



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

Date: Wednesday, 3 April 2019

**Committee:
Central Planning Committee**

Date: Thursday, 11 April 2019

Time: 2.00 pm

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

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

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

Members of the Committee

Ted Clarke (Chairman)

Nat Green (Vice Chairman)

Nick Hignett

Pamela Moseley

Tony Parsons

Alexander Phillips

Ed Potter

Kevin Pardy

Keith Roberts

David Vasmer

Vacancy

Substitute Members of the Committee

Peter Adams

Roger Evans

Hannah Fraser

Ioan Jones

Jane MacKenzie

Alan Mosley

Dan Morris

Lezley Picton

Claire Wild

Your Committee Officer is:

Shelley Davies Committee Officer

Tel: 01743 257718

Email: shelley.davies@shropshire.gov.uk

AGENDA

1 Apologies for absence

To receive apologies for absence.

2 Minutes (Pages 1 - 8)

To confirm the Minutes of the meeting of the Central Planning Committee held on 14th March 2019.

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 2 p.m. on Wednesday, 10th April 2019.

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 Residential Development North of Leigh Road, Minsterley, Shrewsbury - 18/05802/OUT (Pages 9 - 26)

Outline application (access off Leigh Road for consideration) for residential development (up to 28 dwellings) to include some demolition.

6 Meeting Room, 17 Betton Street, Shrewsbury - 18/04386/FUL (Pages 27 - 44)

Mixed residential development of seven dwellings following demolition of all buildings on site; alterations to existing vehicular access; formation of driveway and parking areas.

7 41 Wood Street, Shrewsbury - 18/05584/FUL (Pages 45 - 54)

Change of use from A1 retail to A5 hot food takeaway restaurant and associated alterations to the building.

8 School House Farm, Sheinton, Shrewsbury - 18/04266/FUL (Pages 55 - 86)

Change of use of farm yard and buildings to holiday complex to include: some demolition of buildings; siting of four glamping units and one log cabin; works to and change of use of two buildings to form office and store and leisure facilities, formation of parking areas; and installation of package treatment plant (Amended Description).

9 Proposed Development Land Off Mount Close, Pontesbury, Shrewsbury - 18/05670/FUL (Pages 87 - 112)

Erection of 18No. affordable dwellings and associated works.

10 25 Abingdon Road, Shrewsbury - 19/00595/FUL (Pages 113 - 122)

Erection of single storey conservatory to side elevation.

11 Hillside, Rowley, Shrewsbury - 19/00758/FUL (Pages 123 - 128)

Erection of 2 storey extension to rear of building; detached 3-bay part open fronted garage block.

12 Schedule of Appeals and Appeal Decisions (Pages 129 - 136)

13 Date of the Next Meeting

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 9th May 2019 in the Shrewsbury Room, Shirehall.

This page is intentionally left blank



Committee and Date

Central Planning Committee

11th April 2019

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 14 March 2019

2.00 - 4.30 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

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

Present

Councillor Ted Clarke (Chairman)

Councillors Nat Green (Vice Chairman), Nick Hignett, Pamela Moseley, Tony Parsons, Alexander Phillips, Ed Potter, Kevin Pardy and David Vasmer

104 Apologies for absence

An apology for absence was received from Councillor Keith Roberts.

105 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 14th February 2019 be approved as a correct record and signed by the Chairman.

106 Public Question Time

There were no public questions or petitions received.

107 Disclosable Pecuniary Interests

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

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

108 Proposed Crematorium, North of Nesscliffe, Shrewsbury - 18/04965/FUL

The Technical Specialist Planning Officer introduced the application for the erection of a new crematorium with associated access, car parking and landscaping and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area that morning.

The Technical Specialist Planning Officer drew Members' attention to the Schedule of Additional Letters which included representations from the Parish Council, Local Residents and RAF Shawbury.

Jane Kynaston, local resident spoke in objection to the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Ian White, Great Ness and Little Ness Parish Council spoke in objection to the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Simon Jones, Chairman of the Helicopter Noise Liaison Group spoke in objection to the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Phillip Niblock, Local Resident 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 Ed Potter addressed the Committee as the local ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, a number of points were raised including the following:

- There had been a large amount of development in Nesscliffe and concern had been raised in relation to the impact of this on the community;
- He stated that a more independent need assessment was required to consider if Nesscliffe was the correct location for a crematorium;
- The proposal would have a detrimental impact on the village; and
- If the Committee were minded to approve the application he urged Members to consider adding conditions in relation to the need for signage to ensure that traffic avoided the village; and consideration given to financial contributions for traffic calming and improvements to local facilities.

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

In the ensuing debate, Members raised concern regarding the location of the proposal and suggested that Shropshire Council as an authority should be deciding on the location of such a facility and therefore considered that a more independent

need assessment was required. The Committee also referred to the comments from RAF Shawbury in relation to the anticipated increase in helicopter activity and felt that an additional noise survey was required in relation to this issue before a decision could be made.

In response to concerns raised by Members, the Technical Specialist Planning Officer explained that a detailed need assessment had been provided as part of the application and it was not usual for the Council to undertake its own.

Having considered the submitted plans for the proposal and noted the comments of all the speakers, Members unanimously agreed to defer consideration of the application to a future meeting of this Committee to allow the opportunity for a more independent need assessment and an additional noise assessment.

RESOLVED:

That consideration of the application be deferred to a future meeting of this Committee to allow the opportunity for a more independent need assessment and an additional noise assessment.

109 Proposed Residential Development Land Adj Crosshills, Nesscliffe, Shrewsbury - 18/05893/VAR

The Area Planning Manager introduced the application for the variation of Condition No. 2 attached to planning permission 17/00282/FUL dated 27 June 2017 – alterations/amendments to plot 2 and 3 house types and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area that morning.

Councillor Ian White, Great Ness and Little Ness Parish Council spoke in objection to 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 Ed Potter addressed the Committee as the local ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, a number of points were raised including the following:

- There had been a large amount of development in Nesscliffe;
- There was no demand in the community for larger house types; and
- The demand was for smaller properties.

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

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

110 Hill Cottage, Top Road, Pontesbury, Shrewsbury - 18/05095/FUL

The Area Planning Manager introduced the application for erection of a replacement dwelling and detached garage; formation of vehicular access and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area that morning.

Councillor Allan 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 Nick Hignett addressed the Committee as the local ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, a number of points were raised including the following:

- The applicant had lived in the village for over 20 years;
- The dwelling was in a bad state of repair and was unmortgageable;
- The property was not suitable for a modern family and a re-build was needed; and
- All the boundary hedges and shrubs would be maintained.

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

In the ensuing debate Members expressed differing views. Some Members agreed with the Officer's recommendation to refuse the application, noting that it was contrary to policy. Other Members, whilst acknowledging that the proposal was significantly larger than the existing dwelling considered the proposal to be acceptable.

Members considered the submitted plans for the proposal and noted the comments of all the speakers and on the Chairman's casting vote it was:

RESOLVED:

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

Councillor Ed Potter left the meeting at this point.

111 Crowmoor House, Frith Close, Shrewsbury - 18/05560/COU

The Technical Specialist Planning Officer introduced the application for the change of use from C2 Residential Institutions to House in Multiple Occupation (HMO) to provide up to 10 units (sui generis use) and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area that morning.

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

- The original application for 30 units had raised concern from local residents in relation to car parking and traffic issues;
- The reduction to 10 units was acceptable; and
- The change of use was for a temporary period only.

Having considered the submitted plans for the proposal and noted the comments of the local ward Councillor the majority of Members expressed their support for the Officer's recommendation.

RESOLVED:

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

112 The Red Barn 108 Longden Road Shrewsbury - 19/00070/FUL

The Technical Specialist Planning Officer introduced the application for the creation of three additional parking spaces and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area that morning.

The Technical Specialist Planning Officer read out an additional representation from the agent that had been received this morning to explain the reasons for the application which stressed that the parking spaces would add much needed parking and would be privately owned and for pub patrons only.

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

RESOLVED:

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

113 Mulberry House, Acton Burnell, Shrewsbury - 19/00097/VAR

The Area Planning Manager introduced the application for the variation of Condition No. 2 (approved plans) attached to planning permission 14/01477/FUL dated 18/06/2015 and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area that morning.

Ginny Turner, local resident spoke in objection to the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Gareth Ball, Acton Burnell Parish Council spoke in objection to the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

In response to comments raised by Members, the Area Planning Manager explained that ground floor windows were not usually taken into consideration in relation to privacy issues as measures can be taken to protect privacy and stated that the window in question was included in the previous application.

Having considered the submitted plans for the proposal and noted the comments of all the speakers, the majority of Members expressed their support for the Officer's recommendation.

RESOLVED:

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

Councillor Ed Potter re-joined the meeting at this point.

114 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 14th March 2019 be noted.

115 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, 11th April 2019 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

This page is intentionally left blank



Committee and date
Central Planning Committee
11 April 2019

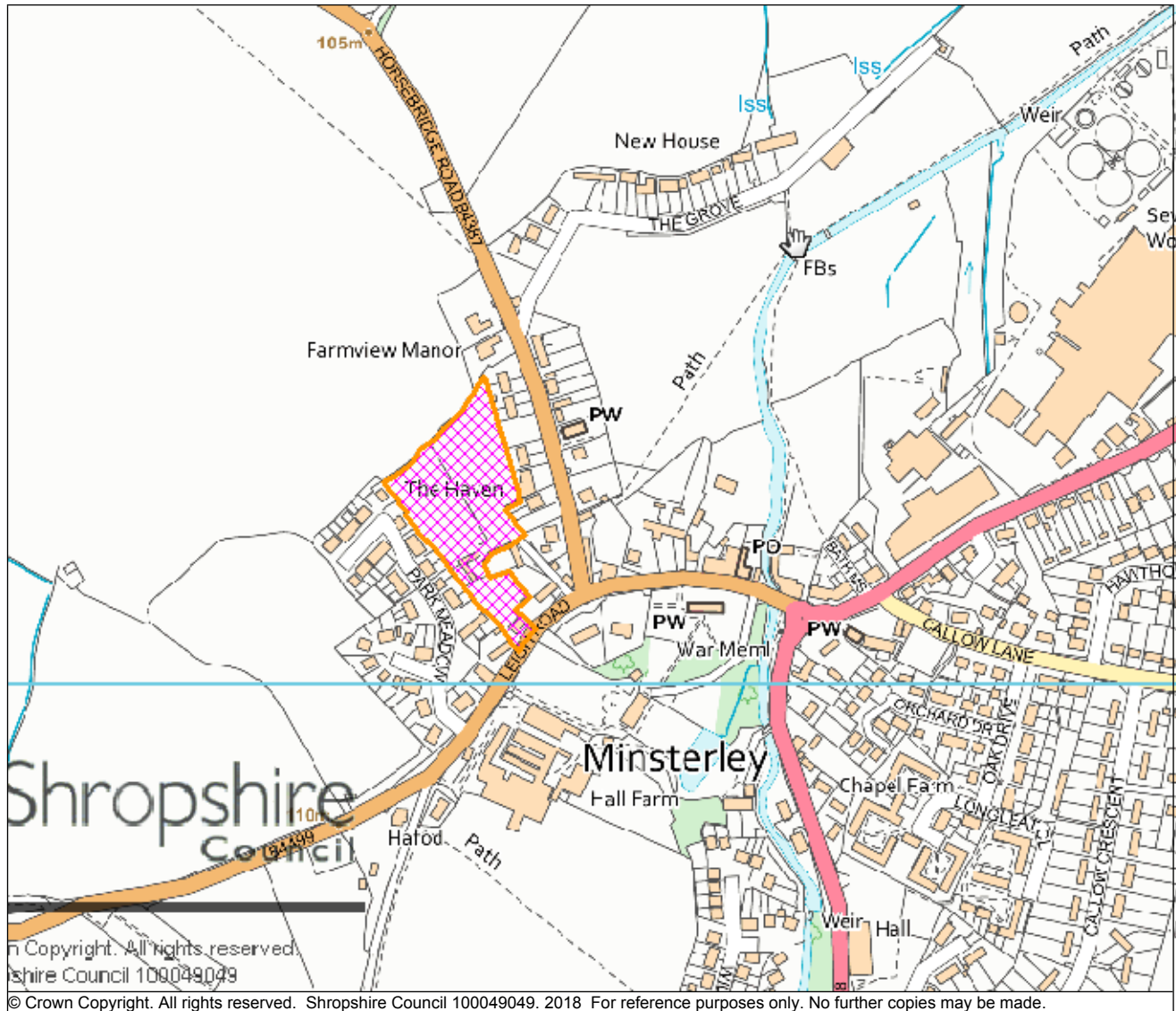
Item
5
Public

Development Management Report

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

Summary of Application

<u>Application Number:</u> 18/05802/OUT	<u>Parish:</u>	Minsterley
<u>Proposal:</u> Outline application (access off Leigh Road for consideration) for residential development (up to 28 dwellings) to include some demolition		
<u>Site Address:</u> Residential Development North of Leigh Road Minsterley Shrewsbury Shropshire		
<u>Applicant:</u> Long Mynd Homes Limited		
<u>Case Officer:</u> Nanette Brown	<u>email:</u> planningdmc@shropshire.gov.uk	
<u>Grid Ref:</u> 337216 - 305088		



Recommendation:- Grant Permission subject to a section 106 legal agreement to secure an affordable housing contribution and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This application seeks outline planning consent for the construction of up to 28 dwellings, to include details of the access. Other matters relating to appearance, landscaping, layout and scale are to be reserved for consideration as part of a later reserved matters application. The proposed access to the site is shown to be taken from Leigh Road, at a point that is currently the access point for an existing dwelling 'The Hall Cottage' with the demolition of an existing single storey side garage to the property to allow an access roadway to be built leading northwards into the site.

1.2 The site has previously been subject to a number of planning applications for differing parcels of land within this site area. These permissions are all currently extant. These applications add to a total number of houses on site of 18 dwellings. Further details of the site history is listed below in section 6.1.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is situated to the north western side of Minsterley, to the north of Leigh Road and west of Horsebridge Road. Access to the site is shown to be taken from Leigh Road, across the site that currently consists of one detached dwelling, The Hall Cottage. The site is surrounded on three sides by existing residential properties and to the north west lies open fields/open countryside.

2.2 The site is currently split into three parcels with the property and garden area to The Hall Cottage at its southern end. To the rear (north) of The Hall Cottage lies a redundant storage building/barn and to the north again is the largest part of the site, currently formed by a parcel of land set to grass, currently used for grazing. This part of the site is roughly square shaped and is bounded by a mature hedgerow on the northern western boundary.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council has made comments objecting to the proposal, and the Local Elected Member has also objected to the application. Officers recommend approval. Under the Council's scheme of delegation the application therefore requires Committee consideration.

4.0 Community Representations

4.1 - Consultee Comments

SC Archaeology – No objection

Although not currently recorded on the Shropshire Historic Environment Record, examination of digital vertical aerial photographs and Environment Agency LiDAR data held on Shropshire Councils corporate GIS system indicates that an area of partially degraded earthwork remains of ridge and furrow are present on the proposed development site. The morphology of these features suggests that they may be of medieval date and are likely to relate to Minsterley's former open fields. Whilst these features are likely to be of local level significance they are of archaeological interest.

In view of the above, and in relation to Paragraph 199 of the NPPF and Policy MD13 of the Local Plan, it is recommended that a programme of archaeological work, to comprise a pre-commencement Level 3 survey of the archaeological earthworks that conforms to English Heritages guidance on Understanding the Archaeology of Landscapes. Suggested condition for a written scheme of

investigation (WSI).

SC Learning & Skills – No objection

Shropshire Council Learning and Skills reports that whilst there is currently capacity within the local primary school, the proposed development, along with other development proposal may impact on future schooling requirements in the area. Learning and Skills will continue to monitor the impact of this and future housing developments in the area. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered necessary to meet pupil requirements. Based on the scale of the proposed development it is recommended that contributions to address any arising capacity needs are secured via CIL funding.

SC Suds – Comments

Flood Risk Assessment (FRA) required as site area exceeds 1.0ha; suggested conditions relating to surface and foul water drainage and suggested informatives/advice for the applicants relating to soakaways, urban creep, non and permeable surfacing and highway gully spacing.

SC Conservation – Comments

Advise that there are several designated heritage assets in very close proximity to this site, and particularly where in this current Outline planning application, the proposed access to the site is indicated as being directly adjacent to a Grade II listed late 17th Century weather boarded timber frame barn. Other designated heritage assets front onto Leigh Road as well including the modest stone dwellings known as 1 and 2 Lower Cottages and the Toll House, which form part of a wider group of designated heritage assets at the Leigh Road junction with Horsebridge Road. It is also noted that Highfield and Fairfield to the rear of Lower Cottages, as we have previously advised, appears to comprise a building dating from at least the 19th Century.

The submitted Planning Application Supporting Statement does not appear to make reference to heritage assets or potential impact on them relevant to this proposed scheme, and note that in considering this type of planning application, due regard to the following local and national policies, guidance and legislation is required in terms of historic environment matters.

A Heritage Impact Assessment has now been prepared by the agents Historic Building Surveyor, and this is acknowledged to address the provision of information relevant to local and national policy requirements on the historic environment. Having reviewed the Assessment the conclusions are generally concurred with however we would particularly refer you to point 7.4 of the Assessment where it is noted that the relatively low level of impact assessed is predicated on the design of the proposed houses reflecting the local vernacular style of traditional workers cottages and traditional dwellings making up the built form of the village. We would ask that we are consulted at the Reserved Matters stage should the application be approved in this or a reduced form regarding design, detailing and finishes. It is

also added that any works to the proposed access should be such that the Grade II listed timber frame barn adjacent to the proposed access lane is fully protected.

SC Ecology – No objection

A Preliminary Ecological Appraisal was carried out on this site in November 2018 by Pearce Environment. Habitats on the site consist of grazed semi-improved pasture, amenity grassland, buildings, *Leylandii* and cherry laurel hedgerows, tree lines of former hedgerow, timber fencing and post-and-wire fencing.

Suggested conditions and informatives to cover: Landscaping plans incorporating native species; bat and bird boxes; external lighting.

SC Highways – No Objection

From a highways perspective the submitted application is for the approval of the access off the B4499 Leigh Road. The proposed access will serve 28 residential units. The updated design details of the access is acceptable. However:

1. The access road proposed is 4.8m in width but 5m, if available, is often more suitable. Park Meadow to the south has a 5m wide access road so there is a degree of precedence in the area. A 200mm footway sacrifice to achieve this would be acceptable. With no CATV in Minsterley and a low pedestrian movement generation from the site, a full 2m width footway is not required.
2. Note the 1.2m separation now between the access road and Hall Cottage. Assuming 500mm rear of kerb protection this leaves a remaining 700mm standoff, which should be enough to avoid any cross loading or undermining of the house foundations (assuming no cellar) but the specific detail for this can be dealt with come tech audit for the 38.
3. The priority give way arrangement on the access road has merit and therefore consider it to be an acceptable feature.
4. A footway link is proposed between the top of the site and the Horsebridge Road. It also provides a link onto a road with no footways. There also appears to be a level difference between the route across the field and Horsebridge Road and therefore it may be difficult to achieve an adoptable or DDA compliant ramp. However, if this can be achieved the hedge either side of its egress on Horsebridge Road should be removed to aid pedestrian visibility of oncoming vehicles.
5. The matter of overgrowing hedges on the left flank of the access road now appears to be a moot point, if they have now already been removed as per Rich Harman's correspondence on the planning file. The LHA does however have powers under S154 once the road is adopted to enforce any overgrowth onto the highway, so this matter of hedges is not a material

planning consideration in the determination of this application.

Minsterley Parish Council - Objection

The Parish Council objects to this amended and increased development that now moves most of the development outside the development boundary. As this is the number one criteria in the Parish policy on development the council don't see how this can be approved. This is a greenfield site and good agricultural land should not be built over. In addition the increased density is not in keeping with the rest of the village. The increased density will exacerbate flooding issues which has required the formation of a flood forum for the parish. Traffic onto the main route for HGV will become a danger especially with the increased numbers. There is insufficient parking causing emergency vehicle access issues, archaeology shows this is the last ridge and furrow field in the parish.

Further comments received: 13.03.2019

Notwithstanding the Parish Councils earlier objection that still stands the Council approve the amendments to the application as long as entrance at Leigh Rd complies with the requirements of the emergency services especially Fire service as was noted may be too narrow for an appliance.

Local Member – Cllr Nick Hignett – Objection

I object to this Application for the following reasons;

The Majority of the proposed Dwellings are on a Greenfield Site, not part of the preferred sites allocation under the current Samdev Plan. This land does not appear to be a Brownfield Site.

This Medieval Site is regarded as the last Ridge and Furrow field in the Parish, and as such should be carefully considered before any change of use takes place.

The nearby "mini-island" is a "pinch point" in the Village, and a Development of this size would exacerbate existing Parking and traffic problems in this area.

The Grove area, which is nearby, has suffered from recurrent flooding problems, and this proposed development could potentially add to this situation.

4.2 - Public Comments

5 objections received to the application summarised as follows:

Principle

Too many properties, 15 would be more acceptable; need to consider the impact on local schools, GP facilities etc; most of the site lies outside of the designated development boundary for Minsterley; the open space behind existing properties should remain as such; the use of the site for 28 dwellings is far too high a density and totally unsuitable in this rural situation; the site is not included on the SAMDev preferred options for housing documents; this site is of archaeological interest;

other brown field sites elsewhere in the village should be developed rather than this field;

Archaeology

This site is of archaeological interest because it believed to be a ridge and furrow medieval field this would be the last of its kind in this area;

Highway Safety

Volume of traffic will be unacceptable; the roads in and out of Minsterley are already dangerous; speeding vehicles and heavy goods, tractors etc. put the lives of vulnerable and disabled persons at risk; increasing the use of an already dangerous road; pavements are narrow especially at the mini-roundabout with Horsebridge Road.

Services

Infrastructure of sewers and water supply will face increased stress through addition of so many properties

Residential Amenity

Only pocket size gardens shown, assuming 2 cars per household will leave no space or facilities for children's safe play areas; cars will park on verges and road side as on other local estates.

Flooding

It is well known locally (and published in Environment Agency documents) that the whole area is subject to high risks from groundwater flooding; the effects of the site being developed will increase the risk of flooding elsewhere in the locality; this site slopes gently in a northerly direction and the northern boundary intersects with a field which gently slopes southwards, the accumulation of water then flows eastwards through old land drains between Farm View Manor and Meadowcroft and onward alongside The Grove; this system frequently cannot cope in wet periods and large pools develop, often threatening flooding the gardens of existing properties; groundwater levels in this area are close to the surface; extensive flooding occurred on The Grove in recent years and the sewage system was unable to cope.

Wildlife and landscaping

Existing boundary hedgerows should be retained and kept to the existing height and width, provides sanctuary for wildlife

5.0 THE MAIN ISSUES

Site History

Principle of development

Access

Other Matters

6.0 OFFICER APPRAISAL

6.1 Site History

6.1.1

Extant planning permissions when considered together already cover the whole of this application site and grant either full planning permission or outline consent for a total of 18 dwellings. They are:

- ② **14/03670/OUT and 17/00149/REM** - erection of 15 dwellings (covering the larger northern part of the application site)
Granted 29/01/2016 & 30/06/2017, expires 30/06/2019
- ② **14/0334/OUT, 17/00242/REM (WDN), 17/04286/FUL** – erection of 1 dwelling, replacing former outbuildings
Full planning permission granted 10/01/2018, expires 10/01/2021
- ② **16/04745/OUT** – erection of 2 dwellings within the rear garden of The Old Cottage
Granted 26/05/2017. Reserved matters due by 26/05/2020

6.2 Principle of development

6.2.1 This is an outline application for a residential development of up to 28 dwellings on a site which has been subject to several previous outline, full and reserved matter approvals as listed above. This proposal combines the previous sites, providing opportunity for a single development scheme.

6.2.2 From the planning history of the site Officers note that a number of the previous applications were submitted prior to SAMDev adoption and were therefore assessed against the presumption in favour of sustainable development as defined in the NPPF. However SAMDev, which incorporated a development boundary and allocated sites for Minsterley, was adopted in December 2015. The Council is also now able to demonstrate a 5 year land supply of housing land.

6.2.3 The majority of this site lies outside of the development boundary with just the most southern end of the site, including the proposed access, falling within the development boundary. The majority of the site is therefore considered to be in 'open countryside' in policy terms, where new open market housing is strictly controlled.

6.2.4 Minsterley is considered to be a suitable location for sustainable development. Along with the village of Pontesbury, Minsterley is identified as a joint key centre in

the adopted local Plans with a combined development target of 260 dwellings to 2026 in SAMDev including allocated sites of 125 dwellings and a provision for windfall development. SAMDev Policy MD3 deals specifically with the importance of housing delivery, and states that the settlement's housing guideline is a significant policy consideration. Specifically, MD3 (3) states:

“Where a settlement housing guideline appears unlikely to be met, additional sites outside the settlement development boundaries that accord with the settlement policy may be acceptable subject to the considerations in paragraph 2 above”.

- 6.2.5 Figures as at 31st March 2017 (the last recorded year), indicate 31 completions in Minsterley and Pontesbury since 2006; with commitments of 195 dwellings. The allocated development at Callow Lane is however understood to be now largely complete and development is underway at the allocated site at Hall Bank in Pontesbury. This indicates that sites are coming forward towards delivery of the housing guideline for the plan period. However, the existing extant planning permissions for the application site are also recorded as existing commitments.
- 6.2.6 The policy context now differs from the time at which the majority of the extant permissions were considered and approved. Whilst in current policy terms the majority of the site lies in open countryside where new open market housing is not usually permitted, there are several material considerations that should be included in the balance of decision making. These include:
- ☐ Extant permissions are already in place granting planning permission for 18 dwellings that the applicants have confirmed they will implement should this application not be successful. These permissions had previously been considered and the economic, social and environmental impacts of residential development have been found to be acceptable;
 - ☐ The benefits of the provision of a combined individual scheme incorporating each of the three previously separate parcels of land with an improved site access;
 - ☐ The new access to the whole of the site would be onto Leigh Road rather than the largest part of the site utilising a new access onto Horsebridge Road;
 - ☐ The proposed increase in numbers of dwellings, from 18 to up to 28 to allow for a greater variety of house types and sizes, including a greater number of smaller housing units;
 - ☐ Provision of new housing located close to the village centre and facilities including the nearby church and shops;
 - ☐ A greater provision of affordable housing due to the numbers of dwellings being increased; if approved the permission would be linked to a s106 agreement requiring a suitable Affordable Housing Contribution based upon the formula utilised at the time of a reserved matters application;
 - ☐ Amended illustrative layout plans show the provision of a pedestrian link to the site from Horsebridge Road (across land edged blue that is within the applicant's ownership). Although not providing any direct shortcut route,

it would provide local residents at this side of the village an alternative route to walking along the roadside of the southern part of Horsebridge Road where there is currently no pedestrian footway.

6.2.7 Objections have been received from third parties, Minsterley Parish Council and the locally Elected Member, Cllr Hignett, who all raise objections on the grounds that the site is a greenfield site outside of the development boundary. The objectors consider that brownfield sites should be given preference whilst this greenfield site, also thought to be the last Ridge and Furrow field in the Parish, should be protected.

6.2.8 Whilst the site clearly lies largely outside of the defined development boundary for Minsterley, Officers have carefully considered the other material considerations that are relevant to this proposal and that are listed above. On balance these provide significant gains that this new scheme, including utilising the whole of the site as one development; providing potential additional affordable housing contributions from an increased number of new dwellings provided; and an alternative pedestrian route through this part of the village, avoiding Horsebridge Road. This is in addition to the existence of the current extant planning permissions already in place. As such Officers consider that in this instance the material considerations that are in favour of the proposed scheme tip the planning balance against the current adopted local plan policies.

6.2.9 Affordable Housing - Policy CS11 of the Core Strategy requires an appropriate contribution to make local needs affordable housing, either in the form of on-site provision or a financial contribution towards off site provision. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing housing target rate at the time of Reserved Matters application. The applicants have completed an affordable housing proforma agreeing to make the necessary contribution in accordance with the requirements of the Type and Affordability of housing SPD.

6.3 Access

6.3.1 This application includes the means of access to be considered as part of the outline application. The proposed access is shown to be formed at the southern end of the site, passing the side elevation of the existing dwelling The Hall Cottage. SC Highways officers have raised no objection to the proposed access, but have discussed issues with the width of the proposed access with the applicant's agents. The submitted plans show a width of access of 4.8 metres but the agents have confirmed that a width of 5 metres could be provided, asking that the final width detail be agreed at a time where the detailed layout and design of the site is also considered.

6.4 Other Matters

6.4.1 Archaeology – SC Archaeology Officers have raised no objections to the proposed development of the site. They have noted that an area of partially degraded earthwork remains of ridge and furrow are present on the proposed development

site, which are likely to be of local level significance and have requested that a programme of archaeological work to comprise a pre-commencement written scheme of investigation (WSI) be required via a planning condition.

6.4.2 Ecology – SC Ecology officers have considered the submitted preliminary ecological appraisal and are satisfied with its findings and conclusions.

6.4.3 Drainage – A flood risk assessment has been submitted in support of the application as the area of the site exceed 0.1ha. SC Suds Officers have raised no objections in principle to the submitted assessment and have suggested conditions and informatives that relate to surface and foul water drainage, soakaways, urban creep, non-permeable and permeable surfacing and highway gully spacing.

7.0 CONCLUSION

7.1 Whilst the site lies largely outside of the defined development boundary for Minsterley, other material considerations exist that on balance are considered to provide significant gains that when considered in addition to the existence of the current extant planning permissions are considered to tip the planning balance against the current adopted local plan policies and in favour of the proposed scheme. Officers therefore recommend that this application be approved, subject to completion of a s106 agreement to secure the provision of onsite affordable housing in accordance with the Councils adopted policy.

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:
CS3 - The Market Towns and Other Key Centres
CS5 - Countryside and Greenbelt
CS11 - Type and Affordability of housing

CS17 - Environmental Networks
 MD3 - Managing Housing Development
 MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the
 Countryside
 MD13 - Historic Environment
 Settlement: S12 - Minsterley - Pontesbury
 SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

14/03670/OUT Outline application for residential development of 15 No dwellings (to include
 access) GRANT 29th January 2016
 17/00149/REM Approval of reserved matters (layout, scale, appearance and landscaping)
 pursuant to 14/03670/OUT for the residential development of 15 dwellings with detached
 garages; formation of estate roads and visibility splay GRANT 30th June 2017
 17/04286/FUL Erection of one 2-storey dwelling with detached double garage (following
 demolition of all buildings) GRANT 10th January 2018
 14/03334/OUT Outline application for the erection of 1No dwelling and vehicular access
 following demolition of existing buildings (to include access and scale) GRANT 19th January
 2016
 17/00242/REM Approval of reserved matters (appearance, landscaping, layout) pursuant to
 14/03334/OUT for the erection of one dwelling and double garage WDN 22nd September 2017

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 18/05802/OUT
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Nick Hignett
Appendices APPENDIX 1 - Conditions

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

1. Approval of the details of the design and external appearance of the development, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three year from the date of this permission.
Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

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

The site layout details including details of the route and design of the proposed footpath link from the site onto Horsebridge Road.

The proposed details of the design of the access onto Leigh Road, including the layout, construction and sightlines.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. No development approved by this permission shall commence until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.
Reason: The development site is known to have archaeological interest
6. No development shall take place until a scheme of surface and foul water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied/brought into use (whichever is the sooner).
Reason: To ensure satisfactory drainage of the site and to avoid flooding.

7. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

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

8. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:
- A minimum of 4 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
 - A minimum of 8 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).
- The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.
- Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.
9. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens shall be submitted to and approved by the local planning authority prior to the occupation of the first dwelling. The landscape plan shall be carried out as approved and retained thereafter.
- Reason: To ensure the long term maintenance of the amenity green space.

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

10. 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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on

lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

Informatives

1. 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. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.
2. 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.
3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

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

4. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.
5. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval. Surface water should pass through a silt trap or catch pit prior to entering the soakaway to reduce sediment build up within the soakaway. Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The

attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

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

Residential Dwellings per hectare Change allowance % of impermeable area

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

7. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope towards the highway, the applicant should submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.
8. The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

-

This page is intentionally left blank



Committee and date
 Central Planning Committee
 11 April 2019

Item
6
 Public

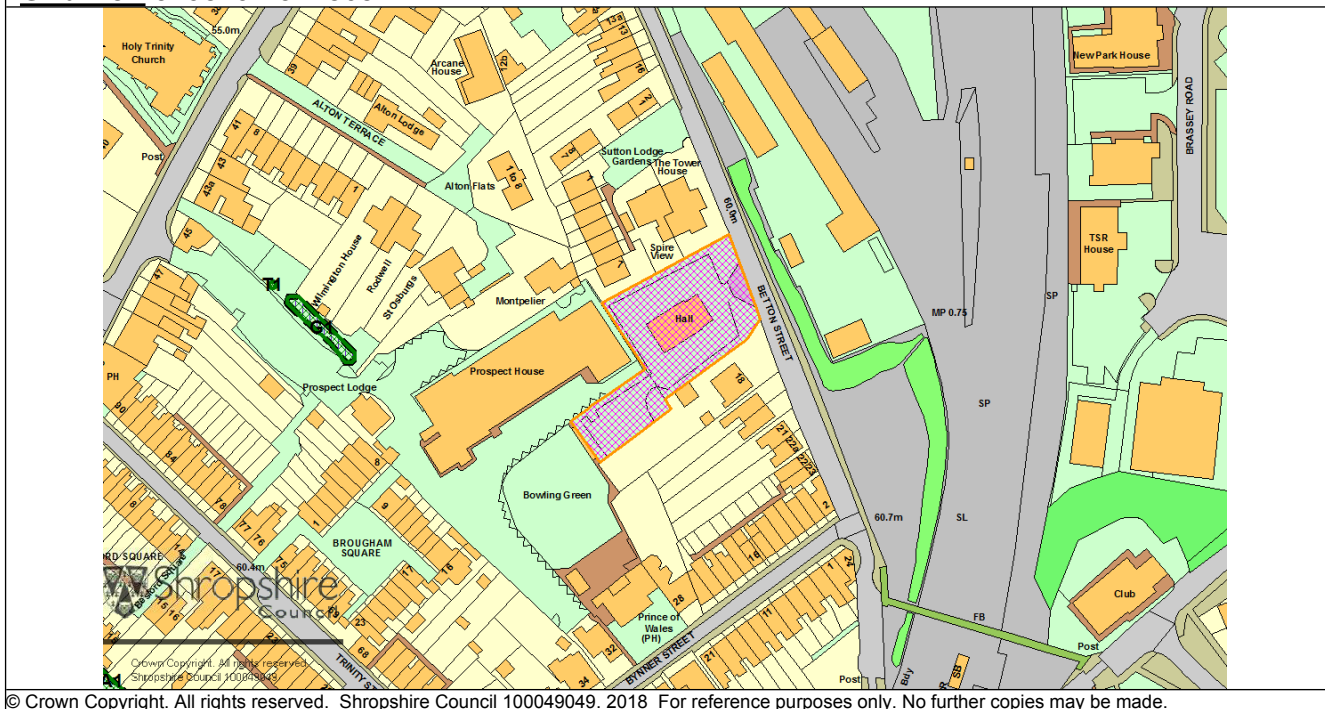
Development Management Report

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

Summary of Application

Application Number: 18/04386/FUL	Parish:	Shrewsbury Town Council
Proposal: Mixed residential development of seven dwellings following demolition of all buildings on site; alterations to existing vehicular access; formation of driveway and parking areas		
Site Address: Meeting Room 17 Betton Street Shrewsbury Shropshire		
Applicant: S & T (Betton Street) Ltd		
Case Officer: Kelvin Hall	email: planningdmc@shropshire.gov.uk	

Grid Ref: 349819 - 311865



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2018 For reference purposes only. No further copies may be made.

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

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of seven open market houses on land at Betton Street, Shrewsbury. The application has been amended since its original submission and this report relates to the most recent design and layout. There would be three blocks, as follows:
- 1.2 Block 1: a pair of two-storey, two bedroomed semi-detached houses, measuring approximately 4.9 metres to eaves and 7 metres to ridge. The ground floor of each would include open plan kitchen, dining and lounge space, and WC. The first floor would include two bedrooms, and a bathroom.
- 1.3 Block 2: a terrace of four 2.5 storey, three bedroomed houses, measuring approximately 5.2 metres to eaves and 8.7 metres to ridge. Ground floor of each would include open plan lounge, kitchen and dining space, and a WC. First floor would include two bedrooms (one with en-suite) and a bathroom. There would be a third bedroom in the roofspace.
- 1.4 Block 3: a single two-storey, three bedroomed house, measuring approximately 5.2 metres to eaves and 7 metres to ridge. The ground floor would include a lounge, kitchen/dining room, central hall, and WC. The first floor would have three bedrooms (one with en-suite) and a bathroom.
- 1.5 External materials for the houses would include brick walls and cement fibre slate roof tiles, with timber sash windows. There would be two parking spaces per house. The positioning of the existing access to the site from Betton Street would be relocated further to the south.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located in the Belle Vue area of Shrewsbury. The site measures approximately 1.6 hectare and currently includes a single storey brick building, formerly used as a meeting room. This building measures 17.5 metres long x 10 metres wide. There are a number of trees around the perimeter of the site. The remainder of the site is hard surfaced. The access gate is set back from Betton Street. Either side of the gate is a low sandstone wall with a timber panelled fence above.
- 2.2 Surrounding land is principally in residential use. To the west of the site is Prospect House, a nineteenth century building which is currently being converted into residential units over three storeys. To the north is Sutton Lodge, a former detached house which has now been converted into two separate residential units – The Tower House and Spire View. To the west of these is a modern terrace development of seven houses. To the south of the site is a two-storey Victorian detached dwelling. There is a bowling green beyond the western boundary. To the east, on the opposite side of Betton Street, is a railway yard and railway. The site lies on the eastern side of the Belle Vue Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The views of the Town Council are contrary to the Officer recommendation. The Planning Manager in consultation with the Committee Chairman considers that the views of the own

Council are based on material planning reasons and that it is appropriate for the application to be determined by Planning Committee, in line with the provisions of the Council's scheme of delegation.

4.0 **Community Representations**

4.1 -Consultee Comments

4.1.1 **Shrewsbury Town Council** Objects. Members reconsidered the amended plans for this application which saw a new layout more similar to the original one submitted. Members still considered the proposals to be overdevelopment of the site, which would have a detrimental effect to the public and visual amenity value of the site due to the massing of these properties. The amended plans did not address the other concerns previously raised by the committee including traffic congestion, loss of trees and the loss of light and privacy to the neighbours. Members felt that their original objections to this planning application were therefore, still valid.

4.1.2 **SC Conservation** Objects. There have been several revisions made to this scheme and we would note that the matter of better addressing the frontage of the property with a street-facing residential block and enhanced landscaping has now been considered which is noted as an improvement to the proposal. While we would reiterate that residential redevelopment of this property to an appropriate design and scale would likely be supported in principle, with these revisions however the issue of overdevelopment of this awkwardly-shaped site does not appear to have been fully addressed, where the number of units proposed remains the same and the amount and positioning of buildings behind proposed Block Three does not appear to have been improved or reduced in extent. When considered as a whole the revised scheme has not demonstrated satisfactorily that it would preserve or enhance the character and appearance of the Conservation Area, and we are therefore unable to support the scheme in this latest revision.

Background: The application site is located within the boundaries of the Belle Vue Conservation Area, the easterly boundary of which runs along Betton Street to the front of this property and other properties along this west side of the street. The site is occupied by a relatively modern and modest brick meeting hall positioned centrally on the site where in terms of historic environment matters there would be no objection raised to its removal from this site where it is a relatively neutral feature within the street scene and the neighbourhood.

We had previously advised on a formal Pre-application submission that, in addition to the Conservation Area status of the site and area, there are designated and non-designated heritage assets adjacent to and in the immediate vicinity of the site, including Sutton Lodge to the immediate north, the large former Maltings building to the rear and the row of traditional dwellings to the south of the property facing Betton Street, while further north fronting Betton Street is the Grade II listed early 19th Century 'Rosehill'.

We had advised that formal application for redevelopment of this site would need to be accompanied by a heritage impact assessment which considers impact on adjacent heritage assets and heritage assets in the wider area, as well as impact on the character and appearance of the Conservation Area itself, including impact on the immediate and wider street scene, with the aim being that the redevelopment scheme would fully minimize impact on these heritage assets and would fit comfortably within the grain and pattern of

existing development here, where it would need to be fully demonstrated satisfactorily that this scheme would preserve or enhance the character and appearance of the Conservation Area. To that end this current planning application for residential redevelopment of the site has as part of the supporting documents a 'Historic Assessment and Heritage Impact Assessment' as required by local policies and the NPPF, and this is acknowledged.

In considering this planning application, due regard to the following local and national policies, guidance and legislation would be required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the revised National Planning Policy Framework (NPPF) and relevant planning practice guidance and Historic England Good Practice Advice. As the proposal is located within the Belle Vue Conservation Area, special regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also required in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area. We would also highlight the relevant sections of the NPPF which emphasise the importance of ensuring that developments respond well to local character and identity.

4.1.3 **SC Archaeology** No comments to make.

4.1.4 **SC Highways Development Control** No objections. Further amendments have been made to the house types and layout within the site. The amendments are considered acceptable from a highways perspective subject to conditions to require the implementation of the access layout, visibility splays, and parking and turning areas prior to occupation; adherence to a Construction Method Statement which has received the approval of the local planning authority; retention of sight lines at all times (see Appendix 1).

Background: Pre-application discussions regarding redevelopment of the site accepted that the proposed traffic demand on the site, supporting this development, is unlikely to exceed the demands that could reasonably be expected from the potential use and activities associated with the full utilization of the current building and site. The site is located in a predominantly residential area, relatively close to amenities and services. Betton Street has limited on street parking and waiting restrictions are in force in the vicinity of the site. Each dwelling will have two parking spaces with turning, enabling vehicles to exit the site in a forward gear. Further details submitted indicate that refuse will be collected from the roadside on Betton Street, with no refuse lorries entering the development. Bin stores are located close to the entrance of the site.

4.1.5 **SC Drainage** No objections. Recommends a condition requiring the submission of a scheme for surface water and foul water drainage for approval (see Appendix 1).

4.1.6 **SC Public Protection** The demolition and construction may affect neighbouring dwelling in respect of noise and dust, and a demolition and noise and dust construction management should be provided.

4.1.7 **SC Ecology** Recommends conditions requiring the erection of bat and bird boxes.

4.1.8 **SC Trees** No objections. The revised site layout satisfactorily addresses the concerns raised regarding the proximity of the proposed dwellings to the retained and proposed trees.

The addendum to the Arboricultural Impact Assessment is an excellent example of a planting scheme for a challenging urban site and, provide it is implemented in full, will ensure that the proposed planting becomes established and is able to grow to maturity and make an important contribution to the future urban forest. No objections are raised to this iteration of the proposed development. A condition is recommended to restrict tree removal to that shown on the approved plans; to require that trees are protected in line with the submitted tree reports; to require that services are routed outside of Root Protection Areas; and to require that tree planting is carried out in line with the submitted tree reports (see Appendix 1).

4.1.9 **SC Affordable Housing** If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Council's housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance.

4.1.10 In addition to the above the former **Local Member, Cllr Harry Taylor**, has made the following comments (these relate to an earlier design):

I consider these proposals to constitute an over-development of the site with the proposed buildings bringing forward the building line. The redevelopment of this site should have no greater mass than the current building and be in keeping with the local vernacular. Of significant concern is the loss of privacy and light to neighbouring residents' properties which this development represents. Traffic in the area has increased considerably in recent years and the additional cars this development will generate for an already narrow, one-way street is unsustainable. There are already considerable difficulties in navigating this road at certain times of day. This site is in the heart of the Belle Vue Conservation Area yet this development neither preserves nor enhances the area.

4.2. -Public Comments

4.2.1 The application has been advertised by site notice, and also in the local press. In addition seven properties within the vicinity of the site have been directly notified. 33 objections have been received. It should be noted that some of these were made in response to the application as originally submitted and do not necessarily reflect the current layout and design.

4.2.2 The objection reasons are summarised as follows, and full details are available on the planning register:

- Too many houses built recently on Betton Street
- Number of units should be reduced
- Danger to pedestrians, motorists and animals due to increased traffic
- Traffic assessment required
- Will cause additional congestion
- Inadequate access
- Insufficient parking spaces; no visitor parking
- On-site parking will cause noise, pollution and dust
- Will cause additional damage to the pavement
- Adverse impact on Conservation Area

- Adverse impact on heritage assets
- Orientation not in keeping with local vernacular
- Overdevelopment
- Overbearing size
- Impact on privacy due to Juliet balconies and velux windows
- Direct overlooking to property to rooms where we spend majority of time
- Overlooking of living room, bedroom and bathroom from first floor windows
- Would result in being looked in to from all sides
- Overlooking of gardens
- Street view renders are required
- Adverse light pollution
- Density too high
- Houses too high
- Impact from tree loss
- Impact from construction works
- Land should be earmarked for public use
- Contrary to Human Rights Act

4.2.3 In addition a petition signed by 26 people has been submitted, stating that the proposal would heavily impact the residential amenity of local residents and will add further traffic and parking problems to what is already a very congested area.

5.0 THE MAIN ISSUES

- 5.1
- Principle of development
 - Design, scale and character; impact on heritage assets
 - Residential and local amenity considerations
 - Highway and access considerations
 - Drainage issues
 - Developer contributions

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The site lies within the Development Boundary of Shrewsbury and on previously developed land. Core Strategy policy CS2 states that Shrewsbury is to provide the primary focus for development for Shropshire, providing approximately 25% of its additional housing. It advises that priorities for the allocation/release of land for development in Shrewsbury will include making the best use of previously developed land and buildings for housing and other uses within the built-up area. The Town's Development Strategy, as set out in the SAMDev Plan, includes encouraging appropriate development and redevelopment on suitable sites within the development boundary. The site is not specifically allocated for alternative development however its redevelopment as a windfall site is supported in principle under Development Plan policy.

6.2 Design, scale and character, impact on heritage assets

6.2.1 Core Strategy policies CS6 and CS17 requires development to protect and conserve the natural, built and historic environment and be appropriate in scale, density, pattern and design taking into account the local context and character. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value. SAMDev Plan policy MD13 seeks to protect, conserve,

enhance and restore Shropshire's heritage assets. In addition, Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 specifies that 'special' attention shall be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area. The NPPF requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account (para. 197).

- 6.2.2 The application includes a Historic Assessment and Heritage Impact Assessment which identifies the relevant heritage interests in the area and provides an assessment of the impact of the proposal in this context. The report acknowledges that the site lies within the Conservation Area, and also identifies that surrounding buildings including Sutton Lodge, Prospect House and the Victorian house to the south can be considered to be non-designated heritage assets. The proposal would result in the loss of a building which has previously been in use as a meeting room. It is considered that the building has limited architectural or historic significance and that its removal would not impact negatively on the character of the Conservation Area.
- 6.2.3 The proposed external materials would include elements consistent with the local area, including timber sash windows, brick corbelling, stone cills and chimneys. It is considered that the design is sympathetic to the local area, which includes Victorian houses and a more modern terrace, and is acceptable in this part of the Conservation Area. The proposal would provide relatively modest-sized units of two and three bedrooms which is appropriate for this area.
- 6.2.4 The shape of the site, the juxtaposition of existing dwellings to the site boundary, and on-site trees, presents some constraints to the way in which it can be developed. A number of concerns have been raised as part of the planning process in relation to the layout of the site and the design of the properties. Amended plans have been submitted to seek to address these, however concerns of the Conservation Officer, the Town Council and some adjacent residents still remain.
- 6.2.5 The revised layout has satisfactorily addressed initial concerns over the impact on existing trees within the site. The proposed development would necessitate the removal of five Category C trees (low quality and value), one tree group of low quality, and three Category B trees (moderate quality). The latter three are a Norway maple at the front of the site where the revised access point will be, and a cedar and sycamore to the rear of the site. The Council's tree officer has raised no objections to the proposal and it is considered that the proposed compensatory planting of 12 new trees around the perimeter of the site would be an appropriate level of mitigation for the loss of trees.
- 6.2.6 The alignment of the front-facing block has been amended in line with the concerns of the Council's Conservation Officer. This is now more sympathetic to the pattern of development along Betton Street, and represents an improvement to the scheme. It is considered that the pair of semi-detached properties would sit relatively well at the rear of the site and have little adverse impact on the character of the Conservation Area.
- 6.2.7 Officers consider that the design of the site could be improved through a reduction in the number of units, as this would enable greater flexibility in terms of layout and positioning of the houses. However it is considered that the open spaces proposed within the site, including the central roadway, the parking spaces and the gardens, would reduce the extent

to which the proposal would appear as overly dense.

6.2.8 The surrounding area includes a mix of property types and sizes, including the relatively high three storey units of Prospect House and the relatively modest-sized terrace of modern houses to the north. The proposed ridge height of the semi-detached and single dwelling is no greater than those of the existing modern terrace to the north of the site. The visibility of the proposed terrace from street views would be limited due to its alignment and being positioned to the rear of the single dwelling. Concerns raised that the proposal represents overdevelopment are noted and this is a matter of judgement. The NPPF at para. 122 provides support to development that makes efficient use of land, and requires that account is taken of the desirability of maintaining an area's prevailing character and setting. The Case Officer considers that the proposal includes satisfactory private amenity space, that the circulation and parking provision is adequate, and that the density of development is appropriate for the area. Taking account of the context of the area, it is considered that the proposal would satisfactorily protect the character of the Conservation Area. The proposal would have some impact upon the significance of the adjacent non-designated heritage assets, however on balance it is considered that the level of harm is not sufficient to outweigh the benefits of the development of the site for residential purposes.

6.3 **Residential and local amenity considerations**

6.3.1 Core Strategy policy CS6 states that development should safeguard residential and local amenity. Policy CS8 seeks to protect existing facilities and amenities. The proposal would result in the loss of the former meeting room, however it is considered that the redevelopment of the site for residential use would significantly outweigh any negative impacts of this.

6.3.2 Surrounding dwellings have views into the site and amended plans have been submitted to seek to overcome objections raised regarding overlooking and massing. However it is acknowledged that concerns of some residents remain. The single dwelling would be situated approximately 12 metres from The Tower House to the north. There would be no openings above ground floor level along the facing elevation of this proposed house. The existing boundary fence would restrict overlooking between ground floor windows. The rear elevation of the proposed terrace would face towards Spire View. The terrace would be 15.5 metres from the nearest window (ground floor) of Spire View, and approximately 23 metres from the nearest first floor window. The existing fence would provide some privacy, however direct views would be possible between the first floor bedroom windows of the proposed block and the first floor windows of Spire View. The residents have pointed out that, as they are overlooked on all other sides of their property, the privacy of the remaining side (towards the site) holds much greater value. These comments do have substance, and the applicant has been invited to provide a layout to address these expressed concerns. Nevertheless Officers are of the view that 23 metres represents an acceptable separation distance between facing houses, and as such on balance consider that the positioning is not unacceptable.

6.3.3 The western elevation of the proposed terrace block would be approximately 7 metres from Prospect House. The only opening on this elevation would be a small bathroom window, and a condition can be imposed to require that this pane is obscure glazed to protect privacy. There would be some impact on views from the apartments at this side of Prospect House due to the massing and proximity of the block however it is not considered that this would

result in unacceptable impacts on living conditions. The distance between the pair of semi-detached houses at the back of the site and Prospect House would be approximately 8.7 metres. The only opening facing towards the apartments would be a small stairway window, and this can be obscure glazed. There would be some detrimental impact on outlook from the apartments on this side of Prospect House, however it is considered that the offset is adequate. It is not considered that there are significant amenity issues raised in relation to the house on the south of the site on Betton Street due to the absence of openings on its northern elevation.

6.3.4 A condition can be imposed on the decision notice to require that a construction and demolition plan is submitted for approval in order to minimise disturbance to surrounding residents.

6.4 **Highways and access considerations**

6.4.1 Core Strategy policy CS6 states that development should be designed to be safe and accessible to all. SAMDev Plan policy MD2 (Part 6) requires that development proposals demonstrate that there is sufficient existing infrastructure capacity, in accordance with MD8, and should help to alleviate infrastructure constraints through design.

6.4.2 The proposed visibility splay and access design is satisfactory, and the layout would allow vehicles to turn within the site so that they can exit in forward gear. Whilst concerns that the proposal would exacerbate traffic congestion and local parking issues are noted, the proposed two parking spaces per unit are acceptable for this type of development. The bin muster point is in an acceptable location adjacent to the site entrance to facilitate bin collections.

6.5 **Drainage issues**

6.5.1 Core Strategy policy CS18 (Sustainable Water Management) advises that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity. It is proposed that foul and surface water drainage would connect to the main sewer, and details of this aspect of the design can be agreed as part of a planning condition, as recommended by the Council's drainage consultant.

6.6 **Developer contributions**

6.6.1 Given the number of residential units proposed, and in line with the guidance set out in the NPPF, the proposal would not be required to provide any affordable housing contributions. However the development would be liable for CIL contributions.

7.0 **CONCLUSION**

The proposal to provide seven dwellings on land at Betton Street would constitute an appropriate redevelopment of the site which is currently occupied by a meeting room. The loss of this meeting room would not have a negative impact on the character of the Conservation Area. The proposed units are of a satisfactory design, sympathetic to the surrounding area, and would respect the character of this part of the Conservation Area. Whilst concerns have been raised regarding the amount of development proposed and the number of units, it is considered that the layout would include an appropriate level of private amenity space and open space, and the density is not unacceptable. A satisfactory level of compensatory tree planting is proposed to mitigate against the impacts that would result

from the loss of some trees from the site. An appropriate level of parking provision is included and the layout of the site and access design is acceptable. The juxtaposition of the proposed units with surrounding dwellings will result in some impact on living conditions and privacy particularly due to the distance between facing windows and garden space. However on balance it is considered that the separation distances are not unacceptable. Overall, taking into account the benefits of the proposal which include the provision of residential units as part of a redevelopment scheme, it is considered that the application can be accepted in relation to Development Plan and national policies. As such it is recommended that planning permission is granted subject to the conditions set out in Appendix 1.

8. Risk Assessment and Opportunities Appraisal

Risk Management

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

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

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

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.

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. Financial Implications

There are likely financial implications of 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 dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this application – in so far as they are material to the application. The weight to be given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS2 - Shrewsbury Development Strategy
CS6 - Sustainable Design and Development Principles
CS8 - Facilities, Services and Infrastructure Provision
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S16 - Shrewsbury

Relevant Planning History:

09/02656/TCA To fell one Horse Chestnut tree within Belle Vue Conservation Area NOOBJC
21st October 2009
17/05599/FUL Erection of replacement garage and conservatory GRANT 15th May 2018
17/05731/TCA To fell 1no Sycamore Tree within Belle Vue Conservation Area WDN 8th
January 2018
SA/81/0815 Formation of a new vehicular access and blocking up part of existing. PERCON
22nd September 1981
PREAPP/16/00291 Demolish existing hall and redevelopment for residential PREAIP 4th
August 2016
PREAPP/17/00178 Redevelopment of site to 9 no. 2 bed apartments and 2 no. 1 bed
bungalows within a gated community with communal amenity area, sensory garden and
parking space. PREAMD 11th May 2017
18/04386/FUL Mixed residential development of seven dwellings following demolition of all
buildings on site; alterations to existing vehicular access; formation of driveway and parking
areas PDE

SA/81/0331 Erection of a single storey building for use by Christians as a place of worship with provision for car parking and the formation of new vehicular access. PERCON 23rd June 1981

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 Vacant

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 to include a community communication protocol.

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

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

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

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

5. Prior to the above ground works commencing samples and/or details of all external materials, including walls, roofs, joinery and rainwater goods, 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 and to protect the character and significance of heritage assets.

6. 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 first dwelling 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 all tree protection measures specified in the submitted Tree Protection Plan, forming part of the Addendum to the Arboricultural Appraisal ref: SC:143v2 (21.12.18) have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

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

d) All soft landscaping and tree planting will be undertaken in complete accordance with the details provided in the Addendum to the Arboricultural Appraisal ref: SC:143v2 (21.12.18) and submitted layout plan. The site remediation measures must be undertaken under supervision of the consultant arboriculturalist and details of this supervision, including the reporting of findings, are to be provided in writing to the Local Planning Authority prior to the commencement of any construction activities associated with the approved development.

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.

7. All hard and soft landscape works shall be carried out in accordance with the approved plan 1157-01H rev C. 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 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.

8. Prior to the development hereby permitted being first brought into use/occupied the access layout and visibility splays shall be implemented in accordance with Drawing No. 1157-01H rev C.

Reason: To ensure a satisfactory means of access to the highway.

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.

10. Prior to first occupation / use of the buildings, a minimum of two external woodcrete bat box or integrated bat roost feature, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 175 of the NPPF.

11. Prior to first occupation / use of the building, a minimum of two artificial bird boxes, of either integrated brick design or external box design, suitable for House Sparrow, Swallow & Wren should be installed on site. The boxes should be sited in an appropriate location and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 175 of the NPPF.

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

12. Notwithstanding the provisions of the Town and Country General Development Order 1995 (or any order revoking or re-enacting that order with or without modification), any fence or other means of enclosure at the road junction/access shall be set back to the sight lines shown on the approved plan Drawing No. 1157-01H rev C and those areas shall thereafter be kept free of any obstruction at all times.

Reason: In the interest of highway safety.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without

modification), no development relating to schedule 2 part 1 class A, B, C, D or E shall be erected, constructed or carried out.

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

14. (a) The windows in the first floor of the north elevation of Block One (as defined on the approved drawings) shall be glazed with obscure glass and shall thereafter be retained. No further windows or other openings shall be formed above ground floor level in that elevation.

(b) The windows in the first floor of the west elevation of Block Two (as defined on the approved drawings) shall be glazed with obscure glass and shall thereafter be retained. No further windows or other openings shall be formed above ground floor level in that elevation.

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

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

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

3. Advice from highways authority:

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 new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

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

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

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

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.

Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://new.shropshire.gov.uk/planning/faqs/>

Extraordinary maintenance

The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.

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.

4. Advice from Council's ecology team:

Bats informative

All bat species found in the UK 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.

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

Nesting bird informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains 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, scrub removal, conversion, renovation and demolition work in buildings, or other suitable nesting habitat, should be carried out outside of the bird nesting season which runs from March to August inclusive.

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 or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only when there are no active nests present should work be allowed to commence. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to any of the buildings/vegetation and begin nesting, work must cease until the young birds have fledged.

Landscaping informative

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

5. In order to make the properties ready for electric vehicles, the applicant should consider the installation of appropriate charging points.

6. The developer should consider the provision of next generation access (nga) broadband to all properties within the development, and consider ensuring that all premises are fully connected with minimum cabling in those rooms likely to benefit from a physical connection i.e. rooms containing main TV and the home office.

-



Committee and date
 Central Planning Committee
 11 April 2019

Item
7
 Public

Development Management Report

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

Summary of Application

Application Number: 18/05584/FUL	Parish:	Shrewsbury Town Council
Proposal: Change of use from A1 retail to A5 hot food takeaway restaurant and associated alterations to the building		
Site Address: 41 Wood Street Shrewsbury SY1 2PN		
Applicant: Mr Khan		
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk	

Grid Ref: 349324 - 313641



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2018 For reference purposes only. No further copies may be made.

Recommendation: Grant Permission subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

- 1.1 This application relates to change of use from A1 retail to A5 hot food takeaway restaurant and associated alterations to the building.
- 1.2 The latest amended plans indicate that the external alterations now include the erection of a traditional brick chimney to conceal the extractor ventilation shaft, a new entrance door in place of one window on the front Ellesmere Road elevation and the removal and blocking up of two windows.
- 1.3 The proposed opening hours have been amended to 12 midday to 11pm seven days a week.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is an existing retail premises (last used as an off licence and corner shop) with unrestricted opening hours that is adjacent to a dwelling which is also in the ownership of the applicant.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The town council objects to the application and the Local Member has requested that it be referred to the relevant Planning Committee within 21 days of electronic notification of the application and agreed by the Planning Services Manager in consultation with the committee chairman or vice chairman to be based on material planning reasons

4.0 Community Representations**4.1 - Consultee Comments****4.1.1 SC Regulatory Services:**

1. The hours of evening operations should be conditioned to finish at 2300hrs. To protect the amenity of residents from noise.
2. Odour - the high level extraction of the flue at ridge height along with the described filters, odour abatement and maintenance system would appear to be adequate to reduce odour.
3. Noise - The noise report itself is accepted in that the predicted noise levels would be relatively low at this location, in accordance with guidance this is based on hours before 0700- 2300hrs.

- 4.1.2 **SC Highways:** Whilst the premises is currently closed, it formerly operated as a convenience store and off-licence and therefore the store was open throughout the day and evening. Whilst the current proposal seeks a Takeaway A5 use, the opening of the building would be limited to certain parts of the midday and early into

late evening periods. To some extent therefore the trading pattern of the building use would change from its former use to that currently proposed, in terms of attracting customers and therefore this would have some influence on the likely short stay parking demand in the locality.

It is difficult however to predict the former and likely customer on-road parking demand in relation to the proposed A5 use class of the building as the site is located within a residential area and reasonable walking distance to the facility, although as with all Takeaway facilities, customers will be attracted from further afield by car.

Whilst it is accepted that on-street parking demand is high in this area due to the lack of residential off-highway parking, particularly during the evening period when the Takeaway usage is at its peak trading period, it is considered that an objection on highway grounds would not be sustainable, particularly in light of the buildings former A1 use class.

The highway authority therefore raise no objection to consent being granted.

4.1.3 **WSP on behalf of SC Drainage:** We have no comment from the drainage and flood risk perspective

4.2 - Public Comments

4.2.1 **Shrewsbury Town Council:** Objects to this application as they consider a takeaway will have a detrimental impact on the neighbouring residential properties by causing additional noise disturbance until midnight every day, including Sundays and Bank Holidays. Members also have concerns about the parking arrangements. Wood Street is already congested with parked vehicles and with no off street parking available, this takeaway restaurant will only exacerbate the problem. The committee also considers the large, unsightly ventilation stack which will be clearly visible from the road will have a detrimental impact on the street scene.

4.2.2 **Cllr Alex Phillips:** Though I do not object in principle to commercial activity taking place on this site, the current application is a departure from what has taken place previously. I do not believe that a takeaway restaurant is appropriate on this site, primarily for the following reasons.

1. Parking. There is no off street parking, meaning that cars will have to park on the already congested Wood Street (where parking spaces are already hard to find, particularly later on at night when a takeaway would be busy). If they don't then they may park illegally on Ellesmere Road, a busy Road with obvious safety risks from this parking.

2. Noise. People coming and going from the takeaway will cause noise late at night in a residential area (after the 11pm threshold when noise abatement complaints can often be triggered) from custom at the takeaway, particularly if people visit by car and have to park on residential streets.

Simply, this is the wrong activity for this site. As other residents have noted, a site

such as the one at Greenfields Spice on Ellesmere Road (has parking, plus other commercial properties adjacent, so is an established commercial zone) is more appropriate.

4.2.3 **3 letters of support summarised as follows:**

- ☐ Another takeaway is just what is needed in the area with all the new houses that have been built and will be excellent for local residents who do not drive.
- ☐ It will provide an extra service to the area and is easily accessible.
- ☐ This will be welcomed and very handy for many residents wanting to grab some fast food on the way home.
- ☐ The shop has been empty and up for rent for over a year with two estate agents without success.
- ☐ The premises looks run down and will look better than being boarded up.
- ☐ There is no direct parking outside many takeaways in Shrewsbury including EFFEs that has been trading for years.
- ☐ It will provide employment.
- ☐ The applicant is a hard working business man who runs a successful restaurant in the town centre called Ramni Balti.

4.2.4 **25 letters of objection summarised as follows:**

- ☐ Smell and odour from cooking
- ☐ Antisocial behaviour and noise and disturbance in the area
- ☐ Unsociable hours
- ☐ Littering of the adjacent area
- ☐ The parking space at the rear of the property could fit a maximum of 3 vehicles at any one time
- ☐ Lack of parking for staff, deliveries and customers
- ☐ Lack of parking exacerbating the existing shortage of parking spaces for residents and taking valuable parking spaces that are used by residents.
- ☐ No parking spaces in the area which will lead to unsafe traffic use and dangerous parking on a busy main road within 20 metres of a pedestrian crossing and use being made of the pavement area causing obstruction for pedestrians.

- ☒ Increased traffic in the area increasing the risk of accidents.
- ☒ Concerned vehicles will block the access to Wood Street Gardens
- ☒ The proposed waste flue is unsightly for a residential area.
- ☒ Loss in property value
- ☒ No need for another takeaway in the area and will put an existing business at risk.
- ☒ A deli, pharmacy or bakery would be a more welcome use

4.2.5 **A petition with 79 signatures objecting to the proposal**

4.2.6 **Shrewsbury Civic Society:** We have no objection to the re-use of this building, or its use as a “take-away”. We understand how some objectors worry about increased traffic and parking difficulties. However, our objection concerns the planned ventilation shaft.

The small row of pleasant Edwardian homes leading towards the railway bridge make a respectable entrance to Shrewsbury. Coming into the town along the Ellesmere Road, the end of this row is very prominent with 41, Wood Street as a single storey shop preceding it. The planned ventilation shaft would be highly prominent and likely to render the area unpleasant and utilitarian. This look is exactly what this end of Ellesmere Road has been seeking to avoid, with new homes and a care block of pleasant design.

Not only is the planned ventilation shaft likely to be of galvanised metal but it would stand well above the roofline of the neighbouring houses and consequently be extremely visually prominent. Drawing PE17-49-PRO1, is misleading in this respect, as the shaft cannot be attached to a gable end.

No 20 Ellesmere Road is the first of a row of well-designed elderly homes with quoined brick corners and hipped roofs etc. A ventilation shaft in the planned position would seriously undermine its architecture.

We object to the shafts, height, position and material. However, we think that there may be solutions to this objection and have talked with the architect.

5.0 **THE MAIN ISSUES**

Principle of development
Impact on residential and local amenity
Parking and traffic
Visual Impact

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

- 6.1.1 Core Strategy Policy CS15 established Shropshire's network of centres, and the principle that town centres are the preferred location for new retail, office, leisure, entertainment and cultural facilities, and other town centre uses. SAMDev policy MD10a (Managing Town Centre Development) refers to secondary and primary frontages within the town centre primary shopping area with an emphasis on maintaining A1 use.
- 6.1.2 The site is outside of the designated primary and secondary street frontages and outside of the Shrewsbury Town Centre area on the SAMDev proposals map and the loss of a retail use is acceptable.
- 6.1.3 The proposed change of use from A3 retail to A5 take away of a unit that has been vacant for over a year is considered to be an appropriate and acceptable use in this location. Although there is an existing takeaway in the locality it is considered that the proposal would not result in an over concentration of hot food takeaway restaurants in the area and competition is not a material planning consideration.

6.3 **Impact on residential and local amenity**

- 6.3.1 Policy CS6 and MD2 seek to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity.
- 6.3.2 Regulatory services requested a noise assessment and additional information regarding the proposed extraction equipment and that the stack should reach at least ridge height of the main roof to enable adequate dispersion of any odours. They also requested that the closing time should be amended to 11pm as they considered that there might be a licensing impact for any proposed late night refreshment licence after 11pm with the potential for customer sourced noise disturbance to occur at these later hours.
- 6.3.3 The amended plans indicate that the height of the brick built chimney now proposed to conceal the ventilation stack will be higher than the ridge height of the adjacent house. Regulatory Services have confirmed that together with the described filters, odour abatement and maintenance system the proposed extraction system would appear to be adequate to reduce odour.
- 6.3.4 Regulatory services are also satisfied with the submitted noise report and accept that the predicted noise levels from the proposed equipment would be relatively low at this location based on hours between 0700- 2300hrs.
- 6.3.5 The applicant has now confirmed that the premises will close at 11pm and not 12pm (7 days a week) and Regulatory Services have confirmed that a condition to ensure that all operations finish at 2300hrs will protect the amenity of residents from noise. It is considered that the use of the premises as a takeaway up until 11pm each evening will not result in any significant increase in noise and activity in the area compared to its previous use as an off-licence and corner shop.

6.4 **Parking and traffic**

- 6.4.1 The majority of the public concern is due to lack of parking and an increase in traffic

as a result of the proposal.

- 6.4.2 Whilst it is accepted that parking provision might be considered to be inadequate (both for customers, staff and deliveries) and that off-street parking spaces are limited within the vicinity and operate on a first come served basis, as with determination of all applications for change of use consideration should be given to the previous use or earlier planning permissions for the site often referred to as the fall-back position.
- 6.4.3 The premises although currently closed could open again as a shop or an off-licence without the need for planning permission and it is considered that the amount of customers and associated vehicular activity would not be significantly different to its existing use.
- 6.4.4 Therefore considering this fall-back position Highways have confirmed that an objection on highway grounds would not be sustainable and officers therefore consider that refusal of this application due to lack of parking or perceived highway safety implications would not be justified.

6.5 Visual Impact

- 6.5.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character and should also safeguard residential and local amenity. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.
- 6.5.2 The application when first submitted included a metal flue, and it was considered that this would be visually prominent and have an adverse visual impact. The applicant was advised that the proposed metal shaft and its supports would appear incongruous in this residential setting and would be unacceptable and the application would be recommended for refusal for this reason.
- 6.5.3 The latest amended plans indicate a traditional brick built chimney to the side elevation of the adjoining house owned by the applicant. It is considered that this proposed addition would have no significant adverse visual impact on the character and appearance of the building.
- 6.5.4 The proposed change of use will bring a vacant unit (that is currently boarded up and in poor condition) back into use and along with the proposed alterations will enhance the appearance of the building and the locality.

7.0 CONCLUSION

- 7.1 It is considered that the proposed change of use to takeaway is acceptable in principal and that the parking provision is acceptable given the fall-back position of an A1 retail use. It is also considered that the new use and the associated alterations would have no material adverse impact upon the character and appearance of the buildings or on local or residential amenity subject to the

imposition of the recommended conditions. The proposal is therefore considered to comply with the most relevant local plan policies CS6 and MD2.

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: CS6 and MD2

11. Additional Information

List of Background Papers

18/05584/FUL - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PJ87IATDIBF00>

Cabinet Member (Portfolio Holder) - Cllr R. Macey

Local Member - Cllr Alex Phillips

Appendices

APPENDIX 1 – Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

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

3. An extraction and ventilation system (including the odour and noise mitigating components) shall be installed in full in accordance with the submitted Design Specification for Freshseal Ltd (reference EQ1408-737) and the Noise assessment by MACH Group (reference RP 190301) and concealed by a chimney as indicated on the approved drawings (or in accordance with an alternative extraction and ventilation system to be submitted to and approved in writing by the LPA) prior to the takeaway first being open to the public, and maintained according to the manufacturers' instructions in perpetuity.

Reason: To protect the amenity of the area and nearby residential properties.

4. The chimney shall be constructed of brick to match the appearance of the chimney of the adjoining building.

Reason: To ensure a satisfactory external appearance.

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

5. The premises shall not be open for customers and no deliveries shall take place from the premises outside the following hours:

1200 - 2300 Mondays to Sundays

Reason: To protect the amenity of the area and nearby residential properties.



Committee and date
 Central Planning Committee
 11 April 2019

Item
8
 Public

Development Management Report

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

Summary of Application

Application Number: 18/04266/FUL	Parish:	Sheinton
Proposal: Change of use of farm yard and buildings to holiday complex to include: some demolition of buildings; siting of four glamping units and one log cabin; works to and change of use of two buildings to form office and store and leisure facilities, formation of parking areas; and installation of package treatment plant (Amended Description)		
Site Address: School House Farm Sheinton Shrewsbury Shropshire SY5 6DN		
Applicant: Earley Accommodation Ltd		
Case Officer: Andrew Sierakowski	email: planningdmc@shropshire.gov.uk	

Grid Ref: 361175 - 303768



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2018 For reference purposes only. No further copies may be made.

Recommendation:- Grant Permission subject to the conditions set out in Appendix 2.

Recommended Reason for Approval

REPORT**1.0 THE PROPOSAL**

- 1.1 This is an application that was submitted for the change of use of a farm yard and buildings to a holiday complex including the siting of glamping units and an associated livery at School House Farm, Sheinton. However, in response to the initial comments from the Parish Council and third-party objectors, the livery element of the development has been withdrawn and a number of changes made to the layout, so that the application is only for the use and development of the site for glamping.
- 1.2 The application includes the existing holiday let property, known as Applewood (formerly School House Farm), which currently provides a 14 bed space let and a substantial part of the adjacent farm yard to the immediate north Applewood, which is currently disused and largely derelict. As a result, there is no use for the majority of the farm buildings and yard, and the application therefore seeks an alternative use, comprising the proposed change of use and development of the site, involving the retention of some of the farm buildings and the demolition of others.
- 1.3 The intention is now to provide accommodation, to enable guests to stay at the site and explore the surrounding countryside which forms part of the Shropshire Hills Area of Outstanding Natural Beauty.
- 1.4 The proposed change of use will involve the following:
- The demolition of a number of farm buildings located centrally within the site;
 - The installation of 4 glamping pods in the place of the demolished buildings. These pods will measure 7.2 metres in width, 4 metres in depth, and approximately 2.8 metres in height. The pods will be set into the rising ground;
 - The installation of a log cabin to provide 8 bed space accommodation unit, measuring 14.4 metres in width, 6.1 metres in depth, and an internal height of approximately 3 metres;
 - The existing farm building towards the southern end of the site will be retained, re-clad and converted to provide a games room, toilet, shower facilities, and a washing up area, for the communal use of holiday lets. The building measures 13.8 metres in width, 7.4 metres in depth, 3.4 metres to the eaves, and 4.25 metres to the ridge. The building will be re-clad in timber boarding;
 - An existing building at the northern end of the site (the former milking parlour) is to be re-clad and converted to provide a site office, laundry room, and garden equipment/machinery store. The main section of this building has a width of 10.6 metres and depth of 10 metres, with a small 5.6 metre by 4

metre extension to the west, and a 4.6 metre by 6.5 metre extension to the east. The building rises to approximately 3.1 metres above ground level. The building will be re-clad in timber boarding;

- Retention of the existing 14 bed-space holiday let;
- A parking area for staff and a separate parking area for guests to be provided adjacent to the communal games room building and Log Cabin, with additional parking adjacent to the existing holiday let.

- 1.5 There is in addition an existing agricultural shed on the west side of the site that was to be converted for the livery, but which is now to be left as a shed and an adjacent paddock.
- 1.6 The site will be accessed via an existing access off the public road through Sheinton, that currently serves the existing Applewood holiday let.
- 1.7 The site rises from approximately 70 metres AOD along its northern boundary adjacent to the public road, to over 80 metres AOD at its southern boundary, with a number of the existing farm buildings and structures that are to be removed. The site levels are on the whole to remain as existing, although some localised levelling work.
- 1.8 One existing tree is to be removed, which will be compensated for through the planting of additional native species to be provided throughout the site. The glamping pods will be dug into the slope so as to reduce their visual prominence and the applications states that the intention is that the removal of existing unsightly farm buildings will enhance the site's appearance.
- 1.9 It is proposed that three rain water harvesters will provide water to the communal shower block, and for the office building. The remaining storm water will be collected before being discharged to Sheinton Brook. The development of the site will lead to a reduction in impermeable surfacing through the removal of existing buildings and hard-surfaced areas.
- 1.10 The development will be served by a package treatment plant with a soakaway.
- 1.11 Extensive additional tree planting and new hedgerows are proposed to increase screening and biodiversity connectivity on and around the site. The planted species will be broadleaved and native and there will be of an increase in the diversity of the hedgerow trees. Gaps in the existing hedgerows bordering the western side of the site will be planted-up in line with the recommendations of the ecological assessment submitted with the application.
- 1.12 The application states that the proposed development is expected to require and provide the following employment opportunities:
- 1 full time site manager/cleaner;
 - 1 part time ground staff; and

- 1 part time cleaner;

- 1.13 As such the proposal is expected to provide two full time equivalent positions.
- 1.14 The application is accompanied by an Ecological Assessment, Tree Survey, Heritage Impact Assessment.
- 1.15 The development was the subject of a request for Pre-Application Advice, Ref. PREAPP/18/00224, which was issued on 16th May 2018 and which advised that there was no 'in principle' reason to object to the proposed change of use, but that there were concerns about the livery element of the scheme which would need to ensure that it did not cause any harm to the trees on the site, the nearby designated heritage assets and the amenity of neighbouring properties.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site extends to just under 0.9 of a hectare and currently comprises a redundant and semi-derelict farmyard including a complex of run down steel clad buildings and sheds located on the northern part of the site adjacent to the public road through Shinton. Applewood, (formerly School House Farm) is a bungalow which is located top of the farm yard at the southern end of the site and already provides guest accommodation of up to 14 bed spaces. The bungalow was formerly an agricultural worker's dwelling for which consent was granted under Ref. 16/02699/VAR to allow it to be used as either an agricultural-workers dwelling or as holiday let. The application states that the holiday let has proven to be an extremely popular location and that in 2018 it was fully booked as a holiday let for all but two weekends between February and September.
- 2.2 The application site an access track on its east side. Mature trees border the track to the east, with the track set comparatively lower than the majority of the farm buildings which are on higher ground, which slopes down to the northwest. The track leads to Applewood. There is also a second track which extends from the north west corner of the site, through the farm yard leading up to Chesnut Cottage, Banisters Cottage and Sheinton Common to the south. Footpath 3 runs along this line of this track through the site.
- 2.3 The land on which the site is located generally rises to the east. A newly built affordable home borders the eastern boundary, as well as a wooded area containing an abandoned old cottage.
- 2.4 To the north-west of the farm yard is the Old School which is now a dwelling, and the farm yard itself contains a residential property, Lillwood. This bungalow is situated above road level on the hillside that is set back from the highway and is reached by a track which is also a public right of way leading up to Sheinton Common. There is also a substantial existing farm building/barn to the east of Lillwood that is not included in the application site and which will be retained and serves to screen much of the upper level of the site behind it.

2.5 Sheinton is located within the Shropshire Hills Area of Outstanding Beauty (AONB). The Sheinton Brook Site of Special Scientific Interest (SSSI) which is geological SSSI, is located approximately 415m to the west of the application site. There are four nearby Listed Buildings in Sheinton, including the Church of St Peter and St Paul which is Grade II* listed, 150m north west of the site, the Woodlands which is Grade II listed, 175m to the north west, a Barn approximately 30m south-east of Sheinton Hall Farmhouse which is Grade II listed and located 60m north west of the site, and Leach Meadow Cottage, which is Grade II listed and located 45m north east of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Although the development is compliant with relevant development plan policies, the Parish Council has objected to the application and the Local Member has requested that the application be referred to the Committee for determination.

4.0 COMMUNITY REPRESENTATIONS

4.1 Cressage, Harley & Sheinton Parish Council: On the application as initially submitted the Parish commented that in principle it welcomed the proposed improvements to the site that would arise from the development. However, it also commented that it had concerns regarding lack of supervision, traffic, infrastructure, environmental impact and a concern that the site could become a normal livery (as opposed to holiday livery) and the traffic implications of this. Therefore, until these issues were addressed the Parish Council stated that it would not offer unconditional support for the proposal.

4.2 On the amended application it has commented that whilst the changes address concerns over the equine elements of the application, the Parish Council is still concerned that the site should be unsupervised and that unless it is, it cannot support the application.

4.3 Public Comments

4.4 In addition to the comments from the Parish Council there have been twenty-four third-party representations from sixteen local residents, twenty-two of which offer objections and two of which are neutral. Five objectors submitted additional comments in the light of the amendment of the application, and whilst they generally welcome the omission of the livery element included in the original plans, their objections have largely otherwise been maintained. The representations submitted generally welcome the concept of redeveloping this site which is currently viewed as unsightly and an eyesore, but not the development proposed. The representations in summary make the following points;

- Whilst the amended plans now omit the livery, the development is contrary to Core Strategy policy. It is contrary to Policy CS6 in that; (i) providing accommodation for up to 42 people is not appropriate in terms of scale, density and design taking into account the local context and character, i.e. it is not of an appropriate scale for a small village; (ii) the amount of hard

surfacing is unduly formal and urbanised and would contribute to a detrimental effect on the existing rural character of the site and its surroundings, and is therefore not appropriate in relation to local context and character; (iii) the drawings omit details of materials for the re-cladding and refurbishment of milking parlour and site office; (iv) the site is located at least one mile away from the nearest public transport route, and is only accessible by traversing narrow, winding lanes with frequent single-file traffic flow and cannot therefore be in an accessible location.

- The development will significantly increase traffic on an inadequate local road network and increase risks to pedestrians;
- The development will require and be insensitive in terms of lighting, cause light pollution in the Shropshire Hills AONB, adversely affect wildlife and would therefore be contrary to Core Strategy Policy CS17, which seeks to ensure that development does not adversely affect the visual, ecological, heritage or recreational values and functions and assets;
- The development will have a significant adverse visual impact on the immediate surroundings;
- The development is contrary to Core Strategy Policy CS5 as there are no benefits accruing to the local community. The creation of a glamping holiday park is not an essential requirement to improve the farmyard buildings. The development would have an adverse visual impact that is inconsistent with the diverse natural environment;
- Due consideration has also not been given to the setting and significance of surrounding Grade II listed buildings, including the St Peter and St Paul Church;
- Concerns about the lack of supervision outside of office hours;
- Impact on the amenity of neighbouring residential properties as a result of noise and unsociable activities;
- Sheinton has no shop, public house or other amenity which would benefit from the influx of the resultant transient population;
- The provision of drainage both foul and storm is not fully explained. Storm water management is already a significant issue in Sheinton. The previously existing farm activities suffered from inadequate drainage and there is concern that the new development may also do so and present a risk to neighbouring properties; and
- The parking provision proposed is inadequate.

4.5 Technical Consultees

- 4.6 Shropshire Council - Highways: Have no objection to the amended scheme including the proposed access, parking and turning arrangements, subject to the development being carried out in accordance with the approved details. They advise that the decision notice should include informatives relating to mud on the road, ensuring that there is no drainage discharge to the highway, works on, within or abutting the public highway and the impact of lighting.
- 4.7 Shropshire Council - Rights of Way: Advise that Footpath No. 3 runs through the site. They comment that although not directly affected by development, the footpath

will need to be taken into consideration at all times both during and after development and the applicant also has to adhere to the following criteria:

- 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;
- 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; and
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

- 4.8 Shropshire Council - Ecology: Have no objection, subject to inclusion of a European Protected Species 3 tests matrix because of the presence of bats on the site (which is included Appendix 1 at the end of this report). This they advise, must be discussed by the Committee and minuted. They recommend that conditions be attached to the permission relating to the applicant obtaining a European Protected Species Mitigation Licence before development takes place, working in accordance with details set out in the submitted Ecological Assessment, submission of details of bat and bird boxes and their implementation and the submission of a landscaping plan and its subsequent implementation. They also advise the inclusion of informatives relating to nesting birds, wildlife protection and the obtaining of a European Protected Species Mitigation Licence.
- 4.9 Shropshire Council - Trees: Were initially concerned that the originally layout would adversely affect two mature trees adjacent to the car parking that was to be located to the south of the site office. However, with this being relocated they are now content to recommend approval, subject to inclusion pre-commencement landscaping condition. The revised layout would result in the loss of two trees in the centre of the site but these are identified as being only young specimens under 10 years old, so that their loss would be less significant and can be mitigated with the proposed new native planting.
- 4.10 Shropshire Council - SUDS: Have no comments but advise that an informative relating to the detailed design of the drainage system should be included on the decision notice.
- 4.11 Shropshire Council - Regulatory Services: Advise that they have no adverse comments on the proposal in principal although they comment that the development may result in some increase in noise from any visitors to the site. They also advise that the applicant should be aware that if they have any knowledge of land contamination as a result of any current or historic events or storage on site, that they should state this at any future planning application stage.
- 4.12 Shropshire Council - Conservation: Initially expressed concerns about the impact on the nearby heritage assets, but have in response to the amended plans advised that

they now consider these to be acceptable in the context of the setting of the listed buildings and in respect of the character of the landscape, subject to confirmation of the material finishes, soft landscaping, hard surfacing, boundary treatments and lighting, which can be addressed by condition.

4.13 Shropshire Hills AONB Partnership: Advise that the planning authority has a legal duty to take into account the purposes of the AONB designation in making any decision on this application and that it should take account of planning policies which protect the AONB, and the statutory AONB Management Plan.

4.14 Ramblers Association: No comment.

5.0 THE MAIN ISSUES

- 5.1
- Principle of the Development
 - Siting, scale, design and visual impact
 - Traffic
 - Residential amenity
 - Other Issues

6.0 OFFICER APPRAISAL

6.1 Principle of the Development

6.1.1 Sheinton falls within the rural area of the county identified as countryside, to which Core Strategy Policy CS5 applies and it is located in the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The main issues in relation to the principle of the development is therefore firstly, whether it is acceptable in terms of development plan and national planning policy as economic and tourist related development in the countryside and secondly whether as such in terms of the potential benefits and impacts, its location in the AONB is acceptable.

6.1.2 The relevant development strategy policy is that set out in the Shropshire Local Development Framework Adopted Core Strategy (March 2011) and the adopted Shropshire Council Site Allocations and Management of Development Plan (SAMDev Plan) (December 2015).

6.1.3 The Core Strategy Policy CS1 sets out the settlement hierarchy for the County with new development focussed in Shrewsbury, the main Market Towns, and other identified Key Centres whilst Policy CS4 seeks to ensure that in rural areas, those settlements defined as Community Hubs and Community Clusters are the focus for new development and investment. These are considered to be the most sustainable places to deliver the overall strategy of managed growth with the aim of reinvigorating smaller settlements within the rural areas or “rural rebalancing”. The objective is to provide facilities, economic development or housing for local needs, that is of a scale that is appropriate to each settlement.

6.1.4 Outside these settlements, in the open countryside, Policy CS5 seeks to ensure that new development is strictly controlled in accordance with national planning policies

protecting the countryside, where this will maintain and enhance countryside vitality and character and improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to:

- Small-scale economic development where this will diversify the rural economy. Where this is the case development is expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where this is appropriate;
- The retention and appropriate expansion of an existing established business, unless relocation to a suitable site within a settlement would be more appropriate;
- The conversion or replacement of suitably located buildings for small scale economic development/employment generating use;
- Sustainable rural tourism and leisure and recreation proposals which require a countryside location, in accordance with Policies CS16 and CS17; and/or
- Conversion of rural buildings which take account of and make a positive contribution to the character of the buildings and the countryside. Proposals for conversions will be considered with regard to the principles of national planning policy, giving equal priority to small scale economic development/employment generating uses and tourism uses;

6.1.5 Relevant national planning policy is set in paragraphs 83 and 84 of the National Planning Policy Framework (NPPF) (2019). Paragraph 83 makes clear that planning policies and decisions should enable; the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings including sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 84 additionally advises that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it states that it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). It also states that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

6.1.6 Specifically, in relation tourism and leisure related development, Core Strategy Policy CS16 seeks to ensure the delivery of high quality, sustainable tourism, cultural and leisure development, but also to ensure that it is sensitive to Shropshire's intrinsic natural and built environment qualities. The key tests of the Policy are to:

- Support new and extended tourism development, and cultural and leisure facilities, where they are appropriate to their location, and enhance and protect the existing offer within Shropshire;
- Promote connections between visitors and Shropshire's natural, cultural and historic environment, including through active recreation, access to heritage

trails and parkland, and an enhanced value of local food, drink and crafts;

- Support development that promotes opportunities for accessing, understanding and engaging with Shropshire's landscape, cultural and historic assets including the Shropshire Hills AONB and the rights-of-way network. Development must also meet the requirements of Policy CS17.

6.1.7 In support of Policy CS16, SAMDev Policy MD11 which is concerned with tourism facilities and visitor accommodation 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 in Policies CS5, CS16, MD7b, MD12, MD13 and relevant local and national guidance; and that
- All proposals should to be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate and that proposals within and adjoining the Shropshire Hills AONB should pay particular regard to landscape impact and mitigation.

6.1.8 In relation to visitor accommodation in rural areas also states that:

- proposals for static caravans, chalets and log cabins should be landscaped and designed to a high quality; and that
- Holiday let development that does not conform to the legal definition of a caravan and is not related to the conversion of existing appropriate rural buildings, will be resisted in the countryside following the approach to open market residential development in the countryside under Policy CS5 and MD7b.

6.1.9 In this policy context, firstly in relation to the overall location of the site, the development complies with the general criteria set out in Core Strategy Policy CS5, and is potentially covered by several of the headings listed in the policy including small-scale economic development, the retention and expansion of an existing established business, the conversion of suitably located buildings for small scale economic development/employment generating use; rural tourism and leisure and recreation proposals requiring a countryside location, and/or conversion of rural buildings which take account of and make a positive contribution to the character of the buildings and the countryside. It also potentially falls into the various types of development listed in the NPPF, paragraph 83, namely the growth and expansion of existing business in a rural area, through conversion of existing buildings and new buildings; the development and diversification a land-based, rural businesses; and rural tourism and leisure.

6.1.10 As set out above, Paragraph 84 of the NPPF also makes clear that decisions on planning applications should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport, although it does qualify this by stating that new development should be sensitive to its

surroundings, and does not have an unacceptable impact on local roads. In principle therefore policy supports the location of the development, despite its location in the countryside.

- 6.1.11 In relation to the tests set out in Policy CS16 it would be an extension of existing tourism related business as an addition to the existing 14 bed space unit already provided on the site and would as such meet the test of enhancing the offering for accommodation in Sheinton area; and as development in the AONB it is a good location in terms of promoting access to Shropshire's natural, environment including the AONB. The site, as detailed in the comments of Rights of Way officer is located directly alongside Footpath No. 3, which connects into the wider footpath network to the south and south west and along Wenlock Edge. This is subject to the tests set out in Policy CS5 relating to compliance with Policy CS17 and the NPPF in relation to ensuring that development is sensitive to its surroundings and is physically well-related to existing settlements. The issue of the scale and design of the development and sensitivity and its impact on the historic environment is considered in more detail below.
- 6.1.12 SAMDev Policy MD11 makes reference to development requiring a countryside location, and in this case, as out above the aim is to extend the existing accommodation at Applewood for the market wanting access to the Shropshire Hills AONB and the wider countryside area of the County. Again, there is no basis for considering that this requirement is not complied with, although as with Policy CS16, this is qualified to the extent that development complements the character and qualities of the site's immediate surroundings, and meets the requirements in Policies CS5, CS16, MD7b, MD12, MD13 and relevant local and national guidance. There is therefore no reason in terms of the principle of the development for considering that the proposal does not comply with policy, subject to its acceptability in terms of its siting scale and design and visual impact.
- 6.1.13 The related key issue and the main one that is made by objectors is that arising from the requirement of Policy CS16, that new visitor accommodation should be located in accessible locations served by a range of services and facilities and that proposals must be of an appropriate scale and character for their surroundings, or be close to or within settlements, or an established and viable tourism enterprise where accommodation is required.
- 6.1.14 On this point there are is an arguable balanced judgment to be made. On the one hand, Sheinton is a recognised settlement, albeit one that, in relation to the Council's overall development strategy policy, as set out in Core Strategy Policy CS1, is not a main Market Town, Key Centres, Community Hubs even part of a Community Cluster. It is located within the area designated as countryside, but is nevertheless a clearly identifiable village, albeit a small one. It is one that has very few community facilities, and it is therefore unlikely that the village would benefit directly to any great degree in terms of visitor spending. On the other hand, it is clear that neither the development plan nor the NPPF intend that no tourist related development should take place in countryside locations. Considering the location of the site in a broader context, it is likely that majority of visitors will come by car, and the site is not distantly located from other nearby villages and centres, including Cressage, Much

Wenlock, Buildwas, Telford and even Shrewsbury. It is not the case that the site is so remote that its location would be so inaccessible as to warrant refusal of consent. The Committee should also be mindful that the accommodation business on the site is one that is already established and that what is proposed is an extension of the existing visitor accommodation at Applewood. This, as set out above, according to the application is proving to be very successful in terms of the bookings that there were in 2018.

- 6.1.15 On this basis, and subject to the considerations of, siting, scale, design and visual impact, including its impact on the AONB, the development can be considered to acceptable and compliant in terms of the principle of the development in relation to Core Strategy policies, CS1, CS5, CS6, CS16 and CS17, SAMDev Policy MD2, MD7b, MD11, MD12 and MD13 and the NPPF.

Siting, Scale, Design and Visual impact

- 6.1.16 Turning to the issue of siting, scale, design and visual impact, whilst to a degree a separate issue from the principle of the development, it is still a key aspect of Policies CS5, CS16, MD11 and the NPPF in qualifying the tests in relation to the principle of the development. These require that new development must be sensitive to its surroundings, must complement the character and qualities of the site's immediate surroundings, and must otherwise mitigate any impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate. In relation to the Shropshire Hills AONB, particular regard must be had to landscape impact and mitigation as well as meet the requirements of other key environmental policies including Core Strategy Policy CS17 and SAMDev Policies MD7b, MD12 and MD13.
- 6.1.17 It is also an issue which is of particular concern to objectors in the comments they have made. Again, to put the issue in context the former farmyard part of the site is currently semi-derelict and objectors generally acknowledge its unsightly appearance. It broadly divides into the two parts with the front or northern end of the site adjacent to the road currently being a relatively steeply sloping farm yard, with a large old barn to the rear of the yard and line of smaller and rather unsightly sheds running up the eastern side of the site and behind the barn.
- 6.1.18 The barn, as set out above, is substantial and located on rising ground and does not form part of the application. From the road it will, together with the sloping ground, to a degree screen the main part of the site where the new accommodation is to be located. Views from the road and most of the existing houses in Sheinton, will continue to be dominated by the existing barn adjacent to Lillwood, the existing barn on the west side of the site and the converted office at the front of the site.
- 6.1.19 The new buildings will comprise four new glamping pods and a log cabin, which according to the application will comply the test of conforming to the legal definition of a caravan. These by comparison with the existing buildings they will be smaller and lower structures, and because of their location behind the barn adjacent to Lillwood and the slope of the site are not, they would not be particularly obtrusive in terms of their location within the site or within the village as a whole. The main view

of site will be from the public road to the north west and properties around the church, from which it is set on rising ground with woodland behind it and a large hedge in front of it. As such it is very well set in the landscape, is not obtrusive, the eye is not particularly drawn to it, and it is a comparatively good site with the development forming part of the overall built-up area of the village. The new buildings would therefore be very well sited in terms of visual impacts and relationship with the existing building group in the village.

- 6.1.20 In terms of scale of development, the key issue, as raised by objectors, is about its scale in relation to the size of the existing village and whether this is acceptable. This can be considered in different ways and essentially there are two elements to this; the amount and size of the buildings and development; and the number of people and the activity that it will generate and including the number of vehicle movements.
- 6.1.21 In terms of the amount and size of buildings and the area of floor space, the glamping pods and the log cabin, will in fact be less than the existing barns and sheds to be demolished, so that if anything there is likely to be a reduction in the amount of buildings on the site, and what there will be will be smaller in scale. The location of the new buildings however may be slightly more visible, as most of the existing sheds to be demolished are located directly east of the barn in the centre of the site, that is to be retained.
- 6.1.22 Perhaps what is of more significance is the number of bed spaces and therefore potentially the number of people on the site. The exact number of bed spaces is not specified but the drawings show the log cabin as being an eight bed space unit and if the glamping pods each provide a minimum of two bed spaces, that would provide a total 30 bed spaces overall or even if four people in theory could be accommodated in each pod, this would provide a maximum of 38 bed spaces. In practice 100% occupancy at any one time is unlikely, so that the number of visitors on site is likely to be 30 or less at peak times. With the existing unit accommodating up to 14 people, that represents an increase of 16 to 24 bed spaces in total. That there is justification to expand appears to be borne out in the application which states that the existing 14 bed space unit was booked every weekend, other than two, in the period between February and September 2018.
- 6.1.23 In the context of a village the size of Sheinton, which consists of approximately 30 houses in the village and immediate surrounding area, this would be a significant transient visitor population. However, if visitors are likely to be away from the site during the day, the maximum numbers present is most likely to be in the evenings and overnight. The car parking provision on the site includes eight marked out spaces and 4-5 unmarked spaces for visitors plus separate parking spaces for three staff, so in theory there could be a maximum of 16 vehicles on site at any one time. In practice however the numbers are likely to be less than this. The vehicle movements associated with the site are not going to be significant in the context of existing movements through the village.
- 6.1.24 In terms of the scale therefore, the amount of development is not significant. The number of people and traffic is possibly more significant, but the overall scale even

in the context of small village, given the transient nature of the visitors and the fact they would generally leave in the morning for days out and return in the evening with vehicles most likely leaving and arriving over a one to two hour period at the beginning and end of each day. This would not significantly impact on the village, whether in relation to the amount of development and/or the number of people or volume of traffic.

- 6.1.25 In terms of the design and visual impact, the development will consist of the conversion and refurbishment of the existing sheds, and some new accommodation. Both will predominantly make use of timber as the main external finish, although exactly how this is to be finished has not been specified and is therefore a matter to be reserved by condition. The site is also to be landscaped, with new trees and hedgerows as detailed above. There is quite steep bank/hillside to the immediate east of the site and an area of woodland that extends away to the south east, which as a result means the site is tucked into the side of a hill and is very well screened from the east, although there is also a more open view from the north west. Although Applewood is visible from the public road and the area and properties around the church, the rest of the site is screened to a degree by an intervening hedgerow and the topography of the surrounding fields. The result is that the site sits very well in the landscape without being obviously obtrusive. The details of material finishes, the hard and soft landscaping and any lighting (which has also been raised as a concern by objectors) will be important but these can all be reserved by condition to ensure that fully acceptable details are submitted for approval and implemented.
- 6.1.26 In terms of the design and visual impact including the impact on the Shropshire Hills AONB, what is proposed can therefore be considered to be acceptable in terms of compliance with relevant development plan policy and the NPPF, and in relation to the statutory obligation under s.85 of the Countryside and Rights of way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

Traffic

- 6.1.27 In relation to traffic, the details are as set out above, in the comments on the scale of the development. It should be noted that there was considerable concern from objectors to the application as first submitted, in relation to the livery element and the increased risks to highway safety as result of horses being brought to the site and an increase in the number of horses on the road. With the amendment of the application to omit the livery this concern is no longer relevant. The numbers of vehicle movements otherwise generated by visitors to the site, as set out above, is not likely to be so major as to have significant road safety impact or adversely impact on the amenity of local residents. The Highways officer has advised that they have no objection.
- 6.1.28 As such the development can be considered to be compliant with Core Strategy Policies CS6, and SAMDev Policies MD2 and MD11 in relation to traffic and highway safety considerations and the requirement to ensure that new development is safe.

6.3 Residential Amenity

- 6.3.1 The other significant concern raised by objectors relates to the potential impact on neighbouring and nearby residential amenity. Regulatory Services have also flagged up the potential for developments of the kind proposed to give rise to some increase in some noise from any visitors to the site, particularly if there are any outdoor activities.
- 6.3.2 This can be a difficult issue from a planning perspective, as visitor accommodation of the type proposed is not an inherently noise activity, and in fact is generally a relatively quiet use of land. However, because glamping sites commonly are a semi-outdoor use of land and most commonly busy in the summer months, so outdoor activities sometimes have the potential to cause and do cause occasional disturbance. This may particularly be the case on sites where groups bookings are taken and there is provision of outdoor recreational space. This is very difficult to regulate through the planning system in terms drafting clear, precise and enforceable conditions, and it is largely therefore down to effective management of the site by the operator. In this case the main group accommodation on the site is already existing, whereas the additional accommodation that is proposed is not for such large groups and is more likely to attract small groups including couples and families. However, the proposal does include provision of new outdoor recreational space.
- 6.3.3 An additional related issue in this case that has been raised by the Parish Council and residents is that it is proposed that the site would not be supervised on a full-time/permanent basis. The applicant has confirmed that this would be the case, as the site is too small to warrant permanent staffing. They have stated that the applicant, or a member of staff, will visit the site on a daily basis at least, when holiday makers are present. There will be staff on site to meet and greet visitors when they arrive. All holiday makers will be provided with contact details and a member of staff will be on hand to respond to any on-site issues. They have also stated that, the local residents in Sheinton will be provided with these contact details so they are able to report any issues at the site, with staff on hand to be able to respond.
- 6.3.4 This is essentially a management issue about how to manage activities on the site and how to deal with disturbance, incidents and complaints. Because of their occasional and unpredictable nature in terms of occurrence and type it is difficult to control through specific conditions. It is however possible to include a condition requiring the submission and implementation of a management plan, to manage outdoor activities on the site and to deal with specific incidents and complaints as they arise, which can if necessary, then be enforced if there are recurring problems. With the inclusion of such a condition it should be possible safeguard residential amenity and comply with the amenity requirements of Core Strategy Policy CS6 and SAMDev Policy MD11.

6.4 Other Issues

- 6.4.1 Heritage Impact: As set out above there are a number of nearby Listed Buildings.

The Conservation Officer initially expressed some concerns about the impact on these but has in response to the amended plans advised that they are now acceptable in the context of the setting of the listed buildings and respect the character of the landscape. They have recommended the inclusion of conditions relating to material finishes, hard and soft landscaping, surfacing and boundary treatments and lighting. With these the application can be considered to be acceptable in relation to the requirements of Core Strategy Policies CS6 and CS17, SAMDev Policies MD2, MD7b, MD11 and MD13, the NPPF in relation to protecting the setting of the nearby heritage assets and the statutory obligation under s.66 of the Listed Buildings and Conservation Areas 1990 to have special regard to the desirability of preserving Listed Buildings and their settings.

- 6.4.2 Ecology: As set out above there are no significant issues in relation to ecology on the site, although a European Protected Species 3 tests matrix is included in Appendix 1 with this because of the presence of bats on the site. This is required to ensure compliance with the obligations under the Conservation of Habitats and Species Regulations 2017. In relation to ecology the application can therefore be considered to be acceptable in relation relevant policy including Core Strategy Policies CS6 and CS17, SAMDev Policies MD2, MD11 and MD12, the NPPF.

7.0 CONCLUSION

- 7.1 The proposed change of use of the farm yard and buildings to a holiday complex including four glamping units and a log cabin at School House Farm, Sheinton, is acceptable in terms of the principle of the development, its siting, scale, design and visual impact, traffic, residential amenity and other issues. It can therefore be considered to be accordance with the Core Strategy Policies CS1, CS5, CS6, CS16 and CS17 of the Shropshire Core Strategy, SAMDev Policies MD2, MD7b, MD11, MD12, MD13, and the NPPF.
- 7.2 In determining the application, the Council can be considered to have complied the with legal obligations under the Conservation of Habitats and Species Regulations 2017, in relation to European Protected Species present on the site (and having regard to the European Protected Species 3 tests matrix is included in Appendix 1), the Countryside Act 2000 in relation the conserving and enhancing the natural beauty of the AONB, and the Listed Buildings and Conservation Areas 1990 in relation to having special regard to the desirability of preserving Listed Buildings and their settings

8.0 Risk Assessment and Opportunities Appraisal

8.1.1 Risk Management

- 8.1.2 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.

8.1.3 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

8.2.1 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.

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

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

8.3 Equalities

8.3.1 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

9.1 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

10.1 Relevant Planning Policies

10.2 Central Government Guidance:

- National Planning Policy Framework (2019)

10.3 Core Strategy and

- Shropshire Council, Shropshire Local Development Framework: Adopted Core Strategy (Adopted March 2011):
 - Policy CS1: Strategic Approach;
 - Policy CS5: Countryside and Green Belt;
 - Policy CS6: Sustainable Design and Development Principles;
 - Policy CS16: Tourism, Culture and Leisure; and
 - Policy CS17: Environmental Networks.
- Shropshire Council, Site Allocations and Management of Development (SAMDev) Plan (Adopted December 2015):
 - Policy MD2: Sustainable Design;
 - Policy MD7b: General Management of Development in the Countryside;
 - Policy MD11: Tourism Facilities and Visitor Accommodation;
 - Policy MD12: Natural Environment; and
 - Policy MD13: Historic Environment.

10.4 Relevant Planning History:

- PREAPP/12/00153 Erection of a dwelling PREUDV 5th April 2012;
- 16/02699/VAR Variation of Condition No. 6 attached to Planning Permission SA/01/0643/O Outline planning application for the erection of 1 no. dwelling for occupation by an agricultural worker from agricultural use to agricultural use and holiday let accommodation GRANT 26th October 2017;
- PREAPP/18/00224 Change of use of former farm yard and buildings for glamping units and livery PREAMD 16th May 2018;
- 18/04266/FUL Change of use of farm yard and buildings to holiday complex to include: some demolition of buildings; siting of four glamping units and one log cabin; works to and change of use of two buildings to form office and store and leisure facilities, formation of parking areas; and installation of package treatment plant (Amended Description) PCO;
- SA/75/0705 To construct liquid manure effluent tank. PERCON 14th October 1975;
- SA/01/1548/RM Reserved matters (pursuant to outline application ref. 01/0643/O dated 20/10/01) to include the siting, design, external appearance, landscaping, means of access for one dwelling, for occupation by an agricultural worker and installation of a septic tank. PERCON 26th February 2002; and
- SA/01/0643/O Outline planning application for the erection of 1 no. dwelling for occupation by an agricultural worker. PERCON 20th September 2001

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 Claire Wild

Appendices

APPENDIX 1 - Conditions

APPENDIX 1***European Protected Species: The ‘three tests’*****Application reference number, site name and description:**

18/04266/FUL
 School House Farm Sheinton Shrewsbury Shropshire SY5 6DN
 Change of use of farm yard and buildings to holiday complex to include: some demolition of buildings.

Date:

28th February 2019

Officer:

Sophie Milburn
 Assistant Biodiversity Officer
 sophie.milburn@shropshire.gov.uk
 Tel.: 01743 254765

Test 1:

Is the development ‘**in the interests of public health and public safety**, or for other imperative reasons of **overriding public interest**, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?

The development would be for imperative reasons of overriding public interest, of a social or economic nature and would have beneficial consequences of primary importance for the environment. The development is in line with and will enable the implementation of Shropshire Council Core Strategy Policy CS16 in promoting connections between visitors and Shropshire’s natural, cultural and historic environment, including through active recreation, access to heritage trails and promoting opportunities for accessing, understanding and engaging with Shropshire’s landscape, cultural and historic assets including the Shropshire Hills AONB and rights-of-way network. It does this by virtue of its location in the Shropshire Hills AONB and on Footpath No. 3

Test 2:

Is there ‘**no satisfactory alternative?**’

Alternatives would include either complete relocation of the existing accommodation

and development on an alternative site or splitting the business to provide new accommodation on an alternative site. The alternatives would have significant economic costs to the developer and may not be feasible or viable as the owner of the site may not have alternatives sites available and even if they do the costs may not make this feasible. Relocation to another site would not provide the direct access to the rights of way network and the Shropshire Hill AONB that this site offers, given that Footpath No. 3 passes through the site.

Test 3:

Is the proposed activity '**not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status** in their natural range'?

Bat surveys in August and September 2018 identified a day roost for an individual common pipistrelle in Building 1

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and killing or injury of an EPS.

The likely offences cannot be avoided through mitigation measures secured through planning conditions as the building is going to be demolished.

Section 4.4.2 of the Ecological Assessment (Turnstone, October 2018) sets out the following mitigation, compensation and enhancement measures, which will form part of the licence application:

- 'No enforced timing restrictions due to use by a low number of common species, although demolition works ideally planned for when bats are likely to be active (overnight temperatures over 8°C).'
- 'Prior to the start of works affecting the buildings a suitably qualified ecologist will deliver a tool box talk to contractors and staff on site.'
- 'Provision of replacement roosting locations for the duration of works with two Schwegler 2F bat boxes erected on retained trees present along the unaffected eastern and western boundaries. These boxes will remain in situ post-works.'
- 'A wooden bird box will be placed adjacent to the bat boxes to help ensure the bat boxes remain open for use by bats.'
- 'Roof sheets and barge boards on Building 1 to be removed carefully by hand and under the supervision of a licensed ecologist.'
- 'If bats are found during works, they will be caught by a licensed ecologist who will be wearing suitable gloves. The bat will be placed in to a cloth bag and carefully moved in to a previously erected bat box.'
- 'Long term replacement bat roosting provision will be incorporated within or on the new office building and in or on Building 9 once converted into stables. New roosting features will include a total of two bat tubes and two bat boxes (such as a Schwegler 1FQ) suitable for year-round use by crevice dwelling species erected on a southern or eastern elevation. Bat boxes and tubes provide integral roosting provision that is both discreet and secure, creating a self-contained unit that does not provide access into the wall cavity.'
- 'Buildings 9 and 10 to remain accessible for foraging bats.'

- 'Breathable roofing membranes (BRM) must not be used in the construction of the new roofs where roosting features are created due to issues with bat entanglement and reduced membrane performance if used in areas of bat use. 1F bitumastic felt should be used instead.'
- 'No lighting directed on known, potential or newly created bat roost access points and roosting features and only movement activated timed security lighting used outside of potential roosting locations.'

I am satisfied that the proposed development will not be detrimental to the maintenance of the population of common pipistrelles at favourable conservation status within their natural range, provided that the conditions set out in the response from Sophie Milburn to Consultee Access (dated 28th February 2019) are included on the decision notice and are appropriately enforced. The conditions are:

- Working in accordance with protected species survey;
- European Protected Species Licence;
- Erection of bat boxes; and
- Lighting plan.

Guidance

The 'three tests' must be satisfied in all cases where a European Protected Species may be affected by a planning proposal and where derogation under Article 16 of the EC Habitats Directive 1992 would be required, i.e. an EPS licence to allow an activity which would otherwise be unlawful.

In cases where potential impacts upon a European Protected Species can be dealt with by appropriate precautionary methods of working which would make derogation unnecessary (since no offence under the legislation is likely to be committed), it is not necessary to consider the three tests.

The planning case officer should consider tests 1 (overriding public interest) and 2 (no satisfactory alternative). Further information may be required from the applicant/developer/agent to answer these tests. This should not be a burdensome request as this information will be required as part of the Natural England licence application. If further information is required, it can be requested under s62(3) of the Town and Country Planning Act 1990.

Test 3 (favourable conservation status) will be considered by SC Ecology, with guidance from Natural England.

A record of the consideration of the three tests is legally required. This completed matrix should be included on the case file and in the planning officer's report, and should be discussed and minuted at any committee meeting at which the application is discussed.

As well as the guidance provided below, pages 6 and 7 of the Natural England Guidance Note, *Application of the Three Tests to Licence Applications*, may assist the planning officer to answer tests 1 and 2.

Answering the three tests

Test 1

Is the development 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

Preserving public health or public safety must also be shown to constitute a reason of **overriding public interest**. You need to demonstrate that action is required to alleviate a clear and imminent danger to members of the general public, e.g.:

1. If an unstable structure (e.g. a building or tree) is involved, either through neglect or outside influences (e.g. severe weather or seismic events), supporting evidence from an appropriately qualified person such as a structural engineer, arboriculturalist or tree surgeon should be sought.
2. If vandalism or trespass is used as an argument, evidence of reasonable measures to exclude the general public from the site must be presented. Evidence may be provided by the local police or fire services in relation to the number of incidents dealt with.

Imperative reasons of overriding public interest

Only public interests can be balanced against the conservation aims of the EC Habitats Directive (1992). Projects that are entirely in the interest of companies or individuals would generally not be considered covered.

Test 2

Is there 'no satisfactory alternative'?

An assessment of the alternative methods of meeting the need identified in test 1 should be provided. If there are any viable alternatives which would not have an impact on a European Protected Species, they must be used in preference to the one that does. Derogations under the EC Habitats Directive (1992) are the last resort.

Where another alternative exists, any arguments that it is not satisfactory will need to be convincing. An alternative cannot be deemed unsatisfactory because it would cause greater inconvenience or compel a change in behaviour.

This test should identify a) the problem or specific situation that needs to be addressed, b) any other solutions, and c) whether the alternative solutions will resolve the problem or specific situation in (a).

Test 3

Is the proposed activity 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'?

Assessment of the impact of a specific development will normally have to be at a local level (e.g. site or population) in order to be meaningful in the specific context.

Two things have to be distinguished in this test: a) the actual conservation status of the species at both a biogeographic and a (local) population level; and b) what the impact of the proposal would be.

In such cases where the conservation status is different at the different levels assessed, the situation at the local population level should be considered first, although ultimately both should be addressed.

No derogation under the EC Habitats Directive (1992) can be granted if the proposal would have a detrimental effect on the conservation status or the attainment of favourable conservation status for a European Protected Species at all levels. The net result of a derogation should be neutral or positive for a species.

In the case of the destruction of a breeding site or resting place it is easier to justify derogation if sufficient compensatory measures offset the impact and if the impact and the effectiveness of compensation measures are closely monitored to ensure that any risk for a species is detected.

Compensation measures do not replace or marginalise any of the three tests. All three tests must still be satisfied.

APPENDIX 2

Conditions

STANDARD CONDITIONS

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.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Prior to the above ground works commencing samples and/or details of each new and refurbished building including the following:
 - The roofing materials,
 - The materials to be used in the construction of the external walls (including the colour/details of any timber cladding which should either not be stained or otherwise treated on the new buildings or treated with a dark or black stain, on

the existing refurbished building unless otherwise agreed with the Local Planning Authority) and other external materials;

- Details of all external windows and doors and any other external joinery (including full size details, 1:20 sections and 1:20 elevations of each joinery item which shall be indexed on elevations on the approved drawings).

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.

4. Prior to the installation of external lighting, complete details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
 - Lighting of any terraced/decked areas, car parking and paths through the site which shall be limited to reflective bollards or a similar type of lighting; and
 - Lighting to be provided on any buildings with the doors installed on the western facade of the games room/shower block being of solid construction or with minimal glazing to prevent light spill.

The lighting scheme shall be installed in accordance with the approved scheme and shall thereafter be maintained.

Reason: To enable the Local Planning Authority to minimize light spillage beyond the site and thus minimize the potential for light pollution and nuisance.

5. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan, including details both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - a) Planting plans, creation of wildlife habitats and features and ecological enhancements;
 - 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) Details of boundaries, including any hedging and fencing, and any signage (which should not be illuminated);
 - g) Details of the different surfaces for hardstanding, drives, parking and paths through the site (with the first five metres of the access from the public highway being constructed with a sealed hard surface to prevent re-location of loose material onto the highway);
 - h) The locations and details of bin storage and recycling collection plus other

- storage/parking facilities for bikes etc. and
i) Implementation timetables.

The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and to ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

6. No development shall take place to Building 1 until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted with the approved method statement to the Local Planning Authority.

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

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

7. Prior to first occupation/use of the buildings, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 4 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 175 of the NPPF.

8. Prior to first occupation/use of the buildings, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:
- 1 artificial nest suitable for barn owls.
 - A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific) and/or house martins (house martin nesting cups).

The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

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

with MD12, CS17 and section 175 of the NPPF.

9. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall:

- Include details of the lighting of any terraced/decked areas, car parking and paths through the site which shall be limited to reflective bollards or a similar type of lighting; and
- Include details of any lighting to be provided on any buildings with the doors installed on the western facade of the games room/shower block being of solid construction or with minimal glazing to prevent light spill;
- Demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under separate planning conditions).

The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To enable the Local Planning Authority to minimize light spillage beyond the site and thus minimize the potential for light pollution and nuisance and to minimise disturbance to bats, which are European Protected Species.

10. All demolition, site clearance, development, landscaping and biodiversity enhancements shall occur strictly in accordance with the Ecological Assessment (Turnstone, October 2018).

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

11. Prior to the first occupation of the development hereby permitted, the car parking spaces shall be constructed and kept available for the parking of motor vehicles at all times. The car spaces shall be used solely for the benefit of staff and visiting occupants of the existing and proposed accommodation and for no other purpose and permanently retained as such thereafter.

Reason: To ensure an appropriate level of parking is provided for the lifetime of the development.

12. Prior to the first occupation of the development hereby permitted, a management plan setting details of the management and control of any outdoor activities undertaken on the site by visiting occupiers of the holiday accommodation, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how any such activities shall be managed and controlled so as not to cause undue disturbance or adversely affect the residential amenity of neighbouring and nearby residential occupiers and shall include details of how any reported incidents or complaints are to be managed to ensure that there is no on-recurrence of any such

incidents.

Reason: to protect the residential amenity of neighbouring and nearby residential occupiers in accordance with Core Strategy Policy CS6 and the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) (2015) Policy MD11.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

13. Footpath 3 which runs off the access at the north west corner of the site in a south westerly direction must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and once the development is completed. To safeguard access and the line of the Right of Way:

- No building materials, debris, etc shall be stored or deposited on the Right of Way;
- There shall be no reduction of the width of the Right of Way;
- The alignment of the Right of Way shall not be altered.
- The surface of the Right of Way shall not be altered (unless otherwise first agreed in writing by the Local Planning Authority) or damaged; and
- No additional barriers such as gates or stiles shall be added to any part of the Right of Way (unless otherwise first agreed in writing by the Local Planning Authority).

Reason: To safeguard access to and the line of the Right of Way:

14. Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country (Use Classes) Order 1987, the development hereby permitted shall be used to provide holiday accommodation only and they shall not be occupied as permanent unrestricted residential accommodation or as a primary place of residence.

Reason: The site is outside of any settlement where the change of use to unrestricted residential accommodation would be contrary to adopted Development Plan housing policy and to comply with the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) (2015) Policy MD11.

Informatives

General

In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, Paragraph 38.

Highways

Mud on Highway

The applicant is responsible for keeping the highway free from any mud or other

material emanating from the application site or any works pertaining thereto.

No Drainage to Discharge to Highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Works on, Within or Abutting the Public Highway

This planning permission does not authorise the applicant to:

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

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

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

Lighting/Sky Glow

There is increasing concern over the problem of 'sky glow' caused by artificial lighting in towns and cities. Astronomical observations have been severely affected in recent years and there is a growing lobby to curtail lighting that emits light above the horizontal. Highway Authorities take due regard of this problem when specifying new highway lighting and recommend that all proposals for exterior lighting should also comply with this requirement.

Ecology

Nesting Birds

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains 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, scrub removal and/or conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to August inclusive.

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 [or buildings] cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence'.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

Wildlife Protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent

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

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

European Protected Species Mitigation Licence

No development shall take place to Building 1 until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained by the developer from Natural England, in accordance with section 4.4.2 the Ecological Assessment (Turnstone, October 2018).

Drainage

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water

Management: Interim Guidance for Developers document. It is available on the Council's website at:

<http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidancefordevelopers.pdf>

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

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques

are not achievable.

Contamination

The applicant should be aware that if they have any knowledge of land contamination as a result of any current or historic events or storage on site they should state this at any future planning application stage

-



Committee and date
 Central Planning Committee
 11 April 2019

Item
9
 Public

Development Management Report

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

Summary of Application

Application Number: 18/05670/FUL	Parish: Pontesbury
Proposal: Erection of 18No. affordable dwellings and associated works	
Site Address: Proposed Development Land Off Mount Close Pontesbury Shrewsbury Shropshire	
Applicant: Severnside Housing	
Case Officer: Shannon Franklin	email: planningdmne@shropshire.gov.uk

Grid Ref: 339589 - 305882

Crown Copyright. All rights reserved. Shropshire Council 100049049

© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2018 For reference purposes only. No further copies may be made.

Recommendation:- Recommendation:- Approval of the application is delegated to the Head of Service, subject to the conditions recommended in appendix 1 and any modifications to these conditions deemed necessary, together with the signing of a Section 106 agreement to secure the affordable housing in perpetuity.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of 18no. affordable dwellings and all associated works as a rural exception site immediately adjacent to the settlement boundary of Pontesbury. The proposal seeks to provide 4no. one bed roomed bungalows, 2no. two bed roomed bungalows, 8no. two bed roomed houses and 4no. three bed roomed houses all accessed via a new road adjoining the existing Mount Close to the north.
- 1.2 The purchase of the application site has been partially funded by the variation of a previous permission within Pontesbury (18/00644/VAR) to allow for the sale of three dwellings at market value. Members determined this variation application at committee on 2nd August 2018, on the assurance that Severnside Housing (the applicants) were able to confirm that they had recently legally exchanged the conditional contract for the site subject to this current application subject to the receipt of planning consent for a number of affordable homes and that a planning application submitted in due course.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located to the southern edge of the village of Pontesbury, a village extending either side of the A448, located 11.3km to the southwest of Shrewsbury, 5.4k km southeast of Hanwood and Hanwood Bank and 2.6km northeast of Minsterley. The site lies outside the Shropshire Hills Area of Outstanding Natural beauty, the nearest boundary of which is 630m to the southeast of the site. Pontesbury contains a variety of services and facilities including primary and secondary schools, shops, restaurants and doctors.
- 2.2 The site currently occupies a grassed field used for agriculture. The field is regular in shape and orientated on a slight northeast-southwest access. The sites boundaries to all four sides are formed of established field hedges with some mature trees located along the southeastern edge. The access to the site is via a field gate to the northeast boundary onto Mount Close. A second field gate in the sites southern most corner leads into the subsequent agricultural field to the southwest.
- 2.3 Adjoining the site to the southeast and southwest sides are open fields used for agriculture. To the northeast boundary are a number of residential properties and their rear gardens, accessed via Mount Close and Brook Road. Similarly, to the northwest are residential properties and their rear curtilages, accessed via Ashford Drive. Between the site boundary and those dwellings to Ashford Drive is a loosebound aggregate track, known as Bridge Leys Lane, which also forms a public footpath. Additionally, a footpath runs through the field to the east and then diagonally through the field immediately to the southwest boundary of the site.
- 2.4 In a wider context the site is bounded in the northern direction by Pontesbury and

the southern direction by open countryside. Dwellings within the area of Pontesbury Hill but outside the defined settlement boundary of Pontesbury run southward 160m to the east of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council have provided views contrary to the Officers recommendation and the Local Member commented as part of the application objecting to the scheme. The Area Planning Manager, in consultation with the Chair and Vice-Chair of the Central Planning Committee, consider that the material planning considerations raised require a committee determination of the application.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 Pontesbury Parish Council – Objection – 15.01.2019

1. Pontesbury Parish Council strongly object to this application for the following reasons;

- i) The previous application and Planning Inspector's report emphasised that development on this site was not sustainable and there is no evidence in the present application to override this;
- ii) Considerable concern about the adverse impact on the landscape character of this area which forms part of the immediate setting of the village and is near the AONB;
- iii) Little evidence of benefit of reduction in grade 3 agricultural land;
- iv) An unsuitable location on the edge of the village for social housing with the distance from local facilities for elderly residents or families with young children;
- v) Very considerable concerns about increased flooding risks and drainage issues associated with the proposed development. The present system in place for dealing with surface run-off and sewage is inadequate as evidenced by recent floods to support such a development;
- vi) Considerable concerns about increased pedestrian traffic accessing the site along Brookside. The local policing team are aware of a number of near misses recently concerning children walking to school along this route;
- vii) Shropshire Council are currently reviewing the suitability of potential development sites in the parish as part of the Local Plan review. More appropriate sites in terms of position and capacity for this type of development, have been put forward as part of the current consultation. The Parish Council supports more affordable homes but this is an unsuitable location for the above reasons;
- viii) Insufficient evidence is provided to support the need in Pontesbury for this scheme in terms of its size and types of tenure.

4.1.2 SC SUDS – No Objection – 26.02.2019

Following submission of a revised drainage scheme and calculations for the foul and surface water drainage provisions on site, SC Drainage confirmed the scheme

is acceptable and no pre-commencement conditions are required.

Pre-occupation conditions regarding the implementation of the approved scheme are recommended.

Additional Information Required – 10.01.2019

Following submission of a drainage plan and calculations, the SC Drainage consultee requested amendments to the plans and additional calculation to be submitted. Pre-commencement conditions recommended.

No Objection - 03.01.2019

Pre-commencement conditions recommended.

4.1.3 SC Conservation – No Objection – 11.03.2019

Further to our earlier consultee comments, a short heritage statement has been prepared for this application with respect to above-ground built heritage resources and this is acknowledged. We have no additional comments to make on heritage grounds however we would direct you to the comments submitted by the archaeology side of our Team as well as our earlier comment on landscape character issues where relevant.

No conditions are recommended.

Additional Information Required – 03.01.2019

The application site comprises a rural field on the south edge of Pontesbury. While a desk-based assessment of historic Ordnance mapping does not appear to indicate the presence of historic buildings on or in close proximity to the site, this should be assessed and confirmed by the applicant. I would also note that in considering this planning application, due regard to the following local and national policies, guidance and legislation is required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the revised National Planning Policy Framework (NPPF) and Historic England Guidance Notes where applicable. As the application site is part of a largely rural landscape we would add that this type of development can have a significant impact on the landscape character of an area and while this is not something that our Team can advise on, obtaining the opinion of a qualified landscape professional should be considered.

4.1.4 SC Highways

The application is for 18 affordable dwellings and associated works, these works will include the construction of the highways. The proposed highway works will extend the existing Mount Close carriageway and will lead to two proposed private drives.

The extension to Mount Close complies to the Shropshire design criteria for a highway to be adopted. The design of the private drives is also acceptable. It should be noted that refuse vehicles will not enter on to a private drive to collect the refuse, alternative arrangement will have to be made.

This development would have to utilise Brookside and Brook Road to gain its access to Mount Close. Brookside is a highway that is narrow in sections, where drivers have to slow down and often give way to oncoming vehicles. There are short sections of Brookside that has no footways, where pedestrians and motorists have to share the road. Features such as these can be seen as potential hazards, however it is noted that in the last five years there have been no recorded accidents with injury along Brookside.

If the application is successful a planning condition is recommended that would obligate the applicant to provide a traffic management plan that would include controlling construction traffic to outside the peak use times of these local roads. The number of trips generated by the residents of the 18 dwellings will not have an unacceptable impact on the current highway network.

Pre-commencement/occupation conditions are recommended.

4.1.5 **SC Archaeology (Historic Environment)**

Background to Recommendation: The Shropshire Historic Environment Record contains a record for an area of 18th or early 19th century coal workings (HER PRN 06712) which covers much of the proposed development site. Upstanding remains associated with these workings are present immediately north-eastern corner of the site and immediately beyond the site boundary. It is also understood that arable ploughing, together with the installation of the water main across part of the site, has since removed any other above ground archaeological remains associated with the workings which may have existed on the proposed development site itself. However, there is potential for below ground structures, features and deposits associated with the coal workings to survive on the proposed development site itself. As a consequence, it is deemed to have moderate to high archaeological potential.

Recommendation: Given the above, and in line with Paragraph 199 of the NPPF and Policy MD13 of the Local Plan, it is advised that a phased programme of archaeological work be made a pre-commencement condition of any planning permission for the proposed development. This should comprise an initial field evaluation, consisting of a geophysical survey and targeted trial trenching, followed by further mitigation as necessary.

4.1.6 **Severn Trent Water – No Objection – 12.02.2019**

In October 2014 we had a similar enquiry for this site (12 dwellings); at the time we commented that further investigation would be needed to determine the impact on the sewer network. For this proposal of 18 dwellings, we would envisage the additional foul flows wouldn't have an adverse effect on the network (it creates 0.28 litre/second at twice dry weather flow). With regards to the proposed surface water flows as soakaways have been demonstrated to not be suitable for site due to ground conditions, a restricted 5 litre/second discharge to the public surface water sewer shouldn't have an impact on the existing sewer before it discharges to the nearby ditchcourse. Having checked our sewer records, there are no recorded incidents of flooding in the area, and we encourage residents to report any flooding issues to our Customer Services team (0800 783 4444). Unfortunately, we do not hold the details of the sewer capacities in this area. As a regulated Water

Company, we are tasked by OFWAT to ensure there is adequate capacity available in our sewer network to cater for growth developments.

Conditions regarding the submission of a foul and surface drainage scheme for approval by the Local Planning authority are recommended however these have already been submitted and approved by SC SUDS and are therefore unnecessary.

No Objection – 11.02.2019

Severn Trent Water have no objections to the proposals subject to the inclusion of conditions regarding provision of a drainage scheme and its implementation.

4.1.7 SC Regulatory Services – No Objection – 02.01.2019

The site has been subject to a previous application 14/03034/OUT and Regulatory Services commented previously. No new information has been submitted and therefore our comments remain largely unchanged.

Regulatory Services have looked back at our database of historical land use and the following is a record of potentially contaminative land uses on and near to the proposed development site:

- The 1842 Tythe Map identified the site as field No.1950 - Near Five Acre.
- To the north-west was field No. 1953 Tower New Leasow and 1952 Tower & Waste.

The latter was most likely the location of the chimney associated with a historic lead (Pb) smelter located on the Minsterley Road some 175 metres away. This site of the smelter was remediated under the Councils EPA 1990 Part IIA responsibilities.

The Pre & Post WWII maps show what looks like a spoil mound in the north-east of the site dating back to at least 1902. There are a number of other similar features on adjacent sites are indicative that maybe some form of mining took place in this area or waste was deposited.

The site therefore is regarded as potentially contaminated land and therefore pre-commencement conditions are recommended if permission is granted.

4.1.8 SC Ecology – No Objection – 28.03.2019

An irrigation ditch, approximately 1.5ft in width and 2.5ft in depth, is situated along the south-western hedgerow boundary. The applicant has confirmed that the ditch will be retained;

'The Ecological Consultant (Pearce Environment Ltd) recommends that the ditch to the SW boundary be retained as part of the development of the site. The ditch is located at the side of the large garden of plot 12. Fortunately, the garden will have sufficient space to accommodate the ditch without compromising the usable area of garden. We therefore propose to retain the ditch'.

It is currently understood that no trees are to be affected by the proposed development. The impacts of the works are considered to be minimal and no

vegetation removal is foreseen. If this changes, and trees are likely to be affected, then an ecologist must be notified. It is recommended that 3 bat boxes are installed to enhance the ecological value of the site.

The site offers 'high' nesting bird potential within the surrounding hedgerow and trees. Bird box provision is recommended to enhance the ecological value. A minimum of three bird boxes are to be installed within, or close to, the application boundary.

Conditions and informatives are recommended.

Additional Information Required – 03.10.2019

Additional information regarding the irrigation ditch, approximately 1.5ft in width and 2.5ft in depth, situated along the south-western hedgerow boundary as shown in the existing plans, is required.

4.1.9 SC Affordable Housing – No Objection – 05.02.2019

This proposal seeks planning permission for 18 affordable dwellings and is submitted as an exception site scheme for local needs affordable housing under the relevant planning policies.

The scheme comprises; 4 no. x 3 bed houses 2 no. 2 bed bungalows, 4 no. 1 bed bungalows and 8 no. 2 bed. Houses. Four of the dwellings will be shared ownership tenure and will be offered with initial shares of between 25 and 75% with rent and service charges applied to the remaining share. This tenure provides an excellent opportunity for households to obtain a foot on the property ladder. The advantages of this tenure is that it requires a mortgage and deposit that is commensurate with the percentage purchased. The maximum share that can be acquired by the household will be 80%, which ensure that the dwelling will remain as affordable in perpetuity. There will be households whereby there will be no opportunity or indeed desire to purchase even a small percentage of a dwelling and therefore rented tenure will support this household group. The remaining 14 dwellings are proposed to be rented tenure, whereby the rent is based on 80% of the open market rent or the Local Housing Allowance (whichever is the lower). The properties will be let in accordance with the local connection criteria imbedded in the SPD Type and Affordability of Housing together with a Local Letting Plan. The Housing Enabling and Development Team welcome and support this proposal.

4.1.10 Additional consultations to the following external and internal consultees have also been sent; West Mercia Constabulary, SC Landscape and Projects, SC Learning and Skills, SC Parks and Recreation, SC Trees and The Coal Authority have also been sent however none responded prior to the expiration of their relevant consultation periods, nor in the time since. It is therefore assumed that no issues sufficient to warrant refusal of the site are raised by these consultees.

4.2 - Public Comments

4.2.1 This application was advertised via notice displayed at the site and the residents of fourteen neighbouring properties were individually notified by way of publication. While a number of representations from local residents have highlighted that this

advertisement was insufficient, or that the site notice was not prominent enough, the notifications and consultation undertaken by the Council comply with statutory requirements and are considered to be acceptable. In response to the publication of the application, 30 letters of objection have been received.

4.2.2 The reasons cited within the 30 letters of objection received have been summarised as follows:

- Impact upon existing surface water drainage and foul water drainage network resulting in an increased risk of flooding to existing properties.
- Increase in demand from additional residents on existing oversubscribed village services such as schools and doctors surgery.
- Impact on traffic within the immediately adjoining Brook Road and the wider village network. Particular concerns include risk of further deterioration of road surfaces, the inadequacy of the narrow lanes leading to the site, particularly Brookside and Brook Road in allowing access to construction traffic and additional residential traffic and the lack of footways along Brookside which will pose risk to additional pedestrians walking into the village. Concerns have also been raised regarding the potential increase for on street parking along Mount Close and Brook Road.
- The development site is located outside of the development boundary and some residents consider that the need for affordable housing in Pontesbury has been met within other developments in the village. Additionally some consider that insufficient evidence on need for affordable housing has been provided.
- There will be an unacceptable noise impact upon existing residents through the construction phases and from additional residents and their cars accessing the site.
- The field access to Mount Close has only recently been created resulting in the loss of hedging. The proposal will have Impact upon wildlife and surrounding ecology network More appropriate sites will come forward as part of the local plan review with a reduced distance to services at the village centre.
- Planning permission has previously been refused on the site for housing and the overall number of dwellings permitted within Pontesbury already is unacceptable. The proposal clearly shows the subsequent filed to the south will be developed which raises further concerns.
- Visual impact of the proposal on the area, together with its impact on the character of the area which is near to the AONB where residents state encroachment into the rural landscape is unacceptable
- The loss of viable Grade 3 agricultural land is considered to be unacceptable by some residents as the land has only been out of use for this year. Additionally, concerns are raised with regards to contamination issues on site from its historic use and previous use of nearby land for mining.
- Some residents consider that the size of the proposed dwellings is inappropriate and out of character with the existing development in the village. Additionally, concerns over the two storey dwellings overlooking existing properties is raised.
- A resident has also raised concerns over the maintenance of the field boundary hedges to be retained between existing properties and the new

dwellings within the proposal.

4.2.3 Some of the letters of objection summarised above also raised concerns over the implications of the development on house prices in the immediate area and the loss of views from neighbouring properties however whilst these comments are noted they do not constitute a material planning consideration and therefore have not formed part of the consideration of the application in this instance.

4.2.4 Additionally, a letter of representation from the local councillor and resident have been received and is summarised as follows:

- Application is outside the recognised settlement boundary;
- Significant concerns over surface water and foul drainage implications;
- Safety implications for pedestrians walking to the village centre via Brookside;
- Current development within the village boundary will provide sufficient affordable housing.

5.0 THE MAIN ISSUES

- 5.1
- **Principle of development**
 - **Layout, scale, design, character and appearance**
 - **Impact on neighbouring properties**
 - **Access and parking**
 - **Landscape, ecology and trees**
 - **Drainage**
 - **Other Issues**

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The proposal relates to the provision of 18no. affordable dwellings on a site immediately adjacent to the development boundary of the village of Pontesbury.

6.1.2 The NPPF seeks to ensure the delivery of a sufficient supply of homes and advises at paragraph 61 that *'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies'*. Paragraph 77 of the NPPF states that *'In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.* Paragraph 78 goes on to states that *'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.'* Paragraph 79 of the NPPF also recognises that the creation of isolated homes within the countryside should be avoided with a number of exceptions including the subdivision of existing residential dwellings.

6.1.3 The application site is outside of the development boundary of Pontesbury

Pontesbury; a Key Centre linked with Minsterley within Policy CS3 of the adopted Core Strategy, identified within Site Allocations and Management of Development (SAMDev) Policy S12 and is therefore classed as open countryside where open market housing would not be supported. However, the Type and Affordability Housing Supplementary Planning Document (SPD) and Core Strategy Policy CS11 allow for the provision of affordable housing as part of an 'exception site' in accordance with criterion (f) of paragraph 145 of the National Planning Policy Framework. 'Exception sites' are in locations that would not normally obtain permission for open market housing development but an exception is made (subject to satisfying certain criteria) for proposals that relate to development of affordable housing for local people.

- 6.1.4 Within the Shropshire Local Development Framework, Core Strategy Policy CS11 permits *'exception sites for local needs affordable housing on suitable sites in and adjoining Shrewsbury, Market Towns and Other Key Centres, Community Hubs, Community Clusters and recognisable named settlements subject to scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity'*.
- 6.1.5 Policy CS5 allows such homes in the countryside *'on appropriate sites which maintain and enhance countryside vitality and character'*, while MD7a of the SAMDev states that *'Suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs and other relevant policy requirements'*.
- 6.1.5 The SPD requires that any affordable housing provided should be proportionate in scale to meet the needs of the settlement and be reflective of the size of the existing community. The housing enabling team have confirmed that there is an identified need for affordable housing within the parish and that currently no sites have come forward as 'exception sites'. While it is noted that there are existing developments currently ongoing within Pontesbury, these were allocated as part of the local plan review process. The main development currently ongoing at Hall Bank will provide housing for the general housing register. The housing team have confirmed the need for this proposal which will provide 18no. additional affordable homes and supports the scheme. The proposal is therefore supported from a housing need perspective and it is considered that the number of homes in addition to that which will be provided as part of development on open market sites is suitable and is reflective of the size of the community.
- 6.1.7 While the comments of local residents regarding the existing level of development within Pontesbury, the existing provision of affordable housing and the sites location outside of the development boundary are noted, it is not considered that any of the aspects raise significant concerns. As outlined above no other affordable housing has been provided via an exception site outside of the development boundary and the proposed allocated housing sites, and sites within the existing development boundary would not be developed for affordable housing when higher value open market housing on these sites would comply with policy. The application site at Mount Close site is suitably located immediately adjacent to the boundary and will provide 100% affordable housing in line with the criteria of adopted policy, will be close to existing housing and in close proximity to the

facilities and services within the village centre to be accessed on foot or by bicycle, and wider public transport connections via the regular bus services running through the village.

- 6.1.8 Further comments from residents regarding the pedestrian access links to the village centre and its services are noted however the SC Highways consultee does not consider that these routes, particularly along Brookside do not raise significant concerns. The siting of affordable housing closer to the village centre would be preferential however sites within the development boundary command a use of higher market value and due to policy this is not possible and its therefore considered that the location of the development as an exception site and the need for the affordable housing meets the policy criteria.
- 6.1.9 Policy MD2 requires all residential development, both open market and affordable, to provide on-site open space however the SC Parks and Recreation Team have not commented on the proposal. Development providing 20 residential units or more, should provide an area of functional recreational space for play, recreation open space – provided as a single recreational area in order to improve the overall quality and usability of the provision whereas developments under this 20 houses threshold, as per the submitted application, should consider on site provision but also have the opportunity to provide a financial contribution for the provision of off-site public open space. The development of 18no. houses proposed equates to 36 bedrooms and therefore generates a requirement of 1080m² of open space. In order to provide this open space within the development at least one unit of affordable housing would be lost. Given that the proposal is located within countryside with public footpaths within 100m of the site providing connection to this outdoor space, that each dwelling has a generously proportioned rear and, in some cases, front gardens, and the proximity other recreational facilities within the village, it is agreed that the benefit of providing more affordable homes on this site far outweighs the shortfall in public open space. The scheme makes the most effective use of the land while providing affordable dwellings of an appropriate scale while utilising existing landscaping to minimise the visual impact of the proposal.
- 6.1.10 The primary concerns of the Parish Council relate to the site's sustainability and the distance for potential residents to access essential services. A key objective of both national and local planning policies is to concentrate new residential development in 'sustainable' locations which are easily accessible, while offering a range of services and community facilities.
- 6.1.10 The development is located within countryside for the purposes of policy however it is immediately adjacent to the development boundary of a recognised Key Centre settlement in Policy CS3 and therefore has access to the facilities and services within this settlement. Pontesbury has been identified as a sustainable location for development with a suitable level of services to support additional residents and visitors within Policy S12. There is a recognised need for the type and scale of housing proposed; affordable one to three bedroomed dwellings, in the village as confirmed by the SC Affordable Housing consultee and the current waiting list for properties, provision of which as an exception site would be in line with the SPD and CS11. Within Pontesbury there are a variety of services available including

specialist shops (570 to 630m) and a convenience store (505m), a doctors surgery (750m), and primary and secondary schools (970m) all of which are within 1.0km walking distance from the site utilising the existing highways network. Additionally, the nearest bus stop which has a twice hourly service to Bishops Castles and Shrewsbury is 480m from the site. It is therefore considered that in terms of proximity to services the site is sustainable and within walking and cycling distance of everyday needs of residents while larger services and provisions can be accessed via the existing public transport network or use of private cars.

- 6.1.11 It is considered that the development would score positively against the mutually dependant three dimensions of sustainability set down in the NPPF; Economic, Social and Environmental; whereas a similar development for open market housing would not score sufficiently in the social limb in order for concerns over conflict with policy due to its siting outside the development boundary, and can therefore be supported as an exception site in line with the policies set out above.

6.2 Layout, scale, design, character and appearance

- 6.2.1 SAMDev Policy MD2: Sustainable Design and Core Strategy Policy CS6: Sustainable Design and Development Principles, require developments to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character while safeguarding residential and local amenity. MD13: Historic Environment and CS17: Environmental Networks seek to ensure that development protects and enhances the local character of the built and historic environment, together with protecting environmental assets within Shropshire and creating a network of natural and historic resources for residents and visitors to access and benefit from.
- 6.2.2 The proposal seeks planning permission for 18no. dwellings to include 4no. one bedroomed bungalows, 2no. two bedroomed bungalows, 8no. two bedroomed houses and 4no. three bedroomed houses. The properties are arranged such that they are in semi-detached pairs accessed via a continuation of Mount Close and two cul-de-sacs forming private drives, one either side of the Mount Close spine road. The houses are sited such that all have generous gardens to the rear and two parking spaces to the front with some also benefitting from front gardens. The scale of the dwellings and their curtilages is slightly smaller than those neighbouring properties along Mount Close and Brook Road, which are also cul-de-sacs, but not succinctly different that any concerns regarding layout or siting are identified.
- 6.2.3 The neighbouring dwellings along Mount Close and Brook Road are a mixture of bungalows and two storey dwellings, most of which accommodate their first floor within the roof space and are constructed of brick, coloured render and in places tile details to their facades. The proposal seeks to respond to this mix of development including bungalows of varying scales, both one and two bedroomed and two storey dwellings. The proposed houses are sited to the south and west of the site in order to ensure that there is no overlooking to the immediate neighbours on Mount Close and to ensure that the scale of the development reflects the layout of the existing village.
- 6.2.4 It is recognised that the proposal will extend the boundaries of the village

southwards into existing agricultural land however the proportions of the land to be lost is not considered to be excessive. With the exception of the southern boundary which is to be formed of new native species hedge planting, the proposal will be contained within the boundaries of the existing field hedging, which is to be retained together with the trees interspersed along these hedgerows, minimising any visual impact the proposal has. Additionally, the existing housing surrounding the site to the north and to the west extends to the southern end of the site boundaries such that the site will appear in context with this existing development.

- 6.2.5 Local residents have commented in their representations that the scale of development; 18no. dwellings, would result in a significant increase upon the demand for services in the village including schools and doctors' surgeries. While it is accepted that demand will increase, this will be proportionate to the development and the existing projections for the wider village expansion. It is not considered that this small-scale development would significantly impact provision of services in the village and it is recognised that other developments which do not constitute exception sites for affordable housing, will incur financial contributions through the Community Infrastructure Levy (CIL) to provide additional and improved services within the village, catering for long term expansion and an increase in residents.
- 6.2.6 The proposed layout, scale, design and appearance of the development is considered acceptable and would have no significant adverse impact on the character and appearance of the locality and any perceived negative impact is far outweighed by the social and economic benefits of providing much need affordable housing. The proposal is therefore considered to accord with CS6, CS17, MD2 and MD13.

6.3 Impact on neighbouring properties

- 6.3.1 As part of the consultations process a number of residents within the surrounding area have raised concerns over the impact of the proposals on their privacy through overlooking together with concerns over the impact future residents will have on their amenity through noise disturbance.
- 6.3.2 The neighbouring properties immediately adjoining the norther site boundary are No.2 Mount Close and No.25 Brook Road. The rear elevations of plots 13, 14, 15, 16 and the side/rear elevation of plots 18 and 1 are orientated to face the shared boundary to these properties.
- 6.3.3 Given that plots 1 and 18 are single storey bungalows and that the mature field hedge forming the boundary is to be retained, it is not considered that any negative impact upon residents' privacy will arise from these dwellings. Likewise, due to their scale and the distance from the existing dwellings no adverse impact through overshadowing or overbearing will arise. Plots 13 to 16 are orientated such that their outlook will encompass the western end of No.2 Mount Close' garden. All four dwellings are a sufficient distance from the shared boundary, again formed of mature field hedging to be retained that no overlooking issue is considered to arise, additionally, plots 15 and 16 are single storey and a mature tree to the rear of plot 13 and 14 screens views into the garden of No.2. With regards to plots 1, 13 and 18 it is also recognised that their side elevations are closet or orientated to have the

most direct impact upon existing neighbouring dwelling, but no windows which can overlook neighbours are included within these elevations.

- 6.3.4 The garden serving the dwelling known as The Leys, accessed via Bridge Leys Lane, is located to the western boundary of the site and beyond this are additional residential dwellings, No.1, 3 and 5 Ashford Close. The nearest point of the rear elevations of No.1, 3 and 5 Ashford Close is in excess of 29.0m from the site boundary, it is therefore considered that no impact upon the residential amenity of these properties through overbearing, overlooking or overshadowing, will arise as a result of the development. In terms of the garden to The Leys, this property benefits from a substantial rear curtilage of which the northern half will be screened from plots 13 and 14 by the mature tree on the boundary and the existing outbuildings within this garden. Given that the dwelling is well in excess of 25m from the rear elevation of the proposed dwellings and that over 50% of the existing garden is unaffected by the scheme, no adverse impact to this dwelling's residential curtilage sufficient to warrant refusal of the development is considered to arise.
- 6.3.5 The hedgerow retained to the northern, western and eastern boundary will be maintained and the new or existing residents can maintain the boundary at a height of up to 2 metres to afford additional privacy within the gardens. While the southern boundary hedging established there are no neighbouring properties in this direction whose privacy will be compromised during this period.
- 6.3.6 Should the development be approved, a condition requiring a construction management plan will be imposed ensuring that vehicle deliveries and movements within the site are at appropriate hours thereby minimising disturbance to both the immediate neighbours and those within the wider village. Although residents have concerns over the noise of vehicles passing their houses once the dwellings are occupied this is not considered to result in any adverse noise of impact and therefore no objection is raised in this regard.

6.4 Access and parking

- 6.4.1 The proposal includes two off-road parking spaces for each dwelling, which given the modest scale of the dwellings between 1 and 3 bedroom is considered to be proportionate to the need generated by this scale of development. Parking spaces are appropriately located in front of the dwelling or in close proximity to the side of each dwelling such that there is unlikely to be a demand for on street parking within the development site and neighbouring streets.
- 6.4.2 The SC Highways consultee have confirmed that the road layout proposed; a continuation of Mount Close in a southern direction and two cul-de-sacs one leading east and one west is appropriate and meets the appropriate design requirements although more details of the specific construction technique will be required at discharge of conditions stage. No concerns in relation to the width of Mount Close or its continuation are identified and no concerns over the volume of traffic generated by 18no. dwellings using this junction is identified. Refuse vehicles serving the dwellings will not access the private roads however provision of a pedestrian footpath has been indicated and as such sufficient storage off the highways for bins and recycling boxes will be provided on collection days without

significantly compromising pedestrian safety.

- 6.4.3 In terms of the wider implications on the highways network through the village, the movement of construction traffic will be dealt with via the construction management plan to be submitted at conditions stage. In terms of movements from residents occupying the site following completion of the development, they will need to utilise Brook Road and then Brookside in order to exit the residential area onto the Minsterly Road (A488). While it is accepted that Brookside is narrow in sections, where drivers have to slow down and often give way to oncoming vehicles and short sections has no footway, in the last five years there have been no recorded accidents with injury along Brookside. It is therefore considered that the increase in vehicle movements and pedestrians along this stretch of road proportionate to a development of 18no. dwellings is unlikely to result in a severe increase in risk and highways safety, therefore no objection is raised.

6.5 Landscape, ecology and trees

- 6.5.1 The application site is located approximately 620m to the northwest of the nearest edge of the Shropshire Hills Area of Outstanding Natural Beauty. Given the distances involved and the existing views into and out of the AONB which encompass the large village of Pontesbury and the mixed uses within it including housing it is not considered that the 18no. dwellings proposed together with highways access and their curtilages will appear out of context or have any negative visual impact upon the AONB.
- 6.5.2 The SC Conservation consultee has highlighted the need to consider the impacts of the proposal on the wider landscape setting. The site will be bounded to the east and south by agricultural fields through which run a number of public footpaths. The nearest footpath runs along Bridge Leys Land to the western boundary of the site and a second; which runs northeast-southwest, at its closest point is approximately 65m from the sites southern boundary. While the close proximity of these footpaths is acknowledged, given that the public viewpoints already encompass the rear elevation of residential housing along Mount Close, Brook Road, Ashford Park and Ashford Close, this outlook will not significantly alter although the development will be closer. The intervisibility between users of the footpaths and the proposed dwellings will be screened in places by the retention of existing field boundary hedges and the mature trees interspersed along these boundaries, together with additional planting proposed to the southern site boundary.
- 6.5.3 In a wider context the landscape slopes gently from the south down towards the site. As such receptors on the footpaths which extend in a southern direction looking towards the site will get some long-distance views of the proposals. Given the scale of the dwellings proposed; 1 to 3 bedroomed houses and bungalows, the boundary treatments to both existing fields and the development site and the extent to which existing residential development is clearly visible within the landscape, it is not considered that the proposal will result in a demonstrable negative impact upon to landscape or visual amenity receptors utilising public rights of way.
- 6.5.4 The application has been accompanied by a Preliminary Ecology Appraisal which confirms that development of the site would not have a significant impact upon

biodiversity subject to certain criteria such as retaining the hedgerows on site and conducting the minor hedgerow removal required for provision of the site entrance from Mount Close, outside of the bird nesting season. Following clarification as to the retention of an existing drainage ditch to the western boundary within the garden of plot 12, SC Ecology has confirmed that scheme is acceptable subject to the imposition of appropriate conditions and informatives on any subsequent approval, with regards to its ecological impacts.

- 6.5.5 The arboricultural report prepared by Old Oak Tree Care, submitted alongside the proposal has identified 8no. mature trees ranging from category A to C and three category C hedges all of which are along the north, east and west boundaries of the development site and shown within the submitted plans. Some of the mature trees identified are subject to individual Tree Preservation Orders (TPO's) and a group to the southeast corner of the site are subject to a group protection order. The submitted plans indicate that all building works which require substantial ground excavation (foundations, provision of adopted roads etc.) will take place outside the root protection area (RPA) of the trees identified and none are to be felled as part of the scheme. The existing access will be utilised to enter the site however it will be widened from its existing width of approximately 4.0m to approximately 9.0m resulting in the loss of an additional 5.0m of category C hedging.
- 6.5.6 The arboricultural report confirms that throughout the development all trees and hedges can suitably be protected and that the work required to facilitate the development; partial removal of a category C hedge to provide the site access, crown reduction of a category C oak tree as its dying back and partial incursion into the RPA of oak 3 to provide the access road and parking area, is acceptable and will not result in harm to any trees retained, and the minor hedging loss can be mitigated through provision of additional trees and hedging on site. None of the trees identified are in close enough proximity to a dwelling to cause issue through overshadowing of the windows to the dwellings habitable rooms or their gardens which could result in future pressure to fell these trees. Together with the provision of additional trees on the development site, along the southern boundary and to the frontage of the street scene to mitigate for the loss of a short section of hedging, the retention of the existing mature trees is considered to be appropriate and no objection is raised in this regard.

6.6 Drainage

- 6.6.1 As part of their initial consultation SC Drainage requested that a drainage layout and calculations were provided by condition. The applicant has provided this additional information at application stage demonstrating that the proposed foul and surface water drainage scheme is acceptable. The drainage layout indicates that the foul and surface water from each of the 18no. dwellings will be directed to the central spine road which continues from Mount Close where it will adjoin the existing mains drainage running through the site. A 12m easement to the Severn Trent water main is maintained through the centre of the site.
- 6.6.2 As residents have commented on the capacity of the existing foul and surface water drainage within the village, and the likelihood of it failing to accommodate the

demand from an additional 18no. dwellings, Severn Trent Water were also consulted as part of the scheme. Severn Trent have confirmed that additional foul flows from this scale of development wouldn't have an adverse effect on the network. Similarly, the flows of surface water drainage based on the number of dwellings and the area of hard surfacing proposed, would not have a significant impact upon the network prior to discharge into existing ditch courses. Sufficient soft landscaping space has been included within the development to reduce surface water run-off and enable sustainable drainage in places through percolation.

- 6.6.3 As neither SC Drainage nor Severn Trent raise any objection to the proposal, and the drainage layout and calculations have demonstrated the sites capability to effectively drain 18no. dwellings, no objection is raised in this regard.

6.7 Other issues

- 6.7.1 As part of the consultation process a number of local residents commented in relation to the sites previous use and the potential for the land to be contaminated. The applicant at the point of submission provided a Coal Mining Risk Assessment which confirmed the presence of historic mining activity on or near the site but that those risks are capable of being fully addressed such that the development can go ahead. The SC Regulatory Services consultee has recommended the imposition of a condition regarding contaminated land, details of which are to be required prior to development commencing.
- 6.7.2 The Archaeology consultee has also requested that a phased programme of archaeological work be made a condition of any planning permission for the proposed development due to the potential for below ground structures and features associated with the historic use of the site for mining and coal workings.

7.0 CONCLUSION

- 7.1 There is an identified need for affordable housing in the village of Pontesbury and the location of the proposed dwellings is considered to be acceptable and in compliance with the terms of the exception sites policy outlined in the housing SPD and accords with CS5 CS11 and MD7a.

The scale, design and appearance of the 18no. proposed dwellings and the layout of the development are appropriate and would have no adverse impact on the character and appearance of the locality including the wider landscape, nor on neighbouring residential amenity. The proposal is acceptable from a highway perspective as there would be no severe highway safety implications and a satisfactory access and adequate parking and turning space will be provided. The trees to be retained will be protected and the removal of the hedgerow will be mitigated by additional hedge and tree planting and there will also be ecological enhancement of the site.

The proposal is therefore considered to accord with Shropshire LDF Policies CS6, CS17, MD2, MD12 and MD13 and officer recommend the approval of the application is delegated to the Head of Service, subject to the conditions

recommended in appendix 1 and any modifications to these conditions deemed necessary, together with the signing of a Section 106 agreement to secure the affordable housing in perpetuity.

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

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework
SPD Type and Affordability of Housing

CS3 - The Market Towns and Other Key Centres
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing
CS17 - Environmental Networks

MD7A - Managing Housing Development in the Countryside
MD2 - Sustainable Design

Settlement: S12 - Minsterley - Pontesbury

RELEVANT PLANNING HISTORY:

14/03034/OUT Outline application for the erection of 12No dwellings (all matters reserved)
REFUSE 29th July 2015

18/05670/FUL Erection of 18No. affordable dwellings and associated works PDE

Appeal

16/02412/REF Outline application for the erection of 12 No dwellings (all matters reserved)
DISMIS 6th July 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)

Cabinet Member (Portfolio Holder)
Cllr R. Macey

Local Member
Cllr Nick Hignett

Appendices
APPENDIX 1 - Conditions

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

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

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) **Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);**
- 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.**

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

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

5.

- a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.**
- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.**
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.**
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.**
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committee-services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

6. No development approved by this permission shall commence until the applicant, or their agent or successors in title, has secured the implementation of a programme of

archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

7. No development shall take place until details of the design and construction of any new roads, footways, accesses and the service margins being identified, together with details of the disposal of highway surface water have been submitted to and approved by the Local Planning Authority.

Reason: To ensure a satisfactory highway is provided within the site.

8. 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:

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

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

9. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

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

10. Prior to first occupation / use of the buildings, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority.

A minimum of 3 external woodcrete bat box or integrated bat roost feature, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 175 of the NPPF.

11. The proposed surface and foul water drainage schemes shall be installed in accordance with the approved Engineering Layout Drawing No: J01879/A1/001 REV.A dated 19 February 2019 prior to the first occupation of any of the dwellings hereby approved.

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

12. Prior to first occupation / use of the building, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority.

A minimum of 3 artificial bird boxes, of either integrated brick design or external box design, suitable for House Sparrow, Swallow & Wren should be installed on site. The boxes should be sited in an appropriate location and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 175 of the NPPF.

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

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

3. 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.

4. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge

conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

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

5. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.

6. a) Nesting bird informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains 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, scrub removal, conversion, renovation and demolition work in buildings, or other suitable nesting habitat, should be carried out outside of the bird nesting season which runs from March to August inclusive.

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 or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only when there are no active nests present should work be allowed to commence. No clearance works can take place within 5m of an active nest.

If during construction birds gain access to any of the buildings/vegetation and begin nesting, work must cease until the young birds have fledged.

b) Bats and trees informative

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.

Should any works to mature trees be required 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 bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

c) Great crested newts informative

Great crested newts 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 great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

d) Landscaping informative

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

-



Committee and date
 Central Planning Committee
 11 April 2019

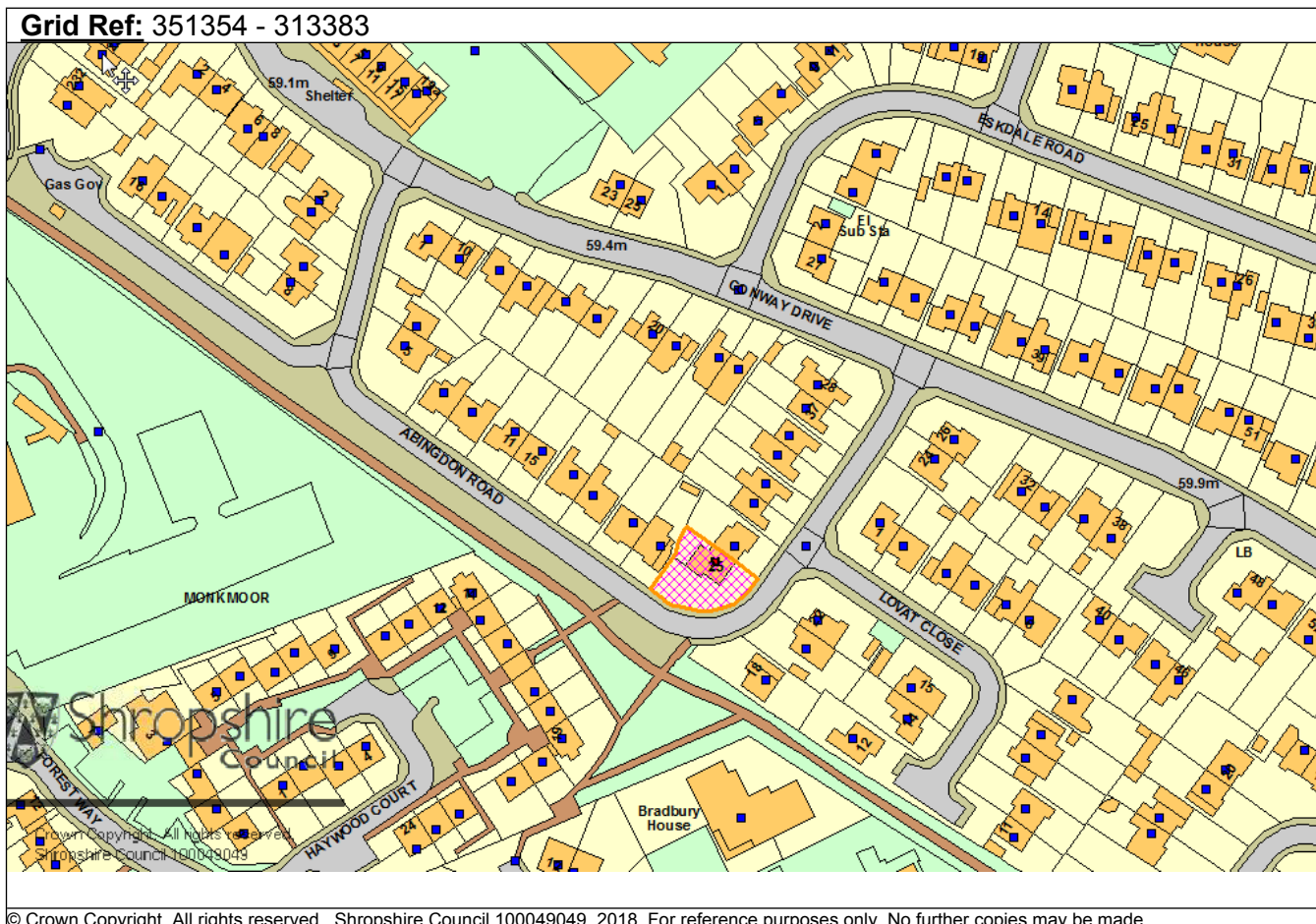
Item
10
 Public

Development Management Report

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

Summary of Application

Application Number: 19/00595/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of single storey conservatory to side elevation		
Site Address: 25 Abingdon Road Shrewsbury Shropshire SY2 5XF		
Applicant: Mrs J Bailey		
Case Officer: Aileen Parry	email: planningdmc@shropshire.gov.uk	



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

- 1.1 This application relates to the erection of a single storey hipped roof extension to provide a conservatory. The extension will be attached to the side elevation and will measure approximately 4.3 metres wide, 4.0 metres deep with a ridge height of 3.5 metres and eaves of 2.1 metres.
- 1.2 During the assessment of the proposal and at the request of officers, the depth and height of the extension has been reduced from 4.0 metres to 3.5 metres and 3.5 metres to 3.3 metres respectively.
- 1.3 The proposal under consideration will therefore measure approximately 4.3 metres wide, 3.5 metres deep with a hipped roof ridge height of 3.3 metres and eaves of 2.2 metres.
- 1.4 This report is therefore primarily written with regards the revised proposal received on 07.03.19.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 25 Abingdon Road is an existing semi-detached corner plot property located within a modest curtilage within a residential estate known as Telford Estate in the Monkmoor area of Shrewsbury. The site does not fall within the Shrewsbury conservation area.
- 2.2 It is noted that an anomaly of the site is that the property has no rear elevation, only two side elevations and a front elevation. The elevation the proposed conservatory will lie is on the south-east elevation which for the adjoining neighbour is their front elevation. A similar site not far from the application site has been noted on the corner of Conway Drive and Eskdale Road and other corner plot properties further along Conway Drive towards Dunkeld Drive.
- 2.3 On the site visit undertaken by officers on 21.02.19 it was noted that a 2-metre fence of concrete boards, uprights and wooden fence panels separates the side elevation garden with that of the adjoining neighbours front garden and that a high hedge of a similar height of 2 metres surrounds most of the roadside (east and south) of the proposal site.
- 2.4 There is currently a wooden play house to the front elevation which the applicant has stated in writing will be moved. To note, if it is not then a planning application will be required for its current position forward of the principal elevation. Officers

have made the applicant aware of this.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Shrewsbury Town Council have submitted a neutral response; however they have stated that the Town Council feels that with the proposed size and siting of the conservatory, the loss of light to the neighbouring property will have a detrimental impact on their quality of life. The local Councillor has also requested that the application is heard at full planning committee. Officer's recommendation is for approval; and the Area Manager in consultation with the committee chairman and vice chairman agrees that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS - full details of the responses can be viewed online

4.1 - Consultee Comments

None.

4.2 - Shrewsbury Town Council

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment: The Town Council feels that with the proposed size and siting of the conservatory, the loss of light to the neighbouring property will have a detrimental impact on their quality of life.

Note: No further comment has been received from the Town Council following re-consultation upon the revised proposal at the time of writing this report.

4.3 - Public Comments

The site has been advertised in accordance with statutory provisions for both the originally proposed scheme and the revised scheme.

Five representations objecting to the originally proposal scheme have been received and one in support. The adjacent neighbour has submitted four letters of objection.

Four representations objecting to the revised proposal have been received and two in support.

The objections include:

- ② Height of proposal and close relation to boundary
- ② Loss of light to ground floor window
- ② Tunnel effect claustrophobic
- ② Noise
- ② Conservatory considered to be too large in volume and density for the

property and the adjoining property

The supports include:

- ☐ Proposed brick wall not much higher than existing fence
- ☐ No loss of light from own garage to side of window
- ☐ No noise issues experienced
- ☐ Conservatory will be sited in place of the existing patio – which may reduce any noise that may be experienced
- ☐ Many properties on Telford Estate that now have extensions and conservatories visible from the public roads and this does not have a detrimental impact to the look of the estate
- ☐ The proposal will site the conservatory behind an existing 6ft fence and a wraparound 6ft hedge, therefore it will only be the roof of the conservatory visible to the public highway
- ☐ Does not feel that this construction will be detrimental to the look and feel of the estate and/or immediate surrounding area

5.0 THE MAIN ISSUES

Principle of Development
Design, Scale and Character
Impact on Residential Amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Within the development plan policy, there is a general presumption in favour of extensions to dwellings provided that the scale, siting and design do not overwhelm or dominate the appearance of the original dwelling or that the extension does not have any detrimental impact on residential amenities. The proposal is considered to comply with this presumption.

6.2 Design, Scale and Character

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.

6.2.2 In addition, SAMDev Policy MD2 Sustainable Design builds on Policy CS6 providing additional detail on how sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.

- 6.2.3 Policy CS18 'Sustainable Water Management' requires all developments to integrate sustainable water management measures to reduce flood risk. An informative will be placed on any planning permission that may be granted advising the applicant of suggested methods of meeting sustainable water management.
- 6.2.4 Concerns have been raised by neighbours regarding the height, closeness to boundary and the mass of the proposed conservatory.
- 6.2.5 The development is for the erection of a single storey tiled hipped roof side elevation extension to provide a conservatory.
- 6.2.6 Officers consider that the revised conservatory proposals reduction in both depth and height and with its hipped roof that the impact experienced will be far less than if the conservatory was allowed under permitted development which for a rear extension would be a maximum of 4-metres in height and currently a depth of 6-metres.
- 6.2.7 The mass of the proposal is less than that which would be permitted under permitted development rights if the extension was at the rear of the property. As stated above the property does not have a rear elevation, therefore any additional living accommodation would be to the side or front elevations.
- 6.2.8 Concerns regarding the closeness to the boundary with the adjoining neighbour, both discussions with the applicant and the drawings submitted show that the proposal sits within the proposal site and not on or over the boundary line.
- 6.2.9 In addition, the unusual layout of the proposal site is considered would restrict the erection of a conservatory on the north-west elevation due to the position of the existing garage and the available garden space.
- 6.2.10 Officers consider that on balance and taking into consideration the unique constraints of the proposal site that the proposed scale, design and appearance of the conservatory extension will respect the existing character of the dwelling and will not result in any harmful visual impact in or on the locality. The proposed extension will be built from materials which will be sympathetic to the existing character of the property, whilst it will be sustainably constructed meeting the current Building Regulation standards as a minimum. The proposed conservatory extension will not result in the significant loss of garden area and will provide an appropriate level of amenity space for the enlarged dwelling.
- 6.2.11 Officers consider that the proposal meets the relevant criteria within CS6 and MD2 and is therefore acceptable in principle.

6.3 Impact on Residential Amenity

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire

Core Strategy indicates that development should safeguard the residential and local amenity.

- 6.3.2 Concerns have been raised by both the Town Council and neighbours regarding the loss of light to the adjoining neighbours ground floor front elevation window and the possible claustrophobic effect this may have on the occupant.
- 6.3.3 Natural light or right to light is dealt with differently under Planning Regulations. A "right to light" is an easement that gives landowners the right to receive light through defined apertures in buildings on their land. From a Planning perspective, planners work to Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy under which officers consider the height of an extension and the proximity to other properties/buildings and if an extension would have an unacceptable impact on the local amenities.
- 6.3.4 The proposal is for a conservatory to the side elevation of the existing dwelling. The height to the eaves of the proposed conservatory is approximately 2.2 metres which is 20cm or 7.8 inches above the height of the boundary fence. The ridge height is approximately 3.3 metres which is 130cm or 51 inches above the boundary fence and is for a depth of approximately 135cm or 53 inches prior to the roof sloping into a hip.
- 6.3.5 The front elevation of the adjoining neighbour and the side elevation of the proposal site are on the east which would benefit from morning light, but this will diminish as the sun moves from east to west during the day.
- 6.3.6 Officers acknowledge that a reduction in light will be experienced by the adjoining neighbour, however it is considered that this is likely to be limited to the afternoon and evening particularly in the winter months when the sun is low in the sky.
- 6.3.7 As noted on officers site visit, the adjoining neighbours garden has mature planting of shrubs, some of which are as high as the 2-metre boundary fence, and a young tree which is more than 2-metres in height. These are considered will also re-strict the light to the ground floor front elevation window of the neighbour's property, particularly during the summer months when all planting will be green and result in a closed in feel to the front of the property.
- 6.3.8 Officers acknowledge and are sympathetic to the concerns raised by the adjoining neighbour and other neighbours on their behalf, however, officers do not consider that the proposal will have a significantly adverse impact upon levels of light.
- 6.3.9 Concerns have been raised by neighbours regarding noise citing noise experienced by the applicant's family when using the existing patio area and garden and within the property.
- 6.3.10 The proposed conservatory extension will be sited on the patio. The windows will be facing east and south with the patio doors facing south. The north side of the

conservatory extension will be of brick or similar material.

- 6.3.11 It is also noted that the main amenity area for the dwelling is to the east, south east and south of the property providing an area for both adult and children enjoyment.
- 6.3.12 Officers consider that the enclosing of this amenity space will aid the reduction in domestic noise.
- 6.3.13 Officers are also aware that other residents within Telford Estate have experienced internal noise issues due to the thinness of the walls and have incorporated additional sound proofing within their properties to alleviate this issue.
- 6.3.14 Officers note that the demographics of the area is a mix of young and older families and individuals. Therefore, what is an unacceptable level of noise to some whether young or older, may be acceptable to others.
- 6.3.15 Officers advice is that if neighbours are experiencing an unacceptable level of noise from the application site or other properties within the area, then the issue should be reported to the Councils Regulatory Services team who will investigate the issue. (Email publicprotection@Shropshire.gov.uk .)
- 6.3.16 Officers consider that on balance and taking in to account the uniqueness of the proposal site that the proposal complies with CS6 and is therefore acceptable in principle.
- 6.3.17 In addition, and having regard to the proposed orientation and distance away from neighbouring properties, it is considered that the proposed windows will not result in any detrimental impact from overlooking or loss of light. It is felt that the proposed layout, design and scale of the conservatory extension in relation to the boundary will also not result in any detrimental overbearing impact or result in any additional harmful noise disturbance.

7.0 CONCLUSION

Officers consider that the proposed scale, design and appearance of the conservatory extension will respect the existing character of the dwelling and will not result in a harmful visual impact or cause any harmful or detrimental impact on neighbouring properties.

Officers recommendation is that planning permission be granted.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of

being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. BACKGROUND

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and SAMDev Policies:
CS6 - Sustainable Design and Development Principles
MD2 - Sustainable Design

Relevant Planning History:

11. ADDITIONAL INFORMATION

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Pam Moseley
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 ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

3. The external materials shall be as specified on the submitted application form and there shall be no variation.

Reason: To ensure that the works harmonise with the existing development.

Informatives

1. The applicant should consider employing measures such as the following:

Water Butts

Rainwater harvesting system

Permeable surfacing on any new driveway, parking area/ paved area

Greywater recycling system

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

2. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

3. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.

-



<u>Committee and date</u>
Central Planning Committee
11 April 2019

<u>Item</u>
11
Public

Development Management Report

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

Summary of Application

<u>Application Number:</u> 19/00758/FUL	<u>Parish:</u> Worthen With Shelve
<u>Proposal:</u> Erection of 2 storey extension to rear of building; detached 3-bay part open fronted garage block	
<u>Site Address:</u> Hillside Rowley Shrewsbury Shropshire SY5 9RY	
<u>Applicant:</u> Sean Caddick Architectural	
<u>Case Officer:</u> Mark Perry	<u>email:</u> planningdmnw@shropshire.gov.uk

Grid Ref: 330259 - 306465



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2018 For reference purposes only. No further copies may be made.

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

REPORT

1.0 THE PROPOSAL

1.1 This application seeks full planning permission to erect a part single storey, part one and a half extension to the rear and towards the side of the existing dwelling; replacing an existing single storey lean-to extension at the rear of the property. The dwelling will continue to be a three bedroom property but with one of the two ground floor bedrooms moved to the first floor. The extension will create a larger living space and a new open plan kitchen and dining area.

1.2 Also proposed as part of the planning application is a three bay detached garage block.

2.0 SITE LOCATION/DESCRIPTION

2.1 The dwelling sits in an isolated rural location on the slopes of Rowley Hill affording long distance views to the south. The dwelling is located in an area of open countryside.

2.2 The existing dwelling is a wide gabled bungalow which already has a small amount of accommodation provided within the roof void. The dwelling is positioned well above the level of the passing rural lane, set back behind a roadside boundary hedge. There is also extensive tree planting to the site and to the rear of the property.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

3.1 The applicant must be considered by the planning committee as the concerns a property that is in the ownership of an employee of the Council.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

Parish Council- This Parish Council supports the extension to the property. This parish council objects to the garage. There are concerns about the height and size of the garage block in relation to this rural setting and its relationship to the house.

4.2 Public comments

4.2.1 No representations received at time of writing report.

5.0 THE MAIN ISSUES

- ☐ Principle of development
- ☐ Scale, design and impact on historic environment/landscape
- ☐ Impact on residential amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Policy CS6 of the Core Strategy advises that all new development must respect the

local distinctiveness, must protect, restore and enhance the natural, built and historic environment as well as be appropriate in scale, density, pattern and design taking into account the local context and character including features which contribute to local character. Policy MD2 of the SAMDev Plan further builds on CS6, advising that new development must contribute to the form and layout of existing development and the way it functions, including streetscapes, building heights and lines, scale, density, plot sizes and local patterns of movement. The amenity of neighbouring residents needs to also be maintained.

6.2 **Scale, design and appearance**

6.2.1 The SPD's key requirement is for extensions to be sympathetic to the size, mass, character and appearance of the original dwelling and to the local context. The proposed extension is set towards the rear of the site. This will allow the original dwelling to be the most prominent feature of the site and for the extension to be subservient to it. It is considered that the design and scale of the extension is in keeping with original property and appropriate for the site and its context.

6.2.1 The applicant is proposing a 3 bay garage which would be to the side of the property with its rear elevation backing onto the site's side boundary. Since the application was originally submitted the height of the garage roof has been reduced by adding a shallower pitch. This now creates a garage that is more in keeping with relatively low ridge height of the dwelling. It is considered that the changes made do go some way to addressing the comments of the Parish Council and it is Officers opinion that the revised design is acceptable.

6.3 **Impact on residential amenity**

6.3.1 It is considered by officers that there would be no detrimental impact upon the amenities of neighbouring occupiers given the distance from other residential properties.

7.0 **CONCLUSION**

7.1 The development relates to the property's established residential use and is therefore acceptable in principle. The proposed garage has been reduced in height and it is considered that neither the extension or the garage would have any detrimental impact on the site or its surroundings. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions.

8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

8.1 **Risk management**

8.1.1 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**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

8.3 **Equalities**

8.3.1 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**

9.1 There are likely financial implications if the decision and/or imposition of conditions are 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:

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

RELEVANT PLANNING HISTORY:

11. Additional Information

[View details online:](#)

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

Cabinet Member (Portfolio Holder) Cllr R. Macey
--

Local Member Cllr Mrs Heather Kidd

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

3. The external materials shall match in colour, form and texture those of the existing building.

Reason: To ensure that the works harmonise with the existing development.

-



<u>Committee and date</u>
Central Planning Committee
11 April 2019

<u>Item</u>
12
Public

Development Management Report

Responsible Officer: Tim Rogers

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

LPA reference	17/05587/FUL
Appeal against	Appeal Against Refusal
Appellant	Coal Pension Properties Limited
Proposal	Erection of Class A1/A3 Use unit with drive through, provision of parking, servicing, landscaping and all associated works
Location	Proposed Development Land To The West Of Meole Brace Retail Park Shrewsbury
Date of application	20.11.2017
Officer recommendation	Grant Permission
Committee decision (delegated)	Committee Decision
Date of decision	24.08.2018
Date of appeal	11.10.2018
Appeal method	Written Representations
Date site visit	13.02.2019
Date of appeal decision	01.03.2019
Determination time (weeks)	
Appeal decision	APPEAL DISMISSED – COST REFUSED
Details	

LPA reference	18/04951/VAR
Appeal against	Appeal Against Refusal
Appellant	Mr Jack Goodall
Proposal	Removal of Condition No.8 (gross internal floor area) attached to planning permission 13/01656/FUL - Erection of a 2-bed affordable dwelling and detached double garage
Location	Quercus Domus Pound Lane Hanwood Shrewsbury
Date of application	25.10.2018
Officer recommendation	Refusal
Committee decision (delegated)	Delegated Decision
Date of decision	20.12.2018
Date of appeal	15.02.2019
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	



Appeal Decision

Site visit made on 13 February 2019

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st March 2019

Appeal Ref: APP/L3245/W/18/3213742

Land between McDonalds and Pizza Hut, Meole Brace Retail Park, Shrewsbury, Shropshire, SY3 9NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Coal Pension Properties Ltd against the decision of Shropshire Council.
 - The application Ref 17/05587/FUL, dated 17 November 2017, was refused by notice dated 24 August 2018.
 - The development proposed is the erection of a Class A1/A3 Use unit with drive through, provision of parking, servicing, landscaping, and all associated works.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Coal Pension Properties Ltd against Shropshire Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this case is the effect of the proposal on highway and pedestrian safety within the Meole Brace Retail Park.

Reasons

4. The appeal site is a parcel of land that currently comprises part of the car park associated with Pizza Hut, and a landscaped area between this car park and the adjacent McDonalds unit. Access to the Pizza Hut car park is from an internal roundabout within the Meole Brace Retail Park which provides access also to the McDonalds site and a large Sainsburys supermarket, as well as traffic circulating within the retail park. The proposed development would involve the erection of an A1/A3 Use unit with associated car parking, servicing and drive-through facilities on the appeal site. At the present time, the anticipated user of the new unit would be Costa Coffee, though the application is for a generic A1/A3 type use.
5. The Highway Authority has indicated that proposed highway improvements to the entrance to the retail park, along with re-modelling of certain roundabout junctions within the retail park, would help to minimise any traffic flow problems in the vicinity of the appeal site. I have no reason to question this opinion. The main issue in this case, therefore, relates to highway and

pedestrian safety within the site, and also in the immediate vicinity of the site, including the re-modelled access from the nearest internal roundabout.

6. The Council contends that the movement of HGVs across disabled spaces raises congestion and safety concerns, and that the appellants have failed to demonstrate that the reduction in parking spaces for the existing business on site and the resultant parking provision proposed is adequate to meet the demands of the existing and proposed businesses, together with the wider demands of the retail park. I will deal with each of these issues in turn.

HGV movements

7. The appellants have provided a Transport Statement to accompany the planning application. The Statement includes a drawing showing a swept path analysis for delivery vehicles servicing the proposed unit. This indicates that vehicles turning within the site would need to use disabled and other parking spaces to access and exit the delivery area at the front of the unit, and that those vehicles would need to cross part of the pedestrian access to the site, in order to exit the site. I consider this potentially harmful to vehicle and pedestrian safety within the site, and that it is evidence that the site is cramped for the scale and type of use proposed.
8. The appellants have indicated that their delivery procedures involve drivers phoning through before attempting to access the site, and then only at non-peak times. This may well be the case, although it does not indicate where or for how long such vehicles would wait for clear access, should there be any obstruction. Furthermore, such internal company procedures could not be readily controlled by planning condition. In addition, the Highway Authority has noted that the unit could, in the future become another Drive Thru establishment, within the A1/A3 use class, which could have a significantly different transport model. I concur with this view, and this has potentially detrimental implications for the implementation of future delivery procedures.
9. The National Planning Policy framework (NPPF), in Paragraph 110 indicates that applications for development should, amongst other things give priority first to pedestrian and cycle movements; address the needs of people with disabilities and reduced mobility; create places that minimise the scope for conflicts between pedestrians, cyclists and vehicles; allow for the efficient delivery of goods, and access by service and emergency vehicles; and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. On this basis, I find that the proposal, as submitted, would conflict with the requirements of the NPPF.

Parking provision

10. The proposal would result in a net loss of 8 parking spaces from that currently available to Pizza Hut customers alone. Whilst the appellants have provided information on the car parking provisions across the retail park, there is no detailed assessment of the maximum usage of this reduced car parking provision likely to be generated as a result of the joint use by Pizza Hut and the new user combined. I note that car parking usage across the park exceeds 80% at the peak time during the surveyed period and that it is likely to increase with planned future developments. I also note that this car park survey was taken at a "neutral" time, which indicates that the figure could be exceeded at busier times of the year.

11. The Highways Authority notes that the existing Pizza Hut car park is currently well used on a regular basis (figures of between 70% and 80% appear to be agreed), and that traffic delays at the internal roundabout would not be helped if Drive Thru/Pizza Hut users were continually having to leave the area in order to find a place to park elsewhere in the retail park. The Authority also notes that once 90% capacity is achieved, increased circulatory movement is certain, which will have an impact on the efficiency of the internal road network as users move between parking areas to find a space. It would appear that already permitted and other planned developments, including the current proposal, may well push the car parking usage up to around the 90% figure.
12. I am in agreement with the above assessment by the Highway Authority and, on the basis of the above, I consider that the proposals do not adequately take into account the potential effects in and around the appeal site of the reduction in car parking provision serving both the existing Pizza Hut and the proposed new unit. From the information before me, I find that the limited car parking provision would be likely to result in further conflict between users of the new unit and users of other units in the vicinity, and that it would, therefore, be harmful to vehicular and pedestrian safety.

Other Matters

13. The appellants point out that Policy CS2 of the Council's Adopted Core Strategy (2011) (CS), identifies Meole Brace Retail Park as a retail park with scope for enhancement and expansion, which can support planned growth linked to the Shrewsbury South sustainable urban extension. This may well be the case, and it would appear that the retail park has already undergone some expansion, but this is not reason to allow a further development that would result in harmful impacts on vehicular and pedestrian safety on a somewhat cramped site. This would not, in my opinion, represent an enhancement to the existing retail park.

Conclusion

14. In conclusion, I find that the proposal would be detrimental to highway and pedestrian safety within the Retail Park. It would, therefore, conflict with requirements of the NPPF and with Policy CS6 of CS, which indicates that all development should be designed to be safe and accessible to all, and that it should include appropriate car parking provision.

J D Westbrook

INSPECTOR

This page is intentionally left blank



Costs Decision

Site visit made on 13 February 2019

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st March 2019

Costs application in relation to Appeal Ref: APP/L3245/W/18/3213742 Land between McDonalds and Pizza Hut, Meole Brace Retail Park, Shrewsbury, Shropshire, SY3 9NB

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Coal Pension Properties Ltd for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for the erection of a Class A1/A3 Use unit with drive through, provision of parking, servicing, landscaping and all associated works.
-

Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application related to the erection of a drive through A1/A3 Use on a site currently comprising part of the car park to an adjacent Pizza Hut and part of a landscaped area immediately to the north of that car park. It was refused for one reason which related to issues of highway safety that would be caused by movement of HGVs within the application site, and a reduction in the existing number of car parking spaces.
4. The appellants contend that the application was:
 - supported by technical consultees, and Highways officers in particular – i.e. there were no technical objections;
 - recommended for approval by planning officers;
 - and supported by officers at the Shropshire Council Central Planning Committee of 2nd August 2018, with the technical consultees reiterating there were no grounds to refuse the application.

The appellants also contend that the Planning Committee ignored the technical case and provided no technical evidence to support their decision to overturn the officer recommendations on this case.

5. From the evidence before me, it would appear that the technical comments made by the Highway Officer, related primarily to proposed improvements to

the circulation system around roundabouts at the entrance to and within the estate, and that these would mitigate potential congestion and queuing issues that might arise as a result of the proposed development. Furthermore, provision of these improvements measures could be required by condition. As a result, the Officer considered that a highway objection would be difficult to sustain. This is different from unqualified support. Moreover, from an early stage, the Highways Officer raised concerns about HGVs compromising disabled parking spaces gaining access to the delivery area, and about the effects of reducing the car parking provision to below the level currently serving just Pizza Hut.

6. In the Officer's Report to Committee, the Highways Officer noted that concerns regarding the somewhat cramped layout of the site remained, and that certain other matters, including HGV movements across the site and the neighbouring Pizza Hut site, needed clarification. Other than statements about current delivery practices by the proposed operator of the Drive-Through, which could not effectively be controlled by condition, it would not appear that any other clarification was provided. Furthermore, there would not appear to be any detailed justification provided by the appellants that the reduction in car parking spaces from 56 to 48 would be capable of providing adequately for the needs of two outlets. The Planning Committee apparently visited the site, and I do not consider it unreasonable for the Committee to take into consideration the remaining concerns of the Highway Officer, as well as other matters such as the potential impact of the reduction in car parking spaces.
7. The concerns of the Highway Officer were carried through into the reason for refusal, which indicated that the proposal would conflict with provisions of paragraphs 108-111 of the National Planning Policy Framework, and also with Policy CS8 of the Council's Core Strategy (CS). Although reference was also made in the Officer's Report to Policy C6 of the CS, which is arguably the most relevant of the two policies, it was not referred to in the Decision Notice. Nevertheless, it is given greater emphasis in the Council's Statement of Case, and this provides support for the decision. Moreover, it is an indication that the Council considered the proposal not to be compliant with either local or national policy requirements.
8. I accept that the Council has not provided technical evidence relating to the above concerns, but the fact that manoeuvring HGVs would need to compromise disabled parking spaces is not disputed. Moreover, no clarification has been provided by the appellants as to whether 48 parking spaces to serve both the existing Pizza Hut and the proposed new operator could adequately compensate for the 56 spaces currently serving Pizza Hut alone. It is not unreasonable for the Council to make its decision on the evidence available to it at the time, and to take into consideration detailed issues of vehicular and pedestrian safety within and around the application site.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

J D Westbrook

INSPECTOR