost. • Although more parking spaces have now been found within the plans, car parking remains the difficult aspect of this application. However, this could be alleviated in several ways, for example: <ul style="list-style-type: none"> (1) Introducing a residents’ parking scheme for properties in Albert Street and other nearby residential streets with threatened parking spaces; (This would work if carefully designed.) (2) Considering a multi-level parking facility on the site of the former Prison Car Park in a way that may not preclude future plans for the site; (3) Ground and 1st floor parking spaces at “New build A’ and ‘New build B’ within the wall. • We generally concur with the views expressed by Shrewsbury Friends of the Earth and agree that more cycle parking is needed. We also agree with Cllr Bannerman about the good intentions to reduce motor car use. • We think Shrewsbury needs this development and hope the Council will approve it as soon as possible with appropriate conditions.
<p>5.0</p>	<p>THE MAIN ISSUES</p> <p>The main planning issues concern the following:</p> <ul style="list-style-type: none"> • Principle of development • Siting, scale and design of development • Visual impact, amenity and landscaping. • Impact on local residential amenity • Heritage impact • Highway Safety, Traffic and Transport • Drainage and flood risk • Ecology
<p>6.0</p>	<p>OFFICER APPRAISAL</p>

6.1	<u>Principle of Development</u>
6.1.1	The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.
6.1.2	Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the adopted Shropshire Core Strategy 2011 and the adopted Site Allocations and Management of Development Plan (SAMDev Plan) 2015.
6.1.3	The SAMDev Plan is the second part of the Local Development Framework for the county. The Core Strategy policies are complimented by the SAMDev Plan DPD, which provides additional detail to the over-arching policies contained in the Core Strategy. Following its adoption on 17 th December 2015 previously saved policies of the South Shropshire District Local Plan have been superseded.
6.1.4	Other material planning considerations also have to be taken into account when assessing the proposals. One such material planning consideration is the National Planning Policy Framework (the Framework). In March 2012, the Framework replaced all previous PPG's and PPS's and confirmed the Coalition Government's commitment to a presumption in favour of sustainable growth and development. In terms of decision making, this means approving developments that accord with the development plan 'without delay' and, where the development plan contains either no relevant policies or where those policies are out of date, granting planning permission unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted'.
6.1.5	The Framework sets out a presumption in favour of sustainable development. There are three dimensions to this, namely: an economic role, a social role and an environmental role. These roles are mutually dependent. It also advises local planning authorities in paragraph 50 to deliver inclusive and mixed communities and plan for a mix of housing based on current and further demographic trends, market trends and the needs of different groups in the community.
6.1.6	Policy CS1 of the Core Strategy establishes a settlement hierarchy with new development focussed in Shrewsbury, the Market Towns, other identified Key Centres and, in the rural areas, the Community Hubs and Community Clusters. These are considered to be the most sustainable places to deliver the overall strategy of managed growth. SAMDev Policy MD1 supports sustainable development within Shrewsbury, having regard to other policies contained in the

	Core Strategy and the SAMDev Plan.
6.1.7	Shrewsbury is regarded as being the most sustainable settlement in the county. The site lies within the settlement development boundary for Shrewsbury and its development for alternative uses is acceptable in principle.
6.1.8	Core Strategy Policy CS2 establishes Shrewsbury as the primary focus for new development for Shropshire and the priority will be making the best use of previously developed land and buildings for housing and other uses within the built-up area.
6.1.9	The application is in outline with all matters reserved and proposes a mixed use development including alterations to the listed buildings, demolition of existing structures and construction of new buildings on the site. All specific details will be considered at the next, reserved matters, stage. At present, the local planning authority is being requested to consider the principle of the proposed uses and quantum, height and massing of proposed new build on the site and the provision of parking and servicing areas. The proposals affect a range of planning policies as a result. These are considered in detail in the following sections.
6.1.10	In terms of principle, there is policy support for the proposals. The site is located within the urban area of Shrewsbury and its re-use for a mixed form of development is supported by Policies CS1 and CS2 of the Core Strategy, in particular. Policy CS1 sets the overall strategic approach for development in the county. It confirms that Shrewsbury will be the focus for new residential and commercial development over the lifetime of the local plan. Policy CS2 sets the development strategy for Shrewsbury. It states that a comprehensive and co-ordinated approach will be pursued in respect of the planning and development of Shrewsbury to enable the town to achieve a significant level of housing and economic growth whilst protecting and enhancing the town's role, character and the unique qualities of its historic built and natural environment.
6.1.11	This policy references the Shrewsbury Vision, the aim of which is to provide a comprehensive plan that identifies regeneration opportunities within the town and integrates with the Local Development Framework (LDF), Community Strategy and Cultural Strategy. It provides a business plan, a delivery plan and a spatial plan for Shrewsbury and links directly with the Core Strategy. It also references the Northern Corridor Regeneration Framework covering a wedge of the town stretching away to the northwest of the application site. This seeks to enhance existing major commercial, employment and mixed use areas, such as the Ditherington Flaxmill. In addition, the site lies within the area of the Castle Foregate Regeneration Area.
6.1.12	The policy also emphasises the need to make the best use of previously developed land and buildings within the town, especially those that make a contribution to the enhancement of the town centre, the redevelopment of edge-of-centre areas and the regeneration of the Shrewsbury Northern Corridor, which is recognised as a 'key area of change' in the SAMDev Plan. It also specifically mentions the importance of promoting, conserving and enhancing the town's natural and historic

	features.
6.1.13	Policy MD1 of the SAMDev Plan states that sufficient land will be made available during the remainder of the plan period up to 2026 to enable the delivery of the development planned in the Core Strategy. Sustainable development within Shrewsbury will be supported.
6.1.14	The supporting text to Policy CS2 explains that it is important that Shrewsbury should develop in a balanced and sustainable way as a community and a place in which to live, work, visit and spend leisure time in. Policies CS2 and S16 of the SAMDev are intended to facilitate development, change and regeneration to achieve this aspiration.
6.1.15	Policy CS13 of the Core Strategy is relevant in that it promotes new business activity across the district and specifically mentions supporting the development of local further and higher education and training facilities. The proposed development envisages such facilities being incorporated within the overall site.
6.1.16	<p>Policy S16 sets out the development strategy for Shrewsbury and states that the town will provide the primary focus for development for Shropshire, as a sub-regional centre and Shropshire’s growth point. Appropriate development and redevelopment that accords with the Strategy will be encouraged on suitable sites within the town’s development boundary. Key areas of change in Shrewsbury are the ‘Heart’ of Shrewsbury and the Shrewsbury Northern Corridor, where proposals for new development/redevelopments and enhancements should have regard to the principles, priorities and objectives of the Shrewsbury Vision and Northern Corridor Regeneration Frameworks, as appropriate, aiming to:</p> <ol style="list-style-type: none"> i. Provide a sustainable and complementary mix of retail, community, employment and residential uses; ii. Support economic and community development; iii. Protect and enhance heritage, environmental and conservation assets, and deliver environmental improvements; iv. Incorporate approaches to access, parking and movement which support the integrated and sustainable transport strategy for Shrewsbury.
6.1.17	<p>The application site lies within the Castle Foregate Regeneration Area. This establishes a framework for the redevelopment of the wider area and the vision for Castle Foregate is to develop its gateway role and particularly the sense of arrival around the station. In the longer term, it can develop its potential as part of the commercial heart of the town centre, linking the centre to the Northern Corridor. Aspirations for the area include:</p> <ul style="list-style-type: none"> • the improvement of the railway station forecourt • improvements to the Dana Footbridge and potentially deliver a new link from the station to Abbey Foregate • improving the existing buildings along Castle Foregate opposite the station and Royal Mail delivery office

	<ul style="list-style-type: none"> • the event that the Royal Mail delivery office relocates, reusing the site for a new office development • should the prison be relocated, possible re-use for hotel and related facilities including residential • enhancement of the pedestrian experience
6.1.18	<p>The development proposals comprise an eclectic mix of different uses, as set out in paragraph 1.6 above. These include a residential apartments, commercial floor space and student accommodation. It should be noted that the University is not party to this application and the student accommodation does not have any official endorsement by that institution. In relation to these policies, the proposed development meets many of the stated aspirations. It is a substantial regeneration project anticipated to deliver an investment in the region of £24 million. It is located within the Castle Foregate Regeneration Area and close to the area of the Northern Corridor, which are specific regeneration areas for the town. As a mixed use development, it proposes a range of uses that the applicant considers are complementary to one another as well as being appropriate to the nature of the surrounding area. It will involve the refurbishment and re-use of an important designated heritage asset that constitutes a landmark local building. The proposals will lead to the refurbishment of this important site within the regeneration area. Provided it respects the character and appearance of the heritage asset its re-use as proposed would be acceptable in principle.</p>
6.1.19	<p>The Framework also supports the reuse of previously developed land and promotes the delivery of mixed use developments that lead to multiple social and economic benefits whilst also enhancing heritage and environmental assets. In this respect, the basic principle of the development fits with these aspirations.</p>
6.1.20	<p>There are other important planning issues that need to be satisfied including matters of scale, design, traffic impact and effects on heritage and environmental interests. These are explored in the following sections of the report, but it is considered that the proposals are acceptable in principle.</p>
6.2	<p><u>Siting, scale and design of development</u></p>
6.2.1	<p>Section 7 of the Framework is concerned with promoting good design and re-affirms previous national guidance that permission should be refused for development of poor design. It is necessary for new development to function well, establish a strong sense of place, have a suitable balance between built form and space, respond to local character and history, create a safe and accessible environment and be visually attractive. It also states, however, that permission should not be refused for development because of concerns about incompatibility with an existing townscape (notwithstanding effects on designated heritage assets, which may justify a refusal), especially where that development promotes high levels of sustainability. It requires that new developments make a positive contribution to their surroundings. In terms of design and layout, the form of the proposed development has been described above in Section 1.</p>
6.2.2	<p>Policy CS6 of the Core Strategy is concerned with delivering high quality</p>

	<p>sustainable design in new developments that respect and enhance local distinctiveness. This is further bolstered by Policy MD2 of the emerging SAMDev Plan. In summary, these policies expect new development to be designed to be sustainable in the use of resources, including during the construction phase and future operational costs, reduced reliance on private motor traffic, be respectful of its physical, landscape setting and context and to incorporate suitable mitigation in the form of materials and landscaping. Significantly, Policy MD2 allows for appropriate modern design and promotes “embracing opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style.”</p>
6.2.3	<p>The application is an outline one with all matters reserved. An indicative master plan has been submitted but little specific detail has been provided regarding the proposed alterations to those buildings that are to be retained or the design and appearance of the two new buildings. General parameters have been provided regarding how the site might be developed but with the details to be considered at the next stage in the process.</p>
6.2.4	<p>The majority of the historic buildings on the site are proposed for retention and conversion into a mix of different uses. The buildings to be removed are mostly functional, utilitarian and relatively modern in age. The intention is to open up the settings of the more historic buildings that are currently compromised by the existence of these structures in the interests of providing a more sensitive development. The cleared space will also be subject to the addition of two new buildings: one three and a half storey building (Building A) and one two and a half storey building (Building B).</p>
6.2.5	<p>The detail of how the retained buildings will be altered to ease conversion to alternative uses will be considered at the reserved matters application stage. The alterations will also be the subject of a detailed Listed Building Consent application to be submitted contemporaneously with the reserved matters. The specific detail of the works will be evaluated and managed at that more appropriate time. In the meantime, the principle of these alterations are considered to be broadly acceptable and in line with Policies CS6 and MD2.</p>
6.2.6	<p>The majority of works proposed to the retained listed buildings are considered later in Section 6.4 of this report. The removal of the modern, functional and utilitarian structures within the site is considered to be a benefit as they currently detract from the setting of the listed buildings. These will be carefully removed so that no damage is caused to the listed structures and a suitable planning condition will secure this approach.</p>
6.2.7	<p>It is not anticipated that the retention of the existing prison gymnasium, education, workshop and training buildings at the rear of the site and their conversion to a fitness suite, retail, restaurant, small business offices, non-residential institution and residential uses will give rise to any siting or design issues. The precise detail of how any physical changes will manifest themselves is a matter to be considered at the next stage in the planning process. However, indicative illustrations reveal how the interior prison wall could be planted as a walled garden with the retained</p>

	modern buildings to be re-clad in part and their form softened with the addition of green walls and cladding. These details can be secured through a set of suitable landscaping and materials conditions.
6.2.8	However, the issue of scale must also involve an understanding of the quantum of development proposed which includes an assessment of the mix of uses, the density of development and the space allocated within the site to provide for amenity, car parking, turning and servicing for each of the uses. There are concerns that relate to the complexity and intensity of uses that are proposed within the site envelope, mainly in respect of the potential adverse impacts that these will have for neighbouring occupiers but also for the future occupiers of the site.
6.2.9	In particular, the level of car parking to serve the site is of serious concern to local residents. The site area is slightly larger than one hectare (1.15 ha) and will, if approved, accommodate up to 50 residential apartments, up to 120 student bedrooms and a number of café/restaurant uses, office space, a gymnasium/fitness centre and workshops. Although most of these will be accommodated within existing built fabric, this constitutes a particularly dense urban form and concentration of people within a confined site. The implication of this in terms of internal servicing and parking space leading to potential adverse traffic impacts outside of the site is directly related to the scale of the proposed development. This has been the subject of detailed analysis by the Highways Authority and is considered in greater detail later in this report.
6.2.10	The impact of Building B in relation to scale, siting and design has been a concern for the duration of this application. Originally submitted as a three and a half storey building to be located within the rear curtilage of the Lancasterian School adjacent to the 2m high side boundary wall with the neighbouring two storey terraced property at 39 Albert Street, it has been reduced in height to a two and a half storey building. Previously, it comprised undercroft car parking (13 spaces) with two and half floors of residential over (eight apartments). The amended plan has removed the undercroft car parking and the building as proposed will now be two and a half storeys. A set of more detailed indicative floor plans and elevations have been submitted following the deferral of the application from the October 2016 Planning Committee Meeting.
6.2.11	The building will replace an existing hipped roof single storey garage structure at the back of the School. The indicative master plan shows it to have a footprint covering a large proportion of the curtilage, although in reality this is likely to be different once the design has been fully resolved, as the indicative drawings show. The building will still accommodate 8 apartments but it will now be set back from both the Beacalls Lane boundary wall and the shared boundary with the adjoining property at 39 Albert Street. The refined design will expose more of the rear elevation of the Lancasterian School building in views from the Howards Street end of the Lane, which is considered to be an improvement compared to the previous submissions.
6.2.12	The Lancasterian School is not formally listed although it does constitute a non-designated heritage asset. The conservation area, however, is a designated heritage asset and potential harm caused to a component element (in this case to

	<p>the feature building that is the Lancasterian School) is a matter of concern. The previous iteration of Building B, due to its proximity to the Lancasterian School, design and proximity to the frontage boundary, was considered to be harmful to the asset's setting. The amended design is considered to be more sympathetic, revealing more of the rear of the School building in views from along Beacalls Lane. It is considered to be more respectful and would not now be harmful to the setting and appearance of the conservation area. This matter is considered later in this report under Section 6.4. In terms of siting, scale and design, however, the development is capable of being designed so that it complies with Policies CS6 and MD2 as well as the design guidance contained within the Framework, in that regard.</p>
6.3	<u>Impact on Local Amenities</u>
6.3.1	<p>The Framework is particularly concerned with the impact that new development may have on the amenities of local residents. Amongst the core land-use planning principles that it embodies, those that affect this particular issue include the need to secure high quality design and a good standard of amenity for all existing and future occupants.</p>
6.3.2	<p>Core Strategy Policy CS6 also requires new development to contribute to the health and well-being of communities, including safeguarding residential and local amenity. Policy MD2 of the SAMDev Plan expects development proposals (amongst other things) to contribute to and respect locally distinctive or valued character and existing amenity value. This should be done by:</p> <ul style="list-style-type: none"> i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and iii. Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13; and iv. Enhancing, incorporating or recreating natural assets in accordance with MD12 <p>Many of these aspects are matters of detail and are more appropriately considered at the reserved matters stage. Nevertheless, it is possible to assess the impact of the outline proposals in relation to several of these matters.</p>
6.3.3	<p>In terms of visual impact, the main effects will arise from the removal of modern, functional structures, the removal of a portion of and reduction in height of the boundary wall, the erection of two new buildings and the physical alterations to be carried out to the retained buildings on the site, including the historic buildings.</p>
6.3.4	<p>The modern structures that are to be removed are mainly 20th Century functional buildings and containers that have either low degrees of heritage significance or which detract from the setting of the heritage assets on the site. Most of these structures are low level and are not visible from outside of the site. The direct</p>

	impact of their removal on the amenity of the surrounding area is restricted because of this low degree of inter-visibility.
6.3.5	The lowering of the prison perimeter wall will potentially expose more of the buildings to public view, especially the retained gymnasium building and the attached workshop, chapel and education buildings, which already project above the existing wall. From certain vantage points, these buildings are visible from outside the site and they detract from the setting of the listed buildings within the prison.
6.3.6	The gymnasium building was constructed comparatively recently (2006) and is of a particularly functional and incongruous design and appearance. It is in good structural condition and the applicant wishes to retain the building and re-use it as a gymnasium/fitness centre which may be used by non-residents of the site.
6.3.7	Greater exposure of this building to public view by reducing the boundary wall will create a potential adverse visual impact. The upper part of this building is already visible from Victoria Street immediately outside the site. There are intermittent views further to the east on this street towards the intersection with Albert Street. However, the narrowness of the street and the presence of roadside vegetation restrict views of the site until one is close to the south east corner of the prison. The reduction in height of the wall by approximately 1m is unlikely to adversely affect local views of the site.
6.3.8	The applicant also proposes to clad this building with vegetation to form a “living wall” comprising hanging planting or vines added to the facades of the building. The applicant acknowledges there is a lack of vegetation on the site and is interested in adding as much natural planting to ‘green’ the site as much as possible given the degree of constraints. Although precise details are to be agreed, illustrative images have been provided that demonstrate how this could be achieved at the reserved matters stage. It is possible that such an approach would make a significant contribution to softening the hard, urban appearance of the gymnasium building to the benefit of external views of the building from Victoria Street. A suitable landscaping condition could secure these improvements.
6.3.9	The other two modern buildings attached to the gymnasium building and which turn the corner along Beacalls Lane date from the 1970’s and have a similar functional and relatively discordant appearance. The workshop building is taller than the gymnasium and is more prominent in views from the north, northeast and northwest where it appears as a dominant feature of the site. The proposed greening treatment applied to the gymnasium is also proposed for these two buildings in an attempt to lessen their current incongruous appearance. The lift shaft and external roof housing will be retained and re-clad in materials to be agreed to improve its physical appearance.
6.3.10	The effects of construction traffic, deliveries and noise upon local residential amenity arising from development activities are also potential sources of harm although it is possible to limit these effects through a construction management plan condition should outline planning permission be granted. This will ensure that all work,

	including deliveries and storage of materials, is carried out between specific times, on specific days and at specified locations on the site to reduce noise and disturbance to reasonable levels.
6.3.11	Subject to the above matters being addressed through suitable planning conditions, it is considered that the impact of these elements of the development upon local amenities can be satisfactorily managed and would be compliant with Policies CS6 and MD2.
6.3.12	The impact of the proposed Building B upon the nearest neighbour at 39 Albert Street has been a significant concern throughout the application process. As mentioned earlier, a more detailed set of drawings showing how this building could be designed has been submitted. These now show a two and a half storey building set back from both the rear elevation of the Lancasterian School building and the frontage wall along the Beacalls Lane boundary. There is also a more substantial gap to the rear boundary shared with 39 Albert Street. The indicative drawings show a building with a flat roof and a contemporary appearance with pronounced perpendicular windows to the front elevation which is stepped back into the site. The rear elevation sits one storey above the rear boundary wall. The range of windows is shown angled away from the rear of the adjoining dwelling on Albert Street. Both the new building and the Lancasterian School have a modest but enlarged area of outdoor amenity space compared to before. This is not considered to be unusual arrangement within a tightly knit urban setting.
6.3.13	The degree of separation between the new building and the main part of the back of the Lancasterian School, which is proposed to be converted into 11 apartments, is shown as ranging between 13 metres and 15.70 metres compared to around 7 metres previously. This is a significant improvement compared to the previous iteration which was considered to be likely to exert a harmful effect on the residential amenities of existing and future occupiers of Albert Street and the School apartments. It is possible to control the scale and height of the new building through a condition so that the reserved matters details reflect the parameters established at the outline stage.
6.3.14	In relation to the adjoining property at 39 Albert Street, the three storey Lancasterian School building is located immediately adjacent and already projects outwards from the rear of 39 Albert Street affecting the outlook at the back of that property. The new building will be of lower height and is now shown on the amended masterplan to be approximately 15.70 metres to the rear of the School thereby maintaining a clear gap between the two, which will provide some relief in respect of any impact on the amenities of that dwelling house. Compared to the previous iteration where the gap was almost completely closed off, this is considered to be an improvement and would be a less overbearing form of development. The reduced height and angled windows are also considered to be an improvement in this regard.
6.3.15	Although indicative, these drawings demonstrate that a suitable building could be accommodated on the site designed to fit within the tight constraints imposed by existing development. Subject to appropriate detailing, it is concluded that Building B, as amended, could be designed so that it fits onto the site without giving rise to unreasonable impacts affecting local residential amenities. As such, it would be in

	accordance with Policies CS6 of the Core Strategy and MD2 of the SAMDev Plan.
6.4	<u>Heritage Impact</u>
6.4.1	The application site lies within the Castlefields Conservation Area and contains a number of listed buildings and has some archaeological interest as well. It also lies close to a Shrewsbury Castle, which is a Scheduled Ancient Monument. All of these are designated heritage assets. Section 12 of the Framework places high importance on the conservation and enjoyment of the historic environment. Both Historic England and the Conservation Officer have been consulted and their views are set out in detail in Section 4 of this report.
6.4.2	Policy CS6 of the Core Strategy requires new development to protect, restore, conserve and enhance the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, having regard to national and local design guidance, landscape character assessments and ecological strategies, where appropriate. This policy also requires development proposals to have appropriate landscaping. The supporting text explains that the quality and local distinctiveness of the county's townscapes are important assets and the new development is expected to complement and relate to its surroundings to maintain and enhance the quality of Shropshire's environment as an attractive, safe, accessible and sustainable place in which to live and work. Heritage assets require careful consideration and management where change is proposed. Policy CS16 similarly sets out to promote and preserve the distinctive historic, heritage brand and values of Shrewsbury.
6.4.3	SAMDev Policies MD2 and MD13 reflect this approach to preserving and enhancing heritage assets, by ensuring that wherever possible, proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings. Support is provided for development proposals which deliver positive benefits to heritage assets, as identified within the Place Plans. Support will be given in particular, to proposals which appropriately conserve, manage or enhance the significance of a heritage asset including its setting, especially where these improve the condition of those assets which are recognised as being at risk or in poor condition.
6.4.4	The fact that the site lies within a conservation area and affects listed buildings does not mean that the site is incapable of being developed; even where a degree of harm may arise. The Framework and the adopted Development Plan policies accept the principle of change within such sensitive locations. The test is to ensure that any change is appropriate to its setting and the degree of change minimises harm to the significance of the heritage asset and maximises the opportunity for making positive contributions to local character and distinctiveness, including substantial public benefits, that may outweigh any harm, where relevant.
6.4.5	The proposals involve removal of a series of relatively modern structures on the site, the majority of which are of functional and utilitarian appearance. These have been assessed in the Heritage Impact Assessment and are considered to be of no

	merit and detract from the setting and appearance of the older, more significant buildings planned for retention. This approach has been endorsed by Historic England and the Council's Conservation Officer has also supported removal of these structures.
6.4.6	Historic England support the principle of regenerating this important heritage asset, subject to detailing, and their comments are set out in full above in Paragraph 4.1.10. However, there are residual concerns about how the proposals are likely to affect the fabric of the retained listed buildings on the site. Because of the outline nature of the application, no details have been provided. Rather, the application seeks to establish broad development principles including the alterations to historic fabric and the reuse of the buildings on the site. Both Historic England and the Council's Conservation Officer have expressed general support for the re-use of the site and their full comments are set out above in Section 4. The comments made in relation to specific details are more properly to be considered at the reserved matters and listed building consent stages of the planning process and a set of suitable planning conditions is recommended.
6.4.7	The applicant has provided a Development Viability Appraisal as part of the supporting documentation. This is a commercially sensitive document and has not been made public at the applicant's request, but it has been considered and commented on by the Council's Regeneration manager (see comments above in Section 4). It sets out in detail the costs involved in acquiring and developing the site and the predicted return on investment. The development process has been subjected to a series of evolutionary iterations and a number of development scenarios have been considered. The optimum option, which delivers a financially viable development whilst delivering a scheme that respects and brings back into productive use the listed buildings on the site, is that which has been submitted for outline planning permission. This is dependent upon the retention and conversion of the modern gymnasium, workshop and education buildings rather than their removal and replacement. The degree of alteration required to give them a new lease of life is substantially lower than the cost of demolition, clearance and reconstruction. Therefore, to meet the Conservation Officer's suggestion that they be removed would incur additional cost which would jeopardise the viability of the project. As it is, the viability of the proposed development appears to be marginal.
6.4.8	The removal of the obtrusive modern additions across the site is supported by the Conservation Officer. As mentioned earlier in this report, the design and detailing of Buildings A and B do not form part of this outline application but will be subject to greater refinement at the next stage in the planning process. From the detailed indicative drawings submitted in respect of Building B, there is no reason to doubt that an appropriate design is achievable on both plots.
6.4.9	Historic England has commented on the application and is generally supportive of the proposals. They have identified one issue that is of concern relating to the proposed openings in the perimeter wall. There are no objections to lowering the wall back to its former height but new openings should be kept to a reasonable minimum commensurate with the new activities within. Historic England would encourage a consciously 'non-architectural' solution to the new opening designs,

	working in conjunction with the emphasis on greenery that the project envisages.
6.4.10	The Conservation Officer holds a similar view and suggests the proposed new openings should be the subject of a detailed appraisal in a future Listed Building Consent application (LBC). Specifically, lowering of the wall with removal of later courses is acceptable, and any other removal of modern sections are to be agreed, especially those at the rear of the site. It is considered that these matters may also be assessed in detail as part of a future reserved matters application and suitable conditions could be added to a grant of outline planning permission.
6.4.11	The design, siting and appearance of Buildings A and B have been considered in detail earlier in this report. Previous concerns about the potential for Building B to obscure views of the Lancasterian School building along Beacalls Lane have now been addressed. The design has now been refined so that its impact on those views is reduced to the extent that it no longer dominates the view of the building.
6.4.12	The Council's Archaeologist has commented on the proposals. His concern relates to the potential impact on sub-surface archaeological remains in the area of the proposed new build unit between the end of C-Wing and the 1990s gymnasium building. He observes that the Heritage Statement and Heritage Impact Assessment indicate that this area was originally partially occupied by one of the wings of the Georgian prison and it is possible that archaeological remains of this building may survive below ground.
6.4.15	However, he notes that this part of the prison was demolished as part of the Victorian reordering and subsequently utilised as the prison's exercise yard (which had an associated toilet block). In the 20th century a boiler house was added to the northern end of 'C' Wing, and this was subsequently demolished and replaced by a number of steel framed structures in the closing decades of the prisons life. It is, therefore, likely that any surviving remains of the 18th century prison buildings will have been disturbed and truncated by later construction, demolition and servicing activities. Additionally, later 20th century plans of the prison site indicate that the site of the proposed new build unit was not utilised as one of the prison's burial grounds, and it is not therefore expected that any human remains will be present. As a consequence, this part of the proposed development site is considered to have low-moderate archaeological potential and no objections arise subject to a programme of archaeological work, to comprise a watching brief during any ground works for the new build unit, being made a condition of any planning permission.
6.4.16	Therefore, in terms of heritage impact, it is possible to address the residual concerns expressed by Historic England and the Conservation Officer at the reserved matters and listed building consent stages. As such, there is no objection from a heritage perspective and the proposals are consistent with Policies CS16, MD2 and MD13.
6.5	<u>Impact on Highway Safety</u>
6.5.1	The SAMDev Plan contains Settlement Policy S16 Shrewsbury which identifies a

	<p>number of policy areas where regeneration and high quality urban realm are encouraged. The Heart of Shrewsbury and the Northern Corridor are areas identified and the application site lies either within or adjacent to them. One of the stated aims of S16 insofar as it concerns this particular scheme is reduce the impact of traffic and congestion in key areas, including Castle Foregate. The proposal involves a complex and dense variety of uses within a confined site located within a tightly knit urban area where off-street parking opportunities are limited. Without provision of adequate parking facilities and a management regime to control parking demand there is a clear risk that the proposed development would contribute to traffic and congestion in the area, at variance with the stated aim of S16.</p>
6.5.2	<p>The 2015-2016 Shrewsbury Place Plan identified a number of key community priorities the most significant of which was transport. One of the key concerns for the community was the development of an “improvement plan for congested roads.”</p>
6.5.3	<p>For many local residents, the issues of traffic generation, highway safety and availability of adequate levels of off-street car parking are of paramount importance. The site lies within reasonably close proximity to the town centre and all of its facilities and amenities with direct access to the town centre via a footpath across the railway line. In general, it occupies a relatively sustainable location. Policy CS6 requires development proposals that are likely to generate significant levels of traffic to 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 reduced. It requires new development to make appropriate levels of car parking provision to serve the development.</p>
6.5.4	<p>The site is located within a particularly tight-knit urban area, where terraced houses fronting the street are reliant upon car parking being available on the street but where there are no parking restrictions. As a consequence, visitors and people working in the town centre are attracted to the area due to its convenience and lack of parking charges. Additional demand is also likely attributable to people travelling by train from the nearby railway station.</p>
6.5.5	<p>The updated Transport Assessment (TA) submitted as part of the planning documents assesses the likely levels of impact and explores the issues this raises and then proposes certain forms of mitigation.</p>
6.5.6	<p>The detailed comments of the Highways Officer are set out above in paragraph 5.1.8 (b). These include his initial and revised comments submitted in respect of both the original and updated versions of the TA.</p>
6.5.7	<p>Following deferral of the application at the October 2016 Planning Committee meeting, further discussions and meetings have taken place to resolve the highways issues that were set out in the earlier report. Amendments and additional justifications have been submitted for the consideration of the Highways Officer in respect of transport matters. These included an outline Student Management Plan, an outline Travel Plan for the development, a statement provided by the former</p>

	<p>Maintenance Manager at the prison (from 1989 to 2013) and an amended layout plan showing additional car parking provision on the ramp and along the Dana. The conclusions of those discussions and assessments are set out in the second set of comments received from the Highways Authority set out above in Paragraph 4.1.8 (b) above. In summary, the Highways Authority has now withdrawn its initial objections to the scheme based on the additional information provided, subject to a number of planning conditions. The following paragraphs set out the highway issues, the approach taken by the applicant to address them and the assessment of and conclusions reached by the Highways Officer.</p>
6.5.8	<p>It is acknowledged that car parking in the surrounding area is especially problematical, due to the narrow form of the neighbouring streets with few off-road parking opportunities and the need for local residents to park on the street. The area also appears to be used by commuters using the nearby railway station and town centre-based employees and shoppers. Car parking locally is a challenge. Local parking issues and the effect of the new development thereon were flagged up early on in the planning process and have been the subject of continuous discussion throughout this planning application.</p>
6.5.9	<p>This proposed mixed use development includes a range of elements such as student accommodation, open market residential units, a gymnasium/health club, business/workshop units, non-residential institutional uses (not specified), office space, café/restaurant and retail uses, all of which have potential to create individual traffic demand.</p>
6.5.10	<p>Following the initial comments made by the Highways Authority, the TA was revised during July and September 2016 and supported with further information in November 2016. The TA sets out to demonstrate that the needs of the site can be met without impact on existing residents by:</p> <ul style="list-style-type: none"> • Provision of adequate parking for private residents of the redeveloped site in car parks within the confines of the site itself, amounting to 60 spaces. • Actively encouraging gym customers to the Howard Street Pay and Display car park, with the offer of a reduced rate for car parking. • Encouraging the limited number of site employees towards the Howard Street Car Park. • Using a student management plan to prevent students bringing cars to site. This is a system in place in many other Cities and will be rigorously enforced. • Suggesting that other Use Classes on the site will attract a low level of parking requirement (such as B1 Offices). • Accepting that residential apartments in the former Lancasterian School and the adjoining new build residential block (both outside of the Gaol wall) will have no car parking associated with the units when they are sold. • Offering financial assistance towards the setting up of a residents parking scheme so as to physically constrain other drivers from occupying on street spaces in the area.

6.5.11	<p>The TA also states that re-development of the site will result in the following benefits:</p> <ul style="list-style-type: none"> • There will be a lesser demand for on-street parking than when the prison was fully operational on site. The prison had a demand for at least 100-130 vehicles in the local car parks and surrounding streets. • It will include the development of a travel plan framework for the site which will promote of the use of car club vehicles as well as the use of trains buses, cycling and walking. • It will promote the use of public transport which is in close proximity. The ease of access to the town centre will also provide an incentive not to travel by car. • Student accommodation will not be occupied on the site until at least September 2019. • Student drop off and pick-ups will be managed so they do not all occur at once. • Provision of additional on-street parking spaces on the Dana that can be used by local residents. • It concludes that the overall the development will have minimal transport impact on the surrounding area as all the ramifications of the development have been carefully considered and the car parking managed to minimize the effect on local residents in the vicinity.
6.5.12	<p>The TA further clarifies that, whilst the residential use, gym facility and student accommodation are clearly defined, the B1/D1 uses and the A1/A3 space are more flexible as those potential users are not known at this stage. The report places heavy emphasis on the proximity of the site to the town centre and its related sustainable transport credentials; especially for students, where the town centre, university facilities and railway station are within relatively easy walking and cycling distance. It has considered both traffic generation arising from the site and parking availability within and around the site.</p>
6.5.13	<p>In addition, the applicant has provided a statement from the former Maintenance Manager at the Prison who was in post between 1989 and 2103 who has stated the following in respect of car parking when the Prison was operating:</p> <p><i>“I worked at HMP Shrewsbury for twenty four years from June 1989 until the closure in March 2013.</i></p> <p><i>It was always a cause for concern for all staff to try and secure a parking space on the limited spaces available on prison property when the prison was operational. The only alternative for all staff traveling by motor vehicle (without paying car park fees) was to park on the streets surrounding the gaol. Over the years staff numbers increased and this meant that more staff were parking in the surrounding streets.</i></p> <p><i>From the key safe in the main gate I know that there were four hundred slots for staff to use. This would therefore have meant that at least four hundred persons had access to the gaol during its operation.</i></p> <p><i>At its peak HMP Shrewsbury were locking up three hundred and fifty prisoners</i></p>

	<p><i>which would have meant a significant number of visitors to prisoners who would use the surrounding streets as well, since there was no parking for them on site. In the early nineties this reduced and we were locking up fewer prisoners, approximately two hundred and fifty to three hundred.</i></p> <p><i>Only prison staff and official prison visitors could park on site so any overspill of parking would have been on the surrounding streets. There was no real car sharing during the period when the prison was open.</i></p> <p><i>The core day was from 07.00hrs to 18.00hrs when the majority of staff would have been on shift, at least sixty discipline staff and at least eighty support staff i.e. admin, healthcare, kitchen, workshops, education, and other agencies, making a total at least 140 staff on site during daytime hours.</i></p> <p><i>Very few staff were on site for a conventional working day (i.e. they weren't 9 to 5 workers) making use of public transport more difficult.</i></p> <p><i>Additional facts:</i></p> <ol style="list-style-type: none"> <i>1. Ministry of Justice Archive - Operational Capacity of Prison: 340 as of 12th December 2007</i> <i>2. As identified by Councillor Alan Mosley:</i> <ol style="list-style-type: none"> <i>a. The HMP Shrewsbury IMB Annual Report 2012 – 13. This states - The prison operated with a total staff of approximately 219.</i> <i>b. Based on 65% car ownership (census data) this equates to 142 cars. At 70% this equates to 153 cars.</i> <i>3. Parking on the triangle to the front of the site is for 26 cars (see plan), probably a maximum of say 30 cars. Parking on the ramp, even if double parked is for no more than 20 cars.</i> <p><i>Therefore total parking on site = 50 cars.</i></p> <ol style="list-style-type: none"> <i>4. Based on point 2 b, that therefore means that between 92 and 103 cars had to find space to park in the surrounding area.</i> <p><i>These figures are based around staff numbers of 219 based on the IMB Annual Report. When the prison had more inmates and a greater staff ratio (which it did at various times) on street parking demand could be between the 100-130 spaces already identified in the Transport Statement.”</i></p>
6.5.14	As this issue is of most importance to the local community, the following paragraphs examine the matters in detail.
	Traffic Generation and Car Parking
6.5.15	Insofar as trip generation is concerned, the TA concludes that this will be comparatively low and postulates that it will be less than was the case when the prison was operational. One of the reasons set forth to explain the lower trip generation relates to the student accommodation. The TA anticipates that student occupiers will not have cars because the university admissions procedure strongly

	discourages students bringing their cars to the town, and a stipulation for students living in the university accommodation on the site will be that they will not be allowed to bring a car on site nor to park in the vicinity: this will be included in the student management plan. Students will sign agreements that they will not bring their cars to Shrewsbury and thus normally be dropped off with their belongings at the start of term, and collected at the end. On site management will be implemented to deal with the influx of vehicles at this time, so that drop offs and pick-ups are staggered.
6.5.16	<p>The University of Shrewsbury is not associated with this development and so has no direct influence over the way in which it will be managed. The applicant is aware of the concerns expressed within the local community relating to perceived student behaviour and has responded these concerns by preparing and submitting an Outline Student Management Plan, setting out in some detail how the behaviour of future student residents may be managed. In summary, this states the following:</p> <ul style="list-style-type: none"> • Each student will be bound by a residential contract which will be signed prior to moving in which will include all of the items noted below setting out requirements control and monitor the way that students use the site. • Car ownership among students who rent a room in this converted prison will be strictly prohibited. This will be enforced by the management agency and will also be policed by them. No student car park spaces will be provided on or adjacent to the site. • With Shrewsbury mainline train station adjacent to the site –students will be encouraged to take the train when travelling to or from Shrewsbury. The student rail card discount will be encouragement for this form of transport. • The closest bus stop is located at the bottom of Howard Street on the main road the A5191. The town centre itself is served well by buses, which will also provide cost effective travel solutions for students. • Predominantly the management will encourage students to walk between their residence in the prison, the town centre and other university buildings. The town centre is easily accessible by crossing the covered footbridge across the railway, which leads to the Dana footpath. All areas of the town are within walking distance. • Students will predominantly walk along Castle Street and through the pedestrianised area along to Rowley’s House which will provide learning and administration facilities for the university. • A route over the pedestrian footbridge behind Pride Hill will provide the most direct access to the University Centre at Guildhall, which will alleviate some of the existing pressure with pedestrian flows on Welsh Bridge. • An independent management company will manage the two student blocks. • It is likely that hall wardens would be appointed for each block in order to ensure a degree of pastoral care to students. • In addition there would be an out of hours ‘duty’ call-out team to deal with any emergency issues. • A full time member of staff would be on hand to deal with any issues arising between students and the local community.
6.5.17	The accommodation is not being provided by the university so it is essential that a management plan created and implemented independently of the university is

	properly supervised. The suggestion that this be carried out by an independent management company is not unusual in these circumstances and similar arrangements have been successfully introduced elsewhere in the country, including Chester where the University is served by a substantial amount of privately owned and operated student accommodation. Such arrangements should be integrated into the planning permission either via a planning condition or as part of a S106 Planning Obligation.
6.5.18	Local residents are naturally concerned that the development will exacerbate local highway congestion, particularly during peak times, and this is directly related to ensuring that the development does not contribute to this. The level of car parking proposed is a key factor and has been assessed by the Highways Officer. He considers that car ownership levels amongst students are not of the highest order and there are potential control mechanisms that could be relied upon to control student car parking. Car parking will be made available for other residents and site users, as shown on the amended layout plan. This amounts to around 60 spaces and equates to a parking ratio of about 0.8 parking space per dwelling leaving around 20 spaces to cater for visitors to and persons working at the site. However, the additional on-street parking on the Dana will more than likely have to be reduced in order to protect two way traffic flows. Nevertheless, even with a slight reduction in numbers, this level of parking is not inappropriate given the urban location of the site and its proximity to public transport and access to the town centre. Consequently, it is considered that the proposed parking arrangements can be made to work. A planning condition requiring further details of a car park management plan to be submitted and agreed is recommended. This would provide comfort over the level of parking and how it is to be managed.
6.5.19	Furthermore, as explained in the statement provided by the former Maintenance Manager, the previous prison use generated a significant level of traffic which could not be fully accommodated within the site. Therefore, in all likelihood, this would historically have led to pressure for off-site car parking within the surrounding streets.
6.5.20	There also likely to be specific onsite parking and offsite traffic impact issues at the start and end of terms with an influx of cars to drop off/pick up students and their belongings. However, this is likely to be short term in nature and its impact can be effectively managed as part of the overall Parking Management Plan/Travel Plan for the development, which should minimise the potential impacts. This could be achieved, for example, by allocating specific slots of times and days for individual students to arrive/depart.
6.5.21	In order to deliver appropriate parking levels and traffic management, an outline Travel Plan has been submitted and this sets out the basis for working up a full Travel Plan as the site comes online. This will be a major component in the promotion of sustainable modes of transport to and from the site and it sets out the physical measures to be implemented to aid, promote and encourage sustainable travel. In principle, the Highways Officer considers the proposed outline Travel Plan to be realistic in its ambition, subject to a five year period of regular monitoring, annual reviews and adaptation to meet changing circumstances and trends. Further

	detailed work is required to develop a full Travel Plan which should be secured through a suitable planning condition.
6.5.22	Trip generation and parking accumulation forecasts for the commercial gymnasium use have been provided and the TA suggests a maximum of 33 car parking demand spaces for gym users at its peak and users would be directed to use the pay and display car park in Howard Street. As an incentive, a discount could be offered as part of a package when using the gym. Details are yet to be worked up and could be required as part of the reserved matters submissions. However, the fee combined with the relatively remote location of the car park from the entrance to the gymnasium is likely to discourage a high proportion of members from using it, especially at night or during inclement weather. It is anticipated that many members would seek to park as close as possible to the gymnasium which means on local streets. The Highway Officer considers the provision of the additional short stay parking spaces outside the prison on the Dana would significantly assist in meeting the parking demands of the gymnasium.
6.5.23	Concerning the retail, café and restaurant uses, the TA states that these are intended to be incidental to the use of the site for student and private residential use and for the gym. It assumes a nil impact upon parking demand arising from these uses. These uses would be available to the wider public including local residents in the surrounding area who may choose to use the facilities as they can walk to them. Traffic generation and parking accumulation for the A1 uses have been provided, but the applicant considers the lack of parking is expected to severely limit trips that are made to the site purely for the A1/A3 uses and thus the traffic generation is a significant over-estimate. Following recent discussions there is an acceptance that due to the location and modest scale of these particular uses, they are unlikely to attract substantial custom from outside of the local area, thereby lowering potential traffic generation.
6.5.24	The TA states that the proposed B1 and D1 uses are more difficult to quantify as there is currently no end-user in place. The scale of these elements of the development mean they cannot be regarded as ancillary to the use of the site, the TS states that the intention is for these facilities to be related to the rest of the site; for example, university administration, teaching and seminar rooms. It is not possible at present to calculate accurately the trip generation and travel management arising from these uses. Nevertheless, the Highways Officer considers the additional measures put forward recently in respect of traffic management and extra parking spaces is sufficient to adequately control the traffic generated by these uses.
6.5.25	The TA acknowledges that parking on the site will be very limited, restricted to servicing, drop off or disabled users at the front of the prison. The amended scheme showing a lowered new Building B at the rear of the Lancasterian School has led to a reduction in car parking in this area compared to the original scheme. However, additional car parking has been identified on the ramp alongside Beacalls Lane (9 spaces), the triangle on the Dana (4 spaces) and through the proposed removal of double yellow lines outside the site on the Dana (15 spaces). The TA states that one of the existing service accesses off Beacalls Lane will be closed off

	and the new apartments in both buildings will be sold without car parking. It is envisaged that as the apartments will be in a highly sustainable location with good quality pedestrian links to the town centre and all of its services and facilities that it is not considered a concern to develop this part of the site without car parking. The TA speculates that there will be strong demand for flats this close to the town centre that car parking for these is not required.
6.5.26	It is appreciated that this may be of concern. However, the Lancasterian School has a lawful use as administrative offices. The current edition of the Town and Country Planning (General Permitted Development) (England) Order 2015 (Class M in Part 3 of Schedule 2) allows for the change of use of offices to Class C3 dwelling houses without having to apply for planning permission. As a fall-back position, therefore, this building could be converted as permitted development into approximately 6 town houses, based on the number of bays and the size of the rear two storey out-rigger addition, without any car parking provision.
6.5.27	The Highway Authority has considered the information made available to it and the direct comparison between the previous use and its impact and that of the proposed development has resulted in the conclusion that the likely differences are not significant and would not amount to severe detriment either to public safety or operation of the highway, which is the test set out in Framework. This is a higher level test compared with previous national planning guidance and in order to fail it must be demonstrated that the highway impact is so great that the degree of harm is exceptional. In this instance, the Highway Authority concludes that such a level of harm cannot be demonstrated and no objection is raised, subject to the recommended conditions and planning obligations.
	Servicing, Permeability and Other Highway Matters
6.5.28	In respect of servicing, it is anticipated in the TA that the area outside the main frontage will be used to facilitate service vehicles outside the site boundary, much as it was when the prison was operational. An additional drop-off area is proposed within the site to the rear of the Gate House.
6.5.29	It remains a concern that the site will be largely serviced by stationing service, refuse and delivery vehicles on the public highway outside which, for a mixed use development such as this, is likely to result in regular, perhaps daily, deliveries to service the A1, B1 and A3 uses as well as the servicing of the student accommodation (laundry and cleaning, for example). There is a complex mix of residential and commercial uses proposed, all of which will require servicing by refuse vehicles, deliveries and regular visits by suppliers. However, following further consideration, the Highways Officer views this as being not that different from when the Prison was operating and any likely obstruction caused by servicing would be of a short-lived and temporary nature. Given the tightly knit character of the surrounding area, such temporary obstructions are an inevitability of life in densely built-up urban areas and any inconvenience arising would not pass the “severe detriment” test set out in the Framework.
6.5.30	In terms of permeability, the masterplan shows a number of new pedestrian

	entrances created within the fabric of the prison wall intended to increase the ability for people to move within and through the site thereby improving connections with its surroundings. The interior wall shows a footway all the way around with areas of landscaped gardens including a walled garden. There appears to be no vehicular access within these areas. Given the nature of the uses proposed this is considered to be an enhancement, subject to details concerning the effects of upon the listed perimeter wall, and weighs in the development's favour.
6.5.31	Cycle storage areas are also proposed within the site adjacent to buildings to encourage an alternative sustainable mode of transport, especially for students. This is also considered to represent a benefit weighing in the development's favour. A suitable condition to secure this is recommended.
	Other Highway/Transport Matters
6.2.32	The applicant has raised the matter of whether or not the site should be included within the "Shrewsbury Loop" for the purposes of assessing the car parking requirements generated by the proposals. Under the superseded Shrewsbury and Atcham Local Plan, Policy T13 "Parking Within the River Loop" permitted a parking provision for residential development to a maximum level of one space per dwelling. The policy stated the standard of one car parking space per residential dwelling, which was a maximum level. As the Borough Council wished to encourage the use of alternative modes of transport, developments proposing lower levels of car parking would have been supported under that policy where there is no detrimental impact on highway safety or local amenity. The applicant considers the reduction in parking requirements for the residential elements of the scheme would make the development less likely to be problematical on the understanding that future occupiers would appreciate the fact that the residences are offered with little or no parking spaces. The additional parking offered would be considered a bonus and the limited time on-street parking could be used by existing residents.
6.5.33	The extent of the "Loop" was depicted on an Appendix to the Shrewsbury and Atcham Local Plan (2001) and it excluded land to the east of the railway station where the prison is situated. This policy has been superseded following the adoption of the SAMDev Plan and is no longer relevant. However, even if the policy still applied, the application site sits outside the Loop and so could not enjoy the concessions available in the Policy.
	Highway Conclusions
6.5.34	In summary, parking demand and availability in the locality is considered to be the main highway issue. Previously, the Highway Authority expressed concern about the level of justification contained in the initial TA. This has since been updated and, following deferral of the application from the October Planning Committee, further engagement and work has been carried out resulting in a proposal that the Highway Authority is comfortable with, subject to imposition of appropriate planning conditions and obligations. The location of the site and its accessibility to the town centre, bus station and railway station is good in terms of sustainability and the

	updated TA with its management and mitigation strategies is considered to provide sufficient assurances that traffic generation and management is capable of being accommodated without causing a severe detrimental highway impact (the test set out in the Framework). As such, the development proposals can no longer be resisted on highway or transport grounds.
6.6	<u>Drainage and Flood Risk</u>
6.6.1	The Council's Drainage Team has commented on the application and has raised no objection subject to a satisfactory method of foul and surface water drainage being submitted for approval as part of a reserved matters application. There is, therefore, no objection to the proposal on drainage grounds.
6.7	<u>Biodiversity and Ecological Impacts</u>
6.7.1	<p>The Conservation of Habitats and Species Regulations 2010 requires local authorities to give due weight to the presence of protected species on a development site. Planning permission may be granted provided there is no detriment to the maintenance of the species population at favourable conservation status in their natural range. The Regulations advise that if any detriment would be caused by the proposed development, planning permission should only be granted provided:</p> <ul style="list-style-type: none"> • There is no satisfactory alternative; and • The development is in the interests of public health and safety, or other imperative reasons of over-riding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
6.7.2	The Framework places high importance on protection of biodiversity interests and new development should minimize impacts on biodiversity. Planning permission should be refused where significant harm from a development cannot be avoided. The Framework places great weight on conserving and enhancing the natural environment. The local plan contains specific policies that are concerned with safeguarding biodiversity interests in the county. Core Strategy Policy CS17, supported by SAMDev Plan Policy MD12, requires all development to minimise impacts upon biodiversity and provide net gains in biodiversity wherever possible.
6.7.3	The developer proposes carrying out significant alterations to buildings on the site where there are potential bat roosts. An Extended Phase 1 Habitat Survey was requested and subsequently submitted during August 2016.
6.7.4	Development works that would contravene the protection afforded to European Protected Species, such as bats, requires a Habitats Directive Licence and these applications are considered by Natural England on behalf of the Secretary of State. Before such a licence can be granted, several tests must be satisfied.
6.7.5	Local planning authorities must also consider these tests prior to determination of the application. Authorities would risk breaching the requirements of the Directive and Regulation 9 (5) if the three tests were not considered during the determination

	of the application. These are considered below.
6.7.6	The Council's Ecologist has been consulted and her response is set out in the Consultations section above. In summary, she initially requested submission of a number of surveys relating to bats and signs of nesting birds and roosting or nesting barn owls. These have been reviewed and the Ecologist's updated comments are also included under the Consultations section of this report. In summary, the Ecologist has no objections in principle to the proposed development and she has recommended a number of planning conditions relating to protected species.
6.7.7	In respect of the three tests and the relative assessment referred to above, these are considered as follows.
6.7.8	<p>Test 1: “preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment”</p> <p>The proposed development does not address any pressing risk to public health or safety. However, it does involve public interests of a social or economic nature, including the reuse and renovation of an important group of listed buildings leading to physical improvements in the ty and appearance of the area. This also involves provision of additional residential accommodation and provision of facilities that may potentially help to enhance the quality of the neighbouring residential area (sports facilities, café/restaurant uses, offices etc). The development will provided environmental enhancements that potential to benefit protected species including additional nesting boxes for birds and bats as well as the addition of new planting to create improved local habitat. Therefore, it is considered that the first Test has been satisfied.</p>
6.7.9	<p>Test 2: “that there is no satisfactory alternative”</p> <p>The site is a significant previously developed site that is both listed and set within a conservation area. Although it has not been allocated for any specific use in the adopted local plan, it is situated within the defined settlement boundary and its proposed redevelopment for a mix of uses is acceptable in principle. There is no other, similar site available within the locality. It is considered that the proposals will in principle contribute both economically and socially to the local area and will provide a new lease of life for this important designated heritage asset. As such, it is considered that no satisfactory alternative exists and the second test has been met.</p>
6.7.10	<p>Test 3: “the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range”</p> <p>A bat hibernation survey was carried out between February and April 2016 on cellars and other suitable structures in Wings A and C by Tretec using static bat detectors. No physical signs of bats were found and no echolocation calls were recorded. The humidity was low and temperatures were relatively steady between</p>

	13 and 15 degrees centigrade, despite periods of freezing conditions outside. It is highly unlikely bats use these structures for hibernation.
6.7.11	Follow-up summer activity surveys were carried out between May and July 2016. Small numbers of old droppings were found in the roof spaces of D Wing, C Wing, the Kitchen and the Lancastrian School.
6.7.12	The amount of bat activity increased through the summer season with second emergence surveys showing there was a constant amount of bat activity of pipistrelle species concentrated in the C wing courtyard and A wing sports pitch every survey and most nights according to the externally mounted static detectors. Some bats commute in from the river direction whilst others roost on site. Most nights revealed occasional passes of Noctule Bats either commuting or foraging across the site, but the majority of bats recorded were Common and Soprano Pipistrelle Bats. The externally placed detectors recorded a Brown Long-eared Bat on the 29th June. The data showed that the sports pitch and courtyard are used extensively for foraging during the first one to two hours after sunset and sporadically thereafter until dawn or one hour before.
6.7.13	The report concludes that B wing roof coverings are presently used as a summer day roost for two to four pipistrelle bats and another Pipistrelle bat was observed in a mortar joint. Judging by the lack of fresh droppings or any recordings on internally placed monitoring detectors, it is concluded that bats did not use the roof spaces during the survey period. Given the habit of bats to change their roost sites, it is likely that the prison is being used in conjunction with other roosts in the local area. There was no evidence to suggest the presence of a maternity roost, where females gather to give birth and raise their young, in the buildings.
6.7.14	EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of a bat breeding site or resting place and killing or injury of individual bats. The likely offences cannot be avoided through mitigation measures secured through planning conditions as the buildings are going to be repaired, demolished or converted.
6.7.15	Section 8.4 of the Bat Survey Report contains the following recommended mitigation measures: <ul style="list-style-type: none"> • Roof works to be carried out in the period from October to November or March to April when bats are likely not to be present or have the ability to re-locate; • Two Schwegler 1FQ Woodcrete bat boxes to be fixed to gable of B Wing before work commences to act as alternative roost sites and receive recovered bats during the works period; • Works shall take place under the supervision of an Ecological Clerk of Works who is a licenced bat worker; • Replacement ridge tiles in vicinity of observed roost are to be installed to leave a gap; • Bat access slates to be installed close to where a bat was seen to roost in a verge; • External lighting to be designed to maintain dark commuting and foraging routes, particularly from the river to the development site.

	<ul style="list-style-type: none"> Further enhancement measures for bats will be sought at first submission of reserved matters.
6.7.16	The Council's Ecologist is satisfied that the proposed development will not be detrimental to the maintenance of the local bat populations at favourable conservation status within their natural range, provided that the recommended conditions set out in the formal consultation response are included on the decision notice and are appropriately enforced. Subsequently, the third test is satisfied.
6.8	<u>Other Issues</u>
6.8.1	<p>The DCLG has recently extended and clarified its definition of what types of residential accommodation may be taken into account by local planning authorities when assessing the local strategic housing land supply. The DCLG definition of dwellings now includes self-contained student flats with a cluster of 4 to 6 bedrooms. It states:</p> <p><i>“Communal establishments, i.e. establishments providing managed residential accommodation, are not included in overall housing supply statistics (however, all student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can be included towards housing provision in Local Development Plans). These cover university and college student, hospital staff accommodation, hostels/homes, hotels/holiday complexes, defence establishments (not married quarters) and prisons. However, purpose-built (separate) homes (e.g. self-contained flats clustered into units with four to six bedrooms for students) should be included. Each self-contained unit should be counted as a dwelling.”</i></p>
6.8.2	The key to compliance with the DCLG definition is the degree of self-containment. The proposed student accommodation will be mostly laid out in this cluster arrangement, thereby constituting 'dwellings' in line with the DCLG definition and also attracting New Homes Bonus, which represents a considerable boost to the local authority's financial resources that could be invested locally.
6.8.3	For the purpose of housing land monitoring, housing forecasting and the Council's Strategic Housing Land Availability Assessment, cluster flats are included in the housing land supply and are counted as one unit per cluster. This is in line with guidance from DCLG. The development would therefore make a modest contribution towards the housing supply. The precise level of contribution remains a matter to be determined at the reserved matters stage, but it is factor that weighs in the scheme's favour.
6.8.4	Under different circumstances, a development of this nature would be expected to make a contribution towards affordable housing. However, the development relates to bringing back into productive use a listed building and the submitted confidential development appraisal shows that the quantity of new development including the change of use of retained buildings is consistent with delivering an unencumbered planning permission. The Housing Officer has commented on this and agrees that an affordable housing contribution is not warranted in this case due to the

	additional costs which would prejudice the viability of the development.
6.8.5	The applicant has drawn the local planning authority's attention to the planning permission granted for the prison gymnasium in 2006 which they believe does not restrict use solely to inmates and staff. The inference being the parking requirement for the gym should be discounted from the current planning application. Whilst there is no condition attached to the permission restricting use, the decision clearly states that permission is granted for the development proposed in the application. The application form, which forms part of the application, clearly describes the proposed development as a "new gymnasium building to include changing facilities, storage and recreational space for both staff and inmates." It is no agreed that the 2006 planning permission allows an unhindered gymnasium use and the parking requirements applicable to the gym need to be considered as part of the current application.
6.8.6	Other material planning issues raised in the various representations received following publicity have been covered elsewhere in this report.
7.0	THE PLANNING BALANCE AND CONCLUSIONS
7.1.1	Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The starting point must be the Development Plan and then other material considerations must be considered. The Framework reaffirms the primacy of an up to date Development Plan in the decision making process.
7.1.2	The application is in outline form and is intended to establish the principle of redeveloping this site for the broad purposes contained in the application. The site lies within the defined development boundary for the town and constitutes previously developed land. The proposed redevelopment of the prison site is, therefore, acceptable in principle. The site is also considered to be in a sustainable location close to the town centre and with reasonable accessibility for future occupiers to the town's services and shops.
7.1.3	Policy CS2 defines Shrewsbury's broad role in delivering sustainable growth over the Plan period and provides strategic guidance on how and where new development should take place; a strategy supported further by SAMDev Plan Policy S16. It is clear that these policies envisage new housing and other development taking place within the limits of e defined development boundary for the town and on allocated sites.
7.1.4	The application site lies within the development boundary and the redevelopment of the site for residential purposes is consistent with these policies. The site is considered to be in a sustainable location. In addition, the proposed development is considered to be sustainable as defined in the Framework. There are three strands to sustainable development defined in the Framework, namely: economic; social; and environmental. These are mutually dependent and new development is

	expected to deliver benefits associated with all three roles.
7.1.5	The analysis carried out above in this report is based upon the definition of sustainable development set out in the Framework and encompasses matters of principle as well as matters of detail and development impact.
7.1.6	In respect of the three dimensions to sustainable development, it is considered that the delivery of housing, both open market and student accommodation, is a contributor to economic growth. The development represents a substantial investment in the town and will generate employment during the construction phase and during the occupation of the building following completion. Further on-going financial benefits will be generated in terms of expenditure by residents in local shops and on services as well as the continuing servicing and maintenance of the site. The development will also qualify for the New Homes Bonus and will generate revenue through commercial rates for the local authority, thereby resulting in direct local economic benefits.
7.1.7	The commercial elements of the development including accommodation for small businesses, cafes, the gymnasium, shops and so forth are also of economic benefit and weigh in favour of the proposals.
7.1.8	The proposals will fulfil a social role by delivering additional open market housing to meet current and future needs, student accommodation and a number of services and facilities that have the potential to add diversity and choice for local residents. The development will remove a series of unattractive modern functional and utilitarian buildings which are considered to detract from the setting of the listed buildings on the site.
7.1.9	The development will retain the majority of historic buildings and fabric within this listed site. Notwithstanding the outline nature of the application, the development is likely to preserve and enhance the historic setting and character of the site and the local planning authority will be able to exert further control over the precise detail of the development at the reserved matters stage, which will also have to be accompanied by a listed building consent application setting out full details of the proposals.
7.1.10	The site constitutes previously developed land and is adjacent to the town centre where future residents will have access to a variety of cultural, leisure and entertainment facilities. The development is considered to contribute to the government's aim of supporting strong, vibrant and healthy communities.
7.1.11	The proposed development will have an environmental impact in the form of a number of substantial new buildings and alterations to the fabric of the existing structures. However, there will be several environmental benefits accruing from the scheme, including regeneration of an important heritage asset, retention of historic buildings on the site, implementation of a comprehensive landscaping plan, provision of nesting boxes for protected species, the removal of extensive swathes of hard surfaced areas; all of which will have a positive environmental effect. These factors also weigh in the development's favour.

7.1.12	The previous report dated October 2016 explained that there were two major concerns with the proposals as they stood at that time. The first related to potential highway safety and traffic issues arising from the density of development and the complex mix of proposed uses and activities within the site. The concern related specifically to the impact arising from the new Building B at the rear of the Lancasterian School building. As set out above, these concerns have now been satisfactorily resolved clearing the way for the recommendation to change from one of refusal to one of approval.
7.1.13	Whilst it is acknowledged that the development is still likely to result in significant change within the local area, particularly in a context where the site has not been intensively used since 2013, it is now considered that the impacts of that change are capable of being managed so that the degree of impact is not unreasonable when balanced against the benefits of regenerating this historic site.
7.1.14	As a consequence, it is recommended that the application be approved, subject to the conditions and planning obligations set out in the following Appendices.
8.0	Risk Assessment and Opportunities Appraisal.
8.1	<p>Risk Management</p> <p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> • As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. • The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose. <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.</p>
8.2	Human Rights
	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

	<p>the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>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.</p>
9.0	Financial Implications
	<p>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.</p>

10. Background

National Planning Policy Framework:

The following paragraphs are considered to be relevant:

7, 14, 17, 19, 28, 32, 49, 51, 56, 58, 69, 128, 132, 133, 134 and 141.

Shropshire Adopted Core Strategy:

Policies CS1, CS2, CS6, CS7, CS13, CS16, CS17 and CS18.

Shropshire Adopted SAMDev Plan:

Policies MD1, MD2, MD11, MD13 AND S16.

RELEVANT PLANNING HISTORY:

SA/03/01129/CIR - Erection of an extension to provide ICT workshop and library on Beacalls Lane elevation. No objection.

SA/04/0992/CIR - Erection of a two storey detached modular building for temporary use until the replacement gymnasium is rebuilt. No objection.

SA/06/0170/CIR - Erection of a two storey gymnasium building. Objection.

SA/06/0770/F - Erection of a two storey extension to existing workshop building to accommodate new gymnasium. No objection.

SA/08/1045/LB - Erection of a single storey extension to existing plant room affecting a Grade II Listed Building. Approved.

SA/96/0136 - Extension of existing kitchens. No objection.

11. Additional Information

View details online:

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

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

Appendices APPENDIX 1 – Planning Conditions
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APPENDIX 1

Grant outline planning permission subject to the following:

1. A S.106 Planning Obligation in respect of financial contribution towards a “Residents Parking” scheme, or towards developing a Community Travel Plan (linked to this development and any other local travel plans).

2. Conditions:

15/05591/OUT Shrewsbury Prison

Recommended Conditions

STANDARD CONDITIONS

1. Application for the approval of details of the appearance, access, landscaping, layout and scale (hereinafter called the “reserved matters”) shall be made to the local planning

authority before the expiration of three years from the date of this permission and thereafter the development shall only be carried out in accordance with the details as approved.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development approved by this permission shall commence until a phasing scheme has been submitted to and approved in writing by the local planning authority. Development thereafter shall be carried out and completed in accordance with this agreed phasing scheme. The first phase of development shall comprise the re-development of the existing buildings on the site in accordance with the approved drawings listed in this outline planning permission.

Reason: To ensure the appropriate phasing of the site in the interests of visual and residential amenity and the amenity of the heritage assets on the site.

4. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
 - (i) Indications of all existing trees and hedgerows on the land;
 - (ii) Details of any to be retained, together with measures for their protection in the course of development;
 - (iii) All species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site in relation to the proposed buildings, roads and other works and means of protection during development;
 - (iv) Planting plans, including details of the proposed “Green Walls” on retained buildings, written specifications (including cultivation and other operations associated with plant and grass establishment);
 - (v) Schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate) and an implementation programme;
 - (vi) Finished levels and contours;
 - (vii) Details of means of enclosure;
 - (viii) Hard surfacing materials and specifications including roads and footpaths.
 - (ix) Retained historic landscape features and proposed restoration, where relevant; and
 - (x) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc. indicating lines, manholes, supports etc.).

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

5. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use and no dwelling shall be occupied until the approved surface water drainage system has been constructed, completed and brought into use in accordance with the approved scheme.

Reason: To ensure that the development can be adequately drained.

6. No development shall commence on site until details of the works for the disposal of foul sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

Reason: To ensure that the proposal is provided with a satisfactory means of drainage.

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

Reason: The site is known to hold archaeological interest.

8. No development shall commence within the application site area until:
- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

Reason: To enable the recording of any matters of archaeological interest.

9. No development shall commence on site, until a Construction Method Statement, has been submitted to and approved in writing by the local planning authority and which shall include the following:
- (i) The parking of vehicles of site operatives and visitors;
 - (ii) Loading and unloading of plant and materials;
 - (iii) Storage of plant and materials used in constructing the development;
 - (iv) The erection and maintenance of any security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (v) Wheel washing facilities;

- (vi) Measures to control the emission of dust and dirt during construction;
- (vii) A scheme for recycling/disposal of waste resulting from construction works;
- (viii) Measures for the protection of the natural environment; and
- (ix) Hours of construction, including deliveries

The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the local planning authority.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

10. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

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

11. No development shall commence on site until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include provision for the appointment of a Travel Plan Co-ordinator, an implementation timetable and enforcement mechanism and shall include arrangements for monitoring of progress of the proposals and review thereof, and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

Reason: In the interests of promoting sustainable transport and reduce reliance on the private motor car.

12. Development shall not commence on site until details of the car parking allocations and management arrangements, including those relating to the start and end of term time, shall be submitted to and approved in writing by the local planning authority. The car parking arrangements shall be implemented in accordance with the approved details prior to first occupation of the development.

Reason: In the interests of highway safety.

13. Development shall not commence on site until a Student Management Plan has been submitted and approved in writing by the local planning authority. This will include details of management of student residents, staffing levels, residential contracts and tenancy agreements, community engagement arrangements, control of noise, security arrangements and arrangements for resolution of complaints in respect of student

behaviour. The Student Management Plan shall be implemented as approved before the student accommodation is first occupied and shall thereafter be retained in perpetuity.

Reason: In the interests of local residential amenity.

14. No development shall commence on site until details of secure covered cycle parking have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for use at all times thereafter.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

15. Prior to any extraction system being installed into any Class A3-A5 use on the site details of the odour and noise abatement equipment to be installed, grease baffling/coils in any cooking hood and location and height of any flue shall be submitted to the planning authority for approval in writing.

Reason: to protect the amenity of the area.

16. The first submission of reserved matters shall include an updated and detailed Bat Mitigation and Enhancement Scheme and Method Statement, and these works shall be carried out as approved for the lifetime of the development. The submitted scheme shall include:

- g) the recommendations in the 'Bat Survey Report, The Dana Prison, Activity Surveys, Shrewsbury, SJ495129 VC40', 16th May – 18th July 2016, by Treetec;
- h) at least one bat loft of appropriate design and dimensions;
- i) additional features such as raised tiles, bat tiles, bat bricks, bat boxes etc.;
- j) provision for monitoring after construction;
- k) provision for continued maintenance when the development is occupied;
- l) a plan indicating the location of bat roost features and the dimensions of the bat loft.

Reason: To ensure the protection of bats, which are European Protected Species.

17. Prior to commencement of the development, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall be appointed to ensure that the Bat Mitigation and Enhancement Strategy and Method Statement and other ecological mitigation and enhancement measures are adhered to. The ECW shall provide a report to the Local Planning Authority demonstrating implementation of these measures. This shall include photographs of installed features such as bat and bird boxes once in place, details and dates of wildlife protection and mitigation measures in place, and findings of all pre-commencement checks undertaken for the protection of wildlife, and provision of replacement habitat and enhancements. The ecological clerk of works shall also provide brief notification to the Local Planning Authority of any pre-commencement checks and measures in place, as they progress.

Reason: To demonstrate compliance with ecological mitigation and enhancement proposals.

18. As part of the Reserved Matters details for the provision of nesting opportunities for swifts shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the buildings.

Reason: To ensure the provision of nesting opportunities for swifts.

19. No works shall commence on site until a full schedule and specification of works involved in the removal of the buildings approved for demolition by this outline planning permission, as shown on the approved demolitions plan 435/P/003 Rev A, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

20. No works shall commence on site until an appropriate programme of building recording (including architectural/historical analysis) has been carried out in respect of the building concerned. This record shall be carried out by an archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing with the Local Planning Authority.

Reason: To secure the proper recording of the listed building.

21. The first submission of reserved matters shall include details of the proposed alterations to the perimeter wall of the prison, including the reduction in height, the formation of new openings, the formation of the new principal access and the methodology of how these works are to be carried out. The development shall be carried out in strict accordance with the approved details.

Reason: To preserve the special architectural and historic interest of the listed building.

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

22. Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans

and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

23. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

24. Prior to occupation details of the specific glazing used in residential dwellings on site shall be submitted to the local planning authority for approval in writing. The glazing must be capable of a reducing noise between the internal and external façade by at least 29dB.

Reason: to protect the health and wellbeing of future residents.

25. Prior to occupation details of ventilation into habitable rooms shall be submitted to the local planning authority for approval in writing.

Reason: to protect the health and wellbeing of future residents.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

26. The development hereby permitted shall be carried out in accordance with the following approved plans:

- 435/P/001 Rev A – Site Location Plan
- 435/SK/016 – Proposed Layout Plan
- 435/P/003 Rev A – Proposed Demolitions Plan
- 435/P/004 Rev F – Illustrative Ground Floor Plan
- 435/P/005 Rev C – Illustrative First Floor Plan
- 435/P/006 Rev – Illustrative Second Floor Plan
- 435/P/007 Rev A – Illustrative Third Floor Plan
- 435/PHA/A3L – Indicative Building B Ground Floor Plan

- 435/PHA/A3L-2 – Indicative Building B First Floor Plan
- 435/PHA/A3L-3- Indicative Building B Second Floor Plan
- 435/SK028 - Indicative Building B Site Section Drawing

Reason: For the avoidance of doubt and in the interests of proper planning.

27. The total gross floor space of the proposed uses within the existing and proposed buildings shall not exceed the values listed on shown on the approved Layout Plan No. 435/P/004 Rev F.

Reason: To define the permission and ensure that the proposal is carried out in accordance with the approved plans, for clarity and the avoidance of doubt

28. Any Class B1 land uses shall operate between the hours of 07:00 and 20:00 on any day.

Reason: to protect the residential amenity in the area.

29. Modification, demolition, changes to lighting of the Gate House, Wings A, B, C, D, the Kitchen block and the Lancasterian School as identified in the Existing Site Layout Plan Drawing Number P/002 Rev. A shall not in any circumstances commence unless the local planning authority has been provided with either:

- c) A licence by Natural England pursuant to regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or
- d) A statement in writing from the relevant licensing body to the effect that it does not consider that the specific activity/development will require a license.

Reason: To ensure the protection of bats, which are European Protected Species.

30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no television / radio aerial / satellite dish or other form of antenna shall be affixed on the exterior of any building forming part of the development hereby permitted.

Reason: To safeguard the character and appearance of the building and area.

31. The works hereby granted consent shall be carried out in such a manner as to ensure that the existing building(s) designated for retention are preserved and not structurally or superficially altered in any way whatsoever, save in accordance with the approved plans and the schedules required by condition 19 of this permission and the said

building(s) shall be structurally supported and weatherproofed at all times during the construction period in accordance with established building practice.

Reason: To preserve the special architectural and historic interest of the listed building.

32. All materials on the existing buildings approved for demolition shall be carefully dismantled and stored in a dry and secure place for re-use in the works to the listed building. The materials shall not be disposed of or otherwise taken off-site without the prior written approval of the Local Planning Authority.

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

33. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and reenacting those Orders, with or without modification), the hereby approved student accommodation provided in A and C Wings shall be used solely for that purpose.

Reason: In the interests of local highway safety, given the limited availability of car parking within the development and surrounding area.



<u>Committee and date</u>
Central Planning Committee
22 December 2016

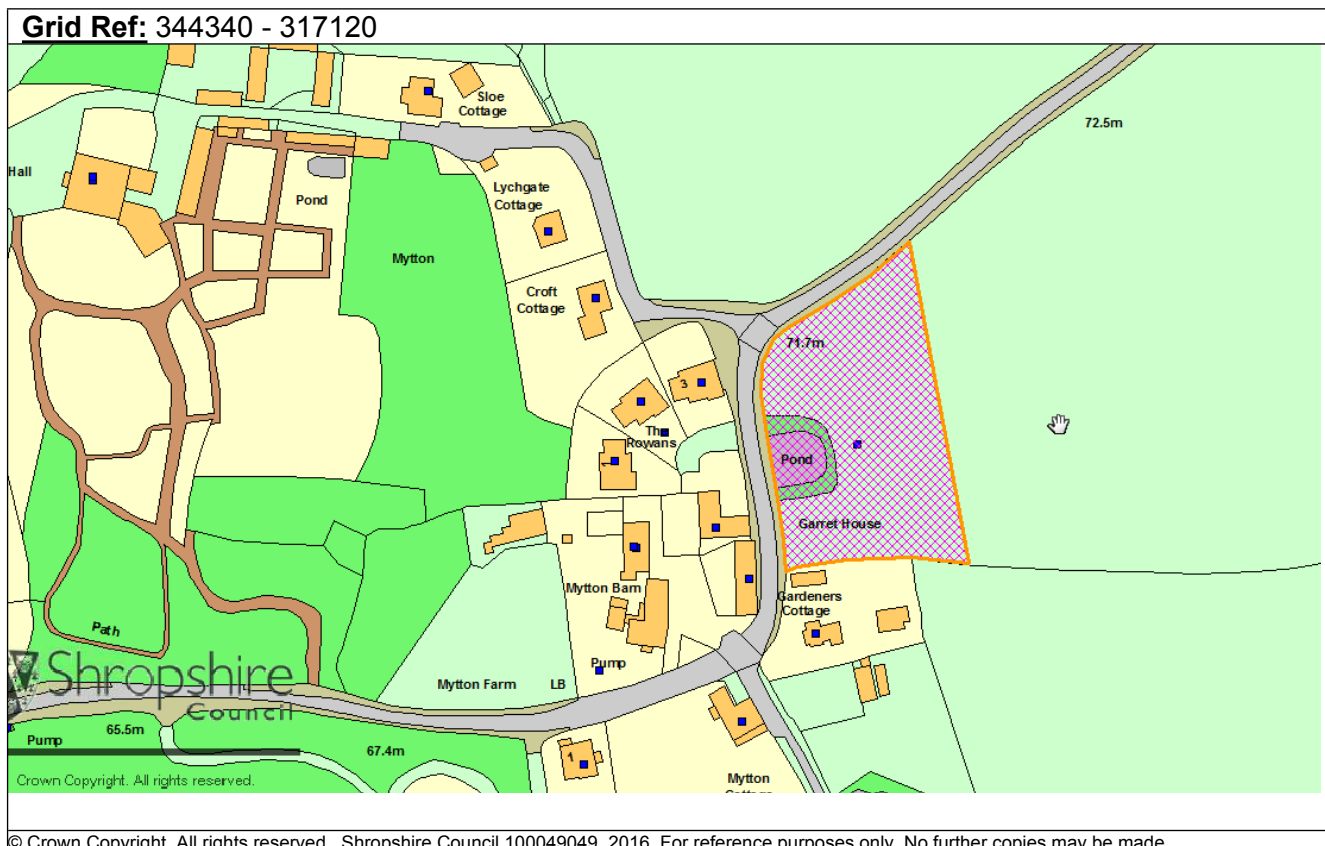
<u>Item</u>
9
Public

Development Management Report

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

Summary of Application

Application Number: 16/01827/REM	Parish:	Bomere Heath
Proposal: Application for approval of reserved matters (siting, landscaping, scale, appearance) pursuant to 13/03841/OUT for the erection of three detached dwellings		
Site Address: Land Opposite The Rowans Mytton Shrewsbury Shropshire		
Applicant: Mr T Pook		
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk	



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

REPORT

BACKGROUND

It was RESOLVED by the Central Planning Committee of 24 November 2016 that this application be deferred to allow the Members the opportunity to view the site.

1.0 THE PROPOSAL

- 1.1 This application relates to approval of reserved matters (siting, landscaping, scale, appearance) pursuant to 13/03841/OUT for the erection of three detached dwellings.
- 1.2 The application has been amended since first submitted as the red outline originally extended outside the area approved for development under the outline approval and also showed an oak tree that was to be retained as being removed. The amended site plan now shows the correct area outlined in red and the oak tree retained. Amended drawings of the house types have also been received and although large houses they have been significantly reduced in size compared to the original submission.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is the West part of a field accessed by a field access off an unclassified road to the West of the site with houses on the opposite side of the road. The site is bordered to the South by a mature hedge, with a dwelling beyond, there is a hedge along the boundary with the road to the North and the field is open to the East.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers and the Area Planning Manager in consultation with the Committee Chairman agrees that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

- 4.1.1 **SC Rights of Way:** There are no legally recorded public rights of way at any status which cross or abut the site identified.
- 4.1.2 **SC Ecology:** Recommends that native species, found locally in Shropshire, are used in the landscape scheme.
- 4.1.4 **SC Trees:** The amended site layout satisfactorily addresses previous concerns and withdraws objections to this application. Suggests a condition requiring further tree protection details including a site specific method statement for the installation of the no dig access track.

4.1.4 **SC Highways:**

Approval of reserved matters

Appearance – not a highway consideration

Landscaping – not a highway consideration

Layout - no objection subject to the development being constructed in accordance with the approved details and the suggested conditions and informatives

Scale – the proposed scale of the development is considered acceptable from a highway perspective

Discharge of conditions

Condition no.10 – seeks that the details on the means of access, construction and sightlines be submitted as part of the application for reserved matters. The submitted information is incomplete and the proposed access construction within the highway is not in accordance with the Council's specification.

Observations/Comments:

The principle of the proposed development has been previously approved under outline consent 13/03841/OUT and the highway comments are forwarded in respect of the submitted details for the approval of reserved matters and condition no.10 as imposed on the outline consent. The proposed layout of the access, internal private driveway, parking and turning areas as shown on drawing no. 1510-PL-02 are acceptable. The sightlines from the access have not however been demonstrated whilst the charcoal permeable pavers are not acceptable and not in accordance with the Council's specification for a residential access crossing within the highway.

- 4.1.5 **SC Drainage:** No proposed surface and foul water drainage details, plan and calculations as per our Drainage Comments dated 8 October 2013 have been submitted for approval.

4.2 - **Public Comments**

- 4.2.1 Bomere Heath PC: (Comments to proposal as first submitted). Several councillors expressed their concern that the three houses proposed in this development are too large and imposing and that, given their position in the centre of the hamlet, would dominate the whole area and detract from the natural character of the village. It was decided that, because of these concerns, all councillors should be allowed two or three days to compare this latest "reserved matters" application with the Outline plan as passed in 2013.
A majority of councillors are now of the opinion that the new proposals are not in conformity with the outline plan. Each of the three houses is significantly bigger than originally proposed. The configuration of the three houses has been changed - they have been straightened out to form one long imposing line. This has been achieved by enlarging the size of the whole plot by making it deeper from front to back, which careful measurement has shown. This also is not in conformity with the original plan. The Parish Council object to these RES measures and respectfully requests that the size of the properties be reduced.

- 4.2.2 Eleven letters of objection summarised as follows:

- ☐ The access should be positioned further along the road to reduce the number of vehicles accessing the highway on a dangerous bend.
- ☐ The access road is unsuitable for construction and delivery vehicles and an alternative temporary access should be made
- ☐ Construction vehicles and work will create noise and disturbance for existing residents
- ☐ Objects to the removal of one Oak tree
- ☐ The land forms part of the 'Pimhill, Berwick Estate and Severn Valley Area of Special Landscape Character ' and should not be developed.
- ☐ The houses proposed are significantly larger than at the outline stage and are out of scale with the surrounding properties and will alter the character of the hamlet. Loss of privacy
- ☐ Impact on existing foul and surface water systems
- ☐ Object to the fact that the pedestrian access through the site has been removed
- ☐ Would be happy for the site area to be enlarged to enable the houses to be set back further within the field

5.0 THE MAIN ISSUES

The principle of development has been established by the outline consent and the main issues are:

Access

Layout, scale and appearance

Impact on existing residents

Landscaping and trees

Ecology

Drainage

6.0 OFFICER APPRAISAL

6.1 Access

- 6.1.1 Vehicular and pedestrian access to the site will be via the existing field access. Condition 10 on the outline approval required details of the means of access to be submitted as part of the application for reserved matters. Highways have confirmed that whilst the proposed layout of the access and the internal private driveway, parking and turning areas are acceptable the sightlines from the access have not been demonstrated and the pavers are not in accordance with the Council's specification for a residential access crossing within the highway. A further condition will be imposed requiring the detail of the sight lines and construction of

the access to be submitted for approval.

- 6.1.2 Some residents have commented that a pedestrian access through the site has been removed. The Public rights of way officer has confirmed that there are no legally recorded public rights of way within or adjacent to the site. The amended plan does show a strip of land to the south outside the residential curtilage of plot 1 and this could provide pedestrian access to the field to the rear if required and agreed with the owner.

6.2 **Layout, scale and appearance**

- 6.2.1 SAMDev Policy MD2 (Sustainable Design) and 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 and should also safeguard residential and local amenity. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.
- 6.2.2 Layout - The plan has been amended so that the site area has been reduced and is the same as that approved at the outline stage. The proposal is for three large detached dwellings that will face the internal access drive and the pond to the front of the site. All three houses include a single storey rear extension to provide a family room that will have floor to ceiling windows to the East elevation that will look out over the field to the rear, and patio doors to the South elevation that will open onto the private rear garden. It is considered that the site can satisfactorily accommodate three large dwellings and the layout provides more than satisfactory private rear garden area, parking space and gardens to the front in addition to detached double garages. The plot sizes are also considered to be comparable with the plot sizes of the houses opposite to the West and the adjacent site to the South.
- 6.2.3 Scale and appearance - Some residents and the Parish expressed concern regarding the scale of the buildings as first submitted and that they would not be in keeping with surrounding properties. The nearest properties are the large detached houses opposite built in the 90s and the large detached property to the South that now has permission for a large two storey side extension. The scale of the proposed houses has been significantly reduced to that as first submitted and they will be set back from the road frontage due to the pond and trees to the front of the site. As referred to above they will be situated within plot sizes comparable to those nearby and are not considered to be out of scale with the surrounding development. The houses are a traditional design with front facing gables and include a number of traditional features and detailing including deep brick plinths, steep pitched roofs, chimneys, projecting gables and bay windows. They are to be constructed of brick with a tiled roof and it is considered that the traditional design and appearance of the dwellings will be in keeping with the scale and appearance of the surrounding properties. The new development will be softened by the existing trees and pond to the front of the site and it is considered that the proposal would have no adverse impact on the character and appearance of the locality.

6.3 **Impact on existing residents**

- 6.3.1 CS6 also seeks to safeguard residential amenity. The nearest properties include Garret House and 1-3 The Rowans opposite, and Gardeners Cottage to the South. 1-3 The Rowans and Garret House currently enjoy views of the site and countryside beyond. However there is no right to a view and due to the proposed properties being set back behind the pond and existing trees it is not considered that the dwellings would appear obtrusive or overbearing. Although the East facing gables of Garret House and 3 The Rowans are close to the roadside due to the separation distance between the existing properties and the front of the proposed properties it is not considered that the proposal would result in overlooking or a loss of privacy.
- 6.3.2 Similarly the house proposed for plot 1 to the South is separated a good distance from the existing Gardeners Cottage not to appear overbearing or obtrusive, and the existing Oak tree will partially obscure views. There are currently no windows in the side elevation of Gardeners Cottage that will face the site (other than a bathroom window) and the only windows proposed in the side elevation of the approved two storey extension will also be bathroom windows. There are no first floor windows proposed for the South facing gable of the house on plot 1 that will be nearest the boundary and a condition can be imposed to ensure that no additional windows can be inserted. It is therefore considered that the proposal would not result in overlooking and a loss of privacy of Gardeners Cottage.

6.4 **Landscaping and trees**

- 6.4.1 The submitted layout also includes landscaping that includes the retention of existing trees and hedgerow and the planting of 2 new oak trees. A 1 metre buffer strip of rough grassland and scrub is indicated around the edge of the pond and the wider area around the pond to be planted with a meadow grass and wildflower mix. The access drive will be permeable tarmac and the private drives permeable pavements. A 1.1m high post and rail fence and mixed native species hedgerow is proposed to be planted along the Eastern boundary to separate the gardens from the field. It is considered that the proposed landscaping scheme is acceptable given the rural location and that a tree protection condition will ensure that all trees are satisfactorily retained.

6.5 **Ecology**

- 6.5.1 The ecological implications of developing this site were considered in full at the Outline stage and the relevant conditions imposed. The ecological survey and report found a small population of GCN in the pond closest to the development area and a medium population in a nearby pond within 100m. There will therefore be the potential to disturb or damage individual newts as land within 50m of a pond supporting GCN will be disturbed and work will therefore need to be conducted under licence from Natural England. The report sets out the mitigation required and a condition was imposed regarding works to follow a strict method statement and copy of an EPS licence be submitted prior to commencement of work. A bat activity survey was also conducted and found bats foraging by the hedge and large oak tree. This tree has high bat roost potential and is proposed to be retained. The conditions that were imposed at the outline stage do not need re-imposing and

have to be adhered to. The only additional comments that the Ecologist has provided is that native species, found locally in Shropshire, are used in the landscape scheme. A landscape implementation and management condition will be imposed and this will ensure that native species are used. It is considered that the proposed landscaping and development of the site will enhance the bio-diversity of the site compared to its current use as an agricultural field.

6.6 Drainage

- 6.6.1 Surface water drainage will be provided via soakaways and foul drainage to septic tank. The Council's Drainage Engineer commented at the Outline stage that surface water soakaways should be designed in accordance with BRE Digest 365 and that the septic tank should conform with Building Regulations H2. It was suggested that these details be submitted at the reserved matters stage but as surface water and foul drainage will be fully considered as part of building regulation approval this will ensure that the proposal meets with the relevant part of the regulations highlighted by the drainage team. An informative was imposed on the Outline consent advising what is required.

7.0 CONCLUSION

- 7.1 The principle of development has already been established by the outline consent. The detailed proposal is considered to be appropriate in scale, density, pattern and design taking into account the local context and would have no adverse impact on the character and appearance of the locality and would also safeguard residential and local amenity. A safe means of access and adequate parking can be provided and the proposal would have no adverse ecological implications or result in the loss of mature trees and the proposed landscaping will enhance the bio-diversity of the site. The proposal is considered to accord with Shropshire Council LDF Policies MD1, MD2, CS4, CS6, MD13 and CS17.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies: MD1, MD2, CS4, CS6, MD13 and CS17.

RELEVANT PLANNING HISTORY:

12/04340/OUT Outline planning application for the erection of 5 dwellings (all matters reserved)
WDN 29th November 2012

13/02151/OUT Outline planning application for the erection of 3 dwellings (all matters reserved)
(revised scheme) WDN 14th August 2013

13/03841/OUT Outline Application for 3 no. open market dwellings including new access and associated drainage. GRANT 30th April 2015

11. Additional Information

List of Background Papers: File 16/01827/REM
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr John Overall
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

2. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012 or its current equivalent have been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the

site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

c) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a method statement providing details of tree protection measures to be implemented during the installation of the no dig drive has been submitted and approved by the Local Planning Authority. This method statement must make provision for supervision of these works by the applicant's arboriculturist or other competent person, as agreed in writing by the Local Planning Authority.

d) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

e) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

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

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

3. The details submitted with regard to condition 10 attached to the outline consent are not approved and prior to construction details of the construction and sightlines of the means of access shall be submitted to and agreed in writing by the LPA. Details shall be fully implemented in accordance with the approved details prior to the first occupation of the development.

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

4. The internal private driveway, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved block plan drawing no.1510-PL-02 prior to the dwellings being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

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

5. All hard and soft landscape works shall be carried out in accordance with the approved plans and shall include native species. The works shall be carried out prior to the first occupation of any part of the development hereby approved. Any trees or plants that, within a

period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

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

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

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

7. The first floor and second floor windows in the North facing side elevation shall be permanently formed as a fixed light and glazed with obscure glass and shall thereafter be retained. No additional windows or other openings shall be formed above ground floor level in either the North or South facing side elevations.

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

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Committee and date
 Central Planning Committee
 22 December 2016

Item
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 Public

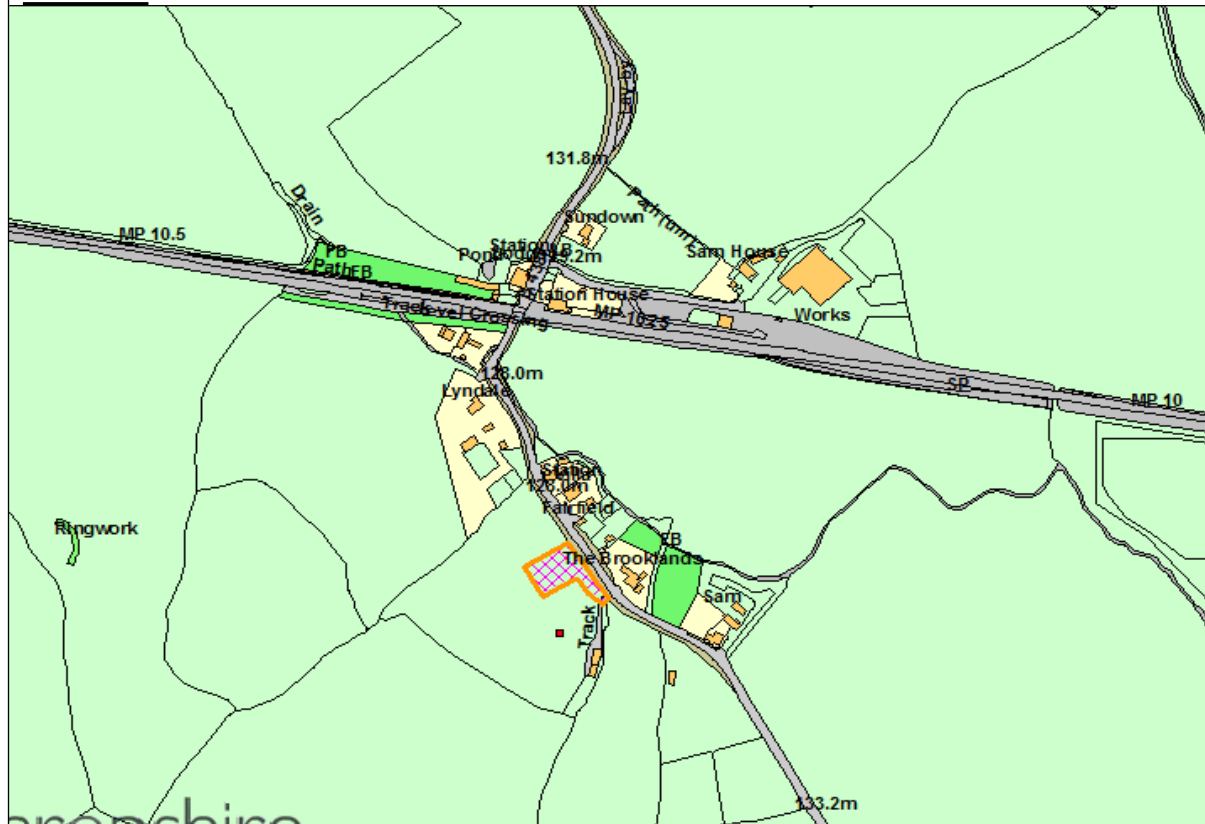
Development Management Report

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

Summary of Application

Application Number: 16/03879/FUL	Parish:	Westbury
Proposal: Erection of 1no affordable dwelling and detached garage		
Site Address: Proposed Affordable Dwelling Westbury Shrewsbury Shropshire		
Applicant: Mr & Mrs A Owen		
Case Officer: Frank Whitley	email: planningdmc@shropshire.gov.uk	

Grid Ref: 334651 - 310710



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Recommendation:- GRANT PLANNING PERMISSION subject to the applicants entering into a S106 agreement to secure the property as affordable and subject to the conditions set out in Appendix 1.

Recommended Reason for Approval

REPORT

1.0 THE PROPOSAL

1.1 The application seeks planning permission for the erection of 1no affordable dwelling and single space detached garage.

1.2 This is a revised application following the withdrawal of 16/00120/FUL due to Highways concerns.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site lies in existing pasture land adjacent to the B4387 which connects the settlements of Westbury and Halfway House. The application would add to an existing cluster of dwellings comprising Sarn, the Brooklands, Fairfield, Somerdale Cottage (on the east side of the road) and Lyndale which is further north on the west side of the road. Collectively these properties form part of the dispersed settlement of Westbury.

2.2 According to Agricultural Land Classification West Midlands region the site is Grade 3 (good to moderate) agricultural land.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution. At the request of the locally elected member, the Area Planning Manager and Chair of the Central Planning Committee have decided that the application should be decided by elected Members.

4.0 Community Representations

Consultee Comments

4.1 **Highways-** no objection subject to condition

Recommendation

No objection – subject to the development being constructed in accordance with the approved details and the following conditions and informatives.

Observations/Comments:

The current submission is a resubmission of the earlier application with the access relocated further to the north in response to further highway assessment. The submitted highway access details are considered to be acceptable with the new access position increasing the measure of forward visibility along the B4387.

Conditions:

1. The visibility splays shown on the plan drawing no.25-15-05 Rev A shall be provided in accordance with the approved details. All growths and structures in

front of these lines shall be lowered to and thereafter maintained at carriageway level and shall be fully implemented prior to the dwelling being occupied.

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

2. The access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved plan drawing no.625-PA-02 B prior to the dwelling being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

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

3. The access apron shall be constructed in accordance with the Council's specification currently in force for a residential access and shall be fully implemented prior to the dwelling being occupied.

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

4.2 **Ecology**- no objection subject to condition

Erection of artificial nesting/roosting boxes

Prior to the first occupation of the buildings hereby permitted, a suite of artificial nesting and/or roosting boxes shall be erected on the site. The type and location of the boxes shall be submitted to and agreed in writing with the Local Planning Authority and the scheme shall then be undertaken in accordance with the agreed details.

The following artificial nesting/roosting boxes shall be provided:

1. A total of 1 woodcrete bat box suitable for nursery or summer roosting for small crevice dwelling bat species.

2. A total of 1 woodcrete artificial nesting box suitable for house sparrows.

Reason: To ensure the provision of roosting/nesting opportunities for wildlife in accordance with section 11 of the National Planning Policy Framework.

Lighting plan

Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trusts Bats and Lighting in the U.K. guidance.

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

4.3 **SUDS** –no objection informatives only

4.4 **Affordable Housing** – no objection

Comments remain unchanged from 15/04184/FUL and 16/00120/FUL
PROPOSED AFFORDABLE DWELLING 'land at Westbury Shrewsbury Shropshire

Single plot application: Mr Allan Owen and Mrs Emma Owen

I can confirm that Allan Owen has demonstrated strong local connections to the Westbury Parish Council local administrative area. After considering the Owen's family housing needs and personal circumstances, I can confirm that the requirements of the Supplementary Planning Document in relation to the 'build your own affordable home scheme' have been satisfied.

The Local Housing Need elements of the family's application were established as follows from information presented to me in July 2015.

' Mr Owen intends to construct a 100 sq m (max) affordable single storey dwelling at the above site to occupy as his long-term family home. This dwelling will be subject to a Section 106 Agreement prescribing local occupancy criteria, size and also restricting any potential future sale value.

' Mr and Mrs Owen currently live in rented accommodation in Middletown, this property is not deemed suitable for the long term need of the family as they wish to become home owners and move back to the Westbury area.

' Westbury Parish Council were able to confirm that Mr Owen has strong local connections to the parish.

' Mr Owen has close family and friends that live within the local area. He grew up in the parish and attended the local primary school in Westbury. Mr Owen his wife and children have animals that they keep on land within the parish they often currently travel several times per day to check that they are safe, fed and well.

' Development of the new affordable dwelling will not only provide more suitable accommodation for Mr Owens future needs (and be significantly cheaper to run), but will also be close to his parents and family to enable mutually beneficial help and support.

' Mr Owens doctor has written to support his application confirming his medical needs and the support his parents currently require and will need in the future.

' Mr Owen has been looking to purchase a property within the parish for a while but due to issues regarding affordability and availability he has been unable to secure a suitable home.

' Mr Owen has therefore demonstrated housing need, strong local connections and a need to live in the local area. Moreover, due to issues of affordability and availability he is unable to meet his own housing need within the parish without assistance from this policy.

4.5 **Parish Council**

Stance: Customer made comments neither objecting to or supporting the Planning Application. Comment: The Parish Council met on the 2nd November 2016 the decision was neutral on this application.

It is noted that in relation to the previous planning application 16/00120/FUL (withdrawn) there was no resolution to the question as to whether this site is a named settlement.

4.6 **Public Comments**

8 objections have been received on the following grounds in summary:
Highway safety

No pedestrian footpath
 Road is prone to flooding
 Loss of privacy
 Other options are available to the applicant
 Not within or adjacent to a named settlement

9 representations of support have been received on the following grounds in summary

The applicant is local and is need of housing
 The site lends itself well for development and is close to a group of other residential properties
 The land is not high quality productive farmland
 Critical shortage of housing
 Local families should be encouraged to remain in the community
 Dwelling will be well screened
 Set a precedent for other applications
 Application appears to have better visibility than the last

5.0 THE MAIN ISSUES

Principle of development
 Siting, scale and design of structure
 Residential Amenity
 Flooding
 Visual impact and landscaping
 Highways

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Shropshire Council Core Strategy Planning Policies CS1, CS5 and CS11, along with the National Planning Policy Framework, allow for the building of affordable dwellings on rural 'exception sites' to meet specific local needs.

6.1.2 Policy MD7a (Managing Housing Development in the Countryside) of the Site Allocations and Management of Development (SAMDev) Plan states that in order to protect the long term affordability of single plot exception dwellings, they will be subject to size restrictions and the removal of permitted development rights, as well as other appropriate conditions or legal restrictions.

6.1.3 In this case, as summarised above, the Council's Housing Enabling Officer finds that the policy requirements in respect of housing need are satisfied. Planning permission would be subject to prior completion of a Section 106 agreement to ensure that the dwelling remains a discounted sale dwelling which would limit its value in perpetuity.

6.1.4 The Type and Affordability of Housing SPD states at para 5.13 that rural exception sites "must be demonstrably part of, or adjacent to, a recognisable named settlement". However this requirement cannot be read in isolation without referring to guidance at paras 5.15-5.17. In doing so it should be noted that the proposal:

- ☐ is not considered to be sporadic or isolated development
- ☐ does not affect the landscape, local historic, or rural character

- ☐ is not in an elevated, exposed, or prominent position
- ☐ would form part of a group of houses occupied by households from different families
- ☐ is capable of forming a relationship with neighbouring dwellings

6.1.5 Importantly, the SPD acknowledges at 5.16 that a settlement will not always be named on an Ordnance Survey map.

6.1.6 The application site lies very close to a cluster of five existing dwellings, which are considered related to the settlement of Westbury and other dwellings close by..

6.1.7 On balance, the site is considered to accord with the Location requirements of the SPD, paras 5.13-5.18.

6.1.8 It is considered therefore that the plot is suitable in terms of location for a rural exception site and meets the requirements of the relevant sections of CS1, CS5 and CS11.

6.2 **Siting, scale and design of structure**

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

6.2.2 The position of the dwelling is unchanged from 16/00120/FUL. The access, parking, turning area and garage have been moved to the north side of the dwelling. It is not considered that these revisions introduce other issues in terms of siting, scale or design.

6.2.3 The proposed two bedroom bungalow is modest in scale, its gross internal floor area not exceeding the 100m² limit specified in the SPD Type and Affordability of Housing. 'Permitted development' rights for subsequent extensions will be removed, both to ensure that the property remains of a size which is affordable to local people and in the interests of visual amenity. The plot is large enough to provide sufficient outdoor amenity space for the applicants themselves without exceeding the 0.1ha restriction imposed by the aforementioned SPD.

6.2.4 The detached garage is considered appropriate in scale and design. The dwelling is to be constructed from brick under a slate appearance tiled roof. Window frames and doors are to be constructed from timber. An open sided porch area is proposed to project from the rear of the dwelling to provide quiet amenity space for the occupier. The submitted plan shows 12 Photovoltaic panels are to be fitted to the south west facing roof elevation. Overall the siting, design and use of materials is considered acceptable and in accordance with CS6 (Sustainable Design and Development Principles) and MD2 (Sustainable Design).

6.2.5 The Type and Affordability of Housing SPD states that dwellings on exception sites must also be constructed to a minimum of an equivalent to the 'Code for Sustainable Homes' level 3 for energy and water efficiency. It is therefore necessary to impose a condition ensuring that the dwelling is constructed to an equivalent of this Code.

6.2.6 A package treatment plant and herringbone soakaway to the rear of the dwelling is considered acceptable.

6.3 **Residential Amenity**

6.3.1 Representations have raised issues regarding the privacy of neighbours, in particular The Brooklands and Fairfield. The applicant has supplied a further plan indicating separation distances and a comparison in levels. At their closest, The Brooklands and Fairfield are 35m and 45m from the footprint of the proposal. Neither are directly overlooked. According to plans submitted, finished floor level of the proposal is just over 1m above The Brooklands, and almost identical to Fairfield.

6.3.2 The site is separated from nearby properties by an existing hedge to the front which is to be retained, apart from a section to be removed for the new access.

6.4 **Flooding**

6.4.1 The site lies entirely in Flood Zone 1 (lowest risk of flooding), though land immediately to the east of the existing group of dwellings opposite falls within Zones 2 and 3.

6.4.2 Concerns have been raised by objectors about run off from the field which contains the application site. Photographs have been supplied which appear to show the B4387 flooded. However there is no evidence that the proposal would exacerbate the alleged flooding issue and it is noted that the proposal includes a soakaway and a permeable drive surface. No concerns have been raised by either Shropshire Council Highways or the Flood and Water Management Team. The proposal is considered to accord with CS18 (Sustainable Water Management).

6.5 **Visual impact and landscaping**

6.5.1 CS6 seeks to ensure development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate.

6.5.2 The development is single storey and modest in scale such that the visual impact is limited. Additional screening is to be planted around the perimeter of the application site. Although the revised access position will result in the loss of a short section of hedgerow, it is not considered to cause an unacceptable visual impact.

6.5.3 The proposal is considered to respect the existing scale and character of buildings in the surrounding area and it is judged the dwelling and detached garage would not significantly detract from the rural character of the area.

6.6 **Highways**

6.6.1 16/00120/FUL was withdrawn after objections from Highways. However the revised access position has been designed to overcome the objections. On this occasion, Shropshire Council Highways has raised no objection.

7.0 CONCLUSION

7.1 The proposal is judged to be acceptable in principal since it is for an affordable dwelling to meet an identified local need and the site is sufficiently related to a recognisable named settlement to accord with the locational requirements of the Housing SPD. The dwelling as proposed would have no significant landscape impact, and the design of the proposed garage and new access is satisfactory. Furthermore, there are no undue concerns in respect of residential amenity, drainage, ecology or highways.. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to prior completion of a legal agreement to ensure that the property remains 'affordable' in perpetuity, and to conditions to reinforce other critical aspects. The development is considered to accord with the requirements of the NPPF, CS1, CS5, CS6, CS11, CS17, CS18, MD2 and MD7a and the Type and Affordability of Housing SPD.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and SAMDev Plan
CS1, CS5, CS6, CS11, CS17, CS18, MD2 and MD7a
Type and Affordability of Housing SPD.

RELEVANT PLANNING HISTORY:

15/04184/FUL Erection of 1No affordable dwelling, detached garage and store and installation of package treatment plant (Amended description) WDN 17th December 2015
16/00120/FUL Erection of 1no affordable dwelling and detached garage WDN 16th May 2016
16/03879/FUL Erection of 1no affordable dwelling and detached garage PCO

11. Additional Information

[View details online:](#)

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

Cllr David Roberts

Appendices APPENDIX 1 - Conditions

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

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

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

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

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

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

3. The access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved plan drawing no.625-PA-02 B prior to the dwelling being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

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

4. The access apron shall be constructed in accordance with the Council's specification currently in force for a residential access and shall be fully implemented prior to the dwelling being occupied.

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

5. No above ground development shall commence until samples/precise details of all external materials/finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter maintained in the absence of any further specific permission in writing from the Local Planning Authority.

Reason: To ensure that the external appearance of the development is satisfactory, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

6. Prior to the occupation of the dwelling details of the boundary treatments shall be submitted to and approved by the Local Planning Authority. The works carried out shall be carried out prior to the occupation of the dwelling or in accordance with a timetable agreed with the Local Planning Authority.

Reason: To ensure the boundary treatment is appropriate to the rural area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

7. The visibility splays shown on the plan drawing no.25-15-05 Rev A shall be provided in accordance with the approved details. All growths and structures in front of these lines shall be

lowered to and thereafter maintained at carriageway level and shall be fully implemented prior to the dwelling being occupied.

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

8. Prior to the first occupation of the buildings hereby permitted, a suite of artificial nesting and/or roosting boxes shall be erected on the site. The type and location of the boxes shall be submitted to and agreed in writing with the Local Planning Authority and the scheme shall then be undertaken in accordance with the agreed details. The following artificial nesting/roosting boxes shall be provided:

1. A total of 1 woodcrete bat box suitable for nursery or summer roosting for small crevice dwelling bat species.

2. A total of 1 woodcrete artificial nesting box suitable for house sparrows.

Reason: To ensure the provision of roosting/nesting opportunities for wildlife in accordance with section 11 of the National Planning Policy Framework.

9. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trusts Bats and Lighting in the U.K. guidance.

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

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

10. The dwelling hereby permitted, shall not exceed 100 square metres gross internal floor area, including any future extensions. No further internal habitable space shall be created within the dwelling by internal alterations.

Reason: To ensure that the dwelling is of a size appropriate to the local affordable housing market.

11. The new dwelling hereby permitted shall be constructed to an equivalent to the Code for Sustainable Homes, Level 3 star rating for energy and water efficiency.

Reason: To ensure the dwelling is constructed with a view to reducing its carbon footprint and ensuring environmental sustainability, in accordance with Policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy and SPD Type and Affordability of Housing.

12. The detached outbuilding included in the development hereby permitted shall only be used for purposes in connection with and ancillary to the enjoyment of the new dwelling as a single dwelling unit, but shall not be converted into or used as habitable accommodation, or used for commercial or business purposes, without the prior written consent of the local planning authority.

Reason: To ensure that the outbuilding is not used as a separate dwelling and that the property as a whole remains of a size which 'affordable' to local people in housing need, in accordance with Policies CS5 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy.

13. Notwithstanding the provisions of Schedule 2 part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order modifying, revoking or re-enacting that Order), no garage, carport, extension or other building shall be erected within

the curtilage of the dwelling hereby permitted without the prior consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control of the siting and external appearance of any buildings to be erected in the interest of visual amenity and to maintain the future affordability of the dwelling.

Informatives

1. Informatives:

Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway.

No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

construct any means of access over the publicly maintained highway (footway or verge) or

carry out any works within the publicly maintained highway, or

authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or

undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

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

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

2. Informative: Ecology Nesting wild birds

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

chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy and egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird

nesting season which runs from March to September inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to any of the buildings and begin nesting, work must cease

until the young birds have fledged.

Informative: Ecology Storage of materials

The storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or

other suitable containers to prevent their use as refuges by wildlife.

Informative: Ecology Trenches and pipework

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife

becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with

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

3. A sustainable drainage scheme for the disposal of surface water from the development should be

designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at:

www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-management-strategy/.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes

and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally.

Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

-



<u>Committee and date</u>
Central Planning Committee
22 December 2016

<u>Item</u>
11
Public

Development Management Report

Responsible Officer: Tim Rogers

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

LPA reference	15/04653/FUL
Appeal against	Appeal Against Refusal
Appellant	Mr & Mrs C Goode
Proposal	Erection of 3 No dwellings and garages (amended description)
Location	Land South Of Millrace Cottage Longmeadow Drive Shrewsbury
Date of application	29.10.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	12.04.2016
Date of appeal	11.10.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	15/04910/OUT
Appeal against	Appeal Against Refusal
Appellant	Newriver Property Unit Trust No. 4
Proposal	Outline Application for the erection of 4 No residential units (to include access)
Location	Land South Of Calverton Way Shrewsbury
Date of application	13.11.2015
Officer recommendation	Grant Permission
Committee decision (delegated)	Committee
Date of decision	04.07.2016
Date of appeal	26.10.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	15/01152/OUT
Appeal against	Appeal Against Refusal
Appellant	Sansaw Ltd
Proposal	Outline application (all matters reserved) for residential development, convenience store and public open space
Location	Proposed Development Land At Redhill Shrewsbury
Date of application	13.03.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	03.05.2016
Date of appeal	16.08.2016
Appeal method	Written Representations
Date site visit	01.11.2016
Date of appeal decision	01.12.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	16/02091/PMBPA
Appeal against	Refused Prior Approval of Permitted Development Rights
Appellant	Mrs Lucy Pulford
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	Ruckley Barn Acton Burnell Shrewsbury
Date of application	13.05.2016
Officer recommendation	Planning Permission Required
Committee decision (delegated)	Delegated
Date of decision	08.07.2016
Date of appeal	16.08.2016
Appeal method	Written Representations
Date site visit	01.11.2016
Date of appeal decision	18.11.2016
Determination time (weeks)	
Appeal decision	DISMISSED – COSTS REFUSED
Details	

LPA reference	15/05027/FUL
Appeal against	Appeal Against Refusal
Appellant	Mr & Mrs J Kwaterski
Proposal	Erection of a five bedroom dwelling and detached garage following demolition of existing dwelling and garage.
Location	Spring Cottage Lyth Hill Shrewsbury
Date of application	24.11.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	25.01.2016
Date of appeal	22.07.2016
Appeal method	Written Representations
Date site visit	01.11.2016
Date of appeal decision	30.11.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	14/01484/FUL
Appeal against	Appeal Against Refusal
Appellant	Mrs Hughes
Proposal	Erection of a dwelling
Location	Land East Off Red Barn Road Off Longden Road Shrewsbury
Date of application	02.04.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	05.02.2015
Date of appeal	05.06.2015
Appeal method	Written Representations
Date site visit	27.10.2016
Date of appeal decision	02.12.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	14/00467/OUT
Appeal against	Appeal Against Refusal
Appellant	Mrs M Hardwick
Proposal	Outline application (access for approval) for mixed residential development
Location	Land At Longden Shrewsbury
Date of application	03.02.2014
Officer recommendation	Grant Permission
Committee decision (delegated)	Committee
Date of decision	24.03.2015
Date of appeal	25.09.2015
Appeal method	Hearing
Date site visit	11.12.2015
Date of appeal decision	09.12.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

Appeal Decision

Site visit made on 1 November 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: 01 December 2016

Appeal Ref: APP/L3245/W/16/3156645

Former Flash Butt Welding & Rail Storage Depot off Redhill Drive, Hook-a-Gate, Shrewsbury, Shropshire SY5 8BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Lesley Hyne of Sansaw Ltd against the decision of Shropshire Council.
 - The application Ref 15/01152/OUT, dated 12 March 2015, was refused by notice dated 3 May 2016.
 - The development proposed is for residential development of up to 16 dwellings, community convenience store and public open space (outline) – all matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with all matters reserved. The proposal included the provision of a small convenience store. However since the appeal was lodged, the appellant has sought to remove that element of the proposal. Whilst the location of the convenience store is depicted on the illustrative plans, given that the application was determined by the Council on the basis of the development as a whole and was the subject of consultation based on the convenience store's inclusion, the omission of this element of the scheme would materially alter the nature of the overall development and would potentially deprive those who have previously commented on the proposal. I have therefore determined this appeal on the basis of the proposal as originally submitted to the Council.
3. The appellant has submitted a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (S106) dated 24 October 2016. The obligation deals with affordable housing provision together with the making of a financial contribution towards off-site highway works. I will refer to the obligation later in this decision.
4. The parties have drawn to my attention to several appeal cases elsewhere in Shropshire as well as the Council's High Court challenge to a decision at Teal Drive, Ellesmere, Shropshire¹ where the Council's application to quash the appeal decision² was granted. The full details of the background to those cases

¹ APP/L3245/W/16/3067596

² Case No:CO/2850/2016 dated 2 November 2016

are not before me. The parties have had the opportunity to make comments about the relevance of this judgment to this appeal. Both parties raise the findings of another Inspector at an appeal³ at Ludlow. However, in so far as they assist in explaining the particular stance adopted by the parties, I have taken the decisions into account in reaching my decision.

Main Issues

5. The main issues are:

- (i) whether the proposal would result in a sustainable pattern of development having regard to the current development plan context and the presumption in the National Planning Policy Framework (the Framework) concerning sustainable development; and,
- (ii) the effect on highway safety.

Reasons

Development Plan and sustainability

6. The site comprises a triangular parcel of land amounting to some 7 hectares in area that once was occupied by railway sidings and by a welding workshop and storage depot. The land is elevated above a group of existing residential properties at Redhill which themselves are located at a higher level than Longden Road which links a series of rural villages with Shrewsbury some 1 km to the north east. There is little left of the former commercial and railway sidings activities on site and the appearance is now one of a clearance between woodland and scrub woodland adjoining the railway line immediately to the north. Having walked the site and notwithstanding the photographs in the appellant's Access, Drainage and Flood Risk Assessment, there is little in the way of surviving features that would persuade me that the site can reasonably be described as previously developed land in the terms set out in the Glossary to the Framework.
7. I am required to have regard to the development plan in considering this appeal and to make my determination in accordance with the plan unless material considerations indicate otherwise. In this regard the Council draws attention to policies of the Shropshire Core Strategy (CS) adopted March 2011 and the Site Allocations and Management of Development adopted in December 2015 (SAMDev). Whilst the appellant comments at length in relation to the veracity of the Council's spatial strategy, this strategy comprised in two parts of the Local Development Framework has only just been the subject of examination and has been found to be sound. Thus with regard to section 38(6) of the Planning & Compulsory Purchase Act 2004 the appeal must be determined in accordance with the adopted development plan unless other material considerations indicate otherwise.
8. In noting the judgement of the High Court at Ellesmere, no further evidence has been presented by the appellant to demonstrate that the Council cannot demonstrate a five year supply of deliverable housing sites. The Council's current assessment confirms it has 5.97 years' supply of deliverable housing land. This was also the findings of the Inspector at the recent Ludlow appeal (APP/L3245/W/15/3137161). Consequently, housing supply policies of the

³ APP/L3245/W/15/3137161

- development plan cannot be considered out of date for the purposes of paragraph 49 of the Framework.
9. CS policies seek to concentrate new housing on sites within and adjoining market towns, key centres and within community hubs and clusters. SAMDev Policy MD1 identifies Hook-a-gate along with the settlements of Annescroft, Longden, Longden Common and Lower Common/Exfords Green as a community cluster in the terms set out in CS Policy CS4. There are no housing allocations in this cluster with SAMDev Policy S16.2(xi) setting out that development by infilling, conversions 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. The Longden Parish Development Strategy sets out that no individual sites should be of more than 10-15 houses and a preference for lower cost 2-3 bed properties.
 10. That said, Policy MD3 of the SAMDev recognises that windfall sites will be an important component of housing delivery both within settlements and in the countryside, including both brownfield and greenfield sites having regard to the policies of the development plan. However a process of ongoing regular monitoring of housing supply rates would comprise an important component of the Council's approach to ensure delivery over the lifetime of the plan.
 11. The supported ambitions for this cluster are to retain the current rural character with particular attention to the approaches to the cluster villages. However, the appeal site is not physically well related to the community cluster that includes Hook-a-Gate. The appeal site would amount to a fragmented settlement pattern that fails to respond to the existing rural character quite unlike the infilling characteristics or suitably located groupings that are envisaged by the Council. Whilst Policy MD3 of the SAMDev envisages housing taking place beyond settlements, including greenfield sites, there is little evidence before me that indicates that the guideline of five new dwellings anticipated for Hook-a-Gate will not be delivered on more suitable sites during the remainder of the plan period. Moreover, Policies CS5 and MD7 of the SAMDev state that new market housing will be strictly controlled outside settlements areas including community clusters other than suitably designed and located exception site dwellings and residential conversions where they meet local needs and other relevant policy requirements.
 12. Having regard to the above, the Council's development strategy for the area recognises that Hook-a-Gate along with the other cluster groupings allows for limited development and that this quantum of housing would be sufficient to sustain the community cluster. The preferred location for the limited housing growth opportunities envisaged in SAMDev Policy S16.2(xi) has only recently been found to be sound. Whilst there is a degree of judgement to be exercised in terms of the suitability of location, I am satisfied that the appeal site would represent significant encroachment into the surrounding countryside in an elevated area above the natural settlement limits of Hook-a-Gate and would harm the character and appearance of the countryside on the edge of Shrewsbury.
 13. The appellant contends that the hubs and clusters approach in the SAMDev will be unlikely to achieve the re-balancing of the rural area to the extent anticipated in CS Policy CS1 and that windfall sites, including greenfield sites

will need to come forward to meet the need for housing growth. SAMDev Policy MD3 is also clear however that the principles of sustainable development would be applied to these sites. As with all developments, the proposal needs also to be assessed against the economic, social and environmental dimensions of sustainability as set out in paragraph 7 of the Framework. The appellant also points out that paragraph 55 of the Framework states that in order to promote sustainable development, housing should be located where it would enhance or maintain the vitality of rural communities. By way of example, where there are groups of smaller settlements, developments in one village may support services in a village nearby.

14. The appellant points out that development at this location would help support the local pub and that the settlement is served by a regular bus service to Shrewsbury. Moreover the development would support the extension of the public footpath through the development from each end of the site and link with the existing footpath on the Shrewsbury side. The payment of CIL contributions may also unlock funds to improve the infrastructure locally, including the scope to create a public footpath towards Hook-a-Gate.
15. There are only a limited number and range of services and facilities at the nearby community cluster settlements. The sub-regional centre of Shrewsbury close-by represents a considerable draw. Despite the proposed addition of a footpath within the site, it is not clear what other infrastructure improvements if any would be provided by this development. From what I saw, walking along the busy unlit main road would be a most uncomfortable experience to many and the length of the proposed access road and footpath would likely to mean that the motor car would be the preferred mode of travel for future occupants. This factor would accentuate the relatively isolated nature of the appeal site and comprise an unsustainable location, which would conflict with the environmental and social roles of sustainability. It would also be contrary to one of the core planning principles in the Framework which states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. These factors carry with it significant weight.
16. The provision of up to sixteen dwellings would make a modest contribution in meeting the Government's intentions to significantly boost the supply of new homes. It would also lead to an increase in the local economy, including during construction of the dwellings and, subsequently, by increasing local spending although this would in all probability be directed to Shrewsbury given its proximity and draw. Matters relating to detailed design and appearance are reserved at this stage. However, there is little information before me to suggest that the proposal would be harmful in this regard or that the proposal would be contrary to Policies CS6 and MD2 of the SAMDev in terms of any failure to respond positively to local design and distinctiveness. These factors are neutral considerations and do not weigh heavily in favour of the appeal proposal.
17. Although the principle of a community convenience store appears to have been abandoned by the appellant, for the reasons given, this element of the appeal proposal remains part of the overall development that I have considered. While this was a positive but not necessarily an overriding consideration in terms of sustainable development, its removal is symptomatic of the vulnerability of this location in terms of its sustainability credentials.

18. The Framework is clear that the three roles of sustainability are mutually dependent. The appeal scheme would conflict with environmental and social roles to a varying degree, most notably in terms of its unsustainable location. This harm is not outweighed by the limited economic benefits identified and would neither enhance nor maintain the vitality of rural communities as required by paragraph 55 of the Framework.
19. Accordingly, I have found that the proposal would not be acceptable with regard to the principle of sustainable development. The proposal would therefore conflict with CS Policies CS1, CS4 and CS5 and with Policies MD1, MD3, MD7a and S16.2(xi) of the SAMDev. It would also be contrary to Policy CS6 in so far as its unsustainable location and reliance on car based travel.

Highway safety

20. The village of Hook-a-Gate is served by Longden Road which for the most part is unlit with no footways and is subject to the national speed limit. Presently the existing access to the site is via Redhill beyond, which continues as a private single track road that previously served the former railway sidings and depot. This would be closed in favour of a new access at the easternmost part of the site and to the east of the built up area of Hook-a-Gate. Although access is reserved, the details show the provision of a new junction onto Longden Road that provides visibility splays of 2.4m x 209m in an easterly direction and 2.4m x 212m in a westerly direction.
21. The Council is concerned that the proposed visibility splay would cross land that falls outside either the highway authority's control or that of the appellant. As far as I can ascertain, this matter has not been fully resolved despite the submission of visibility splay drawings based on the national speed limit. From the information provided, I have no reason to disagree with the highway authority's conclusions and it would not be possible to impose appropriate highway conditions with any degree of confidence. The appellant's reliance on a past planning permission for a vehicular access at the adjoining property at Rock Cottage to the west that specified appropriate visibility splays that need to be retained in perpetuity is not convincing.
22. Accordingly, the proposed development would fail to provide an acceptable means of access, which is a fundamental requirement of any development and is therefore contrary to Policy CS6 that seeks to ensure amongst other things that all development is designed to be safe and accessible to all and also paragraph 32 of the Framework.

Other matters

23. A Unilateral Undertaking submitted with the appeal by the appellant would provide for a financial contribution to be made towards the costs of moving the existing speed restriction to the east of the proposed access. In addition, the obligation would provide affordable housing in accordance with Shropshire Council's Local Development Framework Supplementary Planning Document on the Type and Affordability of Housing adopted September 2012. Whilst I am mindful of the government's update policy on such matters contained within the National Planning Practice Guidance, the contribution and provision would not outweigh the harm that I have identified to the main issue of sustainability of location.

Conclusion

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

Gareth W Thomas

INSPECTOR

Appeal Decision

Site visit made on 1 November 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: 18 November 2016

Appeal Ref: APP/L3245/W/16/3156701

Ruckley Oak Barn, Ruckley, Shrewsbury, Shropshire SY5 7HR

- 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 and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mrs Lucy Pulford against the decision of Shropshire Council.
 - The application Ref 16/02091/PMBPA, dated 12 May 2016, was refused by notice dated 8 July 2016.
 - The development proposed is for the change of use of agricultural building to a dwellinghouse.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Lucy Pulford against Shropshire Council. This application is the subject of a separate Decision.

Procedural matters

3. I have defined the description of development in the banner heading as the change of use of agricultural building to a dwellinghouse, which is taken from the appellant's Planning Statement and which accurately portrays what is proposed in terms of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).
4. The appellant has submitted a number of other appeal decisions in support of this appeal. However, the full details of these appeals are not before me so I am unable to determine the full relevance of these to the appeal before me although acknowledge the principles that were established in each case. Accordingly I have determined this appeal on this basis together with the information before me.

Main Issues

5. The first main issue in this appeal is whether the proposed development would constitute permitted development in respect of Class Q of the GPDO 2015 subject to the prior approval of certain matters. If it is concluded that the proposal would be permitted development, further main issues involving whether, in the context of protected species and the effect on the setting of the nearby listed building, the building should be converted to a dwellinghouse.

Reasons

Whether the proposal would be permitted development

6. The appeal building comprises a small oak timber framed barn sitting on a low stone plinth and clad with small clay tiles behind, and in an elevated position to the north-west of a listed building of the name of Duffy's Cottage that fronts the road. Ruckley itself consists of a small group of houses and agricultural buildings clustered along the roadside. The building was allowed following an appeal¹ against a refusal by the predecessor local planning authority for the erection of a replacement barn for the storage of domestic and agricultural items and garage. Despite the passage of time, only the superstructure has been completed. At the time of my site visit, the external walls had been boarded but the final oak boards were still stacked in the building along with some hay bails, a small tractor and a few agricultural implements.
7. The provisions of the GPDO Class Q states that the change of use of an agricultural building to a Class C3 use is permitted as long as it complies with a number of criteria including that it was used solely for an agricultural use as part of an established agricultural unit on 20 March 2013 (Q.1(a)(i)). The Council states that prior approval is refused in this case because the building has not been used solely for agricultural use on the basis of what was stated at the time of the original planning permission and reiterated again at the time of a later planning application for conversion to a dwelling that was refused by the local planning authority. Moreover, the Council claims that the building is within an area of woodland and pasture amounting to just 0.4Ha with the appellant allowing a farmer use of the building as part of his enterprise. The farmer's main enterprise is some 13 miles away. There does not appear to have been a business transaction in the financial sense between the owner and the farmer.
8. I am satisfied with the appellant's evidence that the building is now and at the relevant date, used solely for agriculture albeit on a very modest scale. This is despite the original intentions for the building in 2001. The Council has not presented persuasive contrary evidence to demonstrate that the buildings were not in active agricultural use at the relevant date. Moreover, there is nothing in Class Q that would require the agricultural unit to be farmed or operated by the owner or, for that matter, intensively. The transactional arrangement between the owner and farmer would also be immaterial. Various documents have been submitted including agricultural holding numbers, which although are inconclusive to the main issue, nevertheless add weight to the evidence submitted overall. The proposal would be compliant with the other criteria set out in Class Q.1.
9. Following this initial assessment, the provisions of the GPDO require the Local Planning Authority to assess the proposed development solely on the basis of its impact in terms of transport and highways, noise, contamination and flooding impacts/risks, and also whether the location or siting of the building concerned make it otherwise impractical or undesirable to change the use – taking into account any representations received.
10. The roadway to the site would be able to accommodate the additional dwellinghouse, which would also not give rise to any issues of noise or

¹ APP/B3220/A/01/1056323

contamination risks that would cause harm; moreover the site is not located within an area of known flood risk. There are no objections to the proposal on grounds of highways, noise, or flood risks from statutory consultees and I would concur with those views. The Council draws attention to the advice contained within the Planning Practice Guidance as to whether the location or siting would make it otherwise impractical or undesirable for the building to change to Class C3 and I am satisfied that there is nothing in this proposal that would be of concern in this regard in the conventional sense in the examples given in the Planning Practice Guidance. However these examples are not finite and a degree of judgment is necessary and I therefore return to Q.2(e) below.

Protected Species

11. The second reason for refusal claims that inadequate ecological surveys were provided sufficient to properly assess the likely full impact of the proposal on protected species, which have the possibility of being affected by the proposal. No additional surveys other than those accompanying the Prior Approval application have been provided with the appeal documentation.
12. In this regard the appellant has brought to my attention an appeal decision² that is claimed to be of similar construct. However, the appellant in the current appeal produced an ecological report at the time of submission to the Council that identified the presence of bats in the barn with advice that a further survey be undertaken during the summer period to determine the likely impacts on bats that are present together with the identification of possible further mitigation measures for their protection if deemed necessary.
13. I acknowledge that although protected species are not specifically referred to in the GPDO, Regulation 9 of The Conservation of Habitats and Species Regulations 2010 would still apply. This states that the "competent authority must exercise their functions which are relevant to nature conservation...so as to secure compliance with the requirements of the Directives". This means that competent authorities, including Inspectors at appeal situations must have regard to the Directives in making decisions in relation to planning functions. This is consistent with the findings of the Inspector in the appeal³ highlighted by the Council.
14. Having regard to the appellant's own preliminary bat survey findings, as well as the Council's expressed concerns about protected species and my own observations on site, there is a reasonable prospect that protected species are present at the site and may be affected by the development proposed. This position is supported by the Council's Ecologist, whose professional opinion I afford significant weight. The appellant's submissions has increased the level of uncertainty and without further evidence, I cannot be satisfied that the Regulations would not be breached or that any of the works that would be necessary either in the building works themselves or in the mitigation measures would be licenced.
15. Given the strict protection afforded to bat habitats and the need for further studies, I am not satisfied that there would not be a material adverse effect on

² APP/V3310/W/15/3004913

³ APP/L3245/W/15/3004467

protected species. Condition Q.2(e) of GPDO Class Q has not therefore been met and prior approval in relation to this condition is not given.

The Listed Building Setting

16. Duffy's Cottage dating to the eighteenth century is a prominent roadside building despite its low height and modest form. Its significance is derived from its simple cottage style of roughly coursed grey sandstone and brick dressings and segmental brick heads over casement windows and chimneys. Its setting and the way it is experienced relies upon the relationship with other historic roadside buildings in this rural hamlet. The appeal building in its current form is set well back within a wooded area above the listed building and its appearance is that of a modest traditional timber framed barn.
17. When viewed from the road, the barn is well screened by the established hedgerows and mature trees that surround the site. It does not form a dominant feature in the landscape and is not clearly seen within the context of the listed cottage. I agree with the Inspector in the 2001 appeal that the difference in ground levels and the intervening mature planting creates sufficient visual separation to ensure that the barn would have no significant effect on the setting of "Duffys". This is despite the 'domestication' that would inevitably occur with converting the building to a dwellinghouse.
18. Having regard to my statutory duty, I am satisfied that the setting of the listed building would not be harmed by the proposed conversion of the existing agricultural building to a dwellinghouse. This was also the view of both the predecessor local planning authority and another Inspector at an appeal involving the building in 2004⁴. In this regard I consider that the heritage aims of the National Planning Policy Framework would be satisfied.

Conclusions

19. Although I have found in favour of the appellant in relation to the expressed concerns of the Council on the previous level of agricultural use of the appeal building as well as the effects on the setting of the listed building, this does not alter my conclusion on protected species and that the proposal would not meet Q.2(e) of the GPDO.
20. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Gareth W Thomas

INSPECTOR

⁴ APP/B3220/A/04/1141284

Costs Decision

Site visit made on 1 November 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: 18 November 2016

Costs application in relation to Appeal Ref: APP/L3245/W/16/3156701 Ruckley Oak Barn, Ruckley, Shrewsbury, Shropshire SY5 7HR

- 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 Mrs Lucy Pulford for a full award of costs against Shropshire Council.
 - The appeal was against the refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for change of use of agricultural building to a dwellinghouse.
-

Decision

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

Reasons

2. The Government's Planning Practice Guidance (PPG) advises that parties in planning appeals and other proceedings normally meet their own expenses. All parties are expected to behave reasonably to support an efficient and timely process. 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 application for determination of prior approval in respect of this case was refused on the grounds that the building had not been used solely for agricultural use as part of an established agricultural holding on the relevant date. Furthermore, the Council also included refusal reasons relating to the effects on protected species and the effects on the setting of a heritage asset. The applicant suggests that the Council was excessive in its requirements to establishing the agricultural background going well beyond what is necessary particularly given the intentions of government to introduce flexibility in the permitted development regime thereby removing much of the bureaucracy associated with planning applications. Further, the applicant claims that ecological issues do not feature in the permitted development procedure. Finally, the applicant believed that the heritage related issues were introduced far too late in the process and was a surprise addition to the reasons for refusal. Taken together, the applicant suggests, this behaviour led to unnecessary inconvenience and expense.
4. Clear criteria that a Local Planning Authority should have regard to is set out at Schedule 2, Part 3, Paragraph Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO").

Of these criteria (a) was the determinative issue in relation to the proposal together with the Conditions contained within Q.2 and particularly (e). Criterion (a) relates to the need to demonstrate that the building was being used solely for agricultural use as part of an established agricultural unit on the relevant date. Conditions are introduced in Q.2 that needs to be satisfied. The important element of relevance to this appeal relates to condition (1)(e). I am satisfied that the Council determined the application in line with the correct tests set out within the GPDO.

5. I also consider that it was necessary for the Council to consider the effects of the permitted development on protected species. This is required for all planning and related applications irrespective of whether the permitted development procedures apply to a given case. As a competent authority the Council has a statutory duty under regulation 9 of the Conservation of Habitats and Species Regulations 2010 to consider the effects on protected species. The applicant submitted appropriate surveys; these were considered and whilst taking the matter to a preliminary stage so as to determine whether protected species were present on the site, the applicant's own ecologist advised that additional survey work and possible mitigation was necessary. It is appropriate that the precautionary principles were applied by the Council. It could go no further with the information that was available to it.
6. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty that when considering whether to grant planning permission special regard must be paid to the desirability of preserving the setting of a listed building. I see no difference in applying the permitted development regime as Condition Q.2(e) of the GPDO requires the development proposal to demonstrate that the location or siting would make it otherwise impractical or undesirable for the building to change to Class C3 dwellinghouse. In reaching a judgement on whether the location is undesirable it would have been incumbent on the Council to apply the statutory tests. Whilst the reason for opposing the proposal on heritage grounds did not deal with the issue of the setting in a very comprehensive manner, it was entitled to reach a judgement on the effects of the permitted development proposal on the setting of the listed building. This it did so by reference to the potential domestication of the appeal site from its previous use as a traditionally designed timber framed agricultural barn.
7. I am mindful of the applicant's suggestion that the prior approval process is supposed to expedite planning decisions and not require an applicant to provide excessive amounts of detail. However, I am also cognisant of paragraph W of Schedule 3, Part 3 of the GPDO which sets out the procedure for applications for prior approval. This states at (3) (b) that the local planning authority may refuse an application where, in the opinion of the authority "the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with... any conditions, limitations or restrictions specified in this Part as being applicable to the development in question."
8. I am satisfied that the Council did not prevent or delay development. It was required to satisfy itself about the veracity of the information provided and to reach a reasonable judgement on the information provided. Whilst it could have carried out a more detailed assessment on the effects upon the listed building's setting, its conclusions were reasonably understood.

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9. For the reasons given above, the Council has not acted unreasonably. In these circumstances, it is not necessary to consider the question of unnecessary or wasted expense. Accordingly, the application for an award of costs fails.

Gareth W Thomas

INSPECTOR

Appeal Decision

Site visit made on 1 November 2016

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 30 November 2016

Appeal Ref: APP/L3245/W/16/3155074

Spring Cottage, Lyth Hill, Shrewsbury, Shropshire SY3 0BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs J Kwaterski against the decision of Shropshire Council.
 - The application Ref 15/05027/FUL, dated 23 November 2015, was refused by notice dated 25 January 2016.
 - The development proposed is the erection of a five bedroom dwelling following demolition of existing dwelling and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Both parties have drawn my attention to a previous appeal decision dated 5 December 2014 for a new build six bedroom house following the demolition of an existing dwelling and garage on this site (APP/L3245/A/14/2224294). It is a material consideration to which I have attached due weight in reaching my decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the area;
 - The living conditions of the occupiers of Middlemarch with particular regard to outlook, daylight and sunlight and the occupiers of Furze Cottage with particular regard to outlook and privacy.

Reasons

Character and appearance

4. The appeal site comprises a bungalow, garage and its generous gardens. It is within the settlement of Lyth Hill. There is some variety of age and form of the dwellings in the immediate vicinity of the appeal site from 2-storey dwellings to modern bungalows. The majority of dwellings are set in generous landscaped plots.
5. There is no dispute between the parties that the settlement of Lyth Hill is not a designated settlement for the purposes of the development plan. As such, the settlement is within the countryside for planning policy purposes.
6. Policy CS5 of the Shropshire Core Strategy (the CS) indicates that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural

- communities. Policy MD7a of the Sites Allocations and Management of Development Plan (SAMDev) states, amongst other things, that further to CS Policy CS5 new market housing will be strictly controlled outside of Shrewsbury, the Market Towns and Community Hubs and Clusters.
7. In this respect new housing is limited to that which is needed to house rural workers, other affordable accommodation to meet local need and the replacement of existing dwellings. Paragraph 3 of SAMDev Policy MD7a relates to replacement dwelling houses and indicates that proposals will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use. It also states that replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case.
 8. Further explanation of the Council's approach to replacement dwellings is contained within the Type and Affordability of Housing Supplementary Planning Document (SPD). It states that regard will be had to the visual impact of the replacement dwelling and the need to ensure the development is sympathetic to the character and appearance of the original building and the area taking account of the bulk, scale, height and external appearance of the resultant dwelling.
 9. There is no dispute between the parties that the existing dwelling is a permanent structure with a residential use and that for the purposes of local policy, the existing dwelling on the appeal site is neither small nor low cost.
 10. The existing dwelling is a single storey cottage that has been extended. I concur with the previous Inspector that the character of the area is defined by a small collection of simple, cottage style houses and bungalows set within spacious plots in a predominantly rural setting.
 11. I acknowledge that Spring Cottage has an association with the Shropshire author Mary Webb and that, as such, many local residents and the Mary Webb Society wish to see it retained. However, as noted by the previous Inspector, Historic England has stated that it does not consider that the building meets the criteria for listing as the building has been extensively extended and the cottage is not within a Conservation Area. The Council's Officer Report states that the Council has decided not to place the building on a local heritage list and that there is no statutory mechanism available to control the demolition of Spring Cottage. Consequently, based on the evidence before me there is no specific policy or planning designation which would prevent the proposal to demolish Spring Cottage in principle.
 12. The proposal would comprise the demolition of the existing dwelling and garage and the construction of a five bedroom dwelling with a cinema in the basement and an orangery, swimming pool, gym, studio and triple detached garage. Part of the dwelling would be located in a similar position to the existing dwelling but it would extend across through the centre of the site and would be orientated towards the north-west/south-east. I note that the floor area of the dwelling has been reduced and the ridge height of the 2-storey part would be slightly lower from that proposed in the previous scheme and the finished floor level would be around 1 metre below the existing dwelling.
 13. However, the dwelling would still be substantially larger than the existing dwelling in scale, height and mass. Moreover, it does not reflect the predominant scale of the dwellings in the immediate vicinity. Whereas, the ratio of building footprint to plot area would be similar to other plots the

footprint of the building would be significantly larger than the majority of surrounding dwellings.¹ I acknowledge that the architectural style of the proposal is pseudo traditional and that there is some diversity in the architectural style of the nearby dwellings. However, it would still be grander in scale and design than the simple cottage style of neighbouring properties. Consequently, the proposal would still be “*seen as an incongruous feature that would neither relate to nor reflect the local context within which it would be situated*” as stated by the previous Inspector.²

14. The mature landscaped gardens including the hedges and trees within and on the boundaries of the site would provide some screening of the proposal. Nonetheless, there would be some visibility of the dwelling from the access tracks to the south and west and from the neighbouring properties and gardens, particularly in winter months when foliage is sparser.
15. I appreciate that the swimming pool and gym are to assist with the treatment of medical conditions suffered by one of the appellants and an elderly parent and that additional space is required to accommodate the elderly parent and other relatives. I also note that the dwelling has been designed to maximise views of the South Shropshire Hills and that the materials to be used would reflect that found locally. However, these considerations are not sufficient to outweigh the harm that I have identified.
16. In conclusion the proposal would be an incongruous feature that would significantly harm the character and appearance of the area. As such it would not comply with CS Policies CS5, CS6, CS17 and SAMDev Policies MD2 and MD7a which together seek development that respects, maintains and enhances the character of the countryside, the built environment and the local context. It would also not comply with the guidance in the SPD in relation to the need to ensure the development is sympathetic to the character and appearance of the original building and the area taking account of the bulk, scale, height and external appearance of the resultant dwelling.

Living conditions

17. The adjacent properties to the appeal site include Middlemarch and Furze Cottage. Middlemarch is a bungalow that shares an access with and is sited adjacent to the eastern boundary of the appeal site. Furze Cottage is a 2-storey dwelling that is located within close proximity of the southern access track adjacent to the rear garden of Spring Cottage.
18. The detached garage would be nearer to Middlemarch than the existing garage. However, the existing garage is orientated so that the gable and flank wall face Middlemarch. Whereas, the proposed garage would be orientated so that the rear wall and roof would face Middlemarch. Consequently, even though it would be closer the garage would not have an appreciably greater impact on the outlook enjoyed by the occupiers of Middlemarch.
19. In relation to the main dwelling the proposal would be orientated at an angle to Middlemarch and would be appreciably further away from Middlemarch than Spring Cottage or the previous proposal. The nearest part of the dwelling would be 2-storey but taking into account the orientation and the distance between the dwelling and Middlemarch I do not consider that the proposal

¹ Taken from drawing No 30A

² Taken from paragraph 14 of APP/L3245/A/14/2224294

- would significantly reduce the outlook enjoyed by the occupiers of Middlemarch.
20. The Council's Officer Report states that the proposal would reduce the amount of afternoon sun currently enjoyed by the occupiers of Middlemarch. The appellants have submitted a Daylight and Sunlight Study which concludes that "*the proposed development will have a low impact on the light receivable by its neighbouring properties.*" The Council have not disputed the findings of this study. As such, I consider that the proposal would not significantly reduce the amount of daylight or sunlight currently enjoyed by the occupiers of Middlemarch.
21. Furze Cottage and its garden areas are at a lower level than Spring Cottage and the proposed dwelling. However, the altered orientation of the proposal, the increased distance between the proposal and Furze Cottage and the alteration of the position of the balcony on the southern elevation would ensure that the current outlook and privacy enjoyed by the occupiers of Furze Cottage would not be substantially harmed.
22. In conclusion the proposal would not significantly harm the living conditions of the occupiers of Middlemarch with particular regard to outlook, sunlight and daylight and the occupiers of Furze Cottage with particular regard to outlook and privacy. As such, the proposal would comply with CS Policy CS6, in this respect, as it requires, amongst other things, development to safeguard residential amenity.

Other Matters

23. There is reference to a possible fallback position in relation to the construction of an extension to Spring Cottage under permitted development rights. However, in the absence of any detailed information upon this issue it has limited weight.
24. Whilst I sympathise with the appellant regarding any positive pre-application advice received in relation to this proposal, such advice is given without prejudice and cannot pre-determine the outcome of a subsequent application. Moreover, this is not a matter to be addressed through this appeal and I am required to determine the appeal on its own merits, notwithstanding any advice given by the Council.

Conclusion

25. In my determination of this appeal, I have had regard to paragraph 49 of the National Planning Policy Framework (the Framework) which states that housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework at paragraph 7 identifies three dimensions to sustainable development: economic, social and environmental.
26. There would be limited economic benefits associated with the proposal including the provision of construction jobs. The proposal would provide space for an extended family or elderly relative to stay in and the swimming pool and gym would assist with the medical conditions of one of the appellants and an elderly relative which would have a limited social benefit.
27. However, I have found that the proposal would result in significant harm to the character and appearance of the area. As such it would conflict with the development plan and would not accord with the environmental dimension of sustainable development. When assessed against the Framework taken as a

whole that harm would outweigh the limited benefits associated with the proposal.

28. Given that the 3 roles of sustainability are mutually dependent and should not be undertaken in isolation, I conclude that the proposal would not comprise sustainable development for which the Framework indicates there is a presumption in favour.
29. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR

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Appeal Decision

Site visit made on 27 October 2015

by **Alexander Walker MPlan MRTPI**

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

Decision date: 02 December 2016

Appeal Ref: APP/L3245/W/15/3069989

Land off Red Barn Lane, Shrewsbury, Shropshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Vanessa Hughes against the decision of Shropshire Council.
 - The application Ref 14/01484/FUL, dated 1 April 2014, was refused by notice dated 5 February 2015.
 - The development proposed is the construction of a single open market dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Following the submission of the appeal, the appellant has changed from Mrs Carole Price to Mrs Vanessa Hughes. This is reflected in my banner heading above.

Preliminary Matters

3. Following the refusal of the planning application, the Council adopted the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan on 17 December 2015. Accordingly, the policies contained within the SAMDev along with the Shropshire Council Adopted Core Strategy (CS) 2011 are afforded full weight.
4. Furthermore, following the Court of Appeal's judgement on the case of *Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441*, national policy on contributions for affordable housing and tariff style planning obligations has changed. The parties have had the opportunity to comment on this matter.

Main Issue

5. The main issue is whether the dwelling would preserve or enhance the character or appearance of the Shrewsbury Conservation Area (the CA), and whether the proposal makes adequate provision for affordable housing.

Reasons

The Shrewsbury Conservation Area

6. The appeal site is a vacant parcel of land which is currently overgrown. It is roughly rectangular in shape and is accessed via Red Barn Lane; a narrow lane

which serves a small number of properties, varying in their scale and design. However, a new access is proposed that will link with an unmade track accessed directly off Longden Road.

7. The site is located within the Kingsland Special Character Area (KSCA) which forms part of the CA. I note that there is no formal appraisal of the KSCA. Nevertheless, whilst the reasons for its designation as a special character area are not explicitly clear, it still forms part of the overall CA and is therefore apportioned special protection as part of the heritage asset.
8. The site also lies within the Rad Brook Valley, with Rad Brook running adjacent to the north boundary of the site. The Rad Brook Valley forms an important open space corridor that makes a significant contribution to the openness of the CA.
9. The boundaries of the site are clearly defined by hedging and trees to the north, east and west. The southern boundary consists of a post and rail fence. The eastern boundary follows the established rear boundaries of properties on Red Barn Lane, extending no further into the valley. Furthermore, the brook to the north provides a natural boundary.
10. The dwelling would be a natural infill site, rounding off this small cluster of dwellings. Although it would be closer to the Brook than other neighbouring properties I do not find that this would harm the overall openness of the area. Furthermore, whilst it would be of a modern design, the surrounding properties vary considerably in their design, some of which are relatively modern. Therefore the dwelling would not appear incongruous.
11. Notwithstanding the above, the proposed vehicular access would result in the development encroaching into the open land to the east. The openness of this large space makes a significant positive contribution towards the overall openness of the CA. The introduction of such a long stretch of hard surface that encroaches into the open space would introduce an urban form of development that would significantly diminish the openness of the area and as a result would harm the character and appearance of the CA.
12. Furthermore, there are a number of trees on the site. The dwelling has clearly been designed to protect these trees. However, due to the close proximity of the dwelling to the trees, in particular the large trees to the south west and south east, and their positioning, they would significantly restrict light to the dwelling. I appreciate the appellant's argument that the trees would not affect the main amenity area to the rear and they would make a positive contribution to the amenity value of the dwelling. However, as a result of the restricted light entering the property, the trees would likely have an adverse effect on the living conditions of its future occupants. As a result, the Council would find it difficult to resist any pressure from such occupants to remove the trees. Consequently, the loss of these trees would significantly harm the character and appearance of the area. This harm would be further exacerbated due to the dwelling being more exposed as a result of the loss of the trees, which would have a significant adverse impact on the openness of the area.
13. It would be unreasonable to impose a condition seeking the protection of the trees, as suggested by the appellant, whereby in doing so it could significantly harm the living conditions of the future occupants of the dwelling.

14. I have been referred to a planning application¹ that the Council have approved at No 1 Red Barn Lane. I noted during my site visit that there are a large number of trees around the site. However, I have no details of the circumstances that led to the application being approved. I note that the application was for the conversion of existing buildings whereas the appeal proposal is for the erection of a new building. Therefore, it is difficult for me to draw any direct comparison between the two schemes. In any event, I have determined the appeal on its own merits.
15. I note the appellant's case that the development would contribute towards the local economy; the site is accessible to a wide range of services and facilities; and, it would provide an additional family home. Paragraph 134 of the National Planning Policy Framework (the 'Framework') confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. Whilst the harm to the significance of the Conservation Area would be less than substantial, the public benefit identified would not outweigh this harm.
16. I find therefore, that the development would fail to preserve or enhance the character of the CA, contrary to Policies CS6 and CS17 of the CS and Policies MD2, MD12 and MD13 of the SAMDev which, amongst other matters, seek to ensure that development conserves and enhances the natural, built and historic environment and local character. Furthermore, it would fail to accord with the Framework's objective of protecting heritage assets.

Affordable Housing

17. Whilst it did not form part of their reasons for refusal, the Council stated that they would be seeking a contribution towards affordable housing provision. However, following the Court of Appeal's judgment of 11 May 2016² and the subsequent alterations to the National Planning Policy Guidance (PPG), the Council have confirmed that they no longer automatically seek such contributions from this type of development, although they have not confirmed their position for this proposal.
18. The judgement states that the Secretary of State's Written Ministerial Statement of 28 November 2014 (WMS) defining the specific circumstances where contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development is once again a material consideration in determining planning applications and appeals. The WMS indicates that affordable housing provision and tariff-style contributions should not be required of development of 10 residential units or less. New and updated paragraphs 013-017, 019-023 and 031 of the PPG have been updated to reflect this.
19. Accordingly, in respect of development of ten residential units or less, the requirements of Policy CS11 of the CS are clearly in conflict with national policy. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications and appeals must be determined in accordance with the development plan unless material considerations indicate otherwise. Whilst I

¹ Local Planning Authority Ref 13/00223/FUL

² *Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441*

have had regard to the relevant policies of the development plan, the WMS and PPG are significant material considerations. As they are the most recent representation of national policy, I attach substantial weight to them. As there is no substantive evidence before me to demonstrate that any special circumstances exist that would justify seeking contributions towards affordable housing provision, I find that the WMS and PPG outweighs Policy CS11 of the CS. Therefore, an affordable housing contribution is not required in this case.

Conclusion

20. Whilst I have found that the proposal need not make a contribution towards affordable housing, this does not outweigh the harm I have identified regarding the effect of the development on the character and appearance of the CA.
21. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR

Appeal Decision

Hearing held on 8 December 2015

Site visit made on 11 December 2015

by Beverley Doward BSc BTP MRTPI

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

Decision date: 9 December 2016

Appeal Ref: APP/L3245/W/15/3135371

Land to the west of Shrewsbury Road, Longden, Shrewsbury, Shropshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs M Hardwick against the decision of Shropshire Council.
 - The application Ref 14/00467/OUT, dated 30 January 2014, was refused by notice dated 24 March 2015.
 - The development proposed is described as "outline application for the erection of 14 dwellings to include means of access."
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted in outline with all matters other than access reserved. I have dealt with the appeal on this basis. A layout plan illustrating a scheme for 14 dwellings was submitted with the planning application. However, I have taken this as being for indicative purposes only.
3. The Council's reason for refusal refers to policies of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (Core Strategy). In the appeal documentation both main parties refer to the implications for the appeal of the emerging Shropshire Site Allocations and Management of Development (SAMDev) Plan. The Inspector's Report on the examination into the SAMDev Plan was published on 30 October 2015 and the implications for the appeal of the Inspector's Report on the examination into the SAMDev Plan were explored at some length at the Hearing. The SAMDev Plan was adopted on 17 December 2015 and together with the Core Strategy now forms the statutory development plan for the area. Accordingly, I have considered the appeal on this basis.
4. A signed but undated Unilateral Undertaking (UU) relating to the provision of affordable housing and a footpath link from the site was submitted before the Hearing. Following the discussion of the UU at the Hearing in relation to the matter of the footpath link, a revised UU which was signed, dated and sealed was submitted in accordance with the agreed timetable. In the interests of natural justice the parties were given the opportunity to comment on the final version of the UU. I have had regard to the comments made on the UU in my consideration of the appeal.

5. At the time of submitting the appeal the appellant's position, as set out in their appeal statement was that the Council could not demonstrate a five year supply of deliverable housing land and that therefore paragraph 49 of the National Planning Policy Framework (the Framework), which states that relevant policies for the supply of housing should not be considered up-to-date if the local authority cannot demonstrate a five year supply of deliverable housing sites, was engaged. At the Hearing session the appellant indicated that in the light of more recent evidence including the Inspector's Report on the examination into the SAMDev Plan and the findings of Inspectors on other appeals in Shropshire it was accepted that the Council could demonstrate a five year supply of deliverable housing land and no evidence was advanced to dispute this.
6. After the Hearing session but during my consideration of this appeal I was made aware of an appeal decision elsewhere in Shropshire in which the Inspector considered that the Council could not demonstrate a 5 year supply of housing land because it did not have a robust housing requirement based on an up-to-date Full Objectively Assessed Need for housing (FOAHN). The appeal decision dated 16 May 2016 relates to a site at Teal Drive, Ellesmere¹. In the interests of fairness and natural justice the parties were given the opportunity to comment on the implications, if any, of that decision for this appeal. The Council subsequently lodged a legal challenge to the Teal Drive decision and it was quashed in the High Court on 2 November 2016. The parties were given the opportunity to comment upon whether there were any further implications for this appeal as a result of the judgment. I return to this matter below.

Main Issues

7. In the light of the discussion at the Hearing and having regard to the evidence submitted since the Hearing I consider that the main issues are:
 - whether the proposal for housing in this location accords with the development strategy for the area;
 - housing land supply considerations;
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on highway safety; and
 - whether the proposal comprises sustainable development.

Reasons

Development Strategy

8. Policy CS4 of the Core Strategy indicates that in the rural area communities will become more sustainable by, amongst other things, focusing investment into Community Hubs and Community Clusters and not allowing development outside these settlements unless it meets policy CS5 of the Core Strategy. It also indicates that Community Hubs and Community Clusters are identified in the SAMDev Plan. In relation to Community Hubs and Community Clusters, the supporting text to policy CS4 of the Core Strategy indicates that development will be within the village or on land that has been specifically allocated for

¹ APP/L3245/W/15/3067596

- development. It goes on to indicate that to prevent fragmented development, windfall development adjoining the village is not acceptable, unless it is an exception site for affordable housing or other development allowed under policy CS5.
9. Longden is identified by virtue of policy S16.2 (xi) of the SAMDev Plan as a settlement within a wider Community Cluster. The policy indicates that development by infilling, conversions of buildings and groups of dwellings may be acceptable on suitable sites within the villages, with a housing guideline for the Cluster 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 policy also refers to the Longden Parish Development Statement (LPDS) (2013) adopted by the Parish Council as an addendum to the Parish Plan (2010) which indicates that no individual site should be of more than 10-15 houses, expresses a preference for lower cost 2-3 bedroom properties and identifies zones with associated guidance for development in Longden. The appeal site lies within Zone 1 which is indicated in the LPDS as providing opportunities for limited development as long as the visual impacts to neighbouring properties are limited and suitable access to the site is developed. The LPDS also indicates that to minimise the impact on current dwellings, the preferred option within Zone 1 would be to site potential dwellings at the west end of the site along Plealey Lane (near the 'Little Barnyard' development).
 10. The appeal site is part of a field which lies beyond the edge of the existing built form of the village of Longden at its northern end to the west of Shrewsbury Road and at the rear of the properties that front Plealey Lane. Accordingly, the proposed development would not be within the village of Longden or within the location of the preferred option for development in Zone 1 as indicated in the LPDS. Although the LPDS is not a formal Neighbourhood Plan it is afforded some weight, given its reference within policy S16.2 (xi) of the SAMDev Plan. At the Hearing the Council indicated that since 2011, 46 dwellings have been completed or committed within the wider Community Cluster, 23 of which are within Longden. Information provided since the Hearing indicates that the figure for Longden has increased further. Nevertheless the grant of planning permission for a further 14 dwellings beyond that previously indicated alone would exceed the guideline figures for both the wider Community Cluster and for Longden itself. Accordingly, the amount and location of the proposed development would be contrary to policy S16.2 (xi) of the SAMDev Plan.
 11. As indicated above, the proposed development would not be within the village of Longden but rather would extend into the countryside on the edge of the village. In such areas policy CS5 of the Core Strategy indicates that new development will be strictly controlled in accordance with national planning policies protecting the countryside. It indicates that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic benefits, particularly where they relate to certain identified types of development including rural workers dwellings, affordable housing to meet a local need and the conversion of rural buildings. Although the list is not exhaustive, market housing, other than conversions of rural buildings is not identified as being permitted in the countryside.

12. Policy MD7a of the SAMDev Plan further clarifies the approach to housing development in the countryside. It indicates, amongst other things, that further to Core Strategy policy CS5, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns and Community Hubs and Clusters. Accordingly, the appeal proposal for market housing within the countryside, albeit would contribute some affordable housing through the provisions of the UU, would be contrary to policy CS5 of the Core Strategy and policy MD7a of the SAMDev Plan.
13. I note the appeal decision at West Felton² referred to by the appellant. I also note that this decision pre-dates the adoption of the SAMDev Plan. As indicated above, the list of developments indicated within policy CS5 of the Core Strategy as acceptable within the countryside is not exhaustive. However, as also indicated above, policy MD7a of the SAMDev Plan complements Core Strategy policy CS5 and is clear in indicating that new market housing will be strictly controlled within the countryside. The SAMDev Plan has been found to be sound. Therefore I am satisfied that the approach adopted within policy MD7A of the SAMDev Plan with regard to development within the countryside should be considered consistent with national policy as too should policy CS5 of the Core Strategy which it complements.
14. The appellant contends that there is a need for a step-change in housing delivery in Shropshire in order to meet the Core Strategy requirement. The appellant also indicates that policy CS1 of the Core Strategy requires around 10,000 dwellings to be provided in the rural area over the plan period and states that less than half that amount will be provided for in the Community Hubs and Clusters having regard to the number of dwellings already built or committed and the SAMDev settlement guidelines. Accordingly, the appellant contends that over half of the dwellings to be provided in the rural area over the plan period need to be provided in the countryside and that the appeal site would contribute, as a windfall site, to meeting this requirement.
15. Policy MD3 of the SAMDev Plan relates to the delivery of housing development. It indicates that in addition to the development of the allocated housing sites set out in the Settlement Policies S1-S18, planning permission will also be granted for other sustainable housing development subject to the policies of the Local Plan, particularly policies CS2, CS3, CS4, CS5, MD1 and MD7a. It goes on to indicate the design requirements that all residential proposals should meet and then to indicate that the settlement housing guideline is a significant policy consideration, explaining the approach to be adopted where development would result in either more or less dwellings than the guideline figure. There is nothing in the evidence before me to lead me to conclude that the settlement housing guideline figure for Longden will not be met.
16. The supporting text to policy MD3 of the SAMDev Plan indicates that a key component of the housing land supply is the allocated sites with related guidelines. It goes on to indicate that 'windfall' development on other sites is also important, both within settlements and in the countryside, including both brownfield and, where sustainable, greenfield sites, having due regard to the policies of the Local Plan.
17. My reading of policy MD3 of the SAMDev Plan together with its supporting text lead me to the view that windfall developments within the countryside need to

² APP/L3245/W/15/3003171

be considered against the relevant Local Plan policies, namely policy CS5 of the Core Strategy and policy MD7a of the SAMDev Plan which seek to strictly control new market housing in the countryside. Accordingly, in so far as the appeal proposal would essentially be for market housing it would not satisfy these policies and therefore, having regard to the policies of the Local Plan, as required by policy MD3, it would not be an appropriate windfall housing development. Consequently, notwithstanding that the guideline figures for settlements are not maximum figures, the appeal proposal would not fall to be assessed against the considerations which apply where the guideline figure for a settlement would be exceeded as set out in the second part of policy MD3.

18. I note the appeal decision at Ludlow³ to which the appellant refers. However, I am mindful that the Council did not advance any evidence in support of its reason for refusal at the Inquiry into that appeal. Each case needs to be judged on its own merits, on the basis of the evidence before the Inspector, and it is on this basis that I have determined this appeal.
19. The Core Strategy policies and the policies of the SAMDev Plan referred to above are broadly consistent with the Framework, specifically the advice contained at paragraph 55 that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities and that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. Policy CS5 of the Core Strategy and policy MD7a of the SAMDev Plan are also broadly consistent with the core planning principle of the Framework that planning should recognise the intrinsic character and beauty of the countryside.
20. Drawing together all of the above therefore, the proposal for housing in this location would be contrary to the overall development strategy for the area and would fail to satisfy policies CS4 and CS5 of the Core Strategy and Policies MD3 and MD7a of the SAMDev Plan.

Housing land supply considerations

21. As indicated above although the appellants sought to cast some doubt over whether the housing requirement in the Core Strategy would be delivered they accepted at the Hearing session that the Council could demonstrate a five year supply of deliverable housing land based on the housing requirement set out in the Core Strategy.
22. Following the Teal Drive appeal decision which found that the Council could not demonstrate a 5 year supply of housing land because it did not have a robust housing requirement based on an up-to-date FOAHN. The Council produced a Full Objectively Assessed Housing Need Report (FOAHN report) dated 4 July 2016 which it indicates is intended to inform the upcoming partial review of Shropshire's Local Plan (2016-2036). The Council also indicates that the FOAHN report forms the most up-to-date evidence of housing need in the County up to 2026, the current Plan Period, and that therefore it considers that it is material to the determination of current planning applications and appeals.
23. The Council indicated that the FOAHN report supports its contention that it is correct and justified in continuing to use the Core Strategy housing requirement figure as the basis for calculating its housing land supply and that

³ APP/L3245/W/15/3001117

on this basis it considered that Shropshire can demonstrate a 5.53 year supply of deliverable housing land.

24. The Council considers that the FOAHN report utilises a methodology consistent with that detailed in the Planning Practice Guidance (PPG) in that it identifies an appropriate housing market area (HMA) for which the assessment can be undertaken, utilises the 2012 based sub-national household projections as its starting point, considers the need to make adjustments in response to past planning policy; past housing provision; market signals; future jobs and employment forecasts; and provides a 'policy off' conclusion on the full and objective housing need for Shropshire. As a result of this analysis the Council indicates that the FOAHN report concludes that the FOAHN for Shropshire over the period between 2016 and 2036 is for some 25,178 dwellings (1,259 dwellings per annum). It also indicates that the first 10 year period covered in the FOAHN report coincides with the last 10 years of the current plan period (2016-2026) and that the FOAHN arising in this ten year period is 13,039 dwellings (1,304 dwellings per annum) compared to the Core Strategy requirement of 14,600 dwellings which uses a phased approach to delivery of 1,390 dwellings per annum (2016-2021) and 1,530 dwellings per annum (2021-2026). The Council contends therefore that the published FOAHN report confirms that it is correct and justified in continuing to use the Core Strategy requirement of 27,500 dwellings as the basis for calculating its housing land supply.
25. The appellant provided comments on the FOAHN report submitted by the Council and contended that it is not compliant with the Framework and PPG. The appellant contended that whilst the FOAHN report was more up-to-date than the Strategic Housing Market Assessment (SHMA) which was referred to in the Teal Drive appeal decision, she considered that the same criticisms that were made of the SHMA in that decision apply to the FOAHN report, namely that it is based on demographic projections only, does not adequately take into account market signals and does not make adjustments for employment trends. The appellant contended that the FOAHN report fails to meet the requirements of the Framework (paragraphs 17 and 47) and the PPG in relation to employment trends (paragraph 2a-018) and to market signals (paragraphs 2a-019 and 2a-020) and that it does not address the issues identified in the Teal Drive appeal decision and that therefore the Council did not have a FOAN and that the issues identified by the Inspector in the Teal Drive decision remained.
26. The appellant's criticisms of the FOAHN report were based on the Inspector's findings in the Teal Drive decision. However, as indicated above that decision has subsequently been quashed and therefore carries no weight. In any event the appellant did not provide an alternative FOAHN figure or housing requirement figure, other than to refer to evidence which had been produced by another part and was to be presented by that party at a public inquiry elsewhere in Shropshire the following month. Although the appellant indicated that evidence was in the public domain I was not provided with copies of it, nor was I provided with any indication as to what the appellant considered the Council's housing land supply position to be in the light of the criticisms expressed on the FOAHN. Furthermore, despite being afforded the opportunity to comment upon whether or not there were any further implications for this appeal as a result of the Teal Drive judgment the appellant has not submitted any further evidence.

27. The latest update of the Council's Five Year Housing Land Supply Statement indicates that it is able to demonstrate a 5.53 year supply of deliverable housing land. Accordingly, on the basis of the evidence that I heard at the Hearing session and the additional evidence submitted since I see no reason to regard the relevant policies for the supply of housing as being not up-to-date with respect to the advice at paragraph 49 of the Framework.

Character and appearance

28. In support of the appeal proposal the appellant has submitted a Landscape and Visual Impact Assessment (LVIA). This indicates that the site is not within an Area of Outstanding Natural Beauty or any designated Landscape Areas. It also indicates that the Shropshire Landscape Character Assessment describes the site and surrounding area as being Principal Settled Farmlands the key characteristics of which are mixed farming land use with a varied pattern of sub-regular, hedged fields.

29. The appeal site, on the northern edge of the existing built form of Longden, forms part of an extensive area of attractive countryside around the settlement which is gently undulating with the predominant land use being mixed farming. It is located to the rear of the linear residential development on the northern side of Plealey Lane and to the west of Shrewsbury Road, the main road that leads into the village from the north through the open countryside which serves to separate Longden from the neighbouring village of Annscroft. Shrewsbury Road rises uphill on the approach to Longden from the north. However, the village is not readily apparent until the brow of the hill. Views of the existing properties on the northern side of Plealey Lane and the property known as Cherry Trees, which fronts onto the western side of Shrewsbury Road, being limited by the existing mature landscaping along their boundaries, the hedgerow which runs along Shrewsbury Road and the hedgerows which form the existing field boundaries to the surrounding fields. Therefore, although the site adjoins the existing residential development along Plealey it appears as part of the wider area of countryside around the settlement and contributes to its rural setting.

30. The site has the physical characteristics and appearance of being open countryside to which policy CS5 of the Core Strategy applies and where all development is required to be consistent with the requirements of policies CS6 and CS17 of the Core Strategy which seek to protect, conserve and enhance the natural environment and make sure that development does not have an adverse visual affect on it.

31. Notwithstanding that the appeal proposal is in outline form with all matters other than access reserved, given the topography of the area, it seems to me that the proposed development of 14 dwellings would be highly visible on the approach to the village from the north along Shrewsbury Road. It would appear prominent extending down the hill from the higher level land at the rear of the properties on Plealey Lane and would appear as an alien urban intrusion into this area of otherwise open countryside. Furthermore, the visibility splays necessary to provide a satisfactory access would extend significantly into the open countryside surrounding the village. Accordingly, the proposed development would give rise to an incongruous and visually intrusive form of development which would cause significant harm to the character and appearance of both the wider surrounding countryside and the essentially rural

setting of the northern edge of the village. I am not persuaded that this harm would be materially reduced by landscaping either in the short or longer term. Therefore, the proposed development would conflict with policies CS5, CS6 and CS17 of the Core Strategy which are consistent with the core planning principle of the Framework that planning should take account of the character of different areas and recognise the intrinsic character and beauty of the countryside.

Highway safety

32. The Council's Highways Officer raises no objections to the proposal. Vehicular access to the proposed development would be provided off Shrewsbury Road and would provide 2.4m x 79m visibility splays in either direction onto Shrewsbury Road. I note the concerns of interested parties regarding the actual speed that traffic travels at along Shrewsbury Road in the vicinity of the proposed vehicular access and their views regarding the impact of the access on highway safety. However, the issue of traffic exceeding the speed limit is an enforcement matter. I have no reason to disagree with the Council's Highways Officer's conclusions in respect of the impact of the proposed vehicular access on highway safety.
33. There is no existing footway on Shrewsbury Road. In providing the necessary visibility splays the indicative layout plan shows that a section of footway would be provided along the western side of Shrewsbury Road from the access point towards the village. However, this would not extend beyond the property known as Cherry Trees. Accordingly, it is also proposed to provide a pedestrian/cycle link to Plealey Lane through the adjacent housing association garage site. Although I have some concerns regarding the submitted UU in so far as it relates to the provision of this link a suitably worded Grampian type condition could be imposed instead to bind the developer to provide the footpath link. Taking account of all of the above therefore, overall I am satisfied that the appeal proposal would not cause material harm to highway safety and would comply with the requirement of the Framework to achieve a safe and suitable access for all people to the site.

Sustainable development/Planning balance

34. Paragraph 7 of the Framework sets out three dimensions of sustainable development, namely the economic, social and environmental roles. These are mutually dependent and should be sought jointly to achieve sustainable development.
35. The appeal proposal would deliver some social and economic benefits. It would provide housing development which may provide some short term employment opportunities during the construction phase and then in the longer term would provide homes whose future occupants may contribute to the local economy and help support the local services and facilities in Longden. The proposal would also contribute to the supply of market housing and provide affordable housing through the provisions of the UU. Accordingly, these benefits are afforded some weight in favour of the proposal.
36. However, in relation to the environmental role the appeal proposal would cause significant harm to the character and appearance of the wider surrounding countryside and the rural setting of the northern edge of Longden. This would be contrary to the core planning principle of the Framework that planning

should take account of the character of different areas and recognise the intrinsic character and beauty of the countryside.

37. Taking all of the above into account therefore, I consider that the adverse impacts relating to the environmental role would be significant and are not outweighed by the benefits such that the appeal proposal would not comprise sustainable development as defined in the Framework. Moreover, the development plan is not out of date and the conflict that I have identified with it above is not outweighed by any other material considerations.

Other matters

38. The submitted UU includes provision for affordable housing and aims to ensure that a footpath link is provided from the site to Plealey Lane. It is common ground that both are necessary to make the development acceptable in planning terms, are directly related to the scheme and are fairly and reasonably related in scale and kind. Based on the submitted evidence I find no reason to disagree. However, as detailed above I have some concerns about the UU in so far as it relates to the provision of a pedestrian/cycle link from Plealey Lane to the site through the adjoining housing association garage site. From the evidence I cannot be satisfied that the named Housing Association has title to all of the land necessary. Accordingly, I cannot be certain that the UU would be competent to provide the rights claimed although a suitably worded Grampian type condition could be imposed instead. However, given my conclusions on the appeal, there is no need for me to consider this matter further.

Conclusion

39. To conclude therefore, although the appeal proposal would not cause material harm to highway safety it would not accord with the overall development strategy for the area as set out in the development plan and would cause significant harm to the character and appearance of the area in conflict with a number of policies of the Core Strategy as detailed above. Accordingly, it would be contrary to the development plan as a whole and would not comprise sustainable development. I have found no material considerations which would warrant making a decision other than in accordance with the development plan.
40. For the reasons set out above and having regard to all other matters raised therefore, I conclude that the appeal should be dismissed.

Beverley Doward

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Helen Howie MRTPI	Berrys
Amy Henson	Berrys

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Gittens	Principal Planning Officer, Shropshire Council
Edward West MCD, MRTPI	Principal Planning Officer, Shropshire Council

INTERESTED PERSONS:

Cllr Roger Evans	Ward Councillor
N Evans	Vice Chair Longden Parish Council
Clive Roberts	Kembertons Town Planning Consultant on behalf of Longden Village Action Group
A F Macdonald C. Eng. MICE	A F Macdonald & Partners on behalf of Longden Village Action Group
Jackie Ingham	Longden Village Action Group (LVAG)
Paul Arnold	LVAG
John Loader	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Photograph and photomontage
2. Shropshire Core Strategy policy CS1
3. SAMDev Plan policy MD7a
4. Plan titled approved planning applications in Longden Parish 2012-2015
5. Schedule titled applications granted or resolved to grant subject to S106 post 31st March 2015
6. Shropshire Council Conditions Appended to Statement of Case

DOCUMENTS SUBMITTED AFTER THE HEARING

1. Completed Unilateral Undertaking
2. Comments of Shropshire Council on Unilateral Undertaking
3. Comments of Interested Parties on Unilateral Undertaking
4. Comments of Appellants in response to comments on Unilateral Undertaking
5. Correspondence from appellant dated 17 May 2016 enclosing appeal decision APP/L3245/W/15/3067596.
6. Comments from Shropshire Council dated 27 June 2016 on implications of appeal decision APP/L3245/W/15/3067596, confirming that the Council has lodged a s288 statutory challenge against the decision and enclosing copies of the claim form, statement of facts and grounds and a letter from the Court.
7. Further comments from appellant dated 3 July 2016 on implications of appeal decision APP/L3245/W/15/3067596 and enclosing second defendant's grounds of resistance to legal challenge.
8. Correspondence from Shropshire Council dated 12 July 2016 enclosing Shropshire Full Objectively Assessed Housing Need report published on 5th July 2016 and an accompanying note outlining its key findings.

9. Correspondence from Shropshire Council dated 14 July 2016 confirming that the Council has lodged a s288 statutory challenge against the decision and enclosing copies of the claim form, statement of facts and grounds, a letter from the Court, Shropshire Full Objectively Assessed Housing Need report published on 5th July 2016 and an accompanying note outlining its key findings.
10. Correspondence from Jackie Ingham on behalf of LVAG dated 6 July 2016 providing comments on implications of appeal decision APP/L3245/W/15/3067596.
11. Correspondence from Jackie Ingham on behalf of LVAG dated 14 July 2016 enclosing further comments on implications of appeal decision APP/L3245/W/15/3067596.
12. Correspondence from appellant dated 15 July 2016 enclosing comments on Shropshire Full Objectively Assessed Housing Need report published on 5th July 2016 and an accompanying note outlining its key findings.
13. Correspondence from Shropshire Council dated 20 July 2016 enclosing further comments on implications of appeal decision APP/L3245/W/15/3067596.
14. Correspondence from Shropshire Council dated 11 November 2016 attaching copy of Teal Drive judgment and extract from Planning magazine and confirming that it did not wish to make any further comments.
15. Correspondence from Jackie Ingham on behalf of LVAG dated 17 November 2016 providing comments on implications of Teal Drive judgment.

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