



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

Date: Wednesday, 20 September 2017

**Committee: Central Planning Committee**

**Date: Thursday, 28 September 2017**

**Time: 2.00 pm**

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

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

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

**Members of the Committee**

Dean Carroll  
Ted Clarke (Chairman)  
Nat Green (Vice Chairman)  
Nick Hignett  
Pamela Moseley  
Tony Parsons  
Alexander Phillips  
Ed Potter  
Kevin Pardy  
Keith Roberts  
David Vasmer

**Substitute Members of the Committee**

Peter Adams  
Roger Evans  
Hannah Fraser  
Ioan Jones  
Jane MacKenzie  
Alan Mosley  
Harry Taylor  
Dan Morris  
Lezley Picton  
Claire Wild

Your Committee Officer is:

**Shelley Davies** Committee Officer

Tel: 01743 257718

Email: [shelley.davies@shropshire.gov.uk](mailto:shelley.davies@shropshire.gov.uk)

# AGENDA

## **1 Apologies for absence**

To receive apologies for absence.

## **2 Minutes (Pages 1 - 10)**

To confirm the Minutes of the meeting of the Central Planning Committee held on 31 August 2017.

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 5 p.m. on Monday 25<sup>th</sup> September 2017.

## **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 Stanford Farm, Stanford, Halfway House, Shrewsbury - 16/05541/FUL (Pages 11 - 30)**

Application under Section 73A of the Town & Country Planning Act for the retrospective change of use of existing farm buildings, in addition to the conversion of an existing barn, use of existing toilet/shower facilities, creation of an informal car parking area, associated and ancillary works to allow weddings and events at Stanford Farm.

## **6 Proposed Residential Development Opposite The Crescent, Nesscliffe, Shrewsbury - 16/03413/REM (Pages 31 - 58)**

Reserved Matters pursuant to Outline planning application 13/04757/OUT (landscaping, scale, appearance, layout and access) for residential development of 23 dwellings.

## **7 Land Off Manor Lane, Longden, Shrewsbury - 16/02395/FUL (Pages 59 - 84)**

Erection of 5 No bungalows and associated infrastructure (amended description).

**8 Land at Barker Street, Shrewsbury - 17/04172/DIS (Pages 85 - 94)**

Partial discharge of condition 5 (design, details, materials and fenestration of Block C) on Planning Permission 15/03580/FUL for the erection of three (4-storey) blocks of student accommodation; one (3-storey) block of management and post-graduate accommodation; new/altered vehicular access; cycle parks; and ancillary works

**9 Schedule of Appeals and Appeal Decisions (Pages 95 - 104)**

**10 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, 26<sup>th</sup> October 2017 in the Shrewsbury Room, Shirehall.

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## Committee and Date

Central Planning Committee

28 September 2017

## **CENTRAL PLANNING COMMITTEE**

### **Minutes of the meeting held on 31 August 2017**

**2.00 - 5.50 pm in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Shelley Davies

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

### **Present**

Councillor Ted Clarke (Chairman)

Councillors Dean Carroll, Nat Green (Vice Chairman), Nick Hignett, Pamela Moseley, Tony Parsons, Alexander Phillips, Ed Potter, Kevin Pardy, Keith Roberts and Roger Evans (Substitute for David Vasmer)

### **38 Apologies for absence**

An apology for absence was received from Councillor David Vasmer (Substitute: Councillor Roger Evans).

### **39 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the Central Planning Committee held on 27<sup>th</sup> July 2017 be approved as a correct record and signed by the Chairman.

### **40 Public Question Time**

There were no public questions or petitions received.

### **41 Disclosable Pecuniary Interests**

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

With reference to planning application 16/04590/FUL Land at 117/125 Wenlock Road, Shrewsbury - Councillor Roger Evans stated that the owner of 117 Wenlock Road was known to him but this would not affect his opinion when considering the application.

42 **Shrewsbury College Of Arts And Technology, Radbrook Road, Shrewsbury, Shropshire, SY3 9BL (17/00823/COU)**

The Planning Services Manager introduced the application for the change of use of the land to form domestic curtilage land and formal public open space including the construction of a footpath and confirmed that Members had undertaken a site visit on 27<sup>th</sup> July 2017 to assess the impact of the proposed development on neighbouring properties and the surrounding area. It was explained that at the Central Planning Committee meeting held on 27<sup>th</sup> July 2017, Members resolved to approve two associated applications for the site, however this application was deferred to request the applicant to consider the provision of a play area or areas on site rather than an off-site contribution.

The Planning Services Manager drew Members' attention to the Schedule of Additional Letters which included a two representations in relation to this application and a response from the Case Officer. It was added by the Planning Services Manager that the Officers' recommendation should read - play areas in the locality rather than the Radbrook ward'.

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

Mr Selby Martin, Local Resident spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Mr Helen Ball, Shrewsbury Town Clerk spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

Councillor Keith Roberts as the local ward Councillor, left the table during consideration of this item, took no part in the debate and did not vote on this item.

Having considered the submitted plans and listened to the comments made by the speakers, the majority of Members expressed their support for the Officer's recommendation subject to an amendment to the recommendation to refer to play areas in the locality rather than the Radbrook ward.

**RESOLVED:**

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

- The Conditions as set out in Appendix 1 of the report; and
- A S106 to secure a sum of £60,000 to contribute to the development of the existing infant and junior play areas in the locality.

**43 Land At 117/125 Wenlock Road, Shrewsbury, Shropshire (16/04590/FUL)**

*Councillor, Ted Clarke as local ward Councillor vacated the Chair. Councillor Nat Green as Vice-Chairman presided as Chairman for this item.*

The Technical Specialist Planning Officer introduced the application for the erection of 32 retirement living apartments including communal facilities, landscaping and car parking; formation of vehicular access following demolition of existing property (amended description) and confirmed that the Committee had undertaken a site visit on 27<sup>th</sup> July 2017 to assess the impact of the proposed development on neighbouring properties and the surrounding area. The Technical Specialist Planning Officer explained that at the Central Planning Committee meeting held on 27<sup>th</sup> July 2017, Members resolved to approve the application subject to the final detail of the Section 106 legal agreement in relation to affordable housing being brought back to this Committee.

Dr David Cannell, Local Resident 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 Tony Parsons addressed the Committee as the local ward Councillor, 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:

- There should be provision for affordable housing on-site;
- The off-site contribution offered was inadequate;
- The developer was very successful and in a strong financial position;
- This type of accommodation was needed in Shrewsbury.

Ms Lisa Matthewson, 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 Members raised concern in relation to the point made by one of the speakers regarding an error in relation to the figures quoted in paragraph 5.6 of the report. The majority of Members expressed the view that the application should be deferred to seek clarification on this matter.

**RESOLVED:**

That consideration of the application be deferred to seek clarification on the figures in paragraph 5.6 of the report regarding the size of the plot and the threshold land value calculations.

#### 44 **Former HMP Prison, The Dana, Shrewsbury, Shropshire (17/02809/OUT)**

*Councillor, Nat Green as local ward Councillor left the table during consideration of this item, took no part in the debate and did not vote on this item.*

The Planning Associate introduced the outline application for the redevelopment of the Dana into a mixed use development including converting the existing prison buildings (defined as use class C2a) into student accommodation (sui generis), residential dwellings (C3), A1/A3, B1/D1, D2 use along with significant landscaping works across the site (all matters reserved). The Planning Associate drew Members' attention to the Schedule of Additional Letters and confirmed that Members had undertaken a site visit this morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

It was explained by the Planning Associate that Members had resolved to refuse a previous application on this site at the meeting held on 22nd December 2016 and this revised proposal had taken into consideration the views expressed by the Committee. The Planning Associate advised Members that if they were minded to approve the application authority should be delegated to the Head of Planning Services to grant approval subject to the rewording of Conditions 24, 25, 26, 29 & 31, the amendment of Condition 27 and an additional condition in relation to the provision of electric vehicle charging points.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Alan Mosley addressed the Committee as the local ward Councillor for part of the application site. During his statement, a number of points were raised including the following:

- He outlined his concerns in relation to the previous application for this site;
- He considered that the scheme now put forward to be substantially better; and
- He had no objections at present but noted that there would be issues to be addressed at the reserved matters stage.

In response a comment from a Member in relation to the Student Accommodation Accreditation Scheme, the Planning Associate advised that it was not appropriate to impose a condition to request that the accommodation met the criteria of the scheme but it could be included as an informative.

Having considered the submitted plans and listened to the comments made by the speakers, Members unanimously expressed their support for the Officer's recommendation.

#### **RESOLVED:**

That delegated authority be given to the Head of Planning Services to grant planning permission subject to:

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



- The rewording of Conditions 24, 25, 26, 29 & 31;
- An amendment to Condition 27; and
- An additional condition for the developer to provide electric vehicle charging points.

**45 Former Copthorne Barracks, Copthorne Road, Shrewsbury, SY3 8LZ  
(16/04228/OUT) - TO FOLLOW**

The Technical Specialist Planning Officer introduced the outline application (including access) for residential development and associated open space for up to 228 dwellings (C3 use) (including up to 45 apartments for retirement living and the conversion of the Armoury (the 'Keep') to provide up to 9 residential apartments) with landscaping, layout, scale and appearance reserved for later approval (amended description). The Technical Specialist Planning Officer drew Members' attention to the Schedule of Additional Letters and confirmed that Members had undertaken a site visit this morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Mr Norman Mcguigan, Light Infantry Veteran 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 Julian Dean addressed the Committee as the local ward Councillor. During his statement, a number of points were raised including the following:

- The majority of residents welcome the development of the site;
- The number of dwellings proposed would cause highway issues on Copthorne Road; and
- He believed that this was a lost opportunity to do something with the site that was creative and useful for the community.

Mr Peter Leaver, 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 Members noted that they were not in objection to the principle of development on the site but had a number of concerns in relation to the proposed development including the impact on local schools which were already at capacity; the proposed demolition of the Officers' Mess and the need for a memorial to reflect the history of the site.

In response to Members concerns the Technical Specialist Planning Officer clarified that Condition 18 requested the developer to include an appropriate commemoration to explain the history of the site and the developer had agreed a primary and secondary education financial contribution in line with the policy. It was further

pointed out by the Area Planning Manager that that Education department had calculated a sum deemed adequate to address the issues in relation to education and it would not be appropriate to request the developer to contribute above what was set out in the policy.

Having considered the submitted plans and listened to the comments made by the speakers, the majority of Members expressed their support for the Officer's recommendation subject to reserved matters application being considered by the Central Planning Committee.

**RESOLVED:**

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

- The conditions as set out in Appendix 1;
- A S106 to secure affordable housing, the funding for the provision of a controlled pedestrian crossing on Copthorne Road, a financial primary and secondary education contribution, a financial contribution to be used for improvements to Frankwell County Ground for compensation for the loss of the playing field on site and a financial contribution for use at nearby recreational grounds to compensate for a reduced level of public open space on site; and
- The Reserved Matters Application to be considered by the Central Planning Committee.

*The meeting was adjourned at 16:40 for a comfort break and reconvened at 16:53.*

**46 Radbrook Hall Court, Radbrook Road, Shrewsbury, Shropshire (16/04883/FUL)**

The Planning Associate introduced the application for the erection of ten (1 block of 4 and 2 blocks of 3) dwellings; formation of estate road and parking areas (modification to approved scheme SA/06/0333/F) (Amended Description) and confirmed that Members had undertaken a site visit this morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. The Planning Associate advised that if Members were minded to approve the application an additional condition for the provision of electric vehicle charging points should be added to any permission granted.

Councillor Keith Roberts as the local ward Councillor, left the table during consideration of this item, took no part in the debate and did not vote on this item.

Having considered the submitted plans the majority of Members expressed their support for the Officer's recommendation subject to an additional condition for the developer to provide electric vehicle charging points.

**RESOLVED:**

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

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

- An additional condition for the developer to provide electric vehicle charging points.

**47 Sunderton Farm, Uffington, Shrewsbury, Shropshire, SY4 4RR (17/02522/VAR)**

The Technical Specialist Planning Officer introduced the application for the variation of condition number 2 (approved plans) attached to planning application reference 16/04518/EIA dated 07/03/2017 to allow alterations to the layout of sheds 1 and 2 (amended description). It was explained that Members approved application 16/04518/EIA at the meeting held on 16<sup>th</sup> February 2017 and Members had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area at this time.

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

**RESOLVED:**

That planning permission be granted as per the Officer's recommendation subject to the Conditions as set out in Appendix 1 of the report.

**48 Walnut Cottage, Nealors Lane, Shrewsbury, SY3 8NF (17/02950/VAR)**

The Area Planning Manager introduced the application for the variation of Condition No. 2 (approved plans) pursuant to 14/01324/FUL to allow for an increase in height of approved extension and confirmed that Members had undertaken a site visit this morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Julian Dean addressed the Committee as the local ward Councillor. During his statement, a number of points were raised including the following:

- The proposal would have a detrimental impact on the amenity of the property to the north;
- The trees noted in the Officers' report would lose their leaves in winter months; and
- The current application was a resubmission of the previous application that was objected.

Having considered the submitted plans and listened to the comments made by the speaker, Members unanimously expressed their support for the Officer's recommendation.

**RESOLVED:**

That planning permission be granted as per the Officer's recommendation subject to the Conditions as set out in Appendix 1 of the report.

**49 East Of Terrace Farm, Cruckton, Shrewsbury, Shropshire (17/02233/FUL)**

The Area Planning Manager introduced the application for the erection of an affordable dwelling, associated garage and installation of septic tank and confirmed that Members had undertaken a site visit this 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 included a representation from the Parish Council.

Councillor Alan Hodges, Pontesbury Parish Council spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Roger Evans addressed the Committee as the local ward Councillor, 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 noted that the family had a strong connection to the area;
- This was a sustainable development and met the criteria of the policy; and
- He considered this to be part of the settlement of Cruckton;

*Councillor Alex Phillips left the meeting at this point.*

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

In the ensuing debate, Members expressed differing views. Some expressed the view that the proposal site formed part of the settlement of Cruckton. Other Members did not consider the proposed site to be within or adjacent to the settlement of Cruckton and therefore supported the Officer's recommendation for refusal of the application.

On being put to the vote the motion to refuse the application as per the Officers' recommendation was approved on the casting vote of the Chairman.

**RESOLVED:**

That planning permission be refused as per the Officer's recommendation.

**50 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the Central area as at 31<sup>st</sup> August 2017 be noted.

**51 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, 28<sup>th</sup> September 2017 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed ..... (Chairman)

Date: .....

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

Recommended Reason for Approval

## REPORT

<b>1.0</b>	<b>THE PROPOSAL</b>
<b>1.1</b>	This application seeks permission under Section 73A of the Town & Country Planning Act for the retrospective change of use of farm buildings to allow Weddings, Events and Community Activities. Permission for the conversion of a third building in connection with hosting the aforementioned activities is also sought, alongside permitting the use of a toilet and shower block contained within a further outbuilding. The creation of an informal car parking area, alongside other associated ancillary works, are also to be pursued in order to allow the hosting of weddings and events at Stanford Farm.
<b>2.0</b>	<b>SITE LOCATION/DESCRIPTION</b>
<b>2.1</b>	Stanford Farm is an historic farmstead dating from the 18 <sup>th</sup> /19 <sup>th</sup> century; the main farmhouse sits to the west, with the heritage barns subject of this application occupying an 'L' shaped footprint to the east. The property, sitting approximately 1.5km North-West of the village of Halfway House, is accessed via a private access track protruding from the unclassified highway which connects C-classified Pecknall Lane to the hamlet of Stanford to the West.
<b>3.0</b>	<b>REASON FOR COMMITTEE DETERMINATION OF APPLICATION</b>
<b>3.1</b>	The Town Council have provided views contrary to the Officers recommendation. This has been discussed with the Local Member whom has requested a committee determination for this application.
<b>4.0</b>	<b>Community Representations</b>
<b>4.1</b>	<b>- Consultee Comments</b>
<b>4.1.1</b>	<b>Alberbury With Cardeston Parish Council</b> <u>28.12.16</u> The Parish Council have some reservations about this. To get to the venue you have to drive through someone else's farmyard and so may cause disruption to them.  Additionally the roads around the venue are narrow but that may not be a problem as people will be travelling to and from at different times. Increased use of the venue will also cause some local noise pollution from time to time.



	<p>On the plus side it will make use of the buildings and should generate some employment and income. We recognise that farming has to evolve and we raise no formal objection to the development.</p> <p><u>04.01.17</u> Sirs, since commenting on this earlier more information has come to light and the matter will now be discussed at the Parish Council meeting on Jan 16th.</p> <p><u>24.02.17</u> After further consideration of this application the Parish Council now wishes to oppose the proposal. It is felt that the noise and traffic considerations will cause extreme nuisance to the local, small, community; possibly changing the character of the area completely</p> <p><u>24.07.17</u> The amendment to the application still cannot be supported by the Parish Council who are aware of substantial local opposition on grounds of noise and traffic.</p>
<b>4.1.2</b>	<p><b>SC Ecology</b> <u>13.12.16</u> SC Ecology has no comments to make on this application.</p> <p><i>NB – subsequent to the above initial comments, further information regarding the conversion of the Cow House was submitted thus warranting the reconsultation of the Local Authority's ecologists.</i></p> <p><u>28.02.17</u> Additional information is required relating to bats and great crested newts.</p> <p>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>21.04.17</u> No further objection; informatives and conditions recommended, please see decision notice.</p>
<b>4.1.3</b>	<p><b>SC Archaeology</b> We have no comments to make on this application with respect to archaeological matters.</p>
<b>4.1.4</b>	<p><b>Shropshire Fire and Rescue</b> 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: <a href="http://www.shropshirefire.gov.uk/planning-applications">http://www.shropshirefire.gov.uk/planning-applications</a>.</p>
<b>4.1.5</b>	<p><b>SUDs</b> <u>12.12.16</u> We have no comment from the drainage and flood risk perspective, regarding the change of use of farm buildings to allow Weddings, Events and Community Activities.</p>

	<p><u>18.01.17</u> The existing septic tank of 100 litres capacity is too small for the change of use. The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.</p>
<b>4.1.6</b>	<p><b>SC Conservation</b> <u>19.12.16</u> Background to recommendation: Stanford Farm is an historic farmstead dating from the 18th/19th century, with the proposed scheme relating to a former L-shaped barn building which had been subsequently altered and subdivided into two separate cowhouses, along with the adjacent loose boxes. These have subsequently been converted for use as a bar and wedding venue.</p> <p>The submitted details are noted with regard to the retrospective conversion of these buildings for use for weddings and events, and this is considered to be a less intensive use in comparison to conversion for residential use for example. 'The Stables' is evidently the best example of the historic traditional farm buildings on the site and is now used for ceremonies, with alterations appearing to have been kept to a minimum and it is understood that no further changes are proposed. Provided this is the case, no objections are raised, though the overly domestic looking external decking area is not considered to be sensitive to the character and setting of the former agricultural buildings here and it is preferred that this is removed.</p> <p>With regard to the proposed alterations to the 'cow shed' details of the new doors should be confirmed/conditioned. It is assumed that no further changes in terms of landscaping/boundary treatments etc are taking place but if this is not the case can these also be submitted/conditioned.</p> <p><u>17.02.17</u> No further comments to make. Please refer to our comments of 19th December 2016.</p>
<b>4.1.7</b>	<p><b>SC Highways</b> <u>09.01.17</u> Do not approve – insufficient information and access details have been submitted to assess the implications of the proposal from the highway perspective.</p> <p><u>27.04.17</u> Based upon the submitted information accompanying the application but acknowledging also the local highway network serving the site, the highway authority would be prepared to support the granting of a temporary planning consent subject to agreeing a Traffic/Event Management Plan. Given that the activity current seeking planning consent is already operating and therefore unauthorised, the highway authority consider it incumbent upon the Traffic/Event Management Plan should be first drafted and submitted to be conditioned as part of any consent granted. The highway authority does not consider it appropriate for this matter should be dealt with by means of a planning condition.</p> <p><u>07.06.17</u></p>

	<p>No objection granting of a temporary consent, subject to the development being carried out in accordance with the approved plans and appropriate conditions (see decision notice).</p> <p><u>12.09.17</u> The highway position is to support the application and a temporary consent, with the requirement also for the passing places to be implemented as per the previous highway comments.</p>
<p><b>4.1.8</b></p>	<p><b>SC Public Protection</b></p> <p><u>10.01.17</u> There is not enough information for me to make any meaningful comments on this application at this time. No proposals of how the venue will operate have been provided, no details of the potential numbers of visitors to any one event are given which would help in establishing the level of potential intrusion to the area in respect of noise from traffic movements, no specified times of operation have been provided, no information on what the photographs submitted are showing is given, no information on where noisy activities would take place is provided e.g. music and bar areas and what mitigation there will be to ensure no noise impact to the surrounding area. As a result I recommend that further information to cover the points above as well as a noise assessment is submitted in order that this application can be given appropriate thought. Without further information I would recommend refusal based on the grounds that no assessment of predicted noise impact on existing nearby residential receptors has been provided.</p> <p><u>10.02.17</u> A noise assessment has been submitted in support of this application reference: 7829/AAR, revision number 1. Table 7829/T11 – Limiting Noise Levels on page 13 states noise levels within the buildings to be used for events which will be necessary to ensure that the noise levels specified as suitable at nearest sensitive receptors will be achieved. The noise levels proposed are relatively low when considering the potential noise levels likely to be created at, for example, a wedding with 100 -120 people after 11pm. The figure stated is 84dB in the Cow Shed, the larger of the two buildings, which is anticipated, will have the most likelihood for noise based on the ability to fit many more people inside that the Stables that has a noise level of 89dB stated as suitable. As a result it is considered necessary for sound insulation to be put in place to ensure at least another 10dB noise insulation from the material of the Cow Shed to ensure that it is able to meet the noise levels stated in the noise assessment at all times.</p> <p>Having considered external noise levels predicted in the noise assessment the assessment is considered to be suitable, and it is agreed that noise levels can be achieved that ensure that the nearest residential receptor is unlikely to be significantly impacted by the noise of vehicles moving to and from the site assuming that the applicant can control the speed of vehicles using the access by enforcing a 5mph speed limit.</p> <p>The acoustic integrity of the Cow Shed and Stables should be increased to reduce noise spill into free field areas by at least 10dB, though 15dB would be a more suitable target. The noise report has highlighted areas of the buildings that could be</p>

	targeted by additional measures and it is recommended that these be used to direct further thought. Importantly the roof, doors, and windows are likely to need attention. Suitable pre-commencement conditions, prior to the hosting of further events, shall be attached to the decision notice in this regard.
<b>4.2</b>	<b>- Public Comments</b>
<b>4.2.1</b>	This application was advertised via notice at the site. Additionally, one neighbouring property was individually notified regarding the application. At the time of writing this report, a total of seventy-three representations had been received.
<b>4.2.2</b>	Sixty-one comments of objection have been received regarding the scheme. The main concerns highlighted focus on the following: <ul style="list-style-type: none"> <li>• Traffic concerns - overloading of the minor local road infrastructure</li> <li>• Highway safety concerns</li> <li>• Noise pollution</li> <li>• Safety of neighbouring residents</li> <li>• Waste disposal concerns</li> <li>• Scale and regularity of events</li> <li>• Ecology concerns – Bats and Great Crested Newts noted as being in the area</li> <li>• Anti social behaviour</li> <li>• Unsociable hours of operation</li> <li>• Foul drainage concerns</li> <li>• Concerns for future expansion</li> <li>• Non-conformity with local policy</li> </ul>
<b>4.2.3</b>	Twelve letters of support have been received, whose praise for the scheme is summarised as follows: <ul style="list-style-type: none"> <li>• The re-use of buildings that are unfit for modern agricultural purposes which would otherwise fall into a state of disrepair</li> <li>• The scheme ‘puts Shropshire on the map’ and supports local businesses</li> <li>• Previous events have been well organised and controlled</li> <li>• Safety and security at previous events has been carefully assessed and implemented</li> </ul>
<b>5.0</b>	<b>THE MAIN ISSUES</b>
	<b>Principle of development</b> <b>Structure design</b> <b>Scale, layout and visual impact</b> <b>Neighbouring amenity</b> <b>The fall-back position</b> <b>Highways, parking and access issues</b> <b>Other matters</b>
<b>6.0</b>	<b>OFFICER APPRAISAL</b>
<b>6.1</b>	<b>Principle of development</b>
<b>6.1.1</b>	National planning policy set out within the National Planning Policy Framework promotes the creation of sustainable rural tourism including the provision of tourist

	and visitor facilities in appropriate locations. Policy CS5 of the Core Strategy builds upon this by supporting development proposals on appropriate sites which maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to small-scale new economic development diversifying the rural economy, including farm diversification schemes. The reuse/conversion of existing buildings is also supported by both aforementioned policies.
<b>6.1.2</b>	Core Strategy Policies CS6: Sustainable Design and Development Principles and policy CS17: Environmental Networks alongside Site Allocation and Management of Development (SAMDev) plan policy MD7b: General Management of Development in the Countryside work to protect and enhance the substantial number of heritage assets in Shropshire, which are of significance because of their historic, archaeological, architectural or artistic interest. The re-use of such buildings helps to ensure that these assets are retained, limit the visual impact of new construction and provide recycling of the building resource. Stanford Farm is an historic farmstead dating from the 18th/19th century, with the proposed scheme relating to a former L-shaped barn building which had been subsequently altered and subdivided into two separate cowhouses, along with the adjacent loose boxes. The two buildings seeking retrospective permission in particular are considered to be of some historic merit; as such any works to secure the future longevity of these features is supported in principle.
<b>6.1.3</b>	Core Strategy policy CS13: Economic Development, Enterprise and Employment recognises the importance of supporting rural enterprise and the diversification of the rural economy, with particular support afforded to areas of economic activity associated with farm diversification, green tourism and leisure, and promotion of local food and supply chains. The policy continues to note that any development proposals must also accord with policy CS5. The proposal is considered both to afford benefit to the local economy, in terms of supporting local businesses in association with event hosting e.g. florists, caterers, local B&B's etc. and meet the criteria of aforementioned policy CS5.
<b>6.1.4</b>	Policy CS16 promotes the delivery of high quality, sustainable tourism, and cultural and leisure development, which retains and enhances existing natural features and which do not harm Shropshire's tranquil nature. Proposals are required to be of an appropriate scale and character for their surroundings and be situated close to or within settlements. It is also recognises that tourists visit parts of Shropshire because of its intrinsic natural qualities and that they may not necessarily want to be close to a settlement and would rather be in a rural area which is typically quieter.
<b>6.1.5</b>	MD11 of the Site Allocations and Management of Development (SAMDev) Plan states that tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings and meets the requirements of Policies CS5, CS16, (which promotes connections between visitors and Shropshire's natural, cultural and historic environment) and MD13, (which ensures Shropshire's heritage assets will be protected and conserved).
<b>6.2</b>	<b>Structure design</b>
<b>6.2.1</b>	Proposed is the ongoing use of two 18th/19 <sup>th</sup> brick built barns and the conversion of

	<p>the neighbouring Cowhouse, also recognised to be of 18th/19<sup>th</sup> century origin. An existing portacabin within one of the sheds to the West of the site also houses a toilet and shower block. The Cowhouse has been subject to damage since its erection thus at present largely consists of modern metal framework and concrete blocks, with a metal roof atop. The two smaller barns are currently in a good state of repair, and have required minimal alteration works to facilitate their conversion; in terms of conversion works, the intended use for events and weddings is considered less intensive than a traditional conversion for residential use for example. As such, in respecting and enhancing these two non-designated heritage barns, the proposal is viewed favourably.</p>
<b>6.2.2</b>	<p>The Eastern wall of the Cowhouse is currently open, and thus requires rebuilding in order to facilitate conversion. Corrugated steel cladding is the intended construction material, with its colouring intended to match that of the existing courtyard. Four timber bi-fold doors, measuring 1.5m in width and 2.5m, are to be installed to this gable end; incorporating large glazed panels in each door, their installation shall afford wider views to the surrounding countryside. The notable levels of glazing is favoured in working to retain the current openness of this elevation, with the timber framing of the doors softening the overall clad appearance of this elevation.</p>
<b>6.3</b>	<b>Scale, layout and visual impact</b>
<b>6.3.1</b>	<p>At full capacity, the venue is noted to hold 200 guests; once fully renovated, the outbuildings at the application site shall be capable of containing these guests within the buildings. As such the bulk of activity and noise associated with any events held at the application site shall be confined within these built structures. In terms of scale, the stipulated visitor numbers are in line with the expectations for such events</p>
<b>6.3.2</b>	<p>The development site occupies a relatively isolated location; approximately 90m separates the farmstead from the nearest residential dwelling, and open countryside surrounds the site. Visually, the alteration works proposed in association with this application are generally minimal; the undulating topography to the east, and the distances separating the site from the nearest public vantage point ensure that the development works associated with the proposal shall pose only minimal visual harm.</p>
<b>6.3.3</b>	<p>It is acknowledged that a site intended to host weddings and events will undoubtedly accumulate associated paraphernalia which will contribute, alongside the physical development works, to the visual amenity of the locality. As above noted, the surrounding topography offers shelter to the development site from surrounding public vantage points. The intended car-parking areas, to the South-East and North West of the main outbuilding cluster, are considered to well relate to the main hub of the development; thus minimising undue visual spread into the surrounding open agricultural land.</p>
<b>6.3.4</b>	<p>Overnight camping, available for guests, is referenced on numerous occasions within supporting documents (such as the submitted planning statements; the amended block plan (received 02.06.17) however confirms that camping is not included as part of this permission. The applicant has confirmed, in terms of overnight camping, that this shall be pursued by way of permitted development rights.</p>
<b>6.4</b>	<b>Neighbouring amenity</b>

<b>6.4.1</b>	The nearest neighbouring resident is located approximately 90m South, namely Little Stanford, with additional neighbours located at distances over 200m to the West and South-West of the development site. Open agricultural land occupies much of this expanse with the nearest residential neighbour noted to be sited along the private track which provides access to Stanford Farm. Due to the nature of the proposal, and the requirement for associated traffic to pass by Little Stanford at close proximity, noise levels and their potential impact on the amenity of neighbouring residents must be carefully considered.
<b>6.4.2</b>	At full capacity, the venue is noted to hold 200 guests; once fully renovated, the outbuildings at the application site shall be capable of containing these guests within the buildings. As such the bulk of activity and noise associated with any events held at the application site shall be confined within these built structures. Permitted development rights, under Class B Part 4 of the Town The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), allow the temporary use of land for no more than 28 days in total in any calendar year; allowing the applicant to erect a marquee at the development site to host events, this has been noted as the fall-back position. In comparison to this fall back position the use of the outbuildings, which can be installed with suitable levels of noise insulation, rather than the use of un-insulated temporary structures shall have a lesser impact on the amenity of neighbouring residents in terms of overall noise disturbance.
<b>6.4.3</b>	Mitigation measures shall be sought via condition in order to further work to avoid unacceptable levels of harm to the amenity of neighbouring residents. These shall include measures to increase the acoustic integrity, targeting the generic sound escape 'problem areas' of the roof, doors and windows. To ensure that the appropriate sound levels confirmed within the submitted noise statement are met an additional 10/15dB of sound integrity should be added to the Cow House building prior to any further events taking place at the development site. The issuing of a temporary consent, alongside relevant noise monitoring conditions, shall ensure that the stipulated measures are operating as effective safeguards.
<b>6.4.4</b>	The application site features a courtyard area, which is likely to be utilised on occasion in association with events held; it is acknowledged that any noise produced in this area is likely to have a greater impact on the amenity of neighbouring residents. As such suitable conditions, in terms of both stipulated timeframes for outdoor noise and volume levels, shall be attached to any approval in order to protect neighbouring residents from unacceptable levels of harm.
<b>6.4.5</b>	The vehicular movements associated with hosted events/weddings at the development site are noted to pose some impact to the amenity of neighbouring residents, particularly neighbouring property Little Stanford who is located midway up the track which serves access to the development site. Issues surrounding highways are discussed in full below, however it is noted that suitable conditions shall be attached to any consent granted in order to safeguard the amenity of neighbouring residents as that unacceptable levels of harm shall not arise consequent to traffic movements.
<b>6.4.6</b>	In seeking to operate as an events venue, the applicant has liaised with several departments in order to gain multiple consents for use of the development site; as part of this process, and in response to complaints regarding noise nuisance at this location, colleagues in our Public Protection department have attended events at the development site. This monitoring highlighted, during the event in question, that

	music was not audible outside of the venue. Though acknowledged to be an isolated report, this account does indicate that adequate levels of sound mitigation can be achieved at this location; the attachment of suitable conditions upon the decision notice shall further reinforce such mitigation measures.
<b>6.5</b>	<b>The fall-back position</b>
<b>6.5.1</b>	Reference is made by the applicant to their fall-back position, of operating under Class B Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which allows the temporary use of land for no more than 28 days in total in any calendar year; this would allow the applicant to erect marquees at the development site in order to host events. This referenced fall-back position has been discussed between the planning department and legal team, who concur as follows.
<b>6.5.2</b>	Numerous queries have arisen regarding the extent of operations that this legislation would allow, by questioning does the preparation of the site (i.e. setting up the temporary structures prior to an event, and their subsequent removal) contribute to the aforementioned 28 day quota. The website advertising weddings at this location ( <a href="http://www.stanfordfarm.co.uk/">http://www.stanfordfarm.co.uk/</a> ) currently offers site hire for three-day periods; presumably (and practically considered to be) one day prior for site preparation, the second for event hosting, and a third for subsequent site restoration.
<b>6.5.3</b>	In relation to this matter, Development Control Practice (DCP) states it is normally held that days are used up from the 28 allowed by the GPDO if there is physical evidence of that use even though the primary activity itself is not being undertaken. Whilst not necessarily constituting of all physical changes to the land, it can be reasonably concluded that any operations in anticipation of the use which make it difficult or impossible to revert to the normal use can be considered as contributing towards the 28 day quota.
<b>6.5.4</b>	Based on the scope of site preparation required in order to host events/weddings in temporary structures, the Local Authority are of the view that the lands original use would not be able to continue during these preparation measures; as such it is concluded that the change of use of the land in question extends over this three day period advertised to customers. In this light the stipulations of the GPDO would permit a maximum of 9 events per annum of this nature.
<b>6.5.5</b>	It is further noted that the use of land at this location can only be considered temporary should the land in question revert to its previous use in between events; should this use reversion not occur – for example, should a parcel of land be allocated to use for events and be left dormant for the remainder - it is considered that the land would be undergoing a permanent change, albeit being used intermittently. Such a permanent intermittent use would not be considered to benefit from the permitted development rights under Class B Part 4.
<b>6.5.6</b>	It is noted that the existing toilets presently observed at the development site, located within a portacabin, would not be able to be lawfully operated under the applicants permitted development rights since part 4 of the GPDO does not extend to existing buildings. It is further noted that holding a small number of wedding ceremonies within the existing buildings at the development site (as the use of a permanent structure is required to hold lawful weddings) could be considered as ' <i>de minimis</i> ' thus not warranting a formal change of use of said buildings.



<b>6.6</b>	<b>Highways, parking and access issues</b>
<b>6.6.1</b>	The application site is accessed via a lane, approximately 160m in length, which falls under the ownership of neighbouring property Little Stanford; numerous items of evidence have been submitted in relation to rights of access, and for what purposes access may be permitted. Though relevant to the practicalities of implementing the proposal, rights of access to Stanford farm is not strictly a planning issue; access to Stanford Farm in association with Weddings/Events is a civil matter which should be resolved amongst the applicant and associated landowner independently of any planning permission granted.
<b>6.6.2</b>	Core Strategy policy CS6 seeks to secure safe developments which, in the context of highway safety, means giving consideration to whether the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated and the adequacy of on site parking arrangements. As a wedding/events venue anticipated to generate notable levels of traffic, highways is a notable consideration for this application.
<b>6.6.3</b>	Given the type of events that the venue is proposed to host, traffic generated is likely to be somewhat tidal; in conjunction with the local road network – rural and typically of single vehicle width – consideration is advised to be given to the most appropriate routes to and from the site, with signage and supplied visitor information deployed to assign and control this traffic accordingly. Whilst the submitted Traffic/Event Management Plan has indicated preferred routes of travel to and from the site it is considered that such measures aren't likely to be enforceable; however it is acknowledged that most traffic movements generated in association with the proposed works would be off-peak, thus working to minimise vehicular conflict within the local highway network. Further details in relation to proposed signage are recommended to be requested via condition, alongside the provision of passing bays, in order to further aid smooth vehicular movements within the locality.
<b>6.6.4</b>	At full capacity, the venue is noted to hold 200 guests; the submitted Traffic Management Plan confirms the identification of vehicular 84 spaces. Based upon a maximum attendance of 200 people, the average occupancy of each of the 84 vehicles equates to 2.3 people. The statement submitted by Sumner Consultancy (SC) contest these figures; however an amended block plan received (02.06.17) subsequent to their comments illustrates approximately 1200m <sup>2</sup> earmarked for carparking. Based on the calculations provided by SC regarding standard car bay widths and isle measurements a reality of 63 carparking spaces is summated, concluding as 3.17 persons per vehicle. Based on the shared nature of transport arrangements to such events, 3-4 persons per vehicle is considered feasible thus rendering the overall parking provisions generally satisfactory. It is also noted that the informal nature of parking at private events (such as weddings) is unlikely to result in adherence to standard aisle widths, thus providing some additional spaces which shall contribute to any identified shortfall.
<b>6.7</b>	<b>Other matters</b>
<b>6.7.1</b>	Numerous objection comments have been submitted in relation to this application; details of this are available online via our public access pages. Whilst all representations are taken into account, several points have been raised which are not considered to be material planning considerations for appraisal during the course of this application. Such points raised include: a drop in house price value;

	loss of income, and; danger to pets.
<b>7.0</b>	<b>CONCLUSION</b>
<b>7.1</b>	The application is supported in principle, with the Wedding/Events venue as proposed compliant with relevant Shropshire policies in relation to farm diversification and rural tourism. Planning conditions are to be attached to the decision notice in order to allow the Local Authority to further control the proposals particulars as to ensure that no undue harm in terms of residential amenity would arise. The granting of a temporary three-year approval is recommended to provide the Local Authority further opportunity to assess the appropriateness of the proposal post implementation of suitably approved mitigation measures.
<b>8.0</b>	<b>Risk Assessment and Opportunities Appraisal</b>
<b>8.1</b>	<b>Risk Management</b>
	<p><b>There are two principal risks associated with this recommendation as follows:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>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.</b></li> <li><input type="checkbox"/> <b>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.</b></li> </ul> <p><b>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.</b></p>
<b>8.2</b>	<b>Human Rights</b>
	<b>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.</b>

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Core Strategy and SAMDev Policies:  
 CS5 - Countryside and Greenbelt  
 CS6 - Sustainable Design and Development Principles  
 CS13 - Economic Development, Enterprise and Employment  
 CS16 - Tourism, Culture and Leisure  
 CS17 - Environmental Networks  
 MD2 - Sustainable Design  
 MD7B - General Management of Development in the Countryside  
 MD11 - Tourism Facilities and Visitor Accommodation

### RELEVANT PLANNING HISTORY:

SA/78/0115 Erection of an agricultural workers dwelling. REFUSE 11th April 1978  
 SA/90/0120 Erection of an extension to provide hall, study, utilities and sun room with additional bedroom and bathroom above. PERCON 2nd March 1990

## 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 R. Macey
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Local Member Cllr Ed Potter
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Appendices APPENDIX 1 - Conditions
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## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The use hereby permitted shall be for a limited period being the period of three years from the date of this permission. Unless further permission is granted in writing by the local planning authority prior to the end of that period, the use hereby approved shall permanently cease

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

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

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

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

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

4. A total of 1 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

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

5. A total of 1 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

6. Prior to the hosting of any further events at Stanford Farm full details, location and sizing of the existing drainage fields should be provided including previously carried out percolation

tests to ensure that it can cater for the new development. The sizing of the drainage fields should be designed to cater for 200 persons and in accordance with the Building Regulations H2.

Reason: To ensure that the foul water drainage system complies with the Building Regulations H2.

7. Prior to the hosting of any further events at Stanford Farm details for the parking, turning, loading and unloading of vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter only be used at all times for those purposes.

Reason: This detail is required prior to commencement to provide for the parking loading and unloading of vehicles off the highway in the interest of highway safety.

8. The applicant will commission a noise assessment to monitor noise at the nearest residential dwelling to ensure that both noise from entertainment and road noise achieves no more than 40dB LAeq(1hr) at the façade of the residential dwelling and no more than 60dB LMax due to road noise. A report to show the results shall be provided to the local authority. No further events shall take place until the assessment report has been approved in writing by the LPA. Should additional work be necessary to achieve the noise levels required no further activities shall take place until works have been proposed and approved by the LPA and carried out in full at which point another noise assessment monitoring period shall be carried out at the expense of the applicant. These steps shall be repeated until such a time that noise levels are achieved at the full expense of the applicant. Once achieved these noise levels shall be achieved at all events. Should the local authority undertake monitoring and find limits are not being achieved in future the applicant shall return to the start of this condition and be required to provide further noise assessments.

Reason: To protect the health and wellbeing of residents.

9. Prior to the hosting of any further events at Stanford Farm a scheme for the provision of storage, prior to disposal, of refuse, crates, packing cases and all other waste materials shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented prior to hosting any further events at Stanford Farm.

Reason: In the interests of amenity.

10. Within 9 months of the date of this permission, the following access/highway works shall be completed in accordance with full engineering details which shall first be submitted to, and approved in writing by, the local Planning Authority: -

- (i) The resurfacing/reconstruction of the initial section of the existing vehicular access, including widening where possible,
- (ii) The provision of two vehicle passing bays within the highway verge between the site access and the junction with Pecknall Lane,
- (iii) A scheme of direction signing for the proposed events, including sign content, precise locations along with any necessary permissions or consents.

Reason: In the interests of highway safety.

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

11. No amplified or other music shall be played externally at the premises between the hours of 22.00 and 10.00.

Reason: In order to protect the amenity of occupiers of nearby properties.

12. The use hereby permitted shall operate between the hours of 10:00 and 23:00 hours Sunday to Thursday and 10:00 and 01:00 hours on Fridays and Saturdays only.

Reason: In the interests of the amenities of existing residential property in the locality.

13. The use of the buildings labelled 'Bull Barn', 'The Stables' and 'Cow House' and the associated land edged in red on the approved block plan shall be used for the purposes of events and functions, inclusive of weddings, only. No more than 12 functions/events shall take place in a single calendar year.

Reason: To preserve the amenities of the area and highway safety/ free flow of traffic.

### **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 in order to secure an appropriate outcome as required by the National Planning Policy Framework paragraph 187.

2. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation. Your attention is specifically drawn to any conditions above that require the Local Planning Authority's approval.

In accordance with Article 27 of the Town & Country Planning (Development Management Procedure) Order 2015 a fee may be payable to the Local Planning Authority for applications to discharge conditions. If a fee is necessary this will be required per request. The required forms are available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority.

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. Failure to discharge pre-commencement 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. 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 birds nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

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

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

5. 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.

6. 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.

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

7. 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
- undertake 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 with a list of approved contractors, as required.



8. This highway advice relates to the requirements of fulfilling the planning process only. In no way does the acceptance of these details constitute or infer specific "technical approval" of any changes to the existing public highway or any new infrastructure proposed for adoption by Shropshire Council. Any works undertaken, prior to the appropriate Highway Agreement, Permit or Licence being formally completed, is done so at the developer's own risk, and there is no guarantee that these works will be deemed acceptable and subsequently adopted as highway maintainable at public expense, in the future. Please refer to the following informative notes for details of securing an appropriate highway approval and agreement.

9. No work 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.

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Committee and date  
 Central Planning Committee  
 28 September 2017

Item  
6  
 Public

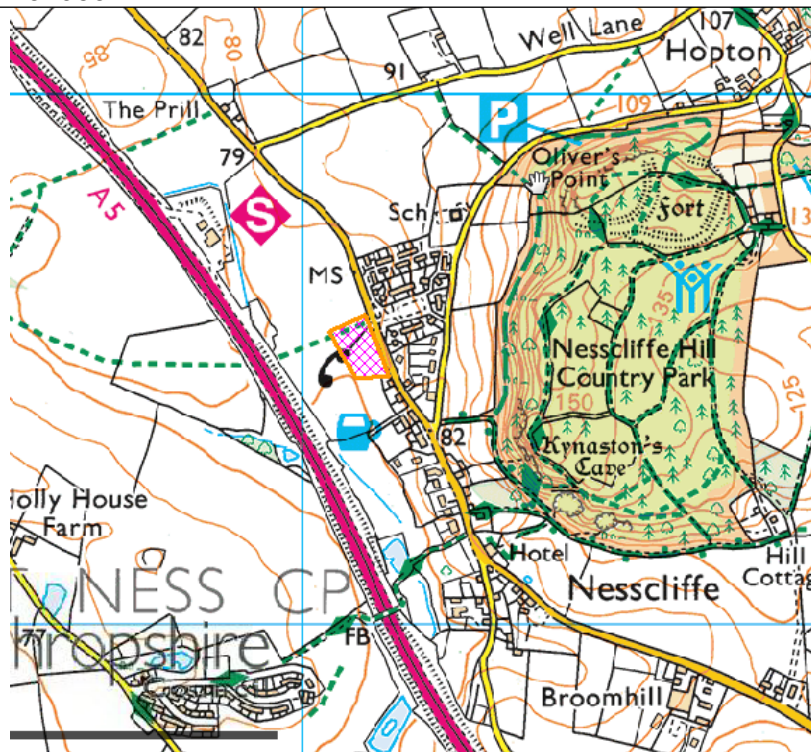
## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b><u>Application Number:</u></b> 16/03413/REM	<b><u>Parish:</u></b>	Great Ness
<b><u>Proposal:</u></b> Reserved Matters pursuant to Outline planning application 13/04757/OUT (landscaping, scale, appearance, layout and access) for residential development of 23 dwellings		
<b><u>Site Address:</u></b> Proposed Residential Development Opposite The Crescent Nesscliffe Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Shrewsbury Homes		
<b><u>Case Officer:</u></b> Nanette Brown	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 338127 - 319532



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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 reserved matters consent for the matters of appearance, landscaping, layout, scale and access relating to the previously permitted outline planning consent reference 13/04757/OUT. The outline consent granted outline planning permission for the residential development of the site and associated works, including details of access to the site. This site is an allocated housing site identified in SAMDev with a guideline of 15 dwellings.
- 1.2 This application has been subject to amendments as part of the application process and the latest plans submitted show a total of 23 dwellings proposed, a mixture of detached, semi detached and terraced housing ranging from 2 bedroom to 4 bedrooms. The agent has confirmed that the recently amended plans have amended the house types in order to provide areas of public open space that in area exceed the amount required by current policy requirements. The access into the site has been amended slightly to that previously agreed on the outline consent, but is still retained in the northern corner of the site, onto Holyhead Road.
- 1.3 The committee report of 27<sup>th</sup> July 2017 in respect of 16/04590/FUL is attached as Appendix 3.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is located at the northern end of the settlement of Nesscliffe and currently is within agricultural use. The development will be accessed off the A5210, Holyhead Road which runs to the east of the site with Right of Way route code 0419/11/2 running across the site in an east-west direction linking residential properties in The Crescent to the A5 highway. The site shares a 20 metre section of its southern boundary with the domestic curtilage of Grove Cottage, the only immediately adjacent existing property to the site.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 At the meeting of 27<sup>th</sup> July 2017 Members resolved to defer the application in order to ask the developer to reduce the number of dwellings and increase the amount of public open space.

**4.0 Public Comments**

- 4.1 Two further objections received, summarised as follows:

Note the comments made by the Central Planning Committee requesting that the applicant reduce number of dwellings and increase the amount of open space; concerns were raised about the level of development in Nesscliffe and the density of the site if 24 houses are built; the outline approval did not specify a number of houses to be built; the number of units were to be included in the first submission of reserved matters as per point 4 of the decision notice; as an allocated site in

SAMDev for 15 houses this must now be given weight; committee concerns about the density of the site can only be addressed by a significant reduction in numbers; the reduction in house numbers by 1 is not acceptable

## **5.0 THE MAIN ISSUES**

### **Principle of development Layout and Scale**

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

6.1.1 The principle of residential development of the site has been accepted with the grant of outline planning permission ref 13/04757/OUT. Furthermore the site is allocated for housing development in the now adopted Shropshire Site Allocation and Management of Development (SAMDev) Plan to provide new housing within the proposed Community Hub of Nesscliffe. The proposed site is suggested in the SAMDev to be for approximately 15 houses, with a guideline of 30 houses for the whole settlement. The current reserved matters application, amended since the Central Planning Committee of 27<sup>th</sup> July 2017 now seeks consent for housing on the whole of the site previously granted outline approval, for a total of 23 houses (reduced from 30 no. during negotiations carried out by officers during this application and from 24 as previously considered by Central Planning Committee on 27<sup>th</sup> July 2017).

6.1.2 With regard to affordable housing the current reserved matters application still includes 3 affordable dwellings sited towards the centre of the site (plots 8, 9 & 10). The current prevailing target for affordable housing in Nesscliffe would be for 15% of the development to be affordable. As such 3 dwellings on site results in a small under provision which can be made up through a financial contribution and this was secured within the S106 agreement attached to the outline planning consent. As such the proposed development, in terms of affordable housing, is considered to meet the requirements of the adopted policy.

### **6.2 Layout and Scale**

6.2.1 The National Planning Policy Framework (NPPF) at section 7 places an emphasis on achieving good design in development schemes. This is reflected in Core Strategy policy CS6 and SAMDev policy MD2 which seek to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

#### **6.2.2 Layout and Scale –**

The submitted layout shows the access road to serve the properties entering the site at its northern corner with the access road forming roughly an E shape within the site with houses set to each side of the access road. The overall numbers of dwellings proposed have now been reduced to 23 which has allowed for the main

area of Public Open Space to be increased in size, now extending up to meet the sites access off Holyhead Road at its northern end. The proposed housetypes for the properties fronting this open space have also been amended with their front elevations facing east towards the open space and Holyhead Road beyond.

6.2.3 Whilst the 23 houses now proposed are still greater in number than the guide figure of 15 houses referred to in the SAMDev allocation, officers are satisfied that the proposed layout allows for sufficient amenity space and off road parking for each dwelling as well as providing an amount of public open space that now slightly exceeds the amount required in Shropshire Council's current adopted planning guidance of 2160m<sup>2</sup> (30sqm of open space x 72 beds).

6.2.4 The majority of houses proposed would provide 2 or 3 bedroom accommodation (3no. 2 bedroom houses and 14no. 3 bedroom houses) in a mix of terraced, semi detached and detached houses with just 6 detached houses having 4 bedrooms. Officers consider that this still contributes greatly to the Parish Council wish for new housing developments to consist of predominantly 2 or 3 bedroom accommodation.

6.2.5 Open space remains shown to be provided across 3 separate areas across the site, with the largest, main area set centrally alongside the houses and the sites eastern boundary, next to Holyhead Road. The other two areas are much smaller, one providing a green buffer to a pumping station that is required at the southern end of the site, the third allowing for the public right of way to enter and cross the north western corner of the site.

#### 6.2.6 **Appearance –**

The mix of terraced, semi-detached and detached dwellings proposed are of a modern design with two storeys of red stock & red multi stock colour brickwork with smooth grey and old English dark red roof tiles and some with chimney details. It is considered that the design and materials chosen are acceptable.

### 7.0 **Conditions**

7.1 Conditions relating to the provision of the pedestrian refuge crossing point and the provision of electric vehicle charging points are now included in the recommended conditions in appendix 1.

### 8.0 **CONCLUSION**

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

### 9.0 **Risk Assessment and Opportunities Appraisal**

#### 9.1 **Risk Management**

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

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

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

## **9.2 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.

## **9.3 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.

## **10.0 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.

## 11. Background

### Relevant Planning Policies

Central Government Guidance:  
NPPF

Core Strategy and Saved Policies:

CS4: Community and Community Clusters

CS5: Countryside and Green Belt

CS6: Sustainable Design and Development Principles

CS11: Type and Affordability of Housing

CS17: Environmental Networks

MD2: Sustainable Development

MD3: Delivery of Housing Development

MD7a: Managing Housing Development in the Countryside

### RELEVANT PLANNING HISTORY:

13/04757/OUT Application for Outline Planning Permission (access for approval) for residential development and associated works GRANT 15th February 2016

## 12. 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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Planning file 16/03413/REM
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Cabinet Member (Portfolio Holder)
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Cllr R. Macey
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Local Member
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Cllr Ed Potter
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Appendices
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APPENDIX 1 – Conditions
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APPENDIX 2 – Central Planning Committee Report of 27 <sup>th</sup> July 2017
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## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The development shall be carried out strictly in accordance with the approved plans and drawings  
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

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

2. Prior to the first occupation of any part of the development or any phase of the development full details of the pedestrian refuge point across Holyhead Road shall be submitted to and approved in writing by the Local Planning Authority. The pedestrian refuge shall be implemented before any part of the development is occupied.  
Reason: In the interests of highway safety and to ensure the provision of the crossing to improve pedestrian safety.
3. A minimum of one electric vehicle (EV) plug ready charging point shall be installed at every dwelling with an off-street car parking space prior to the first occupation of that dwelling.  
Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help protect and exploit opportunities for the use of sustainable transport modes as required by paragraph 35 of the NPPF.

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

4. All hard and soft landscape works shall be carried out in accordance with the approved plan SA2238/02RevC. The works shall be carried out prior to the occupation / use of any part of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.  
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.
5. 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) 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.

d) 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.

4. No construction (and/or demolition) works shall take place before 07:00 on weekdays and 08:00 on Saturdays nor after 18:00 on weekdays and 13:00 on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

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

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

## ***Informatives***

1. This planning permission notice must be read in conjunction with the outline notice reference 13/04757/OUT granted 15.02.2016 where additional conditions are attached.
2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990 that is attached to the outline planning consent reference 13/04757/OUT .
3. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: [snn@shropshire.gov.uk](mailto:snn@shropshire.gov.uk). Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.
4. Whilst works take place developers 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.

If it is not possible to maintain public access along the footpath at all times whilst building works take place, the applicant should apply to the Mapping and Enforcement Team for a temporary closure of the footpath (fees apply).

5. If it is the developer's intention to request Shropshire Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout, alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND,

No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into  
<http://www.shropshire.gov.uk/hwmaint.nsf/open/7BD73DBD0D733532802574C6002E65E6>

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**Appendix 2 – Previous committee report of 27<sup>th</sup> July 2017.**

Committee and date

Item

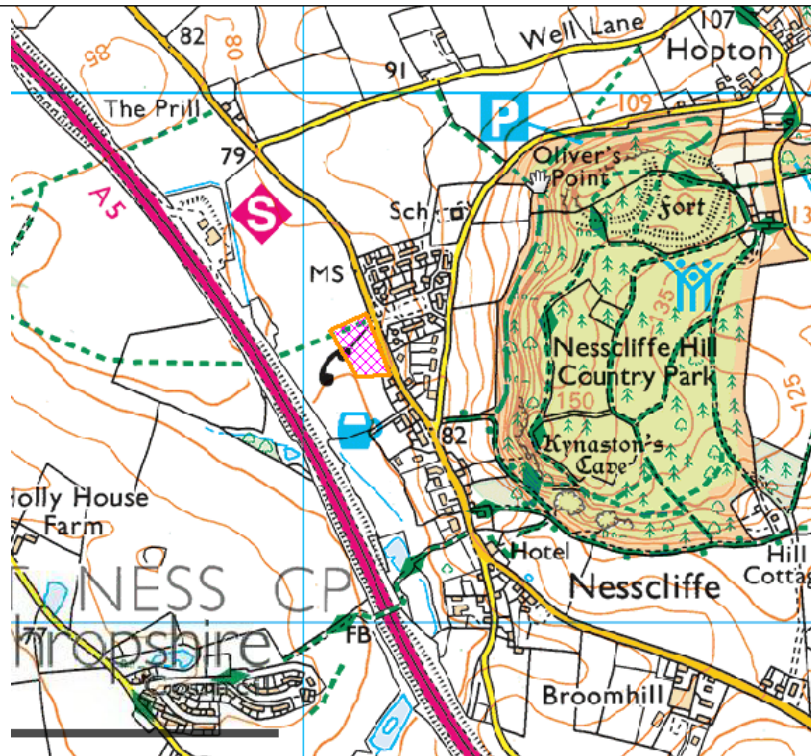
Public

**Development Management Report**

Responsible Officer: Tim Rogers

email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619**Summary of Application**

<b><u>Application Number:</u></b> 16/03413/REM	<b><u>Parish:</u></b>	Great Ness
<b><u>Proposal:</u></b> Reserved Matters pursuant to Outline planning application 13/04757/OUT (landscaping, scale, appearance and layout) for residential development of 30 dwellings		
<b><u>Site Address:</u></b> Proposed Residential Development Opposite The Crescent Nesscliffe Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Shrewsbury Homes		
<b><u>Case Officer:</u></b> Nanette Brown	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	
<b><u>Grid Ref:</u></b> 338127 - 319532		



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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 reserved matters consent for the matters of appearance, landscaping, layout, scale and access relating to the previously permitted outline planning consent reference 13/04757/OUT. The outline consent granted outline planning permission for the residential development of the site and associated works, including details of access to the site. This site is an allocated housing site identified in SAMDev with a guideline of 15 dwellings.
- 1.2 This application has been subject to amendments as part of the application process and the latest plans submitted show a total of 24 dwellings proposed, a mixture of detached, semi detached and terraced housing ranging from 2 bedroom to 4 bedrooms. Areas of public open space are shown to be provided within the development split over three areas, with the largest open area set at the front of the site parallel with Holyhead Road. The access into the site has been amended slightly to that previously agreed on the outline consent, but is still retained in the northern corner of the site, onto Holyhead Road.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is located at the northern end of the settlement of Nesscliffe and currently is within agricultural use. The development will be accessed off the A5210, Holyhead Road which runs to the east of the site with Right of Way route code 0419/11/2 running across the site in an east-west direction linking residential properties in The Crescent to the A5 highway. The site shares a 20 metre section of its southern boundary with the domestic curtilage of Grove Cottage, the only immediately adjacent existing property to the site.

## **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Parish Council has raised objections to this application on planning grounds. As such 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 and Chairs of the Central Planning Committee have discussed the application and planning considerations and have agreed that the application should be determined by the Central Planning Committee.

## **4.0 Community Representations**

### **4.1 - Consultee Comments**

#### **SC Suds – No objection**

The latest surface water drainage details and calculations are acceptable.

#### **SC Parks and Recreation – Comments**

Under Shropshire Council's SAMDev Plan and MD2 policy requirement, adopted 17th December 2015, all development will provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential developments, the number of future occupiers will be based on a standard of one person per bedroom.

The proposed development should therefore provide a minimum 2370sqm of usable public open space as part of the site design.

For developments of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation. This should be provided as a single recreational area, rather than a number of small pockets spread throughout the development site, in order to improve the overall quality and usability of the provision. In a development such as this the village green layout would be preferred

with housing facing a central open space.

The current design shows 3 areas of POS which should be amalgamated to meet the above policy requirement.

Any access to public open space will need to over routes available to the public and not over private driveways as put forward in this application, footpath links to this open space need to allow access from all parts of the development.

### **SC Ecology – No objections**

SC Ecology welcomes the additional hedge planting around the sites perimeter. Where it is intended to create semi-natural habitats, all species used in the planting proposal should be locally native species of local provenance. SC Ecology would recommend that the species selected for the landscaped areas are modified to take this advice into account.

### **SC Highways – No objection**

Final comments to follow.

### **SC Conservation – Comments**

Refer you to our earlier comments provided on this Reserved Matters application. Note that the number of dwellings has been reduced more in line with the number of dwellings/lots illustrated in the indicative plan submitted at the Outline stage; there does however still appear to be a higher degree of built area compared with the Outline plan and this may be related to the size of some of the dwellings proposed. A street scene plan has been provided and comment that in terms of at least the four buildings with side or front elevations facing the main highway, more detailing to reflect the details inherent in the existing dwellings in the area should be added, for example chimneys on each of these dwellings to add variation to the rooflines. Should this revised plan be approved, conditions regarding further details on external materials and finishes and site enclosures and boundaries should be added so that these more detailed elements of the proposal can be agreed.

### **SC Landscape – No objections**

### **SC Affordable Housing – Comments**

The plan shows plots 10, 11 and 12 as the affordable units, a scheme of 24 units will also need to provide a financial contribution. Assume that the tenure will be 2 for affordable rent and 1 shared ownership and will be transferred to a Housing Association.



### **SC Public Protection (Specialist) – No objections**

Due to distances from the railway line do not consider any noise assessment is necessary. Therefore have no objection to the proposed development.

### **SC Rights of Way – comments**

The public right of way Great Ness Footpath 11 is directly affected by the proposal, as acknowledged by the applicant. Please see the attached plan. It is noted that 3.7 of the Planning, Design & Access Statement refers to an application being made to divert the footpath to follow the estate road. Not received such an application to date. However, an application is required to legally divert the footpath under the provisions of the TCPA 1990 and would urge the applicant to contact the Mapping & Enforcement Team at the earliest opportunity (fees apply).

It is also a little disappointing to see that the proposed line of the diversion shown on the Site Plan follows the estate road, rather than across any public open space. If the diversion route was to run through open space or along a grass/natural surface, it would retain far more of its present and historic characteristics (the route has always been unenclosed and run across agricultural fields), rather than the proposed tarmac footway adjacent to the proposed estate road.

It is also noted that where Footpath 11 enters the development site between plots 29 and 30, it is proposed to be enclosed by fencing, to a width of around 1.25m. This width is unacceptable. Narrow, enclosed routes can contribute towards anti-social behaviour; therefore, the minimum width required by this team when public footpaths become enclosed is 2m.

Also request that the applicant considers using 1.2m high timber post and rail fencing along the length of the enclosed section of path, rather than the part 1.8 high closed board fencing. Again, to prevent the route becoming a narrow, enclosed corridor.

Finally, whilst works take place the developers must also 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.

If it is not possible to maintain public access along the footpath at all times whilst building works take place, the applicant should apply to the Mapping and Enforcement Team for a temporary closure of the footpath (fees apply).

### **Great Ness and Little Ness Parish Council – Objection**

#### **Date comment received: 10.05.2017**

Great Ness and Little Ness Parish Council discussed this application at their meeting last night and object to this application on the grounds that it is not within our Parish Plan and Housing Survey and their previous objections remain the same.

#### **Date comment received: 09.02.2017**

The Great Ness and Little Ness Parish Council wish to reiterate its objection to the amended proposal, dated 24 January 2017.

The reasons for this continued objections are as follows:

1. The developer has amended the development site position; clearly it is different from the development site approved at outline planning permission.
2. The complete disregard to accept the direction from the Planning Officer, the objections of Parish Council and the community and the guidance from SAMDEV that a maximum of 15 properties is the acceptable maximum for this preferred site. The intransigence of the agent/developer/landowner is disappointing in the extreme.
3. The insistence of including 6 four bedroom properties again flies in the face SAMDEV guidance.
4. The failure to accept the guidance of the consultant on the minimum requirement for public open space. The introduction of 2 'postage size' public area, one of which shares the space with a pumping station is disappointing to say the least.
5. The failure to provide the 'promised' road crossing.
6. The amended block diagram offers a starkly difference picture of an acceptable layout as illustrated by existing Crescent and the proposed layout across the road. The proposed layout is extremely cramped and typically urban where land is at a premium.

7. The reluctance to reposition the access to the development site, away from the Crescent access road, thus reducing the potential for accidents.

**Date comment received: 08.09.2016**

Please ignore previous comments as there is a small amendment to number 1.

The Parish Council wishes to object to this application for the following reasons:

1. The decision of the Planning Officer to request that the applicant complies with SAMDEV S16.2(IV): (Nesscliffe), is fully supported. However SAMDEV also required developments in Nesscliffe to be confined to a maximum of 10 houses, predominantly 2/3 bedroom properties. The Planning Officer will be aware that the figure of 15 properties is the total number for the period up to 2026, it would not be unreasonable for development to be staged, such that SAMDEV is complied with. The Planning Officer is asked to request the applicant to comply with this aspect of SAMDEV guidance.

2. There was an intention for the developer to provide a pedestrian crossing, there is no evidence that this promise will be kept.

3. The promised pedestrian entrance is not evident in the application.

4. There is no provision for access to the sewage system.

5. The proposed development has not made use of the available space, the development is far too cramped.

6. The applicant has not met the requirement of the NPPF, para 66, that requires applicants to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community.

#### **4.2 - Public Comments**

5 objections received to the application summarised as follows:

Principle of development:

No assessment has been carried out to ensure existing services and infrastructure are capable of accepting the increased in population and no opportunity for the community to comment; however such relaxation does conflict with SAMDev policies in particular MD3: the policy explains that whilst the SAMDev guideline is a guideline figure not a maximum, development exceeding by too great a degree could result in unsustainable development that stretches infrastructure and community goodwill; clearly the planning department have seen the doubling of the guideline figure as not acceptable; a head count shows that this application would take the total to 37, with outline planning for other sites in the settlement, potentially brings the total to 102; the importance of including the cumulative impact of a number of developments is an important consideration; the planning department is asked to take particular note of para iv in extract below, from MD3; MD3 also requires new developments to be in keeping with the local character and the proposal falls well short of this requirement on a number of accounts:

a. The urban 'squeeze' is both out of character and totally unnecessary in light of the available land for development; Highways and the Conservation Officer have

also provided unsolicited comments on the inappropriateness of this proposal, in terms of design and layout.

b. The reluctance to provide the same level of open space enjoyed by neighbouring properties.

c. The failure to meet the SAMDev plan requirement for 'predominantly' 2/3 bedroom properties.

The SAMDev plan is intended to be the primary document to ensure compliance with current planning policy.

Our parish plan is very clear that there is a local need for 2 and 3 bedroomed houses with many 4 beds already built in the parish there is no requirement for additional 4 beds; this application should be reduced to 15 houses, in line with SAMDev and the type and number of 2 bedroom houses increased whilst reducing the 4 bedroomed ones.

#### Layout

The current layout is different to that in the outline and gives a feel of urbanisation due to the doubling of house numbers; there is no need to have terrace style houses; The promised play area is not included; the site was put forward for 15 houses so clearly this was considered acceptable space needed for 15 dwellings. It doesn't take a genius to realise that building 24 houses in the same space will create a cramped and 'urbanised' development which is totally out of character of the village; the layout should mirror that of the Crescent opposite and have dwellings facing a central open space.

The houses at the South East corner of the site will overlook the adjacent neighbouring property.

#### Design

No effort has been made to include environmentally friendly elements to the houses such as electric points for charging the cars. CS6 states the need to reduce car based travel this application does not do this. Every other bus from Shrewsbury to Oswestry now comes through Nesscliffe so it is not a reliable service for anyone relying on it for work or college. There is no bus service to either of the local doctors.

#### Access

The access is directly opposite the Crescent entrance and since the majority of cars will turn right out of the development this is far from ideal.

## 5.0 THE MAIN ISSUES

### Principle of development

### Layout, scale and appearance

**Landscaping****Access****Other matters****6.0 OFFICER APPRAISAL****6.1 Principle of development**

- 6.1.1 The principle of residential development of the site has been accepted with the grant of outline planning permission ref 13/04757/OUT. Furthermore the site is allocated for housing development in the now adopted Shropshire Site Allocation and Management of Development (SAMDev) Plan to provide new housing within the proposed Community Hub of Nesscliffe. The proposed site is suggested in the SAMDev to be for approximately 15 houses, with a guideline of 30 houses for the whole settlement. The current reserved matters application seeks consent for housing on the whole of the site previously granted outline approval, for a total of 24 houses (reduced from 30 no. during negotiations carried out by officers during this application). The matters for consideration in this reserved matters application are solely those relating to the layout, scale, appearance, and landscaping. Details of the proposed drainage of the site have also been submitted for consideration as part of the proposals.
- 6.1.2 With regard to affordable housing the current reserved matters application includes 3 affordable dwellings in one group located towards the centre of the site. The current prevailing target for affordable housing in Nesscliffe would be for 15% of the development to be affordable. As such 3 dwellings on site results in a small under provision which can be made up through a financial contribution and this was secured within the S106 agreement attached to the outline planning consent. The agents for the application have confirmed which plots on site the affordable units are intended to be and they are centrally positioned within the site. As such the proposed development, in terms of affordable housing, is considered to meet the requirements of the adopted policy.
- 6.1.3 It is noted that **Great Ness & Little Ness Parish Council have objected** to the application on several grounds including that the proposal exceeds the housing guideline for Nesscliffe and the sites allocation in SAMDev; that they consider only 2/3 bedroom properties should be allowed; that the development shall impact on the public right of way that passes through the site; concerns regarding highway safety from the proposed access opposite The Crescent and insufficient open space is proposed on site. The principle of development of the site has already been established and agreed as set out in the paragraphs above due to the granting of the earlier outline. The other issues of layout, scale, appearance and design are discussed later on in this report.

**6.2 Layout, scale and appearance**

- 6.2.1 The National Planning Policy Framework (NPPF) at section 7 places an emphasis on achieving good design in development schemes. This is reflected in Core

Strategy policy CS6 and SAMDev policy MD2 which seek to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

#### 6.2.2 **Layout and Scale –**

The submitted layout shows the access road to serve the properties entering the site at its northern corner with the access road forming roughly an E shape within the site with houses set to each side of the access road. Three of the dwellings set closest to Holyhead Road (plots 1, 7, and 14) have been orientated so that the front elevations face east across the proposed open space and also towards the Holyhead Road in order to help to form a visual connection with the village. The total number of houses proposed is 24 having been reduced from 30 houses during negotiations carried out as part of this application.

6.2.3 Whilst the 24 houses now proposed are still greater in number than the guide figure of 15 houses referred to in the SAMDev allocation, officers are satisfied that the proposed layout allows for sufficient amenity space and off road parking for each dwelling. This number of units is greater than the 10 dwellings per site requirement of the Parish Council, but this is the allocated housing site for the village and it was always intended to accommodate more than 10 houses.

6.2.4 The majority of houses proposed would provide 2 or 3 bedroom accommodation (16no. 2 bedroom houses and 13no. 3 bedroom houses) in a mix of terraced, semi detached and detached houses with just 5 detached houses having 4 bedrooms. Officers consider that this contributes greatly to the Parish Council wish for new housing developments to consist of predominantly 2 or 3 bedroom accommodation.

6.2.5 Other than those residential properties set to the east of Holyhead Road, there is only one immediate neighbouring residential property to the site, Grove Cottage, whose garden meets with this sites southern boundary. In the proposed layout, the rear gardens of plots 15 and 16 extend up to the boundary of Grove Cottage. It is noted that the gardens to these plots are approximately 8 metres in length and would face towards the side garden area of Grove Cottage, at a distance of approximately 17 metres between dwellings. It is considered that these distances are acceptable and would not result in any significant detrimental impact on the neighbours through loss of privacy or light to either the windows in the side and rear of grove Cottage nor to any private amenity space located to the immediate rear of the cottage.

6.2.6 Open space is shown to be provided across 3 separate areas across the site, with the largest, main area set centrally alongside the houses and the sites eastern boundary, next to Holyhead Road. The other two areas are much smaller, one providing a green buffer to a pumping station that is required at the southern end of the site, the third allowing for the public right of way to enter and cross the north western corner of the site. The amount of open space proposed falls slightly short

of the 2130sqm required at approximately 1898sqm, but whilst this is considered to be a slight under provision and it is understood that the applicants intend to address this with an over provision of open space on the adjacent housing site to the north, that is currently subject to a separate reserved matters application (117/01576/REM).

#### 6.2.6 **Appearance –**

The mix of terraced, semi-detached and detached dwellings proposed are of a modern design with two storeys of red stock & red multi stock colour brickwork with smooth grey and old English dark red roof tiles and some with chimney details. It is considered that the design and materials chosen are acceptable.

#### 6.3 **Landscaping-**

6.3.1 Landscaping is shown on the submitted site layout plan and consists of mainly grassed areas for the open spaces provided with tree and hedge planting at various points around the site. It is considered that the proposed planting scheme is satisfactory and will complement the existing hedgerows that mark the front (eastern) site boundary.

#### 6.4 **Access**

6.4.1 Details of the access have been included with this reserved matters application in order that the proposed position of the access can be amended slightly so that the access is set approximately 7.5metres closer to the sites northern most corner. SC Highways Officers have confirmed that they do not object to the final scheme as proposed and will provide details of final any comments/recommended conditions prior to the committee date.

6.4.2 The proposed layout scheme shows a pedestrian refuge style crossing across Holyhead Road. The Parish Council have voiced their support for the provision of this facility to aid people to cross the road at this end of the village. Whilst this was not secured at the time of granting of the outline consent, officers consider that this pedestrian crossing will be of value to the development. This could be secured by a planning condition with the pedestrian refuge to be provided as part of the access works to the site.

#### 6.5 **Other matters**

Drainage – Details of a proposed surface water drainage system has been submitted and SC Suds Officers have confirmed that this is satisfactory.

6.4.2 Public Right of Way - The public right of way Great Ness Footpath 11 is directly affected by the proposal and an application will need to be made separate to this planning application in order to divert the footpath to follow the estate road. Whilst the SC Rights of Way Team would prefer the amended footpath to run through open space rather than follow the line of the access/estate road, officers note that the amended plans do allow for part of the revised footpath to run across a small area of open space as it enters the western side of the site, before joining the

estate road and pavement.

## **7.0 CONCLUSION**

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

## **8.0 Risk Assessment and Opportunities Appraisal**

### **8.1 Risk Management**

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

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

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

### **8.2 Human Rights**

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



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

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

### **8.3 Equalities**

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

### **9.0 Financial Implications**

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

## **10. Background**

### Relevant Planning Policies

Central Government Guidance:  
NPPF

Core Strategy and Saved Policies:

CS4: Community and Community Clusters

CS5: Countryside and Green Belt

CS6: Sustainable Design and Development Principles

CS11: Type and Affordability of Housing

CS17: Environmental Networks

MD2: Sustainable Development

MD3: Delivery of Housing Development

MD7a: Managing Housing Development in the Countryside

### RELEVANT PLANNING HISTORY:

13/04757/OUT Application for Outline Planning Permission (access for approval) for residential development and associated works GRANT 15th February 2016

11. Additional Information

[View details online:](#)

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

Planning file 16/03413/REM

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Ed Potter

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 ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

2. All hard and soft landscape works shall be carried out in accordance with the approved plan SA2238/02RevC. The works shall be carried out prior to the occupation / use of any part of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.  
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.
3. 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) 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.

d) 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.

4. No construction (and/or demolition) works shall take place before 07:00 on weekdays and 08:00 on Saturdays nor after 18:00 on weekdays and 13:00 on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

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

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

### **Informatives**

1. This planning permission notice must be read in conjunction with the outline notice reference 13/04757/OUT granted 15.02.2016 where additional conditions are attached.
2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990 that is attached to the outline planning consent reference 13/04757/OUT .
3. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: [snn@shropshire.gov.uk](mailto:snn@shropshire.gov.uk). Further information can be found on the Council's website at:

<http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

4. Whilst works take place developers 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.

If it is not possible to maintain public access along the footpath at all times whilst building works take place, the applicant should apply to the Mapping and Enforcement Team for a temporary closure of the footpath (fees apply).

5. If it is the developer's intention to request Shropshire Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout, alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND,  
No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into  
<http://www.shropshire.gov.uk/hwmaint.nsf/open/7BD73DBD0D733532802574C6002E65E6>

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Committee and date  
 Central Planning Committee  
 28 September 2017

Item  
**7**  
 Public

## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 16/02395/FUL	<b>Parish:</b>	Longden
<b>Proposal:</b> Erection of 5 No bungalows and associated infrastructure (amended description).		
<b>Site Address:</b> Land Off Manor Lane Longden Shrewsbury Shropshire		
<b>Applicant:</b> Mr & Mrs D Jones		
<b>Case Officer:</b> Frank Whitley	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 343992 - 306425

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

**REPORT**

1.0	<b>THE PROPOSAL</b>
1.1	The application seeks planning permission for the Erection of 5 No bungalows and associated infrastructure (amended description). The single storey dwellings are to have 3 bedrooms each.
1.2	The application has been amended with a reduction from 7 to 5 dwellings. The amended application affects a single protected veteran oak whose roots extend underneath the access track. It is intended to “bridge” the affected roots by constructing a raised highway platform.
1.3	The application site fronts the north side of Manor Lane and is to be accessed from its eastern end. The 5 bungalows are to be set out along a new road within the site with turning space at each end.
1.4	Since it was first submitted, the application drainage proposals have been amended in favour of a package treatment plant/soakaway instead of mains foul water connection.
2.0	<b>SITE LOCATION/DESCRIPTION</b>
2.1	The application site lies on the west side of Longden on agricultural land between the Well Mead Lane residential development and Plealey Lane to the north.
2.2	From Longden Road which leads out of the village to the south, the site is accessed by Manor Lane, the first 50m of which is adopted to the point of the Well Mead Lane junction. Thereafter, Manor Lane is a track which continues to Longden Manor, some 1.5km further west.
2.3	A public footpath leads from Plealey Lane, past Longden CofE Primary School and the eastern boundary of the site and continues to the west along Manor Lane.
2.4	It is understood the owner of Manor Lane has not been identified, though the application has been advertised in the press, as per correct procedure and a site notice displayed on 21 June 2016.
3.0	<b>REASON FOR COMMITTEE DETERMINATION OF APPLICATION</b>
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.
4.0	<b>Community Representations</b>



	<b>Consultee Comments</b>
4.1	<b>Parish Council- objection</b>
	<p><b>First comments received July 2016</b></p> <p>After discussion it as agreed that the Parish Council do not support this application for the following reasons.</p> <ol style="list-style-type: none"> <li>1. The access to the development has not been agreed with the Highways Authority .It is off an unadopted lane. The applicant does not own this lane and may not have the legal right to improve the lane to the required standard</li> <li>2. There are concerns about the foul drainage. The application proposes a package treatment plant for this but there is no watercourse available for the outfall to be discharged into. This would therefore not be suitable for their purposes.</li> <li>3. There are proposals to deal with surface water drainage by the use of soakaways. There are 7 properties proposed and the quantity of water from them would be considerable and there is no indication of how the improved part of the unadopted lane would be drained.</li> <li>4. There is a mature Oak tree which would be disturbed by the provision of this development and the drainage channels which would need to be provided to deal with the surface water from the site.</li> <li>5. The development is in conflict with CS6 as this development extends development into the countryside.</li> <li>6. The development is not within the area identified for some dev elopement within the village.</li> <li>7. The proposal is in conflict with CS6 as it does not reflect or enhance the natural or built environment or reflect the character of the locality.</li> <li>8. It is not sustainable as it fails to meet the social and environmental elements of sustainable development as expressed in the NPPF.</li> </ol> <p><b>Further comments received March 2017</b></p> <p>It is clear that, in providing access to the site over the private road off Manor Lane, in the manner proposed in the application, the veteran oak tree (T1 in the Tree Report) would be damaged. No information has been provided to demonstrate that foul and surface water drainage can be properly connected to the mains sewerage systems and in connecting the required services further damage to this protected local landmark would undoubtedly take place. The proposed bridging of the roots appears completely impractical and we are concerned that this bridge would further damage the tree and make vehicular access to the well-used private drive hazardous. It also appears to anticipate a 'step' in the highway or the re-grading of the public highway, which has not been detailed.</p> <p>* We cannot understand why a small development of five properties would need an access road with such a large hammer head. Each of the proposed properties has a turning space and thus there is no need for a hammerhead turning space unless it is to provide access at a later date, for further housing development in the field behind. Development on this field has been refused, appealed and turned down</p>

again and this proposed hammer head appears to be a barefaced ploy to provide access in the future.

\* The 1990 Town and Country Planning Act says that applications should be determined in accordance with the development plan unless there are material considerations that indicate otherwise. As far as the Parish Council can see, no 'other material consideration' have been advanced that would justify setting aside the development plan and so, if the proposal conflicts with the development plan, it should be refused. The proposal is, in the Parish Council's view, in clear conflict with the 'development' plan.

In particular, the Parish Council believes the application to be in conflict with Core Strategy policies CS5, CS6 and CS17, and SAMDev policies MD1, MD3 and S16.2(xi), for the following reasons

\* Policy CS5: says that new development in the countryside will be strictly controlled. New development might be permitted where it would maintain or enhance countryside vitality and character and improve the sustainability of rural communities. The proposed development would not meet the requirements of this policy, and should therefore be rejected

\* Policy CS6: sets out criteria that are necessary to create sustainable places. It says that, amongst other matters, development should protect, restore conserve and enhance the natural, built and historic environment and be appropriate in scale, density pattern and design considering the local context and character. The proposed development does not meet any of these requirements, and should therefore be rejected.

\* Policy CS4 says that rural communities will become more sustainable by focussing development into Community Hubs or Community Clusters. It goes on to say that development will be allowed in these settlements where it helps rebalance rural communities by providing facilities, economic development or housing for local needs and is of a scale that is appropriate to the settlement. Longden is part of a Community Cluster and the Parish Council prepared a Parish Plan and settlement strategy that spelled out what was considered necessary or desirable in Longden to meet local needs and help the village to become more sustainable. The proposed development does not follow the guidelines set out in that document and should not therefore be considered to contribute to the sustainability of the settlement, and should be rejected.

\* SAMDev Policy MD1 says that sustainable development will be supported in (amongst others) Community Cluster settlements, having regard to Core Strategy policy numbers CS2, CS3 and CS 4 and SAMDev policy numbers S1 - 18 , MD3 and MD4. As explained above the proposed development is in conflict with policy CS4, and, below, it will be explained that it is also in conflict with policies MD3 and S16. Clearly, the proposal is in conflict with Policy MD1 and should be rejected.

\* Policy MD3 says the Council will support development that is set out in policies S1 - 18, and in terms of the housing guidelines contained in policies S1 - 18 that the guideline is a significant policy consideration. Where it appears that the number of completions plus outstanding permissions are likely to provide more houses than

	<p>the guideline suggests decisions should be made in relation to the increase in the numbers proposed, the likelihood of delivery of the other dwellings, any benefits that might accrue, the impact of the development, including cumulative impact, and the presumption in favour of sustainable development. The Parish Council is very concerned that the number of permission granted for development in Longden will significantly exceed that set out in the guidelines, and that the proposed development will not bring the sort of benefits that the village needs. It cannot be regarded as sustainable development and should, therefore, be rejected.</p> <p>The Parish wish to see developments of primarily 2 - 3 bedroom properties, which are of lower cost and suitable for younger families. This was highlighted in the Parish Plan of 2010, and is part of the development statement that was integrated onto the SAMDev. Policy S16.2(xi) is a direct interpretation of the wishes expressed by the Parish Council at the time the SAMDev was being prepared. It clearly identified the number, type and size of properties that were considered to be needed in the village. The proposed development does not produce the form and type of development that would be in line with Policy S16.2(xi) and should therefore, be rejected.</p> <p>* The application site forms part of a larger enclosure that was the subject of two appeals in 2015. Both were dismissed because the proposed development was regarded as being unsustainable, particularly in respect of the environmental dimension of sustainability as set out in the NPPF. Manor Lane is an area of open countryside that is treasured by the villagers for walks into the rural area and exercising dogs etc. We believe that the proposed development would have an adverse effect on the visual aspect and use of this amenity.</p> <p>* We feel that this proposed development would change and spoil the visual aspect of this part of the village and would also make the permitted footpath over the land untenable. This alone would be grounds for refusal under Policy CS6.</p>
4.2	<p><b>Highways- no objection subject to conditions and informatives</b></p>
	<p>The development site is accessed via a narrow private lane leading from Manor Lane. Manor Lane also serves a small housing estate road, Well Mead Lane. Manor Lane forms a junction with Longden Road, a class C urban road governed by a 30 mph speed limit. Visibility at this junction is acceptable. A Public Right of Way runs along the private lane past the proposed access point.</p> <p>A large oak tree is located on the western side of the lane between Manor Lane and the proposed new access and a root protection construction method will be used in this area. The new access driveway will remain private. At the proposed new access point the verge widens out and the opportunity exists to extend the access area to provide a passing place.</p> <p>The application, originally for seven dwellings now proposes five dwellings from a single access point onto the private lane. It is considered that the traffic likely to be generated by five dwellings can be accommodated within the constraints of the access to Manor Lane.</p>
4.3	<p><b>Conservation- no objection subject to conditions</b></p>

	<p>Thank you for consulting Conservation on the above application. We will not be commenting in full in this case however:</p> <ul style="list-style-type: none"> <li>-The proposed development site lies on the western edge of the village of Longden on an area of currently undeveloped farmland.</li> <li>-The grade II listed church of St Ruthen lies to the east of the site, although is relatively well screened from the development site by its surrounding church yard, trees and hedging. As such, there would not be direct inter-visibility between the listed church and the development site as currently proposed, and therefore the direct impact on the character and setting of the church would likely be considered to be neutral. Nevertheless, the currently undeveloped area of farmland does contribute to the wider open and rural setting of the church, and lies adjacent to what appears to have been a historic route into the churchyard and across to its associated Rectory to the north.</li> <li>-If consent were minded to be approved we would recommend that conditions are placed on all external materials and landscaping/boundary treatments, to ensure the development does not appear out of context with its surroundings.</li> <li>-We would also note that should further development be considered on the site, extending further to the north, the impact on the character and setting of the listed church would need further consideration and we would recommend that a heritage impact assessment be undertaken to assess the impact on views into/ out of the church etc.</li> </ul>
4.4	<p><b>SUDS/Flood and Water Management</b></p>
	<p><b>Case Officer Comment: Initially a connection to mains foul water disposal was proposed. This scheme was dispensed with on account of possible damage to tree roots. Instead a package treatment plant is proposed.</b></p> <p><b>Drainage Comment (9 Aug 17):</b></p> <p>1. Only the summary of the soil infiltration rates have been provided. Full details of the percolation tests including how they were carried out, observed results, size, depth of the trial pits, depth of water been filled into the trial pits, groundwater table and subsequent soil infiltration rate calculations should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form).</p> <p>The lowest soil infiltration rate should be used in the soakaway calculations.</p> <p>A longitudinal section of the proposed foul water drainage system should be provided to ensure that there is no backfall from the foul water soakaway.</p> <p>Reason: To ensure that the foul water drainage system complies with the Building Regulations H2.</p> <p>2. No details and sizing of the proposed surface water soakaways have been supplied. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Full details, calculations, dimensions of the soakaways and the percolation tests should be submitted for approval.</p> <p>Surface water should pass through a silt trap or catchpit prior to entering the</p>

	<p>soakaway to reduce sediment build up within the soakaway. The appropriate allowance for urban creep of 10% must be included in the design of the proposed surface water drainage system over the lifetime of the proposed development.</p> <p>3. Design of the storage of the Formpave Aquaflow blockpaving should be submitted for approval. Reason: To ensure that the proposed permeable paving systems for the site are fully compliant with regulations and are of robust design.</p> <p><b>Further comments received (10 Aug 17)</b> Since this site is so contentious, we should request the drainage information in my drainage comments dated 9 August 2017 prior to the determination of the planning permission. My drainage comments should cover the design of the proposed surface and foul water drainage and the SC Trees should be consulted if the location of the proposed drainage systems will have any effect on the root protection.</p> <p><b>Case Officer comment- further information has been received from the applicant which has attracted the following from SUDS team:</b></p> <p>The proposed surface and foul water drainage systems are technically acceptable.</p>
<p>4.5</p>	<p><b>Ecology- no objection subject to conditions and informatives</b></p>
	<p>An ecological assessment was carried out on this site in May 2016 by Greenscape Environmental. Much of the site formed part of a much larger planning application site which was surveyed in 2014.</p> <p><u>Habitats</u></p> <p>The site consists of an arable field with species-poor hedgerows along the southern and western boundaries. There is a mature oak tree at the western edge of the southern hedgerow.</p> <p>The landscaping scheme should include some native hedgerow and tree planting to enhance the ecological value of the site.</p> <p><u>Great crested newts</u></p> <p>The report states that there is one unmapped pond ‘within 500m of the site’, but goes on to talk about two ponds within the school grounds. (To add to the confusion, section 4.2.3 of the report is entitled ‘Ponds School site and Ponds 1 and 2’, which suggests that there are three ponds!) Despite the report-writing errors, I have ascertained that there are two ponds within the school grounds.</p>

Pond 1 lies approximately 105m from the site boundary. 'Anecdotally it is known that great crested newts have historically been recorded in [this pond].' A Habitat Suitability Index assessment was carried out on this pond in 2014 (to support planning application 14/01704/OUT) and this calculated the pond as having Below Average suitability to support great crested newts. Despite this – perhaps due to the proximity of the proposed development – presence/absence surveys were carried out in spring 2014. Smooth newts and common frogs were recorded but no great crested newts were recorded.

The 2014 survey is considered to be in date and so an update is not considered necessary.

Pond 2, which 'is situated close to the school buildings', is a small, shallow pond with 'poor invertebrate numbers' and containing 'a large amount of leaves'. The pond 'was torched and netted on one occasion' in spring 2014 and no great crested newts were recorded. This was considered to be sufficient survey effort given the low suitability of this pond to support created newts and further consideration of this pond is not required.

Section 6.4 of the report contains a Reasonable Avoidance Measures method statement which should be followed in full during the works to ensure that great crested newts (and other amphibians) are not harmed during the development.

#### Bats

The mature oak tree in the southern hedgerow has some potential to support roosting bats. Should any be required to this tree in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works.

The boundary hedgerows are likely to be used by foraging and commuting bats.

Bat boxes should be erected on the new buildings to enhance the roosting opportunities for the local bat populations.

New lighting on the site should be sensitive to bats and avoid illuminating the mature oak tree, boundary hedgerows and the location of bat and bird boxes. The Bat Conservation Trust's guidance on lighting should be followed.

#### Birds

House sparrow, blue tit and blackbird were recorded during the survey.

	<p>The hedgerow is likely to be used by nesting birds. Any hedgerow removal should take place between October and February to avoid harming nesting birds. If this is not possible then a pre-commencement check must be carried out and no works can commence if any active nests are present.</p> <p>Bird boxes should be erected on the new buildings to enhance the nesting opportunities for the local bird populations.</p> <p><u>Other species</u></p> <p>No evidence of any other protected or priority species was observed on the site and no additional impacts are anticipated.</p>
4.6	<b>Rights of Way- no objection informatives only</b>
	<p>Public Footpath 33 Longden has been correctly identified on the block plan. The legally recorded line of the path will not be affected by the application. It is noted that it is proposed to surface part of the route with macadam to provide a suitable path to the adjoining school. There is no objection to the upgrading of the surface of the route to a minimum width of 1.8 metres. It is also noted that the new access to the proposed development will cross the line of the public footpath and it would be advisable to erect signage to alert drivers of vehicles entering and leaving the site that the footpath crosses the access. Please note that if the public footpath cannot be safely kept open during the development of the site/surfacing of part of the route, the applicants should apply to the Mapping and Enforcement Team for a temporary closure of the route. Please ensure that the applicants adhere to the following criteria in respect of the footpath:-</p> <p>Please ensure that the applicant adheres to the criteria stated below:</p> <ul style="list-style-type: none"> <li>· 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.</li> <li>· 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.</li> <li>· Building materials, debris, etc must not be stored or deposited on the right of way.</li> <li>· There must be no reduction of the width of the right of way.</li> <li>· The alignment of the right of way must not be altered.</li> <li>· The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.</li> <li>· No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.</li> </ul>
4.7	<b>Trees- no objection subject to conditions</b>
	<b>Initial Comments are included for reference purposes</b>

I have reviewed the additional information provided with this application, particularly revision C of the site layout plan, updated utilities services plan and the additional arboricultural report and would make the following comments:

The revised site layout moves the dwellings and internal roads and driveways outside of the Construction Exclusion Zone and away from the areas that may be influenced by trees, through shading or other factors. I therefore would have no objections in terms of the proposed site layout.

The utilities services plan indicates that electrical power and fresh water are available to the north of the site and this supports the applicants assessment that these can be connected without impacting on the CEZ around the trees. I can find no further details on the site drainage so the previous comments would still stand, unless it is demonstrated that the site can be connected to the main sewers or to an on-site treatment facility without the need to traverse the Root Protection Areas/CEZ around the trees.

The main issue and concern is around the site access to the highway, which seeks to use an existing section of unsurfaced track currently servicing Longden Manor. The track passes over the RPA of a significant veteran tree and if this track was upgraded using standard construction methods, then substantial damage to the root system could be expected. To this end it is proposed that the new road will bridge the RPA and this will be constructed in a way that will not significantly damage the tree's root system. The additional arboricultural report has provided a detailed performance specification for the proposed bridging section, along with a detailed method statement for installing this structure whilst protecting the tree.

Essentially the proposed bridging section will comprise a pre-formed reinforced concrete slab, placed on top of concrete bearers formed in situ in the existing roadway. The concrete bearers are to be positioned where there is little root activity (established using geo survey techniques) and contingency plans allow for larger roots to be retained and routed through these structures, protected by plastic sheaths, if necessary. The bearers are 800mm wide and up to 4100mm in length with between 7 – 8 units within the RPA of the tree. This would affect a total of approx. 27m<sup>2</sup> of the RPA at a point where fine root growth would be limited. The Performance Specification also specifies a ventilation system to allow gas exchange and proposes work to remove the existing track surface and improve rooting conditions in the areas between the concrete bearers. I have reviewed this and, subject to some minor amendments to require that hand excavation is undertaken using an air-spade and or vacuum system and that soil and foliage testing is undertaken before adding any fertiliser to the site, consider that it is a reasonable strategy that would significantly minimise risk of harm to the tree.

However, before I could be fully satisfied that all concerns regarding the tree had been satisfactorily addressed, I would require confirmation from a structural engineer that this approach would be suitable and feasible in this situation, the exact specification, including the positioning of the bearers and the 'root system map' indicating the position of the significant roots, that the structure could be installed without requiring tree branches to be cut back, that adequate height clearance over the road, meeting with highway requirements could be provided without need to significantly prune the tree and that no services would be installed with the RPA of the tree.



	<p><b>Further and final comments received</b></p> <p>Further to our conversation I have reviewed the additional details provided by the applicant in respect of the ‘no dig’ road over the RPA of the veteran oak tree. The engineering information provided by the applicant would appear to support the construction of this type of road in this situation. I would note that this appears to be a generic design rather than the site specific one requested and as such is not designed with consideration of the actual spread and distribution of the roots of this tree. That said, given that the existing track is highly compacted and unlikely to contain extensive rooting, it may be reasonable to expect that the design could be modified should occasional large roots be found in any of the excavation points. From an arboricultural perspective, the only remaining consideration is if the road described can be installed in the proposed location once the geo assessment described in the supporting information has been undertaken and the actual position of any roots mapped and in a way that would ensure that height clearance between the road and tree is available to allow large vehicles to pass beneath the tree. If it can, then there could be no further reasonable objection to this development on arboricultural grounds. If the bespoke design of the road can be conditioned in a way that prevents development unless the design is acceptable and meets the standards presented in the submitted report, then the objection to this development would be withdrawn.</p> <p><b>Case Officer comment: The Trees Officer has also assessed the final drainage plans and confirmed they are mutually compatible with tree protection measures.</b></p>
4.8	<b>Ramblers Association- no comments received</b>
4.9	<b>Public Comments</b>
	<b>Longden Village Action Group (LVAG)</b>
	<ul style="list-style-type: none"> <li>a) The proposed development at Manor Lane Would represent a significant increase in the number of dwellings proposed for Longden relative to the ‘settlement guideline,’</li> <li>b) There appears every chance that all of the proposals for development in Longden and in the Cluster will, indeed, be constructed,</li> <li>c) The proposed development would not bring significant benefits to the local community,</li> <li>d) The proposed development would, by itself and cumulatively with other proposed development, adversely impact on the community and in particular on community cohesion,</li> </ul>

	<p>e) By breaking into a new enclosure where there is no natural existing limit to the potential for further development, and by detracting from the appearance and character of the vicinity the development cannot be considered to be sustainable.</p> <ul style="list-style-type: none"> <li>☐ Neither report provides guarantees against severing tree roots for the Retention Category 'A' trees identified at this site.</li> <li>☐ No compensatory planting has been provided.</li> <li>☐ The developer has not provided a plan to show service routes (Positions of proposed services such as water, gas, elec, coms, drainage etc).</li> <li>☐ A water-tight Arboricultural Method Statement has not been provided which ensures against damage to roots of high value trees.</li> </ul>
	<p>Approx 48 individual objections have been received in addition to those made by LVAG. Objections cover the following issues</p> <p>Visual impact of tree protection plans which have not been taken into account by specialist technical consultees</p> <ul style="list-style-type: none"> <li>☐ Site is valued by walkers and will harm the character of the village</li> <li>☐ Manor Lane is n the Marches Way which forms part of the Shropshire Way Path. The development will reduce safety and enjoyment</li> <li>☐ Potential harm to veteran oak by installation of services</li> <li>☐ Previous appeals have been refuse for land to the rear of site</li> <li>☐ Will bring extra traffic and reduce amenities</li> <li>☐ Will set a precedent for further development</li> <li>☐ Area is home to badgers, birds, hedgehogs and birds, popular with walkers with pushchairs, horseriders. Ecological value</li> <li>☐ Development of Arrow site has already increased traffic</li> <li>☐ Harm to rural and tranquil character of village</li> <li>☐ School and Church will become enclosed by development</li> <li>☐ Concerns about tree root “bridge” and access for large vehicles</li> <li>☐ Bungalows are more likely to be bought by older people rather than young families in need of housing.</li> <li>☐ The root “bridge” would potentially block the access into White Cottage on Manor Lane</li> <li>☐ The “bridge” would be too narrow for large vehicles and would damage adjacent property, or inadvertently falling off it. Clearance over bridge would be limited therefore potential damage to branches above.</li> <li>☐ Protected oak has already had roots removed in order to facilitate other development</li> <li>☐ Housing numbers in Longden have passed its SAMDev and Parish Plan allocation. Reference is made to Rectory development for 12 houses</li> </ul>

	<ul style="list-style-type: none"> <li>☐ Questions over foul and surface water disposal</li> <li>☐ Footpath is used by school children – traffic hazard</li> <li>☐ Too many bungalows in village already</li> <li>☐ Tree protection measures are convoluted and unrealistic</li> <li>☐ Lack of infrastructure to support more development</li> <li>☐ Development is undeliverable due to ownership unidentified owner</li> <li>☐ Manor Lane is generally acknowledged locally to belong to Longden Manor. The owner of Longden Manor has objected to the development</li> <li>☐ Loss of quality agricultural land</li> <li>☐ Site detached from rest of village</li> <li>☐ Hammerhead design of access road indicative of further development intentions</li> <li>☐ Will harm the peaceful setting of the Church and those who visit the church yard</li> <li>☐ Shropshire Council already has a 5 year supply according to SAMDev</li> </ul>
5.0	<b>THE MAIN ISSUES</b>
	<p><b>Principle of development</b>  <b>Siting, scale and design of structure</b>  <b>Visual impact and landscaping</b>  <b>Trees</b>  <b>Drainage</b>  <b>Highways</b></p>
6.0	<b>OFFICER APPRAISAL</b>
6.1	<b>Principle of development</b>
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.
6.1.2	Paragraph 12 of the NPPF states that ‘Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise’.
6.1.3	Shropshire Council Site Allocations and Management of Development (SAMDev) Plan sets out Development Management policies which provide specific guidance to meet national policy requirements principally in the NPPF or to provide more

	detailed guidance to supplement those policies already adopted in the Core Strategy.
6.1.4	The Council published a Five Year Housing Land Supply Statement on 11 Sept 2017. The Statement confirms that as of 31 March 2017, the Council has 6.04 years supply of deliverable housing land therefore the development plan is considered up to date.
6.1.5	The application site lies in a countryside location under Core Strategy CS5 where open market residential development would not normally be supported. However the Parish of Longden has opted to be a Community Hub and Cluster settlement in the SAMDev Plan where, under CS4, some residential development is supported.
6.1.6	CS4 states that in the rural area, communities will become more sustainable (in part) by: <ul style="list-style-type: none"> <li>• <i>Focusing private and public investment in the rural area into Community Hubs and Community Clusters, and not allowing development outside these settlements unless it meets policy CS5;</i></li> <li>• <i>Allowing development in Community Hubs and Community Clusters that helps rebalance rural communities by providing facilities, economic development or housing for local needs, and is of a scale that is appropriate to the settlement</i></li> </ul>
6.1.7	CS4 refers to SAMDev to identify Community Hubs and Clusters and is dealt with by MD1 (Scale and Distribution of Development) and MD3 (Delivery of Housing Development).
6.1.8	Policy S16.2(xi) states: <i>Longden, Hook-a-Gate, Annscroft, Longden Common, and Lower Common/Exfords Green are a Community Cluster in Longden Parish where development by infilling, conversions of buildings and groups of dwellings may be acceptable on suitable sites within the villages, with a housing guideline of approximately 10-50 additional dwellings over the period to 2026. Of these dwellings, 25-30 are to be in Longden village, with the remainder spread evenly amongst the other Cluster settlements. The Parish Council has adopted a Longden Parish Development Statement (2013) as an addendum to the Parish Plan (2010), indicating that no individual site should be of more than 10-15 houses and a preference for lower cost 2-3 bedroom properties, and identifying zones with associated guidance for development in Longden.</i>
6.1.9	To date, within the Parish as a whole according to Development Management records, 56 dwellings or thereby have been approved since 2006, 20 of which are in Longden village itself. The remainder are spread through the Cluster settlements mainly in groups of 1-3 dwellings, aside from 13 dwellings approved by way of SA/08/1194/O (2008) and 14/00088/REM (2014). The latter development nears

	completion.
6.1.10	According to above, approvals in the Parish have already exceeded the guideline provision by 6. Within Longden village, there appears to be scope for a further 10.
6.1.11	<p>SAMDev Plan MD3 (2) states</p> <p><i>2. The settlement housing guideline is a significant policy consideration. Where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline, decisions will have regard to:</i></p> <ul style="list-style-type: none"> <li><i>i. The increase in number of dwellings relative to the guideline; and</i></li> <li><i>ii. The likelihood of delivery of the outstanding permissions; and</i></li> <li><i>iii. The benefits arising from the development; and</i></li> <li><i>iv. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and</i></li> <li><i>v. The presumption in favour of sustainable development.</i></li> </ul>
6.1.12	Reference is made to an undetermined outline application for 12 dwellings (with matters of access only) on land immediately to the west of the Rectory on Plealey Lane (16/03406/OUT). If approved and ultimately delivered, there is therefore the prospect of an additional 17 dwellings to the figure of 56 mentioned above, taking the Parish total to 73, including 37 for Longden village.
6.1.13	However in terms of housing numbers and cumulative impacts, significantly less weight is given to 16/03406/OUT since it was made in outline. Moreover some 6 months after a resolution to approve, a Section 106 agreement has yet to be agreed. SAMDev Plan MD3 requires only completions and outstanding permissions to be taken into account when considering guideline figures which have been exceeded.
6.1.14	It is likely that some of the existing approvals will be not implemented- indeed the Council's Five Year Housing Land Supply Statement (Sept 17) uses a 10% discount rate in relation to delivery.
6.1.15	Being for only 5 dwellings, no affordable housing is required either by on site provision or commuted sum. There is no requirement for a Section 106 agreement. If approved, the application is considered deliverable, which weighs in its favour in the context of MD3.
6.1.16	In terms of cumulative impacts, the vast majority of approvals are for either one or two dwellings, and only one above six. There is not considered to be a significant cumulative impact when considering the 13 dwelling scheme opposite Longden

	Village Hall on the eastern side of the village.
6.1.17	Objections received have referred to two previously unsuccessful applications for housing on land between Plealey Lane and Manor Lane. The first was an outline application for 35 dwellings in 2014 (14/01704/OUT), The second was an outline application for a maximum of 20 dwellings in 2015 (15/00724/OUT). Both were refused by Shropshire Council and the former dismissed at appeal. These were substantially larger development proposals, determined before the adoption of the current SAMDev Plan. It is not considered that they have established the principle against development.
6.1.18	Objections have also raised concerns that if five dwellings are approved under 16/02395/FUL, it could lead to additional development pressure on remaining land to the north. This concern is not a material planning consideration and is not considered relevant to this application, which has to be decided on its own merits.
6.1.19	In terms of the planning balance, the social and economic benefits of this proposal are considered sufficient to establish the principle of development, after taking account of MD3(2). Approval is subject to further environmental considerations which are listed as main issues below.
6.2	<b>Siting, scale and design</b>
6.2.1	The NPPF states that 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	CS6 seeks to ensure that 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.
6.2.3	MD2 seeks to ensure that development responds positively to local design aspirations, wherever possible, both in terms of visual appearance and how a place functions, and contributes to and respects locally distinctive or valued character and existing amenity value.
6.2.4	The five bungalows proposed are set out in a linear pattern along a private access road to their front. All are of simple 3 bedroom construction, though each has a slightly different design and layout. Two have detached single bay garages- the remainder are integrated into the dwellings.
6.2.5	Separation distances and amenity space for each dwelling are considered sufficient and in accordance with CS6.
6.3	<b>Visual impact and landscaping</b>

6.3.1	Being single storey, visual impact is reduced, and subject to a strong landscaping condition, it is considered that the development can be integrated into the field without appearing unduly prominent.
6.4	<b>Trees</b>
6.4.1	The NPPF seeks to conserve and enhance the natural environment and states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
6.4.2	CS17 (Environmental Networks) seeks to ensure that development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment.
6.4.3	MD12 goes further and seeks to ensure proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on important woodlands, trees and hedges will only be permitted if it can be clearly demonstrated that: a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and; b) the social or economic benefits of the proposal outweigh the harm to the asset. In all cases, a hierarchy of mitigation then compensation measures will be sought.
6.4.4	The following trees were identified in the original submission T1- veteran and protected oak adjacent to site entrance with RPA extending underneath access track so directly affected T2- veteran ash on eastern boundary. RPA not affected by development T3- veteran protected oak. Development reduced from 7 to 5 dwellings to remove conflict T4- oak with roots extending underneath Manor Lane but unaffected by development H5- native hedge on north side of Manor Lane extending west from field gate access. Some of this hedge will be lost only to enable sufficient vehicle width of access.
6.4.5	Given the above, the only tree affected is the veteran oak at the access and to a small extent the hedge H5. In the case of H5, this, on balance is considered acceptable.
6.4.6	Standard construction methods to the access and associated development traffic

	could harm the health of the protected oak.
6.4.7	The proposed platform will comprise a pre-formed reinforced concrete slab, placed on top of concrete bearers formed in situ in the existing roadway. The concrete bearers are to be positioned where there is little root activity (established using geo-survey techniques) and contingency plans allow for larger roots to be retained and routed through these structures. The bearers are 800mm wide and up to 4100mm in length with between 7-8 units within the RPA. This specification has been reviewed by the Council's Tree Officer and is acceptable subject to excavation with an air spade or vacuum system.
6.4.8	Concerns have been raised that the root platform will be visually harmful to the setting of Manor Lane. The platform will increase the height of the road by approx 430mm. With the carriageway raised at the height proposed, visual impacts are not considered significant.
6.4.9	Although an exact site specific specification has not been submitted, the Trees Officer has further commented that the track is likely to be highly compacted and unlikely to contain extensive rooting. He has agreed that the design could be modified in the event occasional large roots are found.
6.4.10	A cross section of the platform has been supplied. From either end of the bridge surface, the road will connect to existing track levels at a gradient of 1:15.
6.4.11	Concerns have been raised that the platform may interfere with the access to an adjoining dwelling on the north side of Manor Lane (The White House). The applicant has indicated that the precise extent of tree roots and the resulting platform will be determined by a geophysics survey (which includes ground penetrating radar) as required by proposed tree condition. The applicant has also stated that the adjoining dwelling and its access is higher than the road surface. Although this issue has been taken into account, the solution to any interference would be a civil matter between respective landowners.
6.5	<b>Drainage</b>
6.5.1	Since a mains sewer connection will not be possible without interference to the roots of T1, a Klargestor Treatment plant is proposed, to be positioned at the eastern end of the site- equating to a position adjacent to the existing field gate. The specification, together with soakaway details have been assessed to the satisfaction of the Council's Flood and Water Management Team. Proposals for surface water run-off are also considered acceptable.
6.5.2	Drainage proposals have also been assessed by the Trees Officer who has confirmed will not harm the roots of existing trees.
6.6	<b>Highways</b>



6.6.1	At least in part, CS6 requires that all development is designed to be adaptable, safe and accessible to all, to respond to the challenge of climate change and, in relation to housing, adapt to changing lifestyle needs over the lifetime of the development in accordance with the objectives of Policy CS11;
6.6.2	The root protection system proposed has been assessed as acceptable. Council Highways also consider that the traffic generated from five dwellings can safely be accommodated within the constraints of the access to Manor Lane.
7.0	<b>CONCLUSION</b>
7.1	In terms of housing numbers, it is considered that a further 5 dwellings can be accommodated within housing guidelines specified in SAMDev Policy S16.2 (xi).
7.2	The site represents encroachment into a larger agricultural field, however the benefits of additional housing provision in the Parish outweigh the limited environmental harm. The dwellings will all be 3 bedroom properties as per S16.2(xi) with limited visual harm due to being single storey. With appropriate landscaping required by condition the dwellings can be integrated into the landscape and setting of Longden. No technical objections have been raised from the Trees Officer in respect of tree or root protection measures and drainage proposals are considered satisfactory. Accordingly the development is considered to require with the provisions of the NPPF, CS4, CS5, CS6, CS17, MD1, MD3, MD7a, MD12, MD13 and S16.2(xi).
7.3	Planning permission is recommended.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <p>☐ 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.</p> <p>☐ 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</p>

	<p>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> <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.</p>
8.2	Human Rights
	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.</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

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

Settlement: S16 - Shrewsbury

RELEVANT PLANNING HISTORY:

16/02395/FUL Erection of 5 No bungalows and associated infrastructure (amended description). PDE

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 R. Macey
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.

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

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

- 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 Plan

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

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

- a) Planting plans, including wildlife habitat and features (e.g. hibernacula)
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate
- 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

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

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

5. Prior to any equipment, machinery or materials being brought onto the greater part of the site to the north of Manor Lane, T1 root protection measures and carriageway construction (as identified in Sylvan Resources arboricultural report dated March 2017) shall be fully implemented to the approved specification and the Local Planning Authority given written confirmation that they are acceptable. Excavation between roots shall not take place other than with an air spade or vacuum system. A responsible person shall be appointed to ensure that the tree and root protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

Thereafter, 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 other tree protection measures specified in Sylvan Resources arboricultural report dated March 2017 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.

Reason: To safeguard the health of trees and amenities of the local area.

6. 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 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species.
2. A total of 2 woodcrete artificial nesting boxes suitable for house sparrows or tit species.
3. A total of 2 woodcrete artificial nesting boxes suitable for house martins.

Reason: To ensure the provision of roosting/nesting opportunities for wildlife in accordance with section 11 of the National Planning Policy Framework.

7. 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's Bats and Lighting in the U.K. guidance.

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

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

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

9. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking 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.

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

10. Development shall occur strictly in accordance with the Section 6.4 of the Phase 1 Environmental Appraisal & Phase 2 Surveys For Great Crested Newts (Greenscape Environmental, May 2016), unless otherwise approved in writing by the Local Planning Authority. Works shall be overseen and undertaken, where appropriate, by a licensed, suitably qualified and experienced ecologist.

Reason: To ensure the protection of great crested newts, a European Protected Species.

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

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

### **Informatives**

#### **1. Refuse Collection**

As the internal road will be privately maintained, the developer will need to consider how refuse collection will be undertaken from within the site in consultation with Shropshire Council. For information regarding refuse and recycling for new developments you are advised to contact [waste.management@shropshire.gov.uk](mailto:waste.management@shropshire.gov.uk)

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

undertake 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.

#### 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.

#### 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.

2. 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.

3. 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 an 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 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 within 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.

All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

During all works on mature trees there is a very small risk of encountering bats which can occasionally be found roosting in unexpected locations. Contractors should be aware of the small residual risk of encountering bats and should be vigilant when working on mature trees, particularly where cracks and crevices or thick ivy covering are present. Any cracks and crevices should be visually inspected prior to the commencement of works on the tree and if any cracks or crevices cannot easily be seen to be empty of bats then an experienced, licensed bat ecologist should be called to make a visual inspection using an endoscope and to provide advice on tree felling.

Works on trees with high bat roosting potential (aged or veteran trees with complex crevices and areas of dead wood) should not be undertaken without having first sought a bat survey by an experienced, licensed ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (2nd edition). Felling and tree surgery work should only be undertaken in line with guidance from a licensed ecologist and under a European Protected Species Mitigation Licence where necessary.

If a bat should be discovered on site then development works must halt and a licensed ecologist and Natural England (0845 601 4523) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

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Committee and date  
 Central Planning Committee  
 28 September 2017

Item  
8  
 Public

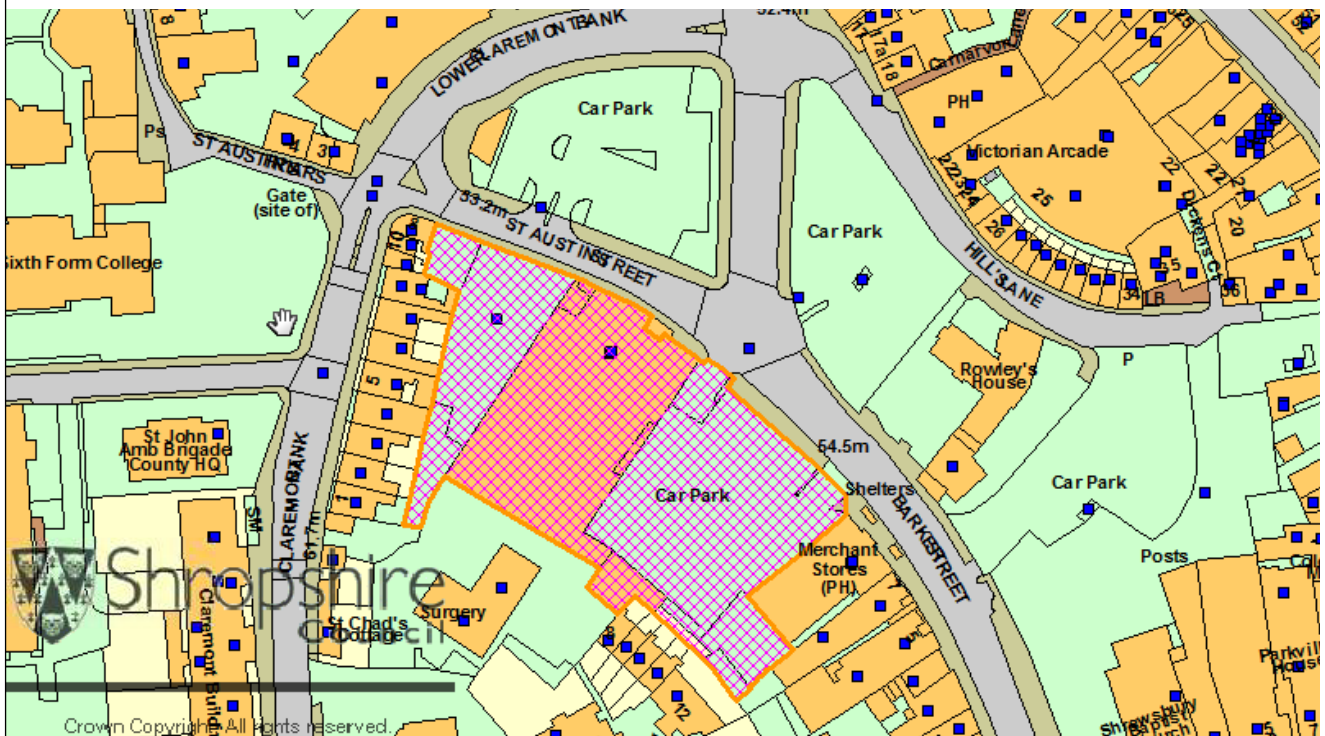
## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 17/04172/DIS	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Partial discharge of condition 5 (design, details, materials and fenestration of Block C) on Planning Permission 15/03580/FUL for the erection of three (4-storey) blocks of student accommodation; one (3-storey) block of management and post-graduate accommodation; new/altered vehicular access; cycle parks; and ancillary works		
<b>Site Address:</b> Land at Barker Street, Shrewsbury		
<b>Applicant:</b> Morris Property Ltd		
<b>Case Officer:</b> Jane Raymond		<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 348900 312570



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**Recommendation: Grant approval of partial discharge of condition 5.****REPORT****1.0 THE PROPOSAL**

- 1.1 The purpose of this application is to seek approval for the details required to be submitted by condition 5 attached to planning application 15/03580/FUL:

*5. Notwithstanding the submitted details the front (Barker Street & St Austins Street) elevations are not approved. The following design elements shall be submitted for approval prior to commencement of the relevant parts of the works:*

- a. The design, materials and finishes and colour scheme for the lift core elements that project above the roofline;*
- b. The profile, design, materials and finish of the cornice treatments to include 1:5 scale sections - these shall be designed so as to reduce the bulk of the cornice and apparent mass of the structure;*
- c. The fenestration disposition, proportion and materials and finishes for all windows to include 1:5 scale elevations and sections - this shall have regard to the context of this historic town centre location and give consideration to varying the treatment to each block;*
- d. 1:5 scale details of all lintels and cills and brickwork to include colour, bond mortar mix and joint finish;*
- e. Details of projecting string courses and materials, finishes and design of the ground floor elements for each block to consider rustication in brick/stone or render to the ground floor.*
- f. 1:20 details of the boundary treatment between each block to illustrate continuity to the street frontage and an integrated landscape design;*
- g. Details and location of the bin storage enclosures*

*Reason: To ensure a satisfactory appearance of the development in the interests of preserving and enhancing the character and appearance of the conservation area.*

The application only seeks partial approval of this condition in relation to Block C so that work can continue on site with a target date for completion by September 2018 ready for the next intake of students.

- 1.2 This application is not an opportunity to re-consider the layout, scale, shape and size of the buildings, which have already been approved by the application for full planning permission. However it should be noted that this application has been submitted to enable work to progress on Block C but with the knowledge that a new full application for a revised scheme will be submitted shortly.
- 1.3 This application only relates to Block C but initial drawings have been submitted for the likely appearance of the proposed new scheme so that Block C can be viewed in context. The proposed new scheme will include Block C and Block B of the originally approved plans but with a two-storey infill. Retail use is proposed for the ground floor to be occupied as one space by a single retailer. The upper floors of Block C and the infill block will be Student accommodation and a flexible mixed use for Block B is proposed with office use initially and use as student accommodation as and when the demand arises.

- 1.4 The revised scheme will not include Block A of the original approval and the design for this and the three -storey block of management and post-graduate accommodation will come forward at a later date. The space is proposed to be used as car parking until a later application is submitted.
- 1.5 Drawings and details to discharge condition 5 were initially submitted on 25 August but amended details and additional information were received on 14 September and the Conservation comments and officer appraisal relate to this latest submission.

## 2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 The site faces St Austins Street and Barkers Street within the Town Centre Special Character Area, which makes up part of the larger Shrewsbury Conservation Area. The 20th Century building on the site of a former tannery (previously occupied by Shrewsbury Sixth Form College) has been demolished and there is vacant land either side. To the West of the site is 8 Claremont Bank that is a listed building and to the East is a Public House (Vodka Source Bar) that is unlisted.

## 3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 When the application for full planning permission was considered by committee, members resolved that further consideration be given to the detail of the front elevation by the imposition of a condition and that the discharge of this condition be brought back to Committee.

## 4.0 **Community Representations**

### 4.1 **- Consultee Comments**

- 4.1.1 **SC Conservation:** This Discharge of Conditions application relating to the former Tannery site on Barker Street is being formally circulated to relevant consultees for comments. While the application was granted full planning permission in October 2015 for the erection of three student accommodation blocks, the then submitted details particularly with respect to the front elevations as they related to Barker and St Austin's Streets were not approved, with Condition 5 of the Decision Notice including a list of design elements which required further consideration and approval prior to commencement of the relevant above ground works of the scheme.

Our Team has lately been working with Planning Team colleagues, the applicant and the new team of architects to develop improvements to the architectural detailing, fenestration pattern, materials and finishes as well as the overall street scene presentation and wider-view aesthetic of the scheme, and while the current scheme reflects the basic linear block form of the original approved proposal, many important design improvements have been added so that the scheme now far better reflects the historic industrial use of the site as a former tannery, responds to the local architectural context of the area, and incorporates a much more active frontage with the introduction of articulated attractive infill sections between the main blocks, with a continuous retail shop space running along the full street

frontage of the buildings. These improvements address many of the concerns raised during the formal public consultation process on the design of the initial scheme, and those particularly raised by Historic England, the Shrewsbury Civic Society, among a number of others.

Along with this current Discharge of Conditions application, a concurrent full planning application will be submitted to address modifications to the original scheme such as the introduction of a ground floor retail use and the infill section between the main blocks. As noted in the submitted Design Statement, the third, most westerly block will not be commenced at this time and in its place will be a parking area to facilitate the office portion of the blocks, and this is indicated on the site and elevation plans provided and illustrated on the street scene views prepared by the architects.

In referencing the specific design elements included in Condition 5 that required further consideration, we would comment as follows:

- a) The former roof top lift core element of the initial scheme has been removed from the current scheme as the elements are now incorporated internally to the building – this leaves a clean roofscape and less impact on the existing town skyline;
- b) The bulky cornice element of the initial scheme has been removed in favour of enhanced decorative brickwork; this coupled with the removal of the rooftop elements reduces the visual mass of the blocks;
- c) The fenestration pattern has been fully reconsidered in this new design and the window disposition and proportion reflects an industrial warehouse aesthetic while including elements of interest such as coloured glazed and copper panels. At ground floor the shop front windows are set well back from the face of the building and the shop front features heavy rusticated piers across the frontage again reflecting the former industrial context of the site.
- d) The brick work on this current scheme will reflect the brickwork of Rowley's House nearby which is a mix of light and dark red with charred bricks, and will be expressed as a diaper pattern for visual interest within the street scene.
- e) Ground floor elements have been more fully considered as noted above and now includes robust rusticated piers and a lintel zone of soldier brickwork across the retail openings which would wrap around the building;
- f) Boundary treatments are more integrated with the public realm and consist of simple flat metal railings, brick boundary walls and traditional timber gates;
- g) Bin storage enclosures have been repositioned to an appropriate location on the site.

Overall, subject to the further review and agreement of material samples, this revised scheme is considered to fully address concerns raised on design matters relevant to the earlier scheme, and there is no objection to the discharge of Condition 5 based on this revised scheme.

4.1.2 **Historic England:** We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

#### 4.2 - Public Comments

4.2.1 Shrewsbury Town Council: Awaiting comments – members will be updated in the additional letters schedule.

4.2.2 Shrewsbury Civic Society: Awaiting comments – members will be updated in the additional letters schedule.

#### 5.0 THE MAIN ISSUES

5.1 The principle of development and the layout, scale and design of the buildings have already been established by the original approval for full planning permission.

5.2 The main issue to consider is the proposed choice of external materials, detailing and finish submitted for approval in relation to a) – g) of condition 5 and the impact on the character and appearance of the building, the street scene and wider Conservation area.

5.3 To help understand the rationale behind the proposal as now submitted extracts from the submitted supporting design statement is repeated here for information:

*The current proposals seek to address the comments and concerns of the approved scheme submitted by the previous Architects. These relate to the Barker Street & St Austins Street façade of the blocks and the lack of response to local context, in terms of both architectural aesthetic and active frontage.*

*It was considered the scheme poorly reflected the conservation area context of the site, (bearing in mind the adjacency to Rowley's House) and presented a disjointed and sterile frontage to the streetscape and public realm.*

*The Planners, Civic Society and other complainants were unhappy with the pastiche design of the elevations including mock loading bays and applied steelwork, projecting coloured 'banner' brise soleil and heavy cornice detail. The treatment of the railings required consideration also.*

*In response to these comments, the revised proposals seek to rationalize and de-clutter the facades to produce a more honest reflection of the industrial warehouse aesthetic of the former tannery works on the site.*

*The intent has been to develop a contemporary design response that is honest to the original concept of reference to the previous Tannery warehousing, and to portray this in a robust manner common to this building type. The brickwork, detailing and decoration make reference to the local context and enhance the elevations from the wider perspective. The introduction of retail to the ground floor has positively contributed to the scheme in terms of amenity and response to the public realm.*

## 6.0 OFFICER APPRAISAL

### **Impact on the character and appearance of the building and the Conservation area.**

#### 6.1. a. The design, materials and finishes and colour scheme for the lift core elements that project above the roofline

6.1.1 The lift core elements initially proposed for the rooftop have been omitted and will now be internal. It is considered that this will enhance the overall scale and appearance of the building and its impact on the Conservation area skyline.

#### 6.2 b. The profile, design, materials and finish of the cornice treatments to include 1:5 scale sections - these shall be designed so as to reduce the bulk of the cornice and apparent mass of the structure

6.2.1 The bulky cornice on the initial proposal has also been removed and replaced with decorative brickwork. It is considered that this is an enhancement compared to the previous scheme and will help reduce the apparent mass of the building.

#### 6.3 c. The fenestration disposition, proportion and materials and finishes for all windows to include 1:5 scale elevations and sections - this shall have regard to the context of this historic town centre location and give consideration to varying the treatment to each block

6.3.1 The fenestration has been significantly altered and the transition between ground and upper floors is more clearly defined. This is due to the introduction of a shopfront at ground floor level that will help create a more active street frontage.

6.3.2 The apparent height of the windows on the upper floors have been increased due to the introduction of a glazed panel above the opening light and a solid metal insert panel below the opening light. It is considered that the window disposition and proportion now better reflects an industrial warehouse aesthetic and the former historic industrial use of the site as a tannery. It therefore better responds to the context of the site compared to the former pastiche design of the façade initially proposed.

#### 6.4 d. 1:5 scale details of all lintels and sills and brickwork to include colour, bond mortar mix and joint finish

6.4.1 The choice of brick is a mix of light and dark reds with a charred surface to reflect that at Rowleys Mansion. It is proposed that a 450mm height, stretcher bond, soldier course lintel will run across the top of the shopfronts and continue around the building. Above this lintel the bricks are proposed to be laid in a Flemish garden wall bond to include a darker brick to create a diaper pattern. It is considered that this will add visual interest to the front façade.

#### 6.5 e. Details of projecting string courses and materials, finishes and design of the ground floor elements for each block to consider rustication in brick/stone or render to the ground floor

6.5.1 The ground floor brick piers to the frontage are proposed to be rusticated down to a plinth level to define them separately from the brickwork above. The string course above the plinths will provide a visual transition between the ground and upper floors and will help integrate the building within the street scene.

6.6 f. 1:20 details of the boundary treatment between each block to illustrate continuity to the street frontage and an integrated landscape design

6.6.1 The submitted detail only relates to the Boundary treatment along the street frontage to the left of block C. The railings to the street frontage are proposed to be simple flat metal railings consisting of panels of 50 x 8mm vertical flats and it is agreed that these are appropriate and will be in keeping with the nature and industrial warehouse aesthetic of the main blocks. The revised application to be submitted for the wider site eliminates the need for boundary treatment between the blocks and the infill now proposed will create a continuous street frontage.

6.7 g. Details and location of the bin storage enclosures

6.7.1 The location of the bin stores is not being considered as part of this partial discharge of conditions. The revised proposal for the wider site will include the detail and siting of the bin storage enclosures in an appropriate location within the site.

## 7.0 **CONCLUSION**

7.1 The principle of development and the layout, scale and form of the buildings have already been established by the full planning permission. It is considered that the details submitted to partially discharge condition 5 are acceptable and will enhance the character and appearance of the building and the street scene compared to the previously approved scheme and would not adversely impact on the character and appearance of the locality and the Conservation area or the setting of nearby listed buildings.

7.2 It is therefore considered that the proposal accords with Shropshire LDF policies CS6, CS17, MD2, and MD13 and the aims and provisions of the NPPF. Special regard has to be given to the desirability of preserving or enhancing the character and appearance of the Conservation area and the setting of listed buildings as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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.

- ② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance: NPPF



Core Strategy and SAMDev Policies: CS6, CS17, MD2, and MD13

RELEVANT PLANNING HISTORY:

15/03580/FUL Erection of three (4-storey) blocks of student accommodation; one (3-storey) block of management and post-graduate accommodation; new/altered vehicular access; cycle parks; and ancillary works GRANT 18 October 2015

**11. Additional Information**

List of Background Papers: File 17/04172/DIS
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Cabinet Member (Portfolio Holder): Cllr R. Macey
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Local Member: Cllr Nat Green
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<u>Committee and date</u>
Central Planning Committee
28 September 2017

<u>Item</u>
<b>9</b>
Public

## Development Management Report

Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

<b>LPA reference</b>	16/04859/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mrs Carol Yarwood
<b>Proposal</b>	Outline application (all matters reserved) for erection of one dwelling
<b>Location</b>	Land Adj. Primrose Cottage Wattlesborough Halfway House Shrewsbury
<b>Date of application</b>	21.10.2016
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	14.12.2016
<b>Date of appeal</b>	17.05.2017
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	21.08.2017
<b>Date of appeal decision</b>	11.09.2017
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>
<b>Details</b>	

<b>LPA reference</b>	17/01027/VAR106
<b>Appeal against</b>	Refused to Discharge Planning Obligation
<b>Appellant</b>	P H & J M Griffiths
<b>Proposal</b>	Variation of Section 106 for planning application number 13/00798/OUT to remove the requirement to contribute towards affordable housing
<b>Location</b>	Cherry Cottage Lower Road Pontesbury Shrewsbury
<b>Date of application</b>	03.03.2017
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	28.04.2017
<b>Date of appeal</b>	05.06.2017
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	08.09.2017
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>NOT PROCEEDED WITH</b>
<b>Details</b>	

<b>LPA reference</b>	16/04926/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mr And Mrs Smith
<b>Proposal</b>	Erection of detached dwelling after demolition of existing detached garage/workshop
<b>Location</b>	Sunny Dale Wattlesborough Halfway House Shrewsbury
<b>Date of application</b>	27.10.2016
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	09.01.2017
<b>Date of appeal</b>	09.07.2017
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

<b>LPA reference</b>	17/01232/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mrs Kelly Homden
<b>Proposal</b>	Outline application for the erection of a detached open market dwelling and garage
<b>Location</b>	Proposed Residential Development Land Off Limes Paddock Dorrington Shrewsbury
<b>Date of application</b>	15.03.2017
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	08.05.2017
<b>Date of appeal</b>	14.07.2017
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

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## Appeal Decision

Site visit made on 21 August 2017

by **Alexander Walker MPlan MRTPI**

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

Decision date: 11 September 2017

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**Appeal Ref: APP/L3245/W/17/3176249**

**Land Adjoining Primrose Cottage, Wattlesborough, Shrewsbury, Shropshire SY5 9DY**

- 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 Carol Yarwood against the decision of Shropshire Council.
  - The application Ref 16/04859/OUT, dated 18 October 2016, was refused by notice dated 14 December 2016.
  - The development proposed is a new dwelling on land adjoining Primrose Cottage.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was submitted in outline, with all matters reserved for future consideration. I have dealt with the appeal on this basis.

### Preliminary Matters

3. The reason for refusal set out in the Council's decision notice does not provide any reason as to why the Council determined that the proposal was unacceptable. However, the Council have confirmed that the lack of a reason for refusal was an administrative error and that the reason for the refusal was clearly set out in the Officer's Report. Accordingly, the main issue in this decision has been informed by the Officer's Report and the Council's Statement of Case.

### Main Issue

4. The main issue is the effect of the proposal on the Council's housing strategy, with regard to its location, and its effect on biodiversity.

### Reasons

5. The appeal site forms part of the garden area associated with Primrose Cottage. The site has a frontage with the adjacent highway and is located within a loose ribbon of residential development that forms part of the settlement of Wattlesborough.
6. Policy CS1 of the Shropshire Council Adopted Core Strategy (CS) 2011 sets a target of delivering a minimum of 27,500 dwellings over the plan period of 2006-2026 with 35% of these being within the rural area, provided through a sustainable "rural rebalance" approach. The policy goes on to state that

- development in rural areas will be predominantly in Community Hubs and Community Clusters.
7. Policy CS4 of the CS sets out how new housing will be delivered in the rural areas by focusing it in identified Community Hubs and Community Clusters. There is no dispute that Wattlesborough is not identified as a Community Hub or Cluster. Therefore, for the purposes of the development plan, the site is located within the open countryside.
  8. Policy CS5 of the CS allows new development in the open countryside only where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. It also provides a list of particular development that it relates to including dwellings for essential countryside workers and conversion of rural buildings. There is no evidence before me to suggest that the proposal falls within any of the development listed in Policy CS5.
  9. Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015 supports Policy CS5 of the CS. It states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. The explanatory text to Policy MD7a confirms that new housing developments are acceptable outside the strategically agreed locations set out in Policy CS1 of the CS. However, this is limited to exception site dwellings and residential conversions as sustainable housing solutions to meet recognised local housing needs or to help secure the future of buildings which are valued as heritage assets. There is no evidence that the proposal is for either of these.
  10. The appellant argues that Policy MD3 of the SAMDev permits sustainable housing development including windfall development on non-allocated sites including sustainable sites in the countryside. However, the opening paragraph to Policy MD3 clearly states that it is to be read in conjunction with the Local Plan as a whole, particularly Policies CS2, CS3, CS4, CS5, MD1 and MD7a. When read together, I do not consider that these policies permit open market dwellings such as that proposed and therefore the proposal would be contrary to them.
  11. The SAMDev provides a flexible approach to housing delivery identifying where housing will be focused. Should there be a lack of housing delivery within these locations, paragraph 3 of Policy MD3 allows for additional sites outside development boundaries, subject to satisfying paragraph 2. However, there is no evidence before me that settlement housing targets are not likely to be met during the lifetime of the plan.
  12. The appellant contends that the site is in a sustainable location with good links to services, facilities and employment opportunities. Also, it would provide some economic benefit, albeit limited, by providing construction jobs and using local materials. However, I have found that the proposal would be contrary to the housing strategy as set out in the CS and the SAMDev, which has only recently been adopted and found to be in accordance with the National Planning Policy Framework (the Framework). Whilst the appellant argues that the Council's deliverable housing land is close to the minimum five year requirement, they nevertheless have one. Accordingly, the relevant policies for the supply of housing are considered to be up to date and bullet four of paragraph 14 of the Framework is not engaged.



13. I find therefore that the proposal would fail to accord with the Council's housing strategy, as embodied in Policies CS5 of the CS and Policies MD3 and MD7a of the SAMDev.
14. The Council also refer to Policy CS6 of the CS. However, there is no evidence before me that the proposal would conflict with this policy.

#### *Biodiversity*

15. The Council did not refer to the effect of the development on biodiversity in the conclusion of the Officer's Report. However, it is referred to under 'Consultee Comments'. Furthermore, it also referred to in the Council's Statement of Case. It is my duty to consider all relevant issues before me.
16. The site is within 150 metres of a Local Wildlife Site which contains a series of quarry pools where the presence of Great Crested Newts has been recorded. The Council confirm that the site has direct connectivity with this area via hedgerows. Consequently, the site has the potential to represent a suitable terrestrial refuge habitat.
17. Where there is a reasonable likelihood of a species being present, it is essential that the presence of protected species, and the extent to which they would be affected by the development, is established prior to planning permission being granted. Whilst ecological surveys can be carried out under conditions attached to a planning permission, this should only be done in exceptional circumstances<sup>1</sup>. There is no evidence before me to suggest that there are any such exceptional circumstances.
18. I find therefore that in the absence of an ecological assessment of the appeal site it is not possible to ascertain the effect the dwelling would have on protected species. Therefore, the proposal would fail to accord with paragraph 109 of the Framework, which states that development should conserve and enhance biodiversity.

#### **Other Matters**

19. The appellant has referred me to a recent appeal decision in Queens Head<sup>2</sup>. Whilst I am not bound by the decision, it is a significant material consideration. I note that the Inspector concluded that the scheme was in accordance with the CS and the SAMDev. However, although I recognise that the scheme shares similarities with the appeal proposal before me, in that it was in the open countryside, I have no details of the evidence presented to the Inspector. In this instance, the Council have presented a compelling case that the proposal conflicts with the relevant policies within the CS and the SAMDev.
20. I have also had regard to the planning permission granted on land adjacent to Lower Wigmore Farm<sup>3</sup>. The Committee report confirms that the scheme did not accord with Policy CS5 of the CS as it was in an open countryside location, as I have concluded. However, at the time the Council could not demonstrate a five year supply of deliverable housing land and therefore the presumption in favour of sustainable development set out in paragraph 14 of the Framework was engaged and the application subsequently approved. Therefore there is a

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<sup>1</sup> Paragraph 99 of Circular 06/2005 *Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System*

<sup>2</sup> Appeal Ref APP/L3245/W/16/3143041

<sup>3</sup> LPA Ref 14/00629/OUT

significant difference between the policy considerations of the approved scheme and the proposal before me as the Council can now demonstrate a five year supply of deliverable housing land.

### **Conclusion**

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory primacy of the development plan is reinforced in paragraphs 196 and 210 of the Framework and its first core principle is that planning should... "be genuinely plan-led."
22. The proposal would be located in a sustainable location, in terms of accessibility; would provide a modest benefit to the local economy; and, would make a positive contribution, albeit very limited, to the supply of housing. In addition, the site could be considered previously developed land as defined in the Framework. Whilst these matters weigh in favour of the proposal, I do not find that, individually or cumulatively, they outweigh the harm it would have on protected species and by virtue of it undermining the Council's housing strategy.
23. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

*Alexander Walker*

INSPECTOR

Dear Mr and Mrs Griffiths

Yours is an appeal which seeks the discharge of a planning obligation dated 6 November 2013.

As you can see below, the local planning authority (Lpa) has approached us to enquire whether the appeal is valid.

The legislative background that underpins applications of this type is contained in s106A of The Town and Country Planning Act 1990. For ease of reference I have paraphrased s106A below.

Modification and discharge of planning obligations.

(1) A planning obligation may not be modified or discharged except—

(a) by agreement between the person or persons against whom the obligation is enforceable; or.

(b) in accordance with this section and section 106B.

(3) A person against whom a planning obligation is enforceable may, at any time after the expiry of the relevant period, apply to the appropriate authority for the obligation—.

(a) to have effect subject to such modifications as may be specified in the application; or.

(b) to be discharged.

.

(4) In subsection (3) "the relevant period" means—.

(a) such period as may be prescribed; or.

(b) if no period is prescribed, the period of five years beginning with the date on which the obligation is entered into.

In effect this means that it is open to persons against whom the obligation is enforceable to apply to the Lpa at any time to seek agreement to modify or discharge the obligation and if such agreement is forthcoming it may be dealt with by means of a Deed of

Variation. However, if agreement is not forthcoming (as in this instance) it is not possible to activate the appeal process (set out in s106B) unless the obligation has been in place for a minimum period of 5 years. In this case that period does not commence until 6 November 2018.

In the circumstances I regret that the Inspectorate is unable to further proceed with your appeal and can take no further action on the matter. I am very sorry that we did not identify this at a much earlier stage and sincerely apologise for the inconvenience caused.

John Norville  
Planning Inspectorate

From: Tim Rogers [mailto:tim.rogers@shropshire.gov.uk]  
Sent: 01 September 2017 13:55  
To: West 2  
Cc: Jane Raymond; Celia Kilgannon  
Subject: Appeal ref APP/L3245/Q/17/3177704

Dear Sirs,

I refer to the above appeal and would appreciate if you could re-check that the appeal is definitely valid.

It is my understanding that until a S106 Agreement is over 5yrs old, it is only possible to make a request to vary or discharge to the relevant local authority not an application, and accordingly (notwithstanding in what form the decision is issued) there is no right of appeal to yourselves.

I would be grateful to your response to this enquiry as soon as possible.

Kind regards,

Tim Rogers  
Area Planning Manager- Shropshire Council  
Email - tim.rogers@shropshire.gov.uk  
Tel - 01743 258773  
Web: www.shropshire.gov.uk